

Planning Commission Staff Communication



Subject: 2021 Land Management Code Amendments
Authors: Rebecca Ward, Land Use Policy Analyst
Celia Peterson, Environmental Sustainability Project Manager
Austin Taylor, Active Transportation and TDM Manager
Date: June 9, 2021
Type of Item: Informational

This staff communication provides an update on (I) state legislation enacted in 2021 that requires Land Management Code amendments; (II) amendments in progress; and (III) amendments enacted to date in 2021.

(I) STATE LAND USE LEGISLATION ENACTED IN 2021

Staff is preparing Land Management Code amendments outlined below for Commission review on August 25, 2021:

[HB 82](#), Single-Family Housing Modifications

Establishes Internal Accessory Dwelling Units as an allowed use in certain residential Zoning Districts. The Commission conducted a work session on April 28, 2021 ([Staff Report](#); [Audio](#)). The bill goes into effect on October 1, 2021.

[HB 409](#), Municipal and County Land Use and Development Revisions

The Land Use Task Force bill requires Planning Commissioners to complete one hour of annual training on general powers and duties outlined in the *Municipal Land Use, Development, and Management Act*, and three hours of annual training on land use topics ranging from appeals to referenda to zoning.

The bill also:

- Requires objective Conditional Use Permit criteria
- Outlines updates to property boundary adjustments and agreements
- Establishes certain development agreement parameters

- Requires culinary water authority and sanitary sewer authority rights and easements be shown on plats
- Prohibits appeal of the enactment of a land use regulation

[HB 1003](#), **Government Building Regulation Amendments**

In the first special session, the Utah Legislature enacted [HB 1003](#) (formerly [HB 98](#) in the 2021 general session). HB 98 contained provisions that allowed for third-party approval of building plans if the City did not complete the review during an outlined timeline, third-party issuance of certificates of occupancy, and allowances for substandard repair of older homes damaged in the 2020 earthquakes. The Governor vetoed HB 98. Since that time, some of the provisions were removed.

HB 1003 clarifies certain building permit review timelines and requirements and limits design requirements for single-family dwellings and duplexes in non-Historic Zoning Districts.

[SB 1007](#), **Public Notice Amendments**

Allows for online public notice publication in lieu of public notice published in newspapers for certain land use applications.

(II) LAND MANAGEMENT CODE AMENDMENTS IN PROGRESS

SUSTAINABILITY

On June 10, 2020, the Commission conducted a sustainability work session with the Planning and Sustainability Departments ([Staff Report](#); [Minutes](#), p. 2). The first phase requires Electric Vehicle Charging Station conduit and installations for new development and was enacted on November 19, 2020 ([Ordinance No. 2020-48](#)). The second phase is in development to decarbonize the built environment.

Commercial and residential buildings account for approximately 57% of Park City's community-wide carbon footprint. The national average is closer to 40%. In order to decarbonize the built environment staff have been working with Utah Clean Energy for the past fifteen months to develop an implementation plan to decarbonize the built environment. To get advice from experts in the building and developer industry, staff engaged a local Community Advisory Committee to help develop the policies and programs that would best jumpstart the pathway towards carbon-neutral buildings. The committee organized into four working groups to develop decarbonization strategies: (1) new buildings, (2) existing buildings & retrofits, (3) financing, and (4) community and

business leader engagement. As a culmination of the work, the following strategies are proposed:

- New Construction
 - Adopt a Net Zero Stretch Code
 - Launch Net Zero Incentives
- Building Retrofits
 - Launch a Time-of-Listing Home Energy Score Program
 - Commercial and Multifamily Building Energy Performance Standard
 - Residential Rental Energy Transparency Policy
- Financing
 - Educate and Advocate for Statewide Clean Energy Fund
 - Promote C-PACE Financing for Commercial Developments
- Community & Business Engagement & Empowerment
 - Certification and Recognition Program for Decarbonization Leadership
 - Equitable Outcomes within Building & Community Decarbonization Efforts

These strategic actions are designed to support one another. An anticipated timeline can be found in Exhibit A. A report of each strategy will soon be published, and staff will provide a link to the Planning Commission when the report is completed.

The initial phase from the Community Advisory Committee is specific to new construction and staff anticipates scheduling a work session with the Planning Commission in the fall of 2021 to discuss the proposed net zero stretch code and incentives.

ACTIVE TRANSPORTATION CONNECTIVITY

The Commission conducted a work session on August 26, 2020, to discuss *Park City Forward*—the Transportation Master Plan—and potential LMC amendments to improve active transportation connectivity requirements during land use review and approvals ([Staff Report](#); [Minutes](#), p. 3).

Active Transportation Plan

Since the 2020 work session, the City instigated an Active Transportation Plan. This long-range plan will provide a map and list of construction projects that will create a connected network of biking and walking routes to connect the city. The City has gone through the RFP process and is now in contract negotiation with a consultant who is a national expert in active transportation planning and design.

Staff and consultants expect to work on the plan for about one year before bringing the plan for adoption in the spring of 2022. Upon adoption of the plan, staff will amend the Land Management Code to reference the plan for analysis of citywide active transportation connectivity as part of development applications.

Transportation Master Plan “Park City Forward”

This master plan will set the long-range vision for transportation projects, programs, and initiatives in Park City. It will include data on current transportation habits, modal split goals, street, transit, and pathway construction project recommendations. The project has been underway since 2019 and was paused during the height of the pandemic when transportation habits were drastically altered. The project has recently been reactivated.

Staff anticipates the plan will be adopted in the fall of 2021. Upon adoption, staff will amend the Land Management Code to align definitions with the plan and to reference the plan for inclusion in the review of land use applications.

Complete Streets

On January 4, 2018, the City Council passed [Resolution No. 01-2018](#), *Adopting a Citywide Complete Streets Policy for Park City*. Transportation, Planning, and Engineering staff are working on amendments to the Municipal Code of Park City and the Land Management Code to incorporate the Complete Streets Policy. This code will hold the City and private developers accountable to designing streets that consider the needs of street users of all ages and abilities, especially people walking and biking.

Active Transportation Projects in Progress

Request-a-Rack. This joint Park City and Summit County program installs free bike racks for businesses in Summit County at their request. It launched in late April 2021 and four bike racks have been installed in Park City with several more locations in the works.

People-First Streets. This tactical urbanism program empowers Park City residents to redesign their streets. Park City Municipal will help residents design and fund demonstration projects that slow cars and create space for people on low-speed and low-traffic local streets. The program opened for applications in late May.

Rail Trail Study. The Trails and Open Space division has hired a consultant to perform a current conditions analysis of the Rail Trail in preparation for a major City investment in the trail, including widening, bridge additions, and erosion control.

For information on 2021-2022 Capital Projects to improve active transportation connectivity, please see Exhibit B.

ADDITIONAL AMENDMENTS IN PROGRESS INCLUDE:

Small Wireless Facilities – Fall of 2021

- In 2018, the Federal Communications Commission adopted regulations to streamline local deployment of Small Wireless Facilities (SWFs) to support 5G technology. Federal regulations cap local fees, establish timelines for local permit reviews, and limit local control over certain aesthetic and undergrounding requirements.
- Also in 2018, the Utah Legislature adopted [S.B. 189](#), which is codified in Utah Code [§ 54-21-101](#) et seq., the Small Wireless Facilities Deployment. This Utah law allows SWFs to be installed in public rights-of-way; establishes expedited review and permitting timelines; and caps local rates and fees.
- Utah Code defines SWFs as a wireless facility with an antenna that fits in an enclosure that is no more than six cubic feet in volume, with wireless equipment that is cumulatively no more than 28 cubic feet in volume. Because of the reduced SWF size, they have a shorter range and must be installed in closer proximity than larger cell towers.
- The Small Wireless Facilities Deployment Act allows municipalities to regulate certain aesthetics and location standards for ADA compliance and public safety. Utah Code [§ 54-21-208](#) enables municipalities to require reasonable, technically feasible, non-discriminatory design or concealment measures for SWFs in Historic Districts. Additionally, SWF providers must obtain advanced City approval before placing a SWF in a Historic District.
- Engineering, Legal, and Planning staff have been developing Design Standards for SWFs and are preparing Land Management Code amendments to reference the Design Standards and review process. The Historic Preservation Board reviewed the Design Standards on April 7, 2021 ([Staff Report](#); [Audio](#)).

Lot Combinations in the Historic Districts – Fall of 2021

- The Planning Commission requested a work session to discuss the City policy on lot combinations.

General Plan Update for Bonanza Park – Fall of 2021

- Update the Bonanza Park section of the General Plan. Currently this section of the General Plan is based on plans and proposed codes the City never adopted.

Master Planned Developments – Fall of 2021

- Require a three-dimensional submission
- Refine Accessory Use definitions that are exempt from Unit Equivalents
- Reinstate limitations for Accessory Uses
- Clarify the conversion of Units to Unit Equivalents in volume-based zones

Sensitive Lands Overlay Amendments – Fall of 2021

- Recent applications for properties located in the Sensitive Lands Overlay Zoning District have exposed a need to update the Land Management Code to provide clarity for the public, staff, and reviewing entities.

(III) ENACTED 2021 LAND MANAGEMENT CODE AMENDMENTS

[Ordinance No. 2021-05](#), Updating the Outdoor Lighting Ordinance

[Ordinance No. 2021-06](#), Establishing Lower Rossi Hill Nightly Rental Conditional Use

[Ordinance No. 2021-10](#), Establishing Affordable Master Planned Developments

[Ordinance No. 2021-16](#), Prohibiting Nightly Rentals in Fairway Meadows Subdivision

[Ordinance No. 2021-18](#), Expanding Affordable Master Planned Developments to Non-Residential Historic Districts