



**CITY OF KEARNS  
COUNCIL MEETING  
AGENDA**

**November 10, 2025**

**\*\*AMENDED AGENDA\*\***

Kearns Library  
4275 W 5345 S  
Kearns, Utah 84118

**PUBLIC NOTICE IS HEREBY GIVEN** that the Kearns City Council will hold a meeting on the **10th day of November 2025** to begin immediately following the Kearns Community Reinvestment Agency Meeting starting at 6:00 p.m. at the Kearns Library, 4275 W 5345 S, Kearns, Utah as follows:

***\*\*Portions of the meeting may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.***

**PUBLIC MEETING**

1. **CALL TO ORDER**
2. **DETERMINE QUORUM**
3. **VISITING OFFICIALS**
4. **CITIZEN PUBLIC INPUT (Limited to 3 Minutes Per Person)**

**ORDER OF BUSINESS:**

5. **PRESENTATION ITEMS**
  - A. Special Recognition – ***Mayor Kelly Bush***
6. **CONSENT AGENDA**
  - A. Approve Council Meeting Minutes
    - a. October 14, 2025
  - B. Quarterly Financial Report – ***Daniel Hoffman, Senior General Ledger Accountant***
7. **WORKSHOP** (Discussion only)
  - A. Implementation of H.B. 48 (Wildland Urban Interface Modifications) – ***Nathan Bracken, Legal Counsel***
8. **COUNCIL BUSINESS – ACTION ITEMS** (Discussion/Motion)
  - A. Nominations to the JVWCD Board of Trustees – ***Nathan Bracken, Legal Counsel***
  - B. **Ordinance 2025-O-18**, An Ordinance Updating Titles 18 and 19 of the Kearns Municipal Code to Implement H.B. 368 and to Make Other Changes – ***Nathan Bracken, Legal Counsel***
  - C. Waiver/Disclosure Regarding Legal Counsel Representing the Magna Mosquito Abatement District and Kearns – ***Nathan Bracken, Legal Counsel***
  - D. Approval of 2026 Council Meeting Schedule – ***Diana Baun, City Recorder***
9. **STAKEHOLDER UPDATES / INFORMATION**
  - A. Kearns Improvement District (KID) - ***Greg Anderson, General Manager***
  - B. Kearns Library - ***Lee Whiting, Librarian***

- C. Wasatch Front Waste Recycling District (WFWRD) - **Renee Plant, Manager**
  - a. No November updates – will be updating quarterly
- D. Unified Fire Authority (UFA) – **Chief Tyler Lintz**
- E. Unified Police Department (UPD) – **Chief Levi Hughes**
- F. Kearns Community Council – **Roger Snow**

## **10. OTHER BUSINESS**

- A. Future Agenda Business (Motion/Voting)

## **11. CLOSED SESSIONS IF NEEDED AS ALLOWED PURSUANT TO UTAH CODE §52-4-205**

- A. Discussion of the character, professional competence or physical or mental health of an individual
- B. Strategy sessions to discuss pending or reasonably imminent litigation
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property
- D. Discussion regarding deployment of security personnel, devices, or systems; and/or
- E. Other lawful purposes as listed in Utah Code §52-4-205

## **12. ADJOURN**

Upon request, within three working days' notice, the Greater Salt Lake Municipal Services District will provide free auxiliary aids and services to qualified individuals (including sign language interpreters, alternative, etc.). For assistance, please call (385) 377-9466 – TTY 711.

To address security issues this month's council meeting will not be available online. Thank you for your patience. We encourage all members of the public interested in participating to attend the meeting in person at the time and date listed at the top of this agenda.

***POSTED ON: November 7, 2025***



**CITY OF KEARNS  
CITY COUNCIL MEETING**

**September 8, 2025, 6:00 PM**

KEARNS LIBRARY - 4275 W 5345 S, UTAH 84118

**DRAFT MINUTES**

**CITY OF KEARNS COUNCIL MEETING MINUTES**

**October 14, 2025**

**COUNCIL MEMBERS PRESENT:**

Kelly Bush, Mayor  
Chrystal Butterfield  
Patrick Schaeffer  
Alan Peterson  
Tina Snow

**COUNCIL MEMBERS EXCUSED:**

**STAFF PRESENT:**

Nathan Bracken, City Attorney  
Dan Torres, Economic Development Manager

**Others Present:**

**1. CALL TO ORDER**

Mayor Kelly Bush, presiding, called the meeting to order at 6:00 PM.

**2. DETERMINE QUORUM**

Mayor Kelly Bush announced that a quorum was present allowing the meeting to proceed.

**3. VISITING PUBLIC OFFICIALS – None**

**4. CITIZEN PUBLIC INPUT**

**Darren Nerdin** addressed the Mayor, City Council, stakeholders, and residents. He identified as a resident of Kearns for 34 years, referred to a previous meeting held two months earlier in which the Zoom link was interrupted by inappropriate content containing pornography and profanity. He expressed disappointment at the disruption but stated that such incidents only strengthened the community's determination to improve Kearns in a positive direction. He urged those responsible for such actions to reflect on their behavior and consider using their time for meaningful service rather than negativity. He also commended the residents who were running for office, recognizing the personal sacrifices involved, and expressed appreciation for those who had served and were leaving office. He concluded by thanking them for their contributions and wishing them well in their future endeavors.

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**CITY OF KEARNS COUNCIL**

MAYOR KELLY BUSH, DEPUTY MAYOR TINA SNOW

COUNCIL MEMBER CHRYSSTAL BUTTERFIELD, COUNCIL MEMBER ALAN PETERSON,

COUNCIL MEMBER PATRICK SCHAEFFER

Mayor Kelly Bush thanked Darren Nerdin for the statement and invited him to provide a copy to Daniel so it could be included in the meeting packet.

**Jordan Hansen** then addressed the council, referencing a recent house fire that occurred on 4540 West. He expressed gratitude to the local fire department for their quick response but asked whether any community efforts were underway to help the affected family reestablish themselves, noting that no information had been shared publicly.

Mayor Kelly Bush responded that the Red Cross was currently assisting the family and providing necessary resources. She added that the family was also relying on support from their relatives during the recovery process.

## **5. PRESENTATION ITEMS**

### **A. PTA Proclamation**

Julie Cluff, a resident of Midvale and current president of the Utah PTA, addressed the council to commemorate the 100th anniversary of the Utah PTA. She expressed gratitude for the opportunity to attend and support local PTA organizations that contribute to community safety and education. She shared that she had served on the Utah PTA Board of Directors for ten years before becoming president in July and described the sense of community and support she experienced through the organization, both at the state and national levels. She provided a detailed overview of the history of the Utah PTA, explaining that the organization began in October 1925 after ten years of lobbying to become a chartered state member of the National PTA. Before that, it operated as the Home and Family League of the Utah Education Association. She noted that early Utah pioneers had long valued parental involvement in education and that Utah delegates were present at the first Mothers Congress in 1897, the precursor to the National PTA.

Ms. Cluff highlighted several historical achievements of the Utah PTA, including providing warm meals and milk for children during the Great Depression, advocating for youth suicide prevention centers beginning in 1964, and supporting the establishment and preservation of the School Trust Lands program, which now provides millions in funding to Utah schools. She mentioned that each school in Kearns likely received over \$100,000 in funding this year from just 5% of the fund's growth. She also discussed the PTA's advocacy work, including efforts in 2007 through the Utah Public Education Coalition (UPAC) to oppose school vouchers and maintain public funding for neighborhood schools. She cited a 2018 national resolution authored by Utah PTA member Karen Condor promoting high expectations for students with disabilities, reflecting the organization's continued advocacy for all children.

Ms. Cluff emphasized that the strength of the PTA lies in its people, praising local leaders for their countless volunteer hours. She shared that Kearns schools collectively contributed 2,978 volunteer hours in 2024, equating to over \$100,000 in service value. She stated that PTA is a network, not a hierarchy, and that her role as state president was to support local leaders who do the day-to-day work in schools. She concluded by inviting all Kearns residents to join their local PTA, explaining that membership strengthens advocacy efforts and community

engagement. She then requested that the mayor sign a proclamation recognizing the Utah PTA's centennial and its contributions to Kearns schools.

Mayor Kelly Bush expressed enthusiasm in reading the proclamation into the record. The proclamation recognized and supported Parent Teacher Associations in Kearns schools while celebrating the 100th anniversary of the Utah PTA. It outlined the PTA's role in connecting families, schools, and communities; its contributions to education, public engagement, and child advocacy; and its century-long legacy of improving children's lives. The proclamation honored historical milestones, such as Utah's admission to the National PTA in 1925 and the ongoing work of volunteers to promote educational excellence and student well-being.

Following the reading, Mayor Kelly Bush requested a motion to approve the proclamation.

**Council Member Snow moved to approve the Proclamation honoring the Utah PTA as read into the record and as attached to the minutes. Council Member Butterfield seconded the motion; vote was 5-0, unanimous in favor.**

**6. CONSENT AGENDA**

- A. Approve Council Meeting Minutes**
  - a. September 8, 2025 City Council Meeting**

**Council Member Snow moved to approve the September 8, 2025 City Council Meeting Minutes as published. Council Member Schaeffer seconded the motion; vote was 5-0, unanimous in favor.**

- B. Current Financial Reports**

**Council Member Snow moved to table approval of the Current Financial Reports until the November Meeting. Council Member Butterfield seconded the motion; vote was 5-0, unanimous in favor**

**7. WORKSHOP - None**

**8. COUNCIL BUSINESS – ACTION ITEMS**

- A. Ordinance 2025-O-17, An Ordinance Adopting a Water Use and Preservation Element as Part of the City of Kearns' General Plan**

Bianca Paulino introduced the agenda item concerning adoption of the water use and preservation element as part of the city's general plan. She explained that state law passed the previous year required municipalities with populations of 10,000 or more to adopt a water use and preservation element, which applied to Kearns. She noted that the city had partnered with the consulting firm Logan Simpson, funded through a grant, and that Delaney Sillman from Logan Simpson would present the details of the proposed element.

Delaney Sillman presented an overview of the proposed water use and preservation element and its purpose. She explained that the state required cities to integrate water planning into

their land use planning, particularly in the general plan, due to changing environmental conditions and Kearns' proximity to the Great Salt Lake. She stated that the element needed to address how permitted development affected water demand, what current programs and ordinances were already in place, and what future goals and policies the city should adopt. She noted that Salt Lake County, as part of the Great Salt Lake region, had a regional goal of 169 gallons per capita per day by 2065 and that the state expected cities and water providers to work toward that target through stepwise milestones documented in water conservation plans. She clarified that Kearns Improvement District and Taylorsville Bennion Improvement District had their own water conservation and master plans extending to about 2065, and that the new element was intended to align land use planning with those efforts rather than replace them.

Ms. Sillman reported that the consulting team had analyzed the city's future land use map and applied assumptions about water demand for each land use type to estimate future water needs at full buildout. She stated that the analysis estimated future demand at 1,351 million gallons per year and that this represented about 16% of the combined total capacity of Kearns Improvement District and Taylorsville Bennion Improvement District. She emphasized that this showed the projected land use pattern in Kearns would not overburden regional water supplies, although the estimate could not precisely separate how much of each provider's capacity was used inside city boundaries. She also explained that the analysis distinguished between indoor and outdoor water use and showed that outdoor use made up a significant share of demand in both residential and employment-related land uses, which guided the focus of many of the proposed policies.

Ms. Sillman summarized recent and ongoing efforts relating to water conservation. She stated that the city already had a strong landscape ordinance for new development that incorporated Jordan Valley Water Conservancy District's localscapes principles and included a water efficiency standard of 15 inches of water per square foot of landscaped area. She said the state had praised this ordinance as a best-practice example, and the plan did not propose major changes but emphasized the need to keep it updated with current guidance from sources such as Jordan Valley Water Conservancy District and Utah State University. She added that Kearns Improvement District and Taylorsville Bennion Improvement District were responsible for many conservation programs and rebate offerings, and that the city's role would be to connect residents to those programs and improve awareness, while also continuing to address water loss and metering through infrastructure improvements.

Ms. Sillman then outlined the primary goals and policies proposed in the new water element. She stated that the overarching goal was to reduce outdoor water use citywide. Specific strategies included regularly evaluating and updating the landscape ordinance to reflect current water-wise best practices, improving compliance with existing code, encouraging alternative turf options, and providing user-friendly materials such as graphics to help residents and developers understand landscape standards. She said the element also directed the city to reduce water waste on city-owned properties by prioritizing landscapers with appropriate certifications when feasible, retrofitting public landscapes to highlight native and water-efficient plantings, and using city sites as visible examples of water-wise design. She further explained that the element called for educating private property owners by marketing conservation

resources and rebates offered by Kearns Improvement District, Jordan Valley Water Conservancy District, and others, and incorporating these resources into city programming and public spaces. Finally, she emphasized the importance of ongoing collaboration with water service providers, including involving them in pre-application meetings for large developments, engaging them during updates to the landscape ordinance, and including them in future updates to the general plan and water element. She concluded the presentation and invited questions from the council.

Nathan Bracken added comments at the request of staff, noting that he also worked as a water attorney and was familiar with the applicable state statutes. He explained that the city's existing landscape ordinance was originally based on a template developed by Jordan Valley Water Conservancy District and recommended that Kearns continue to use Jordan Valley's updated templates in the future. He clarified that Jordan Valley functioned as a wholesale water supplier that operated reservoirs and major infrastructure and provided water to Kearns Improvement District, which in turn supplied most or all of the water used in Kearns. He pointed out that water conservation in Kearns presented a unique challenge because the city was largely built out, which made it more difficult to achieve savings compared to communities with more new development. He identified opportunities for water-saving improvements in future economic redevelopment projects and in retrofitting older county-developed parks, while noting that replacing existing turf with new landscaping was more expensive than installing water-wise landscaping in new projects. He stated that Jordan Valley's conservation garden could serve as a useful educational tool to help residents understand that water-efficient landscaping using native plants could be lush and aesthetically pleasing rather than resembling desert-style Arizona landscaping, and added that the proposed element complied with statutory requirements and represented a practical, achievable approach to conservation.

Dan Torres informed the council that city staff regularly met with Kearns Improvement District leadership, including Greg Anderson, and also coordinated with Taylorsville Bennion Improvement District. Dan stated that staff were prepared to work under the council's direction in the coming years to develop policies and actions consistent with the water use and preservation element.

**Council Member Snow moved to approve Ordinance 2025-O-17, An Ordinance Adopting a Water Use and Preservation Element as Part of the City of Kearns' General Plan. Council Member Schaeffer seconded the motion; vote was 5-0, unanimous in favor.**

**B. Discussion and Potential Creation of Olympic Committee with Agreement to Work with Future Facilitator**

Nathan Bracken presented an item concerning approval of an agreement to hire a facilitator to assist the city with its ongoing and future economic development initiatives. He explained that the city currently had three major project areas under its Community Redevelopment Agency (CRA): the downtown district, the Olympic area surrounding the Utah Olympic Oval in preparation for the upcoming Olympic Games, and Camp Kearns. Each of these projects involved multiple stakeholders and required significant coordination, and he noted that Mayor

Kelly Bush had requested that staff follow the city's procurement policy to identify a qualified facilitator to manage these efforts and maintain alignment across projects.

Mr. Bracken stated that Dan Torres led the search and contacted several potential facilitators. He described the proposed contract as a "mid-tier" purchase, falling well below the \$250,000 threshold, and identified the selected firm as the Langdon Group. He shared that he had previously worked with the Langdon Group on numerous projects, particularly in the water sector, and was confident in their ability to manage complex, multi-stakeholder initiatives effectively. He added that while the plan was to approve the agreement at this meeting, the appointment of a committee to work directly with the facilitator would occur in November after representatives from the Langdon Group could attend and introduce themselves.

Mr. Bracken outlined that the committee would include selected members of the city council, Economic Development Director Dan Torres, and himself, with participation from his law partner, Adam Long, who serves as attorney for the CRA. The facilitator's Phase One scope of work would focus on identifying key stakeholders, outlining major coordination questions, and ensuring that redevelopment efforts across the city's project areas complemented rather than conflicted with each other. He emphasized that the intent was to prevent economic initiatives—such as those in the city center—from inadvertently drawing business or investment away from other target areas. He concluded by requesting the council's approval of the agreement so that work could begin immediately.

Mayor Kelly Bush asked the council members whether they had reviewed the contract, confirming that it had been included in their meeting packet. Upon receiving acknowledgment that they had and hearing no questions for Nathan, Mayor Bush called for a motion to approve the agreement with the Langdon Group to provide facilitation services for the city's economic development projects.

**Council Member Butterfield moved to approve the agreement with the Langdon Group as detailed above. Council Member Snow seconded the motion; vote was 5-0, unanimous in favor.**

**9. WORKSHOP – None**

**10. Stakeholder Updates/Information**

**A. Kearns Improvement District (KID) - *Greg Anderson, General Manager***

Cheryle Hatch reported on behalf of the Kearns Improvement District, noting that Greg Anderson was currently out of town in Ireland. Cheryle provided an update on the 5400 South infrastructure project, stating that the underground work had been completed and that the project was now in the final stages, with painting underway. She explained that, barring any unforeseen issues, the project was expected to be completed within the next week or two.

Mayor Kelly Bush asked about the remaining metal coverings on the roadway, mentioning that some residents had submitted complaints about them. Cheryle responded that she had noticed a few still in place recently but confirmed that crews were working to level the pavement and complete the surface work in those areas.

Ms. Hatch then shared information from her recent attendance at a Water Innovations Convention, which focused on community engagement and education in water management. She explained that the convention provided opportunities to learn from other service districts across the western United States about which water conservation programs had been successful and which had not. She emphasized that such events helped the Kearns Improvement District identify ways to enhance local water use and conservation efforts. She also reported that Kearns continued to lead the state in water conservation performance, which she described as encouraging news. She concluded by noting that the district's budget meeting would take place the following Tuesday at 5:30 p.m. She invited anyone interested to attend, explaining that the meeting would cover the tentative budget approval and might last for an extended period. She reiterated that the meetings were held at the Kearns Improvement District office on 5400 South and that all community members were welcome to participate.

**B. Kearns Library - *Lee Whiting, Librarian***

No current updates.

**C. Wasatch Front Waste Recycling District (WFWRD) - *Renee Plant, Manager***

No current updates.

**D. Unified Fire Authority (UFA) - *Chief Lintz***

Chief Tyler Lintz presented an update regarding fire department activities and the status of several ongoing projects. He began by referencing a map showing the state's Wildland Urban Interface (WUI) code adoption scores. He explained that the map reflected data from when the Mountain View Corridor was under construction and was therefore outdated. He stated that he, Chief Burchette, and Chief Russell planned to conduct a drive-through assessment of the area to verify whether it still scored between five and six on the WUI scale. He clarified that if the area were determined to have a score of five or six, the city would be required to consider adopting the state's WUI code. However, he expressed confidence that Kearns would be exempt, as he did not believe the area met that threshold. He stated that he expected to have definitive results by the next month and added that several other cities were also exempt from the requirement.

Chief Lintz then provided an update on the new Fire Station 107, announcing that it was scheduled for a full opening on November 16. Mayor Kelly Bush interjected to note that the station was already operating an ambulance, and he acknowledged the significant effort involved in preparing the facility for full activation. He stated that the new station would help reduce the workload on Station 109 and strengthen mutual aid partnerships with nearby

agencies such as West Jordan, which frequently collaborated with Kearns crews on fire responses.

Chief Lintz also reported that the department planned to promote five new captains by the end of the month, with three captains being assigned directly to Kearns. He added that the current recruit camp would conclude just prior to the opening of Station 107 and that 20 new personnel would be assigned throughout the district, including two new recruits for Kearns stations. He noted that the fire department had hosted several community tours during the month, with approximately 150 children visiting the station. He said the tours had been well received and that the children enjoyed the experience.

Addressing the recent residential fire mentioned earlier in the meeting, he confirmed that Kearns crews had been first to arrive on scene and were supported by units from West Valley and West Jordan. He reported that the fire was contained without spreading to adjacent homes, and there were no civilian or firefighter injuries. However, one dog perished in the incident. He stated that the likely cause was a space heater, though the investigation was not yet complete. He took the opportunity to remind residents about seasonal fire safety, advising against plugging space heaters into extension cords, leaving them unattended, or using them while asleep.

He concluded his report by sharing that the department's call volume for the month remained steady and typical. Station 109 had responded to approximately 200 calls, while Station 107 had handled around 100 calls.

#### **E. Unified Police Department (UPD)**

Chief Levi Hughes began his report with a lighthearted comment to the council before turning to thank Darren Nerdin for his remarks made earlier in the meeting. Chief Hughes stated that he agreed with Darren's comments about the strength and unity of the Kearns community and expressed disappointment that public meetings had been targeted by disruptive behavior in the past. He emphasized that Kearns was a community of good people who cared deeply about their city and that it was encouraging to see residents actively engaged.

Chief Hughes then discussed the ongoing Citizens Academy program, explaining that it continued to be an important tool for public education and community connection. He encouraged all current and incoming council members to attend the next session, noting that the program had evolved significantly since the restructuring of the Unified Police Department (UPD) on July 1 of the previous year. He said that the course now reflected UPD's new operational model following the separation from the Salt Lake County Sheriff's Office and that it offered an updated perspective on how UPD functioned. Chief Hughes highlighted that the new logistics building located in Kearns had become a major asset, centralizing key resources and improving operational efficiency for officers serving the area. He went on to describe recent staffing developments within UPD, noting that following the separation, the department had initially lost approximately 50 officers. Since that time, UPD had successfully hired 80 new officers, a significant accomplishment given the challenges of recruiting both new and experienced personnel amid ongoing retirements and attrition. Chief Hughes reported that the

department currently had only two officer vacancies out of a total force of 260, calling that a remarkable milestone. He credited the success to the efforts of UPD's leadership team and the continued support of the Kearns Council and the Salt Lake Valley Law Enforcement Service Area (SLVLESA) Board. Addressing community questions that had surfaced regarding crime statistics, Chief Hughes stated that he was unaware of the data sources behind recent comparisons being circulated but emphasized that the city's official records showed consistent improvements. He reported that for five consecutive years, Kearns had seen significant reductions across nearly all crime categories, attributing these results to strong council support and the hard work of local officers. Chief Hughes presented the most recent statistics, showing a continued downward trend in calls and reported offenses. He stated that total calls for service had decreased from 15,162 the previous year to 12,195 for the same month in 2024. He added that major crime categories, including person crimes and assaults, had all continued to decline. Chief Hughes concluded by reaffirming UPD's commitment to maintaining public safety in Kearns and invited the council to ask any questions regarding the report.

#### **F. Kearns Community Council – *Cassandra Hodes***

No current updates.

### **11. Other Business**

#### **A. Future Agenda Business**

Mayor Kelly Bush introduced a brief item of future business, explaining that the city needed to formally schedule the canvass for the upcoming election. Mayor Bush proposed holding the canvass on November 14, 2025, at 2:00 p.m., to allow the elections office adequate time to finalize vote counts. Council members reviewed their schedules and confirmed their availability.

Mayor Bush then addressed an issue that had circulated online regarding whether the mayoral position in Kearns was full time or part time. She clarified that the position was a full-time role, as had been established when the city's budget was approved. She explained that the council had set the wage to reflect the demands of a full-time position and asked that residents help correct misinformation circulating on social media.

Mayor Bush then invited Nathan Bracken to address continued public confusion over how the city provides official information and why certain items are not posted to community Facebook pages. Nathan stated that he had not personally seen the social media discussions but confirmed that the city had held properly noticed public hearings before adopting its budget on July 1, which runs through June 30 each fiscal year. He explained that Mayor Bush currently functioned as the city manager, which is uncommon for cities of Kearns's size, and that this structure was approved during the budget process following two separate public hearings. He noted that both hearings had been properly noticed and that the resolution and budget information were available on the city's website and under the resolutions section on Unicode.

Addressing concerns about public posting, Nathan clarified that Facebook is not a legally acceptable form of public notice under Utah law. He stated that official notices must be published on the city's website, the state's public notice website, and through required physical postings. He added that while the city could voluntarily share information on Facebook, it was not legally binding and could not replace statutory notice requirements.

An audience member then commented that their concern was not about Facebook specifically but about the difficulty of finding information through ordinances and meeting minutes. The speaker suggested that the city create an easily accessible "Frequently Asked Questions" page on the official Kearns website to summarize commonly asked questions, such as whether the mayor's position is full time. The audience member emphasized that this would make it easier for residents to stay informed.

Council Member Tina Snow responded that the council had addressed the question multiple times during budget discussions and confirmed that the mayor's position was full time. She noted that despite these explanations, social media posts continued to spread incorrect information.

Nathan stated that creating an FAQ page would not be legally required but would be permissible if the council wished to improve public communication. He cautioned that developing and maintaining such a page would require staff time and potential legal review to ensure accuracy. He suggested that the city's public information officer, Maridene, could develop the content, with his office reviewing it before publication.

Mayor Bush then asked Nathan to clarify why the city does not post directly to private Facebook pages such as "K-Town" or "Kearns 411." Nathan explained that such pages are privately administered and not controlled by the city, creating risks of posts being altered, deleted, or misrepresented. He said that most cities avoid posting on privately run social media pages for this reason and instead rely on their own official pages or websites. He reiterated that while residents often rely on social media for updates, it is not a secure or legally recognized method of providing official public information.

Mayor Bush added that the city already posts all official updates on its own website and Facebook page and encourages residents to share those posts on other community pages if they wish. However, she stressed that the city itself would not post on private or unofficial pages to prevent the risk of modifications or misinformation. Council Member Tina Snow agreed, noting that even shared city posts had occasionally been altered after reposting, which further justified the city's policy. Nathan concurred, adding that the city's prior experience with social media had led to the adoption of a formal social media policy to govern how and where official information is shared.

Mayor Bush concluded the discussion by inviting the audience member, identified as Jordan, to send her a list of suggested FAQ topics. She said she would forward those suggestions to Public Information Officer Maridene for review and potential development. After confirming that there were no further items to discuss, Mayor Bush thanked everyone for their participation and prepared to adjourn the meeting.

No closed session needed.

**12. Closed Session if Needed as Allowed Pursuant to Utah Code §52-4-205**

- A. Discussion of the character, professional competence or physical or mental health of an individual
- B. Strategy sessions to discuss pending or reasonably imminent litigation
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property
- D. Discussion regarding deployment of security personnel, devices, or systems; and/or
- E. Other lawful purposes as listed in Utah Code §52-4-205

**13. Adjourn**

**Council Member Schaeffer moved to adjourn the October 14, 2025 City Council Meeting. Council Member Snow seconded the motion; vote was 5-0, unanimous in favor.**

The September 8, 2025 meeting adjourned at 7:15 PM

**This is a true and correct copy of the October 14, 2025 City Council Meeting Minutes, which were approved on November 10, 2025.**

**Attest:**

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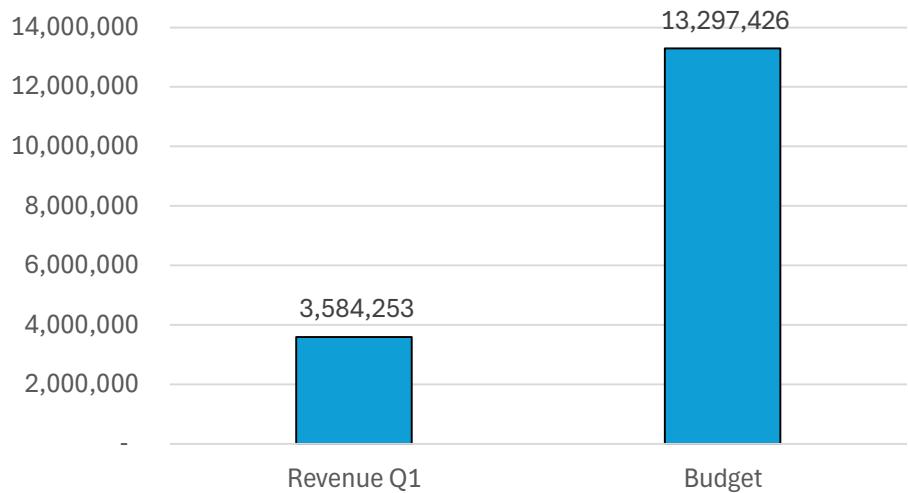
**Diana Baun, City Recorder**

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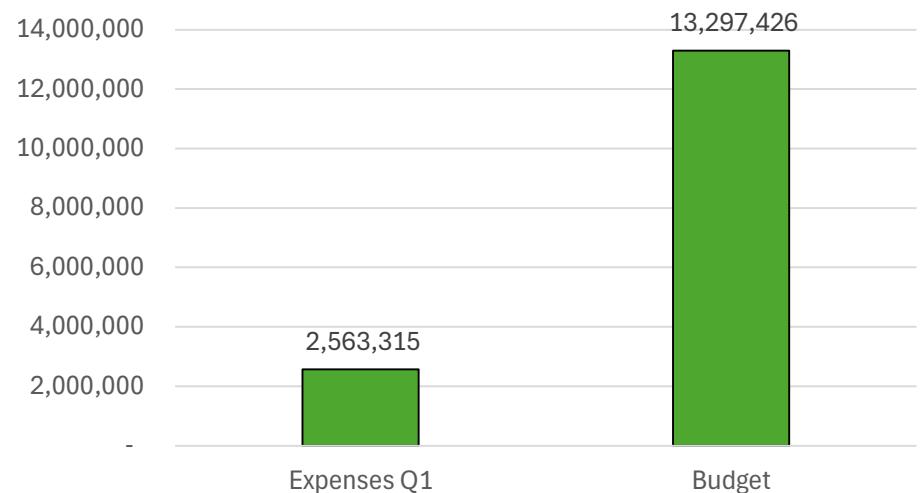
**Kelly Bush, Mayor**

## Kearns - Financials Q1 FY 2026 (July-Sept 2025)

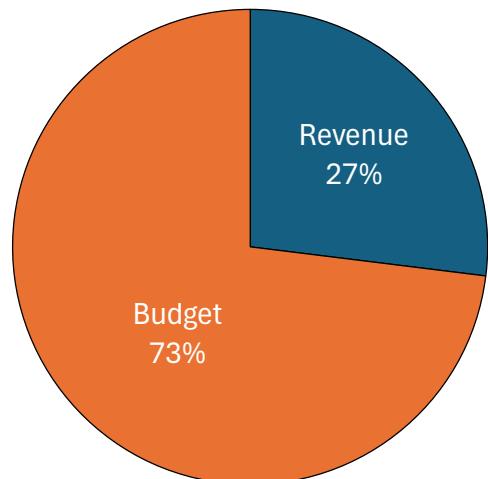
Revenue vs Budget



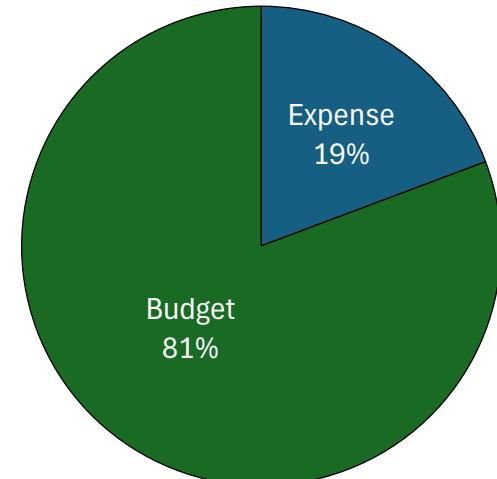
Expenses vs Budget



Revenue Collected vs Budget Remaining



Expenses vs Budget Remaining



**Greater Salt Lake Municipal Services District**

**Standard Financial Report**

50 City of Kearns - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

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	<b>2025 Year-End Actual</b>	<b>2026 YTD Actual</b>
<b>Net Position</b>		
<b>Assets:</b>		
<b>Current Assets</b>		
<b>Cash and cash equivalents</b>		
10200 Cash - PTIF	2,528,399.87	2,347,017.84
10750 Undeposited Receipts	(0.09)	(0.13)
<b>Total Cash and cash equivalents</b>	<b><u>2,528,399.78</u></b>	<b><u>2,347,017.71</u></b>
<b>Receivables</b>		
11530 Accounts Rec. -	17,878.51	352.71
12500 Due From Other Gov.	1,655,726.00	1,285,705.58
12550 Due from Other Funds	510.00	2,340.00
<b>Total Receivables</b>	<b><u>1,674,114.51</u></b>	<b><u>1,288,398.29</u></b>
<b>Total Current Assets</b>	<b><u>4,202,514.29</u></b>	<b><u>3,635,416.00</u></b>
<b>Non-Current Assets</b>		
<b>Restricted assets</b>		
10102 Cash - Zions Bond Escrow	95,324.92	43,388.77
<b>Total Restricted assets</b>	<b><u>95,324.92</u></b>	<b><u>43,388.77</u></b>
<b>Total Non-Current Assets</b>	<b><u>95,324.92</u></b>	<b><u>43,388.77</u></b>
<b>Total Assets:</b>	<b><u>4,297,839.21</u></b>	<b><u>3,678,804.77</u></b>
<b>Liabilities and Fund Equity:</b>		
<b>Liabilities:</b>		
<b>Current liabilities</b>		
21000 Accounts Payable	13,758.54	26,837.09
21100 Accrued Expenses	17,547.09	17,547.09
23450 Performance Bonds Payable	95,324.92	43,388.77
24000 Due to Other Funds	1,674,114.51	0.00
<b>Total Current liabilities</b>	<b><u>1,800,745.06</u></b>	<b><u>87,772.95</u></b>
<b>Total Liabilities:</b>	<b><u>1,800,745.06</u></b>	<b><u>87,772.95</u></b>
<b>Equity - Fund Balance</b>		
29000 Unassigned Net Position (Fund Bal)	1,632,410.46	2,653,348.13
29010 Net Assets - Restricted Capital Fund	262,683.69	262,683.69
29561 Net Assets - Restricted Corridor Preservation	602,000.00	675,000.00
<b>Total Equity - Fund Balance</b>	<b><u>2,497,094.15</u></b>	<b><u>3,591,031.82</u></b>
<b>Total Liabilities and Fund Equity:</b>	<b><u>4,297,839.21</u></b>	<b><u>3,678,804.77</u></b>
<b>Total Net Position</b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>

# Greater Salt Lake Municipal Services District

## Standard Financial Report

50 City of Kearns - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Taxes</b>					
<b>Sales Taxes</b>					
3100.300 Sales Tax	6,900,633.70	1,669,160.22	6,500,000.00	4,830,839.78	25.68%
<b>Total Sales Taxes</b>	<b>6,900,633.70</b>	<b>1,669,160.22</b>	<b>6,500,000.00</b>	<b>4,830,839.78</b>	<b>25.68%</b>
<b>SB 136 Sales Tax</b>					
3100.350 SB 136 Sales Tax	618,184.70	160,022.19	650,000.00	489,977.81	24.62%
<b>Total SB 136 Sales Tax</b>	<b>618,184.70</b>	<b>160,022.19</b>	<b>650,000.00</b>	<b>489,977.81</b>	<b>24.62%</b>
<b>Total Taxes</b>	<b>7,518,818.40</b>	<b>1,829,182.41</b>	<b>7,150,000.00</b>	<b>5,320,817.59</b>	<b>25.58%</b>
<b>Intergovernmental revenue</b>					
<b>Road Funds</b>					
3100.560 B&C Road Fund Allotment	1,721,486.51	249,606.93	1,600,000.00	1,350,393.07	15.60%
3100.561 HB244 Corridor Preservation Funds	302,000.00	73,000.00	0.00	(73,000.00)	0.00%
3100.562 Public Transportation Tax	6,283.41	33,978.93	0.00	(33,978.93)	0.00%
<b>Total Road Funds</b>	<b>2,029,769.92</b>	<b>356,585.86</b>	<b>1,600,000.00</b>	<b>1,243,414.14</b>	<b>22.29%</b>
<b>CARES Act</b>					
3100.322 ARPA Funds	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
<b>Total CARES Act</b>	<b>0.00</b>	<b>0.00</b>	<b>2,631,285.00</b>	<b>2,631,285.00</b>	<b>0.00%</b>
<b>Total Intergovernmental revenue</b>	<b>2,029,769.92</b>	<b>356,585.86</b>	<b>4,231,285.00</b>	<b>3,874,699.14</b>	<b>8.43%</b>
<b>Licenses and permits</b>					
<b>Business licenses</b>					
3100.130 Business Licenses	54,126.00	13,156.00	50,000.00	36,844.00	26.31%
<b>Total Business licenses</b>	<b>54,126.00</b>	<b>13,156.00</b>	<b>50,000.00</b>	<b>36,844.00</b>	<b>26.31%</b>
<b>Building permits</b>					
3100.260 Building Permit	190,854.69	46,971.07	200,000.00	153,028.93	23.49%
<b>Total Building permits</b>	<b>190,854.69</b>	<b>46,971.07</b>	<b>200,000.00</b>	<b>153,028.93</b>	<b>23.49%</b>
<b>Total Licenses and permits</b>	<b>244,980.69</b>	<b>60,127.07</b>	<b>250,000.00</b>	<b>189,872.93</b>	<b>24.05%</b>
<b>Charges for services</b>					
<b>Charges other</b>					
3100.420 Engineering Services	23,374.00	8,927.75	50,000.00	41,072.25	17.86%
3100.450 Planning Services	5,742.06	3,376.50	15,000.00	11,623.50	22.51%
<b>Total Charges other</b>	<b>29,116.06</b>	<b>12,304.25</b>	<b>65,000.00</b>	<b>52,695.75</b>	<b>18.93%</b>
<b>Total Charges for services</b>	<b>29,116.06</b>	<b>12,304.25</b>	<b>65,000.00</b>	<b>52,695.75</b>	<b>18.93%</b>
<b>Fines and forfeitures</b>					
<b>Code enforcement fines and fees</b>					
3100.240 Code Enforcement Fines and Fees	20,259.64	0.00	5,000.00	5,000.00	0.00%
<b>Total Code enforcement fines and fees</b>	<b>20,259.64</b>	<b>0.00</b>	<b>5,000.00</b>	<b>5,000.00</b>	<b>0.00%</b>
<b>Justice court fines/forfeitures</b>					
3100.500 Justice Court Fines/Forfeitures	266,369.54	75,049.31	250,000.00	174,950.69	30.02%
<b>Total Justice court fines/forfeitures</b>	<b>266,369.54</b>	<b>75,049.31</b>	<b>250,000.00</b>	<b>174,950.69</b>	<b>30.02%</b>
<b>Total Fines and forfeitures</b>	<b>286,629.18</b>	<b>75,049.31</b>	<b>255,000.00</b>	<b>179,950.69</b>	<b>29.43%</b>
<b>Miscellaneous revenue</b>					
<b>Interest</b>					
3600.100 Interest Earnings	54,641.13	29,863.02	125,000.00	95,136.98	23.89%
<b>Total Interest</b>	<b>54,641.13</b>	<b>29,863.02</b>	<b>125,000.00</b>	<b>95,136.98</b>	<b>23.89%</b>
<b>Miscellaneous other</b>					
3600.900 Other Revenue	18,670.20	0.00	0.00	0.00	0.00%
3600.902 Other Revenue - Declaration of Candidate	400.00	0.00	0.00	0.00	0.00%
<b>Total Miscellaneous other</b>	<b>19,070.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>Total Miscellaneous revenue</b>	<b>73,711.33</b>	<b>29,863.02</b>	<b>125,000.00</b>	<b>95,136.98</b>	<b>23.89%</b>
<b>Contributions and transfers</b>					
3800.100 Contribution from GF	1,083,361.00	1,221,141.00	1,221,141.00	0.00	100.00%
<b>Total Contributions and transfers</b>	<b>1,083,361.00</b>	<b>1,221,141.00</b>	<b>1,221,141.00</b>	<b>0.00</b>	<b>100.00%</b>
<b>Total Revenue:</b>	<b>11,266,386.58</b>	<b>3,584,252.92</b>	<b>13,297,426.00</b>	<b>9,713,173.08</b>	<b>26.95%</b>
<b>Expenditures:</b>					
<b>Administration</b>					

# Greater Salt Lake Municipal Services District

## Standard Financial Report

50 City of Kearns - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
4100.100 Wages	103,565.34	28,081.79	225,000.00	196,918.21	12.48%
4100.130 Employee Benefits	75.60	18.90	19,800.00	19,781.10	0.10%
4100.150 Social Security Tax	6,339.21	1,778.78	14,000.00	12,221.22	12.71%
4100.160 Medicare	1,482.56	416.00	3,500.00	3,084.00	11.89%
4100.180 Medical Insurance	60,428.28	15,943.08	132,500.00	116,556.92	12.03%
4100.200 Awards, Promotional & Meals	1,092.42	286.20	1,500.00	1,213.80	19.08%
4100.210 Subscriptions/Memberships	23,630.20	19,802.08	30,000.00	10,197.92	66.01%
4100.220 Printing/Publications/Advertising	4,576.52	3,323.87	5,500.00	2,176.13	60.43%
4100.230 Travel/Mileage	11,446.73	2,273.31	1,500.00	(773.31)	151.55%
4100.240 Office Expense and Supplies	3,421.59	206.04	5,000.00	4,793.96	4.12%
4100.255 Computer Equip/software	0.00	0.00	30,000.00	30,000.00	0.00%
4100.310 Attorney-Civil	102,804.50	31,023.50	130,000.00	98,976.50	23.86%
4100.312 Lobbyist Services	12,000.00	3,000.00	12,000.00	9,000.00	25.00%
4100.320 Attorney - Land Use	1,971.00	12,802.50	40,000.00	27,197.50	32.01%
4100.330 Training and Seminars	750.00	0.00	0.00	0.00	0.00%
4100.360 Web Page Development/Maintenance	6,323.92	1,366.96	15,000.00	13,633.04	9.11%
4100.370 Software/Streaming	18,745.98	16,026.63	17,000.00	973.37	94.27%
4100.380 Internet Connections	5,990.94	1,024.63	5,500.00	4,475.37	18.63%
4100.390 Payroll Processing Fees	504.00	169.00	0.00	(169.00)	0.00%
4100.420 Contributions/Special Events	78,500.00	0.00	90,000.00	90,000.00	0.00%
4100.510 Insurance	25,960.79	24,697.28	40,000.00	15,302.72	61.74%
4100.520 Workers Comp Insurance	0.00	2,086.21	8,500.00	6,413.79	24.54%
4100.590 Postage	7,693.10	7,608.03	5,000.00	(2,608.03)	152.16%
4100.600 Professional and Technical	1,980.00	1,000.00	7,500.00	6,500.00	13.33%
4100.621 Victim Critical Needs	0.00	0.00	25,000.00	25,000.00	0.00%
4100.635 Election Support Services	0.00	3,000.00	84,341.00	81,341.00	3.56%
4100.640 Grant Related	20,547.09	0.00	0.00	0.00	0.00%
4100.650 SL (Client) County Support Services	87.07	0.00	50,000.00	50,000.00	0.00%
4100.750 Non-Cap Improvements	1,012.50	22,712.00	25,000.00	2,288.00	90.85%
4100.760 Christmas on 54th Decorations & Lights	64.34	0.00	8,000.00	8,000.00	0.00%
4100.860 Code Enforcement Mitigation	7,469.86	431.25	50,000.00	49,568.75	0.86%
4100.870 Rent	6,817.92	1,704.48	135,000.00	133,295.52	1.26%
4100.880 Non-Classified Expenses	0.00	1,420.81	5,000.00	3,579.19	28.42%
<b>Total Administration</b>	<b>515,281.46</b>	<b>202,203.33</b>	<b>1,221,141.00</b>	<b>1,018,937.67</b>	<b>16.56%</b>
<b>COVID Related Expenses</b>					
4100.243 ARPA Act Expense and Supplies	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
<b>Total COVID Related Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>2,631,285.00</b>	<b>2,631,285.00</b>	<b>0.00%</b>
<b>Transfers</b>					
4100.928 Contribution to General Fund	9,878,196.49	2,288,111.92	9,445,000.00	7,156,888.08	24.23%
4100.932 Contribution to Kearns Restricted Capital F	302,000.00	73,000.00	0.00	(73,000.00)	0.00%
48450.001 Operational Transfers out	2,828.09	0.00	0.00	0.00	0.00%
<b>Total Transfers</b>	<b>10,183,024.58</b>	<b>2,361,111.92</b>	<b>9,445,000.00</b>	<b>7,083,888.08</b>	<b>25.00%</b>
<b>Total Expenditures:</b>	<b>10,698,306.04</b>	<b>2,563,315.25</b>	<b>13,297,426.00</b>	<b>10,734,110.75</b>	<b>19.28%</b>
<b>Total Change In Net Position</b>	<b>568,080.54</b>	<b>1,020,937.67</b>	<b>0.00</b>	<b>(1,020,937.67)</b>	<b>0.00%</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**52 Kearns Beer Tax Special Fund - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025 Year-End Actual</b>	<b>2026 YTD Actual</b>	<b>2026 Budget</b>	<b>Unearned/ Unused Budget</b>	<b>% Earned/ Used</b>
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Intergovernmental revenue</b>					
<b>State liquor fund</b>					
3100.580 State Liquor Fund Allotment	61,156.89	0.00	30,000.00	30,000.00	0.00%
<b>Total State liquor fund</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Intergovernmental revenue</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Revenue:</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Expenditures:</b>					
<b>Administration</b>					
4100.850 Beer Funds	61,156.89	0.00	30,000.00	30,000.00	0.00%
<b>Total Administration</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Expenditures:</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Change In Net Position</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**54 City of Kearns Community Reinvestment Agency - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025</b> <b>Year-End</b> <b>Actual</b>	<b>2026</b> <b>YTD</b> <b>Actual</b>
<b>Net Position</b>		
<b>Assets:</b>		
<b>Current Assets</b>		
<b>Cash and cash equivalents</b>		
10100 Cash - Zions Checking	510.00	0.00
<b>Total Cash and cash equivalents</b>	<b>510.00</b>	<b>0.00</b>
<b>Total Current Assets</b>	<b>510.00</b>	<b>0.00</b>
<b>Total Assets:</b>	<b>510.00</b>	<b>0.00</b>
<b>Liabilities and Fund Equity:</b>		
<b>Liabilities:</b>		
<b>Current liabilities</b>		
21000 Accounts Payable	510.00	0.00
24000 Due to Other Funds	510.00	2,340.00
<b>Total Current liabilities</b>	<b>1,020.00</b>	<b>2,340.00</b>
<b>Total Liabilities:</b>	<b>1,020.00</b>	<b>2,340.00</b>
<b>Equity - Fund Balance</b>		
29000 Unassigned Net Position (Fund Bal)	(510.00)	(2,340.00)
<b>Total Equity - Fund Balance</b>	<b>(510.00)</b>	<b>(2,340.00)</b>
<b>Total Liabilities and Fund Equity:</b>	<b>510.00</b>	<b>0.00</b>
<b>Total Net Position</b>	<b>0.00</b>	<b>0.00</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**54 City of Kearns Community Reinvestment Agency - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025 Year-End Actual</b>	<b>2026 YTD Actual</b>	<b>2026 Budget</b>	<b>Unearned/ Unused Budget</b>	<b>% Earned/ Used</b>
<b>Change In Net Position</b>					
<b>Expenditures:</b>					
<b>Administration</b>					
4100.310.000 General - Attorney-Civil	510.00	1,830.00	0.00	(1,830.00)	0.00%
<b>Total Administration</b>	<b>510.00</b>	<b>1,830.00</b>	<b>0.00</b>	<b>(1,830.00)</b>	<b>0.00%</b>
<b>Total Expenditures:</b>					
<b>Total Change In Net Position</b>	<b>(510.00)</b>	<b>(1,830.00)</b>	<b>0.00</b>	<b>1,830.00</b>	<b>0.00%</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**55 Kearns Council Designated Fund - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025</b> <b>Year-End</b> <b>Actual</b>	<b>2026</b> <b>YTD</b> <b>Actual</b>
<b>Net Position</b>		
<b>Assets:</b>		
<b>Current Assets</b>		
<b>Cash and cash equivalents</b>		
10101 Cash - Zions CARES	2,828.09	2,828.09
10200 Cash - PTIF	238,422.63	505,703.00
10202 Cash - PTIF 9074 CARES	746,187.08	340,936.74
10750 Undeposited Receipts	(0.01)	(0.01)
<b>Total Cash and cash equivalents</b>	<b>987,437.79</b>	<b>849,467.82</b>
<b>Receivables</b>		
12500 Due From Other Gov.	154,431.59	163,144.55
<b>Total Receivables</b>	<b>154,431.59</b>	<b>163,144.55</b>
<b>Total Current Assets</b>	<b>1,141,869.38</b>	<b>1,012,612.37</b>
<b>Total Assets:</b>	<b>1,141,869.38</b>	<b>1,012,612.37</b>
<b>Liabilities and Fund Equity:</b>		
<b>Liabilities:</b>		
<b>Current liabilities</b>		
21000 Accounts Payable	494,288.00	0.00
<b>Total Current liabilities</b>	<b>494,288.00</b>	<b>0.00</b>
<b>Deferred revenue</b>		
23455 CARES2 Deferred Revenue	258,120.71	235,620.71
<b>Total Deferred revenue</b>	<b>258,120.71</b>	<b>235,620.71</b>
<b>Total Liabilities:</b>	<b>752,408.71</b>	<b>235,620.71</b>
<b>Equity - Fund Balance</b>		
29000 Unassigned Net Position (Fund Bal)	389,460.67	776,991.66
<b>Total Equity - Fund Balance</b>	<b>389,460.67</b>	<b>776,991.66</b>
<b>Total Liabilities and Fund Equity:</b>	<b>1,141,869.38</b>	<b>1,012,612.37</b>
<b>Total Net Position</b>	<b>0.00</b>	<b>0.00</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**55 Kearns Council Designated Fund - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Taxes</b>					
<b>MET Taxes</b>					
3100.111 MET-Municipal Energy	3,072.68	57.52	0.00	(57.52)	0.00%
3100.112 MET-Municipal Telecom	55,240.50	18,287.25	60,000.00	41,712.75	30.48%
3100.113 MET-Pacificorp/Rocky Mtn Power	271,348.65	311,831.20	600,000.00	288,168.80	51.97%
3100.114 MET-Questar Gas/Dominion Energy	391,618.88	34,751.87	720,000.00	685,248.13	4.83%
<b>Total MET Taxes</b>	<b>721,280.71</b>	<b>364,927.84</b>	<b>1,380,000.00</b>	<b>1,015,072.16</b>	<b>26.44%</b>
<b>Franchise Taxes</b>					
3100.401 Google Franchise Fee	77,303.00	15,000.00	30,000.00	15,000.00	50.00%
<b>Total Franchise Taxes</b>	<b>77,303.00</b>	<b>15,000.00</b>	<b>30,000.00</b>	<b>15,000.00</b>	<b>50.00%</b>
<b>Total Taxes</b>	<b>798,583.71</b>	<b>379,927.84</b>	<b>1,410,000.00</b>	<b>1,030,072.16</b>	<b>26.95%</b>
<b>Intergovernmental revenue</b>					
<b>Road Funds</b>					
3100.561 HB244 Corridor Preservation Funds	0.00	0.00	300,000.00	300,000.00	0.00%
<b>Total Road Funds</b>	<b>0.00</b>	<b>0.00</b>	<b>300,000.00</b>	<b>300,000.00</b>	<b>0.00%</b>
<b>CARES Act</b>					
3100.322 ARPA	82,130.00	0.00	0.00	0.00	0.00%
3100.323 CARES2	623,691.70	22,500.00	0.00	(22,500.00)	0.00%
<b>Total CARES Act</b>	<b>705,821.70</b>	<b>22,500.00</b>	<b>0.00</b>	<b>(22,500.00)</b>	<b>0.00%</b>
<b>Total Intergovernmental revenue</b>	<b>705,821.70</b>	<b>22,500.00</b>	<b>300,000.00</b>	<b>277,500.00</b>	<b>7.50%</b>
<b>Miscellaneous revenue</b>					
<b>Interest</b>					
3600.100 Interest Earnings	81,946.53	10,603.15	42,000.00	31,396.85	25.25%
<b>Total Interest</b>	<b>81,946.53</b>	<b>10,603.15</b>	<b>42,000.00</b>	<b>31,396.85</b>	<b>25.25%</b>
<b>Total Miscellaneous revenue</b>	<b>81,946.53</b>	<b>10,603.15</b>	<b>42,000.00</b>	<b>31,396.85</b>	<b>25.25%</b>
<b>Contributions and transfers</b>					
3100.001 Operating transfers in	2,828.09	0.00	0.00	0.00	0.00%
<b>Total Contributions and transfers</b>	<b>2,828.09</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>Total Revenue:</b>	<b>1,589,180.03</b>	<b>413,030.99</b>	<b>1,752,000.00</b>	<b>1,338,969.01</b>	<b>23.57%</b>
<b>Expenditures:</b>					
<b>Administration</b>					
4100.420 Contributions/Special Events	0.00	3,000.00	0.00	(3,000.00)	0.00%
<b>Total Administration</b>	<b>0.00</b>	<b>3,000.00</b>	<b>0.00</b>	<b>(3,000.00)</b>	<b>0.00%</b>
<b>Professional services</b>					
4100.623 Public Safety	493,897.66	0.00	25,000.00	25,000.00	0.00%
<b>Total Professional services</b>	<b>493,897.66</b>	<b>0.00</b>	<b>25,000.00</b>	<b>25,000.00</b>	<b>0.00%</b>
<b>COVID Related Expenses</b>					
4100.242 CARES 2 Expense and Supplies	623,691.70	22,500.00	0.00	(22,500.00)	0.00%
4100.243 ARPA Act Expense and Supplies	82,130.00	0.00	0.00	0.00	0.00%
<b>Total COVID Related Expenses</b>	<b>705,821.70</b>	<b>22,500.00</b>	<b>0.00</b>	<b>(22,500.00)</b>	<b>0.00%</b>
<b>Total Expenditures:</b>	<b>1,199,719.36</b>	<b>25,500.00</b>	<b>25,000.00</b>	<b>(500.00)</b>	<b>102.00%</b>
<b>Total Change In Net Position</b>	<b>389,460.67</b>	<b>387,530.99</b>	<b>1,727,000.00</b>	<b>1,339,469.01</b>	<b>22.44%</b>

**Greater Salt Lake Municipal Services District**

Standard Financial Report

50 City of Kearns - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

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	2025 Year-End Actual	2026 YTD Actual
<b>Net Position</b>		
<b>Assets:</b>		
<b>Current Assets</b>		
<b>Cash and cash equivalents</b>		
10200 Cash - PTIF	2,528,399.87	2,347,017.84
10750 Undeposited Receipts	(0.09)	(0.13)
<b>Total Cash and cash equivalents</b>	<b>2,528,399.78</b>	<b>2,347,017.71</b>
<b>Receivables</b>		
11530 Accounts Rec. -	17,878.51	352.71
12500 Due From Other Gov.	1,655,726.00	1,285,705.58
12550 Due from Other Funds	510.00	2,340.00
<b>Total Receivables</b>	<b>1,674,114.51</b>	<b>1,288,398.29</b>
<b>Total Current Assets</b>	<b>4,202,514.29</b>	<b>3,635,416.00</b>
<b>Non-Current Assets</b>		
<b>Restricted assets</b>		
10102 Cash - Zions Bond Escrow	95,324.92	43,388.77
<b>Total Restricted assets</b>	<b>95,324.92</b>	<b>43,388.77</b>
<b>Total Non-Current Assets</b>	<b>95,324.92</b>	<b>43,388.77</b>
<b>Total Assets:</b>	<b>4,297,839.21</b>	<b>3,678,804.77</b>
<b>Liabilities and Fund Equity:</b>		
<b>Liabilities:</b>		
<b>Current liabilities</b>		
21000 Accounts Payable	13,758.54	26,837.09
21100 Accrued Expenses	17,547.09	17,547.09
23450 Performance Bonds Payable	95,324.92	43,388.77
24000 Due to Other Funds	1,674,114.51	0.00
<b>Total Current liabilities</b>	<b>1,800,745.06</b>	<b>87,772.95</b>
<b>Total Liabilities:</b>	<b>1,800,745.06</b>	<b>87,772.95</b>
<b>Equity - Fund Balance</b>		
29000 Unassigned Net Position (Fund Bal)	1,632,410.46	2,653,348.13
29010 Net Assets - Restricted Capital Fund	262,683.69	262,683.69
29561 Net Assets - Restricted Corridor Preservation	602,000.00	675,000.00
<b>Total Equity - Fund Balance</b>	<b>2,497,094.15</b>	<b>3,591,031.82</b>
<b>Total Liabilities and Fund Equity:</b>	<b>4,297,839.21</b>	<b>3,678,804.77</b>
<b>Total Net Position</b>	<b>0.00</b>	<b>0.00</b>

# Greater Salt Lake Municipal Services District

## Standard Financial Report

50 City of Kearns - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Taxes</b>					
<b>Sales Taxes</b>					
3100.300 Sales Tax	6,900,633.70	1,669,160.22	6,500,000.00	4,830,839.78	25.68%
<b>Total Sales Taxes</b>	<b>6,900,633.70</b>	<b>1,669,160.22</b>	<b>6,500,000.00</b>	<b>4,830,839.78</b>	<b>25.68%</b>
<b>SB 136 Sales Tax</b>					
3100.350 SB 136 Sales Tax	618,184.70	160,022.19	650,000.00	489,977.81	24.62%
<b>Total SB 136 Sales Tax</b>	<b>618,184.70</b>	<b>160,022.19</b>	<b>650,000.00</b>	<b>489,977.81</b>	<b>24.62%</b>
<b>Total Taxes</b>	<b>7,518,818.40</b>	<b>1,829,182.41</b>	<b>7,150,000.00</b>	<b>5,320,817.59</b>	<b>25.58%</b>
<b>Intergovernmental revenue</b>					
<b>Road Funds</b>					
3100.560 B&C Road Fund Allotment	1,721,486.51	249,606.93	1,600,000.00	1,350,393.07	15.60%
3100.561 HB244 Corridor Preservation Funds	302,000.00	73,000.00	0.00	(73,000.00)	0.00%
3100.562 Public Transportation Tax	6,283.41	33,978.93	0.00	(33,978.93)	0.00%
<b>Total Road Funds</b>	<b>2,029,769.92</b>	<b>356,585.86</b>	<b>1,600,000.00</b>	<b>1,243,414.14</b>	<b>22.29%</b>
<b>CARES Act</b>					
3100.322 ARPA Funds	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
<b>Total CARES Act</b>	<b>0.00</b>	<b>0.00</b>	<b>2,631,285.00</b>	<b>2,631,285.00</b>	<b>0.00%</b>
<b>Total Intergovernmental revenue</b>	<b>2,029,769.92</b>	<b>356,585.86</b>	<b>4,231,285.00</b>	<b>3,874,699.14</b>	<b>8.43%</b>
<b>Licenses and permits</b>					
<b>Business licenses</b>					
3100.130 Business Licenses	54,126.00	13,156.00	50,000.00	36,844.00	26.31%
<b>Total Business licenses</b>	<b>54,126.00</b>	<b>13,156.00</b>	<b>50,000.00</b>	<b>36,844.00</b>	<b>26.31%</b>
<b>Building permits</b>					
3100.260 Building Permit	190,854.69	46,971.07	200,000.00	153,028.93	23.49%
<b>Total Building permits</b>	<b>190,854.69</b>	<b>46,971.07</b>	<b>200,000.00</b>	<b>153,028.93</b>	<b>23.49%</b>
<b>Total Licenses and permits</b>	<b>244,980.69</b>	<b>60,127.07</b>	<b>250,000.00</b>	<b>189,872.93</b>	<b>24.05%</b>
<b>Charges for services</b>					
<b>Charges other</b>					
3100.420 Engineering Services	23,374.00	8,927.75	50,000.00	41,072.25	17.86%
3100.450 Planning Services	5,742.06	3,376.50	15,000.00	11,623.50	22.51%
<b>Total Charges other</b>	<b>29,116.06</b>	<b>12,304.25</b>	<b>65,000.00</b>	<b>52,695.75</b>	<b>18.93%</b>
<b>Total Charges for services</b>	<b>29,116.06</b>	<b>12,304.25</b>	<b>65,000.00</b>	<b>52,695.75</b>	<b>18.93%</b>
<b>Fines and forfeitures</b>					
<b>Code enforcement fines and fees</b>					
3100.240 Code Enforcement Fines and Fees	20,259.64	0.00	5,000.00	5,000.00	0.00%
<b>Total Code enforcement fines and fees</b>	<b>20,259.64</b>	<b>0.00</b>	<b>5,000.00</b>	<b>5,000.00</b>	<b>0.00%</b>
<b>Justice court fines/forfeitures</b>					
3100.500 Justice Court Fines/Forfeitures	266,369.54	75,049.31	250,000.00	174,950.69	30.02%
<b>Total Justice court fines/forfeitures</b>	<b>266,369.54</b>	<b>75,049.31</b>	<b>250,000.00</b>	<b>174,950.69</b>	<b>30.02%</b>
<b>Total Fines and forfeitures</b>	<b>286,629.18</b>	<b>75,049.31</b>	<b>255,000.00</b>	<b>179,950.69</b>	<b>29.43%</b>
<b>Miscellaneous revenue</b>					
<b>Interest</b>					
3600.100 Interest Earnings	54,641.13	29,863.02	125,000.00	95,136.98	23.89%
<b>Total Interest</b>	<b>54,641.13</b>	<b>29,863.02</b>	<b>125,000.00</b>	<b>95,136.98</b>	<b>23.89%</b>
<b>Miscellaneous other</b>					
3600.900 Other Revenue	18,670.20	0.00	0.00	0.00	0.00%
3600.902 Other Revenue - Declaration of Candidate	400.00	0.00	0.00	0.00	0.00%
<b>Total Miscellaneous other</b>	<b>19,070.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>Total Miscellaneous revenue</b>	<b>73,711.33</b>	<b>29,863.02</b>	<b>125,000.00</b>	<b>95,136.98</b>	<b>23.89%</b>
<b>Contributions and transfers</b>					
3800.100 Contribution from GF	1,083,361.00	1,221,141.00	1,221,141.00	0.00	100.00%
<b>Total Contributions and transfers</b>	<b>1,083,361.00</b>	<b>1,221,141.00</b>	<b>1,221,141.00</b>	<b>0.00</b>	<b>100.00%</b>
<b>Total Revenue:</b>	<b>11,266,386.58</b>	<b>3,584,252.92</b>	<b>13,297,426.00</b>	<b>9,713,173.08</b>	<b>26.95%</b>
<b>Expenditures:</b>					
<b>Administration</b>					

# Greater Salt Lake Municipal Services District

## Standard Financial Report

50 City of Kearns - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
4100.100 Wages	103,565.34	28,081.79	225,000.00	196,918.21	12.48%
4100.130 Employee Benefits	75.60	18.90	19,800.00	19,781.10	0.10%
4100.150 Social Security Tax	6,339.21	1,778.78	14,000.00	12,221.22	12.71%
4100.160 Medicare	1,482.56	416.00	3,500.00	3,084.00	11.89%
4100.180 Medical Insurance	60,428.28	15,943.08	132,500.00	116,556.92	12.03%
4100.200 Awards, Promotional & Meals	1,092.42	286.20	1,500.00	1,213.80	19.08%
4100.210 Subscriptions/Memberships	23,630.20	19,802.08	30,000.00	10,197.92	66.01%
4100.220 Printing/Publications/Advertising	4,576.52	3,323.87	5,500.00	2,176.13	60.43%
4100.230 Travel/Mileage	11,446.73	2,273.31	1,500.00	(773.31)	151.55%
4100.240 Office Expense and Supplies	3,421.59	206.04	5,000.00	4,793.96	4.12%
4100.255 Computer Equip/software	0.00	0.00	30,000.00	30,000.00	0.00%
4100.310 Attorney-Civil	102,804.50	31,023.50	130,000.00	98,976.50	23.86%
4100.312 Lobbyist Services	12,000.00	3,000.00	12,000.00	9,000.00	25.00%
4100.320 Attorney - Land Use	1,971.00	12,802.50	40,000.00	27,197.50	32.01%
4100.330 Training and Seminars	750.00	0.00	0.00	0.00	0.00%
4100.360 Web Page Development/Maintenance	6,323.92	1,366.96	15,000.00	13,633.04	9.11%
4100.370 Software/Streaming	18,745.98	16,026.63	17,000.00	973.37	94.27%
4100.380 Internet Connections	5,990.94	1,024.63	5,500.00	4,475.37	18.63%
4100.390 Payroll Processing Fees	504.00	169.00	0.00	(169.00)	0.00%
4100.420 Contributions/Special Events	78,500.00	0.00	90,000.00	90,000.00	0.00%
4100.510 Insurance	25,960.79	24,697.28	40,000.00	15,302.72	61.74%
4100.520 Workers Comp Insurance	0.00	2,086.21	8,500.00	6,413.79	24.54%
4100.590 Postage	7,693.10	7,608.03	5,000.00	(2,608.03)	152.16%
4100.600 Professional and Technical	1,980.00	1,000.00	7,500.00	6,500.00	13.33%
4100.621 Victim Critical Needs	0.00	0.00	25,000.00	25,000.00	0.00%
4100.635 Election Support Services	0.00	3,000.00	84,341.00	81,341.00	3.56%
4100.640 Grant Related	20,547.09	0.00	0.00	0.00	0.00%
4100.650 SL (Client) County Support Services	87.07	0.00	50,000.00	50,000.00	0.00%
4100.750 Non-Cap Improvements	1,012.50	22,712.00	25,000.00	2,288.00	90.85%
4100.760 Christmas on 54th Decorations & Lights	64.34	0.00	8,000.00	8,000.00	0.00%
4100.860 Code Enforcement Mitigation	7,469.86	431.25	50,000.00	49,568.75	0.86%
4100.870 Rent	6,817.92	1,704.48	135,000.00	133,295.52	1.26%
4100.880 Non-Classified Expenses	0.00	1,420.81	5,000.00	3,579.19	28.42%
<b>Total Administration</b>	<b>515,281.46</b>	<b>202,203.33</b>	<b>1,221,141.00</b>	<b>1,018,937.67</b>	<b>16.56%</b>
<b>COVID Related Expenses</b>					
4100.243 ARPA Act Expense and Supplies	0.00	0.00	2,631,285.00	2,631,285.00	0.00%
<b>Total COVID Related Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>2,631,285.00</b>	<b>2,631,285.00</b>	<b>0.00%</b>
<b>Transfers</b>					
4100.928 Contribution to General Fund	9,878,196.49	2,288,111.92	9,445,000.00	7,156,888.08	24.23%
4100.932 Contribution to Kearns Restricted Capital F	302,000.00	73,000.00	0.00	(73,000.00)	0.00%
48450.001 Operational Transfers out	2,828.09	0.00	0.00	0.00	0.00%
<b>Total Transfers</b>	<b>10,183,024.58</b>	<b>2,361,111.92</b>	<b>9,445,000.00</b>	<b>7,083,888.08</b>	<b>25.00%</b>
<b>Total Expenditures:</b>	<b>10,698,306.04</b>	<b>2,563,315.25</b>	<b>13,297,426.00</b>	<b>10,734,110.75</b>	<b>19.28%</b>
<b>Total Change In Net Position</b>	<b>568,080.54</b>	<b>1,020,937.67</b>	<b>0.00</b>	<b>(1,020,937.67)</b>	<b>0.00%</b>

**Greater Salt Lake Municipal Services District**

Standard Financial Report

52 Kearns Beer Tax Special Fund - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

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	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Intergovernmental revenue</b>					
<b>State liquor fund</b>					
3100.580 State Liquor Fund Allotment	61,156.89	0.00	30,000.00	30,000.00	0.00%
<b>Total State liquor fund</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Intergovernmental revenue</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Revenue:</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Expenditures:</b>					
<b>Administration</b>					
4100.850 Beer Funds	61,156.89	0.00	30,000.00	30,000.00	0.00%
<b>Total Administration</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Expenditures:</b>	<b>61,156.89</b>	<b>0.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	<b>0.00%</b>
<b>Total Change In Net Position</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**54 City of Kearns Community Reinvestment Agency - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025</b> <b>Year-End</b> <b>Actual</b>	<b>2026</b> <b>YTD</b> <b>Actual</b>
<b>Net Position</b>		
<b>Assets:</b>		
<b>Current Assets</b>		
<b>Cash and cash equivalents</b>		
10100 Cash - Zions Checking	510.00	0.00
<b>Total Cash and cash equivalents</b>	<b>510.00</b>	<b>0.00</b>
<b>Total Current Assets</b>	<b>510.00</b>	<b>0.00</b>
<b>Total Assets:</b>	<b>510.00</b>	<b>0.00</b>
<b>Liabilities and Fund Equity:</b>		
<b>Liabilities:</b>		
<b>Current liabilities</b>		
21000 Accounts Payable	510.00	0.00
24000 Due to Other Funds	510.00	2,340.00
<b>Total Current Liabilities</b>	<b>1,020.00</b>	<b>2,340.00</b>
<b>Total Liabilities:</b>	<b>1,020.00</b>	<b>2,340.00</b>
<b>Equity - Fund Balance</b>		
29000 Unassigned Net Position (Fund Bal)	(510.00)	(2,340.00)
<b>Total Equity - Fund Balance</b>	<b>(510.00)</b>	<b>(2,340.00)</b>
<b>Total Liabilities and Fund Equity:</b>	<b>510.00</b>	<b>0.00</b>
<b>Total Net Position</b>	<b>0.00</b>	<b>0.00</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**54 City of Kearns Community Reinvestment Agency - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025 Year-End Actual</b>	<b>2026 YTD Actual</b>	<b>2026 Budget</b>	<b>Unearned/ Unused Budget</b>	<b>% Earned/ Used</b>
<b>Change In Net Position</b>					
<b>Expenditures:</b>					
<b>Administration</b>					
4100.310.000 General - Attorney-Civil	510.00	1,830.00	0.00	(1,830.00)	0.00%
<b>Total Administration</b>	<b>510.00</b>	<b>1,830.00</b>	<b>0.00</b>	<b>(1,830.00)</b>	<b>0.00%</b>
<b>Total Expenditures:</b>					
<b>Total Change In Net Position</b>	<b>(510.00)</b>	<b>(1,830.00)</b>	<b>0.00</b>	<b>1,830.00</b>	<b>0.00%</b>

**Greater Salt Lake Municipal Services District**  
**Standard Financial Report**  
**55 Kearns Council Designated Fund - 07/01/2025 to 09/30/2025**  
**25.00% of the fiscal year has expired**

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	<b>2025</b> <b>Year-End</b> <b>Actual</b>	<b>2026</b> <b>YTD</b> <b>Actual</b>
<b>Net Position</b>		
<b>Assets:</b>		
<b>Current Assets</b>		
<b>Cash and cash equivalents</b>		
10101 Cash - Zions CARES	2,828.09	2,828.09
10200 Cash - PTIF	238,422.63	505,703.00
10202 Cash - PTIF 9074 CARES	746,187.08	340,936.74
10750 Undeposited Receipts	(0.01)	(0.01)
<b>Total Cash and cash equivalents</b>	<b>987,437.79</b>	<b>849,467.82</b>
<b>Receivables</b>		
12500 Due From Other Gov.	154,431.59	163,144.55
<b>Total Receivables</b>	<b>154,431.59</b>	<b>163,144.55</b>
<b>Total Current Assets</b>	<b>1,141,869.38</b>	<b>1,012,612.37</b>
<b>Total Assets:</b>	<b>1,141,869.38</b>	<b>1,012,612.37</b>
<b>Liabilities and Fund Equity:</b>		
<b>Liabilities:</b>		
<b>Current liabilities</b>		
21000 Accounts Payable	494,288.00	0.00
<b>Total Current liabilities</b>	<b>494,288.00</b>	<b>0.00</b>
<b>Deferred revenue</b>		
23455 CARES2 Deferred Revenue	258,120.71	235,620.71
<b>Total Deferred revenue</b>	<b>258,120.71</b>	<b>235,620.71</b>
<b>Total Liabilities:</b>	<b>752,408.71</b>	<b>235,620.71</b>
<b>Equity - Fund Balance</b>		
29000 Unassigned Net Position (Fund Bal)	389,460.67	776,991.66
<b>Total Equity - Fund Balance</b>	<b>389,460.67</b>	<b>776,991.66</b>
<b>Total Liabilities and Fund Equity:</b>	<b>1,141,869.38</b>	<b>1,012,612.37</b>
<b>Total Net Position</b>	<b>0.00</b>	<b>0.00</b>

# Greater Salt Lake Municipal Services District

## Standard Financial Report

55 Kearns Council Designated Fund - 07/01/2025 to 09/30/2025

25.00% of the fiscal year has expired

	2025 Year-End Actual	2026 YTD Actual	2026 Budget	Unearned/ Unused Budget	% Earned/ Used
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Taxes</b>					
<b>MET Taxes</b>					
3100.111 MET-Municipal Energy	3,072.68	57.52	0.00	(57.52)	0.00%
3100.112 MET-Municipal Telecom	55,240.50	18,287.25	60,000.00	41,712.75	30.48%
3100.113 MET-Pacificorp/Rocky Mtn Power	271,348.65	311,831.20	600,000.00	288,168.80	51.97%
3100.114 MET-Questar Gas/Dominion Energy	391,618.88	34,751.87	720,000.00	685,248.13	4.83%
<b>Total MET Taxes</b>	<b>721,280.71</b>	<b>364,927.84</b>	<b>1,380,000.00</b>	<b>1,015,072.16</b>	<b>26.44%</b>
<b>Franchise Taxes</b>					
3100.401 Google Franchise Fee	77,303.00	15,000.00	30,000.00	15,000.00	50.00%
<b>Total Franchise Taxes</b>	<b>77,303.00</b>	<b>15,000.00</b>	<b>30,000.00</b>	<b>15,000.00</b>	<b>50.00%</b>
<b>Total Taxes</b>	<b>798,583.71</b>	<b>379,927.84</b>	<b>1,410,000.00</b>	<b>1,030,072.16</b>	<b>26.95%</b>
<b>Intergovernmental revenue</b>					
<b>Road Funds</b>					
3100.561 HB244 Corridor Preservation Funds	0.00	0.00	300,000.00	300,000.00	0.00%
<b>Total Road Funds</b>	<b>0.00</b>	<b>0.00</b>	<b>300,000.00</b>	<b>300,000.00</b>	<b>0.00%</b>
<b>CARES Act</b>					
3100.322 ARPA	82,130.00	0.00	0.00	0.00	0.00%
3100.323 CARES2	623,691.70	22,500.00	0.00	(22,500.00)	0.00%
<b>Total CARES Act</b>	<b>705,821.70</b>	<b>22,500.00</b>	<b>0.00</b>	<b>(22,500.00)</b>	<b>0.00%</b>
<b>Total Intergovernmental revenue</b>	<b>705,821.70</b>	<b>22,500.00</b>	<b>300,000.00</b>	<b>277,500.00</b>	<b>7.50%</b>
<b>Miscellaneous revenue</b>					
<b>Interest</b>					
3600.100 Interest Earnings	81,946.53	10,603.15	42,000.00	31,396.85	25.25%
<b>Total Interest</b>	<b>81,946.53</b>	<b>10,603.15</b>	<b>42,000.00</b>	<b>31,396.85</b>	<b>25.25%</b>
<b>Total Miscellaneous revenue</b>	<b>81,946.53</b>	<b>10,603.15</b>	<b>42,000.00</b>	<b>31,396.85</b>	<b>25.25%</b>
<b>Contributions and transfers</b>					
3100.001 Operating transfers in	2,828.09	0.00	0.00	0.00	0.00%
<b>Total Contributions and transfers</b>	<b>2,828.09</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>Total Revenue:</b>	<b>1,589,180.03</b>	<b>413,030.99</b>	<b>1,752,000.00</b>	<b>1,338,969.01</b>	<b>23.57%</b>
<b>Expenditures:</b>					
<b>Administration</b>					
4100.420 Contributions/Special Events	0.00	3,000.00	0.00	(3,000.00)	0.00%
<b>Total Administration</b>	<b>0.00</b>	<b>3,000.00</b>	<b>0.00</b>	<b>(3,000.00)</b>	<b>0.00%</b>
<b>Professional services</b>					
4100.623 Public Safety	493,897.66	0.00	25,000.00	25,000.00	0.00%
<b>Total Professional services</b>	<b>493,897.66</b>	<b>0.00</b>	<b>25,000.00</b>	<b>25,000.00</b>	<b>0.00%</b>
<b>COVID Related Expenses</b>					
4100.242 CARES 2 Expense and Supplies	623,691.70	22,500.00	0.00	(22,500.00)	0.00%
4100.243 ARPA Act Expense and Supplies	82,130.00	0.00	0.00	0.00	0.00%
<b>Total COVID Related Expenses</b>	<b>705,821.70</b>	<b>22,500.00</b>	<b>0.00</b>	<b>(22,500.00)</b>	<b>0.00%</b>
<b>Total Expenditures:</b>	<b>1,199,719.36</b>	<b>25,500.00</b>	<b>25,000.00</b>	<b>(500.00)</b>	<b>102.00%</b>
<b>Total Change In Net Position</b>	<b>389,460.67</b>	<b>387,530.99</b>	<b>1,727,000.00</b>	<b>1,339,469.01</b>	<b>22.44%</b>

## Waiver of Potential Conflict of Interest

The law firm of Smith Hartvigsen, PLLC, (“**Firm**”), and particularly Nathan S. Bracken, serves as the city attorney for the City of Kearns (“**Kearns**”). Mr. Bracken and Smith Hartvigsen, PLLC, also represent the Magna Mosquito Abatement District (the “**District**”) and provide legal advice to the District on a variety of issues. Kearns and the District are collectively referred to herein as the “**Parties**.”

The District currently provides mosquito abatement services to a portion of Kearns, while the South Salt Lake Valley Mosquito Abatement District (“**SLVMD**”) provides such services to the remaining portions of Kearns. The Parties are interested in explore the possibility of adjusting the District’s common boundary with SLVMD and taking other steps that may be needed for the District to provide mosquito abatement services for all of Kearns. The Parties have asked Mr. Bracken and the Firm to jointly advise and represent them with respect to this potential boundary adjustment process, including but not limited to any negotiations with SLVMD and any annexations that may be required to adjust the District’s boundaries to include all of Kearns

The undersigned hereby acknowledge that the Firm has informed the Parties of the Firm’s representation of each Party. The Parties also affirm that they have each been afforded the opportunity to seek independent legal counsel concerning the implications of such representation and of the risks involved with the Firm’s continued representation of them in light of the potential conflicts of interest. The Parties each also acknowledge that they have not currently asserted any claims against the other in any jurisdiction or forum.

Based on these acknowledgments and pursuant to Rule 13-1.07(b)(4) of the Utah Rules of Professional Conduct, the Firm reasonably believes that it can provide competent and diligent concurrent representation to the Parties because the Parties’ interests in the above- described matter are aligned and are not adverse to each other at the present time. The Firm further believes that such representation is not prohibited by law and does not currently involve the assertion of a claim by one client against another in the same litigation or other proceeding before a tribunal.

The undersigned, on behalf of Kearns and the District, give their informed consent confirmed by this document that they waive any potential conflict that may arise or exist with respect to the Firm’s concurrent representation of both Parties in the above-described matter. Provided, however, that the Parties understand that if claims arise between the Parties, the Firm may be unable to continue its concurrent representation of the Parties relating to such claims or related issues if the concurrent representation would be: (i) directly adverse to one or both Parties; and (ii) there is significant risk that the Firm’s concurrent representation of both Parties would be materially limited by the Firm’s responsibilities to one or both of the Parties.

This Waiver of Potential Conflict of Interest may be executed in counterparts.

**The City of Kearns**

\_\_\_\_\_  
By: Kelly Bush  
Its: Mayor

Dated: \_\_\_\_\_

**Magna Mosquito Abatement District**

\_\_\_\_\_  
By: Ryan Lusty  
Its: Manager

Dated: \_\_\_\_\_



# FAQ: House Bill 48-Wildland Urban Interface Modifications

## HB 48 Public Meeting Information

### Overview

**House Bill 48 (HB 48), titled “Wildland Urban Interface Modifications,”** was passed during the 2025 General Legislative Session in Utah. HB 48’s primary intent is to increase awareness of wildfire risk and encourage property owners to share the responsibility of reducing that risk in the wildland urban interface (WUI). The bill implements individual lot assessments in the high-risk WUI area that will provide risk mitigation strategies to property owners. A property fee will help support these assessments.

This bill also mandates property insurers to use the State’s high-risk boundary when evaluating a property for wildfire risk and if raising rates by 20% or more or dropping coverage, to provide justification, if the adjustment is appealed by the property owner.

## General Questions

**What is HB 48?** HB 48 is a Utah law aimed at mitigating wildfire risks in areas where homes and wildland meet (the WUI). It introduces:

- Homeowner education
- Lot (triage) assessments
- Risk-based fees
- Defensible space and home-hardening requirements

**Why was HB 48 introduced?** Due to the increasing frequency and severity of wildfires, HB 48 was created to proactively protect communities and increase awareness of wildfire risk in the WUI.

**When did HB 48 become law?** March 3, 2025.

**When does it take effect?** January 1, 2026.

**Where can I read the bill?** [Visit the Utah Legislature's Website.](#)

**Who can I contact with questions?** Contact the Utah Division of Forestry, Fire, and State Lands.

## Definitions & Scope

**What is the Wildland Urban Interface (WUI)?** Areas where development meets or intermingles with wildland. These zones are more prone to wildfires and require specific safety measures and mitigation strategies.

**How is the High-Risk WUI boundary defined?** FFSL is currently developing a new high-risk WUI boundary, which considers:

- Proximity to wildland vegetation
- Wildfire likelihood and intensity of potential wildfire in the area
- Ember travel risk
- Distance to other structures

Individual lot assessments will offer a more accurate picture by evaluating conditions directly on the ground.

### WUI Zone vs. High-Risk WUI Boundary

**Are USFS/BLM lands included?** The model considers surrounding vegetation and topography (fuelscape), which includes adjacent public lands.

## Roles & Responsibilities

### Utah Division of Forestry, Fire, and State Lands

- Creates the high-risk WUI map
- Sets the fees for structures in the high-risk WUI

- Sets triage standards for lot assessments
- Develops administrative rules
- Maintains the UWRAP portal and database which is where the high-risk boundary will be viewable when it is finalized, beginning January 1, 2026.
- Conducts lot assessments as requested by property owners

## Counties

- Collect fees based on statewide assessment of high-risk WUI properties.
- Adopt/enforce the WUI Code
- Define and map local WUI zones
- Conduct mitigation or lot assessments (if agreed to with the state)

## Cities

- Adopt/enforce the WUI Code
- Define and map local WUI zones in coordination with counties

## Homeowners

- Understand and mitigate wildfire risk
- Create defensible space
- Harden homes against wildfire

# Fees & Assessments

## What is the fee?

- **2026–2027:** Flat fee based on square footage of structures for all properties
- **2028 onward:** Fee based on triage assessment and square footage of structure size.

**Can I opt out of the assessment?** Yes. However, you will be charged the highest fee and considered to be at the highest risk. Alternatively, you may hire a certified private assessor certified by FFSL standards. Assessments are not legally required.

**Can I appeal the fee?** Yes. The appeals process will be defined in administrative rules.

**What is the fee used for?** Fees go into the Utah Wildfire Fund to:

- Cover the costs of implementing this law, primarily the costs associated with performing lot assessments

**Will the fee cover all wildfire suppression costs?** No. Refer to the “What is the fee used for?” question.

## Assessments & Risk Reduction

**What is a triage score?** A wildfire risk score based on:

- Vegetation within the defensible space area of the structure
- Construction elements that impact survivability during a wildfire

**How can homeowners reduce their fees?**

- Complete mitigation actions specified in their lot assessment
- Use fire-resistant materials and techniques

**I had an assessment done before. Can I use it?** No. Only assessments by certified assessors under FSSL’s standards will be valid.

**Is training available before the 2026 deadline?** Yes. [Firewise USA](#) offers guidance. Official standards and training are under development.

## Insurance & Impacts

**How will this affect insurance?** HB 48 requires:

- Insurers to use the new high-risk WUI Boundary that is under development
- Disclosure when premiums rise >20% or coverage is discontinued
- Sharing of triage data with insurers and homeowners

## Preparedness Checklist

### Assess Your Risk

- Check your risk: [wildfirerisk.utah.gov](#). The high-risk boundary will be viewable here when it is finalized, beginning January 1, 2026.
- Visit [Firewise.org](#) for homeowner mitigation steps

### Protect Your Home

- Use fire-resistant materials
- Create defensible space

- Maintain roofs, gutters, and landscape

## Lower Your Costs

- Complete mitigation recommendations
- Keep triage score low
- Review insurance annually

## Stay Ready

- Make an evacuation plan
- Sign up for alerts
- Attend fire safety events

## Additional FAQs

**Who pays for home mitigation or hardening?** The homeowner. Some grants may become available in the future.

**Is there a grant program in HB 48?** No, not currently.

**How will homeowners be informed?** Through public outreach, a dedicated website (in development), and local governments.

**Can fire departments participate in triage training?** Yes, once standards are finalized.

**Are Fire Districts responsible for informing councils?** Yes. Districts should engage with city councils to ensure WUI Code adoption by Jan 1, 2026.

**What buildings are included?** All structures within the high-risk WUI boundary.

**What is the Utah WUI Code?** Fire safety building and landscaping standards for WUI areas. Must be adopted and enforced by cities/counties by Jan 1, 2026.

**Request more information**

## Wildland Urban Interface Modifications

## 2025 GENERAL SESSION

STATE OF UTAH

## **Chief Sponsor: Casey Snider**

Senate Sponsor: Michael K. McKell

## LONG TITLE

### **General Description:**

This bill addresses efforts to oversee wildfire risks associated with wildland urban interface property.

## Highlighted Provisions:

This bill:

- defines terms;
- requires counties to take certain actions related to wildland urban interface property, including assessing a fee;
- directs the fee to be retained by a county and deposited into the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund;
- addresses insuring wildland urban interface property;
- imposes notice requirements related to insuring wildland urban interface property;
- requires counties and municipalities to adopt the wildland urban interface building code standards;
- permits the Division of Forestry, Fire, and State Lands (division) to choose not to cover parts of local governments under certain circumstances;
- directs the division to establish a program for wildland urban interface coordinators to evaluate, using a triage scale, high risk wildland urban interface property;
- addresses actions related to evaluating the high risk wildland urban interface property;
- provides for a database to be accessed by certain insurers related to evaluating high risk wildland urban interface property;
- authorizes rulemaking;
- addresses liability; and
- makes technical changes.

28 **Money Appropriated in this Bill:**

29       None

30 **Other Special Clauses:**

31       This bill provides a special effective date.

32 **Utah Code Sections Affected:**33 **AMENDS:**34       **15A-5-203**, as last amended by Laws of Utah 2024, Chapters 21, 38135       **63G-7-201**, as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and  
36       45637       **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 7738       **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 7739 **ENACTS:**40       **17-16-22**, Utah Code Annotated 195341       **31A-22-1310**, Utah Code Annotated 195342       **65A-8-401**, Utah Code Annotated 195343       **65A-8-402**, Utah Code Annotated 195344       **65A-8-403**, Utah Code Annotated 195346 *Be it enacted by the Legislature of the state of Utah:*47       Section 1. Section **15A-5-203** is amended to read:48       **15A-5-203 . Amendments and additions to IFC related to fire safety, building,  
49 and site requirements.**

50       (1) For IFC, Chapter 5, Fire Service Features:

51       (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as  
52       follows: "An authority having jurisdiction over a structure built in accordance with  
53       the requirements of the International Residential Code as adopted in the State  
54       Construction Code, may require an automatic fire sprinkler system for the structure  
55       only by ordinance and only if any of the following conditions exist:  
56       (i) the structure:57       (A) is located in an urban-wildland interface area as provided in the Utah  
58       Wildland Urban Interface Code adopted as a construction code under the State  
59       Construction Code; and60       (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203  
61       (4)[(a)] (f) and Utah Administrative Code, R652-122-1300, Minimum

## Standards for County Wildland Fire Ordinance;

- (ii) the structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design;
- (iii) the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet;
- (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit exceeds 10,000 square feet; or
- (v) the total floor area of all floor levels within the exterior walls of the dwelling unit is double the average of the total floor area of all floor levels of unsprinkled homes in the subdivision that are no larger than 10,000 square feet.
- (vi) Exception: A single family dwelling does not require a fire sprinkler system if the dwelling:
  - (A) is located outside the wildland urban interface;
  - (B) is built in a one-lot subdivision; and
  - (C) has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property."

(b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as follows: "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official, after consultation with the building owner, may require a key box to be installed in an approved location. The key box shall contain keys to gain necessary access as required by the fire code official. For each fire jurisdiction that has at least one building with a required key box, the fire jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that creates a process to ensure that each key to each key box is properly accounted for and secure."

(c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling when the authority having jurisdiction over the dwelling determines that the development of a full fire-flow requirement is impractical."

(d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:

"507.1.2 Pre-existing subdivision lots

The requirements for a pre-existing subdivision lot shall not exceed the requirements

96 described in Section 501.5."

97 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One  
98 interior and one detached accessory dwelling unit on a single residential lot."

99 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in  
100 new buildings, is amended by adding: "When required by the fire code official,  
101 unless the new building is a public school as that term is defined in Section  
102 53G-9-205.1 or a private school, then the fire code official shall require," at the  
103 beginning of the first paragraph.

104 (2) For IFC, Chapter 6, Building Services and Systems:

105 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as  
106 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key  
107 box or similar box with corresponding key system that is adjacent to the elevator for  
108 immediate use by the fire department. The key box shall contain one key for each  
109 elevator, one key for lobby control, and any other keys necessary for emergency  
110 service. The elevator key box shall be accessed using a 6049 numbered key."

111 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after  
112 the word "Code", add the words "and NFPA 96".

113 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1  
114 hood is not required for a cooking appliance in a microenterprise home kitchen, as  
115 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains  
116 a permit in accordance with Section 26B-7-416."

117 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.

118 Section 2. Section **17-16-22** is enacted to read:

119 **17-16-22 . Wildland urban interface evaluation and fees.**

120 (1) As used in this section:

121 (a) "County officer" means the same as that term is defined in Section 17-16-21.

122 (b) "High risk wildland urban interface property" means the same as that term is defined  
123 in Section 65A-8-401.

124 (c) "Wildland urban interface" means the same as that term is defined in Section  
125 65A-8-401.

126 (d) "Wildland urban interface coordinator" means the same as that term is defined in  
127 Section 65A-8-401.

128 (2) If evaluation of high risk wildland urban interface property is assigned to a county under  
129 Section 65A-8-402:

130 (a) the county shall enter into a cooperative agreement with the Division of Forestry,  
131 Fire, and State Lands, in accordance with Subsection 65A-8-203(2)(a), which  
132 agreement shall address compliance with this Subsection (2) for evaluation and  
133 classification of high risk wildland urban interface property; and  
134 (b) a county officer shall require that a wildland urban interface coordinator representing  
135 the county annually evaluate high risk wildland urban interface property within the  
136 county in accordance with Section 65A-8-402.

137 (3) Beginning January 1, 2026, a county officer shall:

138 (a) annually assess a fee:  
139 (i) against the property owner of high risk wildland urban interface property within  
140 the incorporated and unincorporated portions of the county; and  
141 (ii) in the amount set by the Division of Forestry, Fire, and State Lands under Section  
142 65A-8-402; and  
143 (b)(i) after retaining a portion of the fee under Subsection (3)(b)(ii), transmit the fee  
144 assessed under Subsection (3)(a) to the Division of Forestry, Fire, and State Lands  
145 for deposit into the Wildland-urban Interface Prevention, Preparedness, and  
146 Mitigation Fund created in Section 65A-8-215; and  
147 (ii) retain that portion of the fee assessed under Subsection (3)(a) necessary to pay  
148 costs incurred by the county in implementing this section, which the county may  
149 include in the county's annual accounting of wildfire prevention, preparedness,  
150 mitigation actions, and associated costs for purposes of Subsection  
151 65A-8-203(4)(c).

152 (4) A county may hold a political subdivision lien on high risk wildland urban interface  
153 property for a fee that is past due by following the procedures in Sections 17B-1-902  
154 and 17B-1-902.1, as if the county is a special district.

155 Section 3. Section **31A-22-1310** is enacted to read:

156 **31A-22-1310 . Insuring wildland urban interface property.**

157 (1) As used in this section:

158 (a) "High risk wildland urban interface property" means the same as that term is defined  
159 in Section 65A-8-401.  
160 (b) "Wildland urban interface" means the same as that term is defined in Section  
161 65A-8-401.  
162 (c) "Wildland urban interface property and casualty insurer" means an insurer that issues  
163 property or casualty insurance for wildland urban interface property.

164 (2)(a) For purposes of determining whether property is high risk wildland urban  
165 interface property, a wildland urban interface property and casualty insurer may only  
166 use the boundary provided in the wildfire risk assessment mapping tool maintained  
167 by the Division of Forestry, Fire, and State Lands in accordance with Subsection  
168 65A-8-203(8) to determine whether the property is high risk wildland urban interface  
169 property.

170 (b) A wildland urban interface property and casualty insurer may use additional fire  
171 hazard data, beyond the wildfire risk assessment mapping tool described in  
172 Subsection (2)(a), in connection with setting a rate for, or the underwriting of, high  
173 risk wildland urban interface property if the wildland urban interface property and  
174 casualty insurer's use of additional fire hazard data is in compliance with:  
175 (i) the boundary determination made in Subsection (2)(a); and  
176 (ii) this title and department rules made in accordance with Title 63G, Chapter 3,  
177 Utah Administrative Rulemaking Act.

178 (c) If a property is determined not to be high risk wildland urban interface in accordance  
179 with Subsection (2)(a), this Subsection (2) does not apply to the use of fire hazard  
180 data in connection with rate setting or underwriting of the property.

181 (d) This Subsection (2) does not restrict the use of data or underwriting tools in  
182 determining risks that are unrelated to fire risk.

183 (3)(a) If an owner of property located within the wildland urban interface files a  
184 complaint with the department asserting that a wildland urban interface property and  
185 casualty insurer has violated, or is violating, this section, the department may  
186 investigate the wildland urban interface property and casualty insurer to determine  
187 whether a violation has occurred or is occurring.

188 (b) If after an investigation under this Subsection (3) the department finds that a  
189 wildland urban interface property and casualty insurer has violated or is violating this  
190 section, the department may:  
191 (i) issue prohibitory, mandatory, and other orders as necessary to secure compliance  
192 with this section; and  
193 (ii) impose penalties against the wildland urban interface property and casualty  
194 insurer in accordance with Section 31A-2-308.

195 (4) In addition to complying with relevant requirements of Section 31A-21-303, if due to  
196 risks of wildfire a wildland urban interface property and casualty insurer:  
197 (a) cancels or nonrenews property and casualty insurance covering wildland urban

198 interface property, the wildland urban interface property and casualty insurer shall  
199 include in the notice of cancellation or nonrenewal the facts on which the wildland  
200 urban interface property and casualty insurer's decision is based with reasonable  
201 precision; and

202 (b) increases the premium by more than 20% of the previous term's premium for  
203 property and casualty insurance covering wildland urban interface property, after  
204 receipt of a request for the information by the insured the wildland urban interface  
205 property and casualty insurer shall provide the insured the facts on which the  
206 wildland urban interface property and casualty insurer's decision is based with  
207 reasonable precision.

208 (5) Subsections (1) through (4) apply on and after January 1, 2026.

209 (6) This section does not:

210 (a) create a cause of action for an act or failure to act under this section against:  
211 (i) the state;  
212 (ii) the department;  
213 (iii) the Division of Forestry, Fire, and State Lands;  
214 (iv) an officer, consultant, or employee of the department or Division of Forestry,  
215 Fire, and State Lands;  
216 (v) a wildland urban interface coordinator, as defined in Section 65A-8-401; or  
217 (vi) a county;  
218 (b) waive governmental immunity in accordance with Subsection 63G-7-201(5); or  
219 (c) create a cause of action against a wildland urban interface property and casualty  
220 insurer for use in accordance with Subsection (2)(a) of the boundary provided in the  
221 wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire,  
222 and State Lands in accordance with Subsection 65A-8-203(8).

223 Section 4. Section **63G-7-201** is amended to read:

224 **63G-7-201 . Immunity of governmental entities and employees from suit.**

225 (1) Except as otherwise provided in this chapter, each governmental entity and each  
226 employee of a governmental entity are immune from suit for any injury that results from  
227 the exercise of a governmental function.  
228 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a  
229 governmental entity, its officers, and its employees are immune from suit:  
230 (a) as provided in Section 78B-4-517; and  
231 (b) for any injury or damage resulting from the implementation of or the failure to

232 implement measures to:

233 (i) control the causes of epidemic and communicable diseases and other conditions  
234 significantly affecting the public health or necessary to protect the public health as  
235 set out in Title 26A, Chapter 1, Local Health Departments;

236 (ii) investigate and control suspected bioterrorism and disease as set out in Sections  
237 26B-7-316 through 26B-7-324;

238 (iii) respond to a national, state, or local emergency, a public health emergency as  
239 defined in Section 26B-7-301, or a declaration by the President of the United  
240 States or other federal official requesting public health related activities, including  
241 the use, provision, operation, and management of:

242 (A) an emergency shelter;

243 (B) housing;

244 (C) a staging place; or

245 (D) a medical facility; and

246 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health  
247 care providers, public health entities, and health care insurers to coordinate among  
248 themselves to verify the identity of the individuals they serve.

249 (3)(a) A governmental entity, its officers, and its employees are immune from suit, and  
250 immunity is not waived, for any injury if the injury arises out of or in connection  
251 with, or results from:

252 (i) a latent dangerous or latent defective condition of:

253 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,  
254 or viaduct; or

255 (B) another structure located on any of the items listed in this Subsection (3)(a)(i);  
256 or

257 (ii) a latent dangerous or latent defective condition of any public building, structure,  
258 dam, reservoir, or other public improvement.

259 (b)(i) As used in this Subsection (3)(b):

260 (A) "Contaminated land" means the same as that term is defined in Section  
261 11-58-102.

262 (B) "Contamination" means the condition of land that results from the placement,  
263 disposal, or release of hazardous matter on, in, or under the land, including any  
264 seeping or escaping of the hazardous matter from the land.

265 (C) "Damage" means any property damage, personal injury, or other injury or any

266 loss of any kind, however denominated.

267 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of  
268 completion from the Department of Environmental Quality under Section  
269 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter  
270 8, Voluntary Cleanup Program, obtaining an administrative letter from the  
271 Department of Environmental Quality for a discrete phase of a voluntary  
272 cleanup that is conducted under a remedial action plan as defined in Section  
273 11-58-605, or complying with the terms of an environmental covenant, as  
274 defined in Section 57-25-102, signed by an agency, as defined in Section  
275 57-25-102, and duly recorded in the office of the recorder of the county in  
276 which the contaminated land is located.

277 (E) "Government owner" means a governmental entity, including an independent  
278 entity, as defined in Section 63E-1-102, that acquires an ownership interest in  
279 land that was contaminated land before the governmental entity or independent  
280 entity acquired an ownership interest in the land.

281 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,  
282 hazardous substances, as defined in Section 19-6-302, or landfill material, as  
283 defined in Section 11-58-102.

284 (G) "Remediation" means the same as that term is defined in Section 11-58-102.

285 (ii)(A) A government owner and the government owner's officers and employees  
286 are immune from suit, and immunity is not waived, for any claim for damage  
287 that arises out of or in connection with, or results from, contamination of  
288 contaminated land.

289 (B) A government owner's ownership of contaminated land may not be the basis  
290 of a claim against the government owner for damage that arises out of or in  
291 connection with, or results from, contamination of contaminated land.

292 (iii) Subsection (3)(b)(ii) does not limit or affect:

293 (A) the liability of a person that placed, disposed of, or released hazardous matter  
294 on, in, or under the land; or  
295 (B) a worker compensation claim of an employee of an entity that conducts work  
296 on or related to contaminated land.

297 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's  
298 remediation of contaminated land if the government owner is environmentally  
299 compliant.

300 (4) A governmental entity, its officers, and its employees are immune from suit, and  
301 immunity is not waived, for any injury proximately caused by a negligent act or  
302 omission of an employee committed within the scope of employment, if the injury arises  
303 out of or in connection with, or results from:

304 (a) the exercise or performance, or the failure to exercise or perform, a discretionary  
305 function, whether or not the discretion is abused;

306 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,  
307 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of  
308 process, libel, slander, deceit, interference with contract rights, infliction of mental  
309 anguish, or violation of civil rights;

310 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,  
311 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar  
312 authorization;

313 (d) a failure to make an inspection or making an inadequate or negligent inspection;

314 (e) the institution or prosecution of any judicial or administrative proceeding, even if  
315 malicious or without probable cause;

316 (f) a misrepresentation by an employee whether or not the misrepresentation is negligent  
317 or intentional;

318 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

319 (h) the collection or assessment of taxes;

320 (i) an activity of the Utah National Guard;

321 (j) the incarceration of a person in a state prison, county or city jail, or other place of  
322 legal confinement;

323 (k) a natural condition on publicly owned or controlled land;

324 (l) a condition existing in connection with an abandoned mine or mining operation;

325 (m) an activity authorized by the School and Institutional Trust Lands Administration or  
326 the Division of Forestry, Fire, and State Lands;

327 (n) the operation or existence of a trail that is along a water facility, as defined in Section  
328 73-1-8, stream, or river, regardless of ownership or operation of the water facility,  
329 stream, or river, if:

330 (i) the trail is designated under a general plan adopted by a municipality under  
331 Section 10-9a-401 or by a county under Section 17-27a-401;

332 (ii) the trail right-of-way or the right-of-way where the trail is located is open to  
333 public use as evidenced by a written agreement between:

334 (A) the owner or operator of the trail right-of-way or of the right-of-way where the  
335 trail is located; and

336 (B) the municipality or county where the trail is located; and

337 (iii) the written agreement:

338 (A) contains a plan for operation and maintenance of the trail; and

339 (B) provides that an owner or operator of the trail right-of-way or of the  
340 right-of-way where the trail is located has, at a minimum, the same level of  
341 immunity from suit as the governmental entity in connection with or resulting  
342 from the use of the trail;

343 (o) research or implementation of cloud management or seeding for the clearing of fog;

344 (p) the management of flood waters, earthquakes, or natural disasters;

345 (q) the construction, repair, or operation of flood or storm systems;

346 (r) the operation of an emergency vehicle, while being driven in accordance with the  
347 requirements of Section 41-6a-212;

348 (s) the activity of:

349 (i) providing emergency medical assistance;

350 (ii) fighting fire;

351 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

352 (iv) an emergency evacuation;

353 (v) transporting or removing an injured person to a place where emergency medical  
354 assistance can be rendered or where the person can be transported by a licensed  
355 ambulance service; or

356 (vi) intervening during a dam emergency;

357 (t) the exercise or performance, or the failure to exercise or perform, any function  
358 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water  
359 Resources;

360 (u) an unauthorized access to government records, data, or electronic information  
361 systems by any person or entity;

362 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of  
363 a public or private road;

364 (w) a communication between employees of one or more law enforcement agencies  
365 related to the employment, disciplinary history, character, professional competence,  
366 or physical or mental health of a peace officer, or a former, current, or prospective  
367 employee of a law enforcement agency, including any communication made in

368 accordance with Section 53-14-103; or  
369 (x) providing or failing to provide information under Section 53-27-102 or Subsection  
370 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).

371 (5) The following are immune from suit, and immunity is not waived for an action or  
372 failure to act within the scope of duties or employment, if the injury arises out of, in  
373 connection with, or results from the implementation of Section 17-16-22 to the extent it  
374 addresses evaluating and classifying high risk wildland urban interface property, Section  
375 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:  
376 (a) the Division of Forestry, Fire, and State Lands;  
377 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;  
378 (c) a county;  
379 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;  
380 (e) the Insurance Department; or  
381 (f) an officer, employee, or consultant of the Insurance Department.

382 Section 5. Section **65A-8-203** is amended to read:

383 **65A-8-203 . Cooperative fire protection agreements with eligible entities.**

384 (1) As used in this section:  
385 (a) "Eligible entity" means:  
386 (i) a county, a municipality, or a special service district, special district, or service  
387 area with:  
388 (A) wildland fire suppression responsibility as described in Section 11-7-1; and  
389 (B) wildland fire suppression cost responsibility and taxing authority for a specific  
390 geographic jurisdiction; or  
391 (ii) upon approval by the director, a political subdivision established by a county,  
392 municipality, special service district, special district, or service area that is  
393 responsible for:  
394 (A) providing wildland fire suppression services; and  
395 (B) paying for the cost of wildland fire suppression services.  
396 (b) "Fire service provider" means a public or private entity that fulfills the duties of  
397 Subsection 11-7-1(1).  
398 (2)(a) The governing body of any eligible entity may enter into a cooperative agreement  
399 with the division to receive financial and wildfire management cooperation and  
400 assistance from the division, as described in this part.  
401 (b) A cooperative agreement shall last for a term of no more than five years and be

renewable if the eligible entity continues to meet the requirements of this chapter.

(3)(a) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in full compliance with, a cooperative agreement with the division, as described in this section.

(b) A county or municipality that is not covered by a cooperative agreement with the division, as described in this section, shall be responsible for wildland fire costs within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.

(4) To enter into a cooperative agreement with the division, the eligible entity shall:

[(a) if the eligible entity is a county, adopt and enforce on unincorporated land a wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission;]

[(b) require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity on unincorporated land meet minimum standards for wildland fire training, certification, and suppression equipment based upon nationally accepted standards as specified by the division;

[(c) (b) invest in prevention, preparedness, and mitigation efforts, as agreed to with the division, that will reduce the eligible entity's risk of catastrophic wildfire;

[(d) (c)(i) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;

(ii) meet the eligible entity's participation commitment by making direct payments to the division; or

(iii) do a combination of Subsections [(4)(d)(i) and (ii)] (4)(c)(i) and (ii);

[(e) (d) return the financial statement described in Subsection (6), signed by the chief executive of the eligible entity, to the division on or before the date set by the division;[ and]

[(f) (e) if the eligible entity is a county, have a designated fire warden as described in Section 65A-8-209.1[.];

(g) subject to Subsection (9), adopt and enforce the wildland urban interface building standards, as defined in Section 65A-8-401, if the eligible entity is a:

(i) county for purposes of an unincorporated area within the county; or

(ii) municipality for an incorporated area within a county; and

(g) if the eligible entity is a county, comply with Section 17-16-22.

(5)(a) The state forester may execute a cooperative agreement with the eligible entity.

436 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
437 Administrative Rulemaking Act, governing the:  
438 (i) cooperative agreements described in this section;  
439 (ii) manner in which an eligible entity shall provide proof of compliance with  
440 Subsection (4);  
441 (iii) manner by which the division may revoke a cooperative agreement if an eligible  
442 entity ceases to meet the requirements described in this section;  
443 (iv) accounting system for determining suppression costs;  
444 (v) manner in which the division shall determine the eligible entity's participation  
445 commitment; and  
446 (vi) manner in which an eligible entity may appeal a division determination.

447 (6)(a) The division shall send a financial statement to each eligible entity participating in  
448 a cooperative agreement that details the eligible entity's participation commitment for  
449 the coming fiscal year, including the prevention, preparedness, and mitigation actions  
450 agreed to under Subsection (4)[(e)] (b).

451 (b) Each eligible entity participating in a cooperative agreement shall:  
452 (i) have the chief executive of the eligible entity sign the financial statement, or the  
453 legislative body of the eligible entity approve the financial statement by  
454 resolution, confirming the eligible entity's participation for the upcoming year; and  
455 (ii) return the financial statement to the division, on or before a date set by the  
456 division.

457 (c) A financial statement shall be effective for one calendar year, beginning on the date  
458 set by the division, as described in Subsection (6)(b).

459 (7)(a) An eligible entity may revoke a cooperative agreement before the end of the  
460 cooperative agreement's term by:  
461 (i) informing the division, in writing, of the eligible entity's intention to revoke the  
462 cooperative agreement; or  
463 (ii) failing to sign and return its annual financial statement, as described in  
464 Subsection (6)(b), unless the director grants an extension.

465 (b) An eligible entity may not revoke a cooperative agreement before the end of the term  
466 of a signed annual financial statement, as described in Subsection (6)(c).

467 (8)(a) The division shall develop and maintain a wildfire risk assessment mapping tool  
468 that is online and publicly accessible.  
469 (b)[(f)] The division shall analyze [adding an additional high-risk category] and

470 establish by rule, made in accordance with Title 63G, Chapter 3, Utah  
471 Administrative Rulemaking Act, boundaries for high risk wildland urban interface  
472 property and what constitutes wildland urban interface property that is not high  
473 risk within the wildfire risk assessment mapping tool described in Subsection  
474 (8)(a):

475 [(A)] (i) using a scientific assessment; and

476 [(B)] (ii) that is focused on the risk to dwellings within the wildland[-] urban interface  
477 area.

478 [((iii) The division shall report the results of the division's analysis under this  
479 Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim  
480 Committee by no later than the 2024 November interim meeting of that committee.]

481 (c) With regard to the categories used within the wildfire risk assessment mapping tool  
482 described in Subsection (8)(a), the division may adjust the assessment for  
483 participation commitments if the adjustment is based on the Consumer Price Index  
484 for All Urban Consumers as published by the Bureau of Labor Statistics of the  
485 United States Department of Labor, in accordance with a formula established by the  
486 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
487 Rulemaking Act.

488 (9)(a) If the state under Section 15A-2-103 adopts an edition of the Utah Wildland  
489 Urban Interface Code, issued by the International Code Council, with the alternatives  
490 or amendments approved by the division, as a wildland urban interface building  
491 standard that may be adopted by a local compliance agency:

492 (i) for purposes of an unincorporated area within a county, the county shall adopt and  
493 enforce the wildland urban interface building standard described in this  
494 Subsection (9)(a); and

495 (ii) for purposes of an incorporated area within a county, the relevant municipality  
496 shall adopt and enforce the wildland urban interface building standard described  
497 in this Subsection (9)(a).

498 (b) If a county or municipality fails to comply with Subsections (4)(f) and (9)(a), the  
499 division may choose to not pay costs of the county or municipality under a  
500 cooperative agreement executed under this section.

501 (c)(i) If the state adopts a different wildland urban interface building standard than  
502 was previously adopted under Section 15A-2-103, a county or municipality has  
503 two years from the date the state adopts the different wildland urban interface

504 building standard to adopt the appropriate wildland urban interface building  
505 standard.

506 (ii) If a county or municipality fails to adopt the appropriate wildland urban interface  
507 building standard within the time period described in Subsection (9)(c)(i), the  
508 division may choose to not pay costs of the county or municipality under a  
509 cooperative agreement executed under this section beginning two years from the  
510 day on which the state adopts the different wildland urban interface building  
511 standard and until such time as the county or municipality adopts the appropriate  
512 wildland urban interface building standard.

513 Section 6. Section **65A-8-215** is amended to read:

514 **65A-8-215 . Wildland-urban interface fire prevention, preparedness, and**  
515 **mitigation.**

516 (1) As used in this section:

517 (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface  
518 Prevention, Preparedness, and Mitigation Fund created in this section.  
519 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section  
520 65A-8-204.  
521 (c) "Wildland-urban interface" means the zone where structures and other human  
522 development meets, or intermingles with, undeveloped wildland.

523 (2)(a) There is created an expendable special revenue fund known as the  
524 "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."

525 (b) The prevention, preparedness, and mitigation fund shall consist of:  
526 (i) interest and earnings from the investment of money from the prevention,  
527 preparedness, and mitigation fund;  
528 (ii) money received as direct payment from cooperative wildfire system participation  
529 commitments;  
530 (iii) money appropriated by the Legislature;[and]  
531 (iv) money transferred to the prevention, preparedness, and mitigation fund under  
532 Section 63J-1-314[.] ; and  
533 (v) fees deposited into the prevention, preparedness, and mitigation fund under  
534 Section 17-16-22.

535 (c) The division shall administer the prevention, preparedness, and mitigation fund to:  
536 (i) pay costs of prevention and preparedness efforts on wildland-urban interface  
537 within the state, as defined by the division by rule made in accordance with Title

63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203;

- (ii) issue fire department assistance grants, which in the aggregate may not exceed 10% of the money in the prevention, preparedness, and mitigation fund each fiscal year; and
- (iii) in cases of catastrophic need as determined by the state forester, pay costs that could be paid from the suppression fund under Section 65A-8-204.

(d) Disbursements from the prevention, preparedness, and mitigation fund may only be made upon written order of the state forester or the state forester's authorized representative.

(3)(a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish criteria for community wildfire preparedness plans addressing wildland-urban interface. The criteria shall require action that is:

- (i) qualitative and quantitative; and
- (ii) leads to reduced wildfire risk.

(b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement prevention, preparedness, and mitigation actions identified in a community wildfire preparedness plan addressing wildland-urban interface that is approved by the division.

Section 7. Section **65A-8-401** is enacted to read:

## Part 4. Wildland Urban Interface Property

**65A-8-401 . Definitions.**

### As used in this section:

(1) "High risk wildland urban interface property" means property located within the boundary of high risk wildland urban interface as designated by the wildfire risk assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance with Subsection 65A-8-402(5)(a).

(2) "Triage scale" means a scale with three classifications adopted by the division to evaluate and classify property located within the wildland urban interface as to what actions are needed to prepare the property for fire.

(3) "Wildland urban interface" means the same as that term is defined in Section 65A-8a-102.

572 (4) "Wildland urban interface building standards" means the edition of the Utah Wildland  
573 Urban Interface Code adopted under Section 15A-2-103.  
574 (5) "Wildland urban interface coordinator" means a representative of the division or a  
575 county who evaluates and classifies wildland urban interface property in accordance  
576 with Section 65A-8-402.  
577 (6) "Wildland urban interface property and casualty insurer" means the same as that term is  
578 defined in Section 31A-22-1310.

579 Section 8. Section **65A-8-402** is enacted to read:

580 **65A-8-402 . Evaluation of wildland urban interface property -- Fee amounts --**

581 **Rulemaking.**

582 (1)(a) The division shall establish a program under which a wildland urban interface  
583 coordinator evaluates and classifies high risk wildland urban interface property using  
584 a triage scale.  
585 (b) The wildland urban interface coordinator shall be:  
586 (i) a representative of the division; or  
587 (ii) if the evaluation and classification is assigned to a county, a representative of the  
588 county.  
589 (c) At the beginning of each calendar year, the division shall determine whether to  
590 assign evaluation and classification under this section of high risk wildland urban  
591 interface property to a county.  
592 (2) After completing the evaluation and classification under this section, the wildland urban  
593 interface coordinator shall inform a property owner of property described in Subsection  
594 (1)(a) of:  
595 (a) the classification assigned to the property described in Subsection (1)(a) under the  
596 triage scale;  
597 (b) the fee the property owner shall pay under Section 17-16-22; and  
598 (c) resources from the division or county that the property owner may access to bring the  
599 property described in Subsection (1)(a) to the first or second classification by  
600 applying wildland urban interface building standards.  
601 (3) As part of the program established under this section, the division:  
602 (a) may provide resources to a property owner described in Subsection (2)(b) to  
603 facilitate the property owner bringing the property described in Subsection (1)(a) to  
604 the first or second classification under the triage scale; and  
605 (b) beginning on January 1, 2028, shall develop and maintain a database that may be

606           accessed by a wildland urban interface property and casualty insurer to learn the  
607           classification under the triage scale for any portion of high risk wildland urban  
608           interface property to be covered by the wildland urban interface property and casualty  
609           insurer.

610        (4)(a) The division shall annually set a fee amount that is based on the square footage of  
611           a structure within the high risk wildland urban interface to pay for the costs  
612           associated with the implementation of this part to be assessed and collected by a  
613           county in accordance with Section 17-16-22.

614        (b) The division may tier the fee amount to account for what level on the triage scale a  
615           property is assigned by a wildland urban interface coordinator.

616        (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah  
617           Administrative Rulemaking Act, to:

- 618        (a) define high risk wildland urban interface property and wildland urban interface  
619           property that is not high risk as provided in Subsection 65A-8-203(8)(b);
- 620        (b) establish the criteria used to evaluate and classify property located within high risk  
621           wildland urban interface property;
- 622        (c) create a process by which the division and counties communicate classifications  
623           assigned to property described in Subsection (1)(a);
- 624        (d) create a process for communicating to a property owner the information described in  
625           Subsection (2);
- 626        (e) establish how the division may provide resources under Subsection (3);
- 627        (f) create a process for a wildland urban interface property and casualty insurer to learn  
628           the classification described in Subsection (3)(b); and
- 629        (g) establish how the fee amount described in Subsection (4) is set.

630           Section 9. Section **65A-8-403** is enacted to read:

631           **65A-8-403 . Liability.**

632           This part does not create a cause of action against the state, the division, an officer,  
633           employee, or consultant of the division, a county, or a wildland urban interface coordinator for  
634           an act or failure to act under this part and does not waive governmental immunity in  
635           accordance with Subsection 63G-7-201(5).

636           Section 10. **Effective Date.**

637           This bill takes effect on January 1, 2026.



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November 7, 2025

***Sent via First Class Mail***

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Utah State Capitol  
PO Box 142220  
Salt Lake City, UT 84114-2220

Re: City of Kearns Appointment Nominees for Jordan Valley  
Water Conservancy District Board of Trustees

Dear Governor Spencer J. Cox:

The Kearns City Council nominates Casey Saxton and Jeff Monson to represent Division 2 on the Jordan Valley Water Conservancy District's (JVWCD) Board of Trustees pursuant to Utah Code § 17B-2a-1005. Mr. Saxton and Mr. Monson each satisfy the requirements of Utah Code § 17B-1-302.

As indicated by the enclosed resumes, the Council believes either candidate would effectively represent Division 2 based on their experiential knowledge and willingness to serve. The Kearns Improvement District has also provided the enclosed letters of recommendation on behalf of Mr. Saxton and Mr. Monson.

Thank you for considering Mr. Saxton and Mr. Monson for this appointment.

Respectfully,

**CITY OF KEARNS**

Mayor Kelly Bush

Enclosures

cc: Kearns City Council

Jordan Valley Conservancy District  
Attn: Alan Packard, General Manager

## **Casey Saxton**

### Water Related Biography

#### Current Position: District Director, Congressman Burgess Owens

- Assisted Congressman Owens in securing millions of dollars for water-related infrastructure projects in Utah.
- Gained a breadth of knowledge about both urban and rural water systems from stakeholders in the 4th Congressional District.

#### Former Position: Communications Director, Riverton City

- Supported city administration in securing funding for the installation of secondary water meters.
- Built resident website dedicated to the secondary irrigation water metering project.
- Prepared and promoted annual water quality reports.
- Created and executed a marketing campaign to promote water conservation and the city's participation in the Wyland Foundation's National Mayor's Challenge for Water Conservation.

#### Former Position: Marketing Manager, Utah State University Extension

- Consistently created water related website and social media content to help educate the citizens of Utah on conservation, water quality, irrigation, and water efficient landscaping.
- Worked with Extension water experts to prepare messaging that regular people would both understand and act on.

### Education

- Master of Business Administration
- Bachelor of Science in Marketing
- Bachelor of Science in Business Administration
- Minor in Political Science

### Personal

- Resident of Kearns.
- Grew up on a farm in a very rural area and fully understand the agricultural perspective on water also.

## **Jeff Monson**

### **Water Related Biography**

Kearns Improvement District Board of Trustees – 2016 to present

Central Valley Water Reclamation Facility Board of Trustees – 2019 to 2023

Quirrh Park Fitness Board of Trustees Chair – 2015 to present

Jeff Monson has over 20 years of work experience in human resources and the organizational management field. He has a Bachelor's degree in Business Administration and a Master's degree in Organizational Management from the University of Phoenix.

Jeff has gained his experience by working with private and public organizations like: Intermountain Health Care, American Employment, HR Group Central, Lab One, Mountain America Credit Union, Equity Capital Group, Salt Lake Valley Emergency Communications Center and currently with Salt Lake County Criminal Justice Services. Jeff has gained the valuable experience from serving on the Board of Trustees of the Kearns Improvement District.

While working with these organizations, Jeff has gained a wide range of experience from working with many small and medium sized organizations by assisting them with their human resources, safety, financial and benefit management programs. Jeff brings this knowledge and expertise with him to help advise and assist Kearns Improvement District in the opportunities and challenges that may arise.



October 23, 2025

Governor Spencer J. Cox  
350 North State Street, Suite 200  
P.O. Box 142220  
Salt Lake City, UT 84114-2220

RE: Jordan Valley Water Conservancy District (JVWCD) Board of Trustees  
Division 2, Kearns City & Magna City Board of Trustee Position  
Casey Saxton Letter of Recommendation

Dear Governor Cox,

The Kearns Improvement District (KID) is excited and honored to offer this letter of recommendation and support to the City of Kearns' nomination for Casey Saxton to serve as a member of the Board of Trustees for the JVWCD, representing Division 2. The Kearns Improvement District is a part of the Division 2 Trustee boundaries. We have known Casey and have collaborated with him very closely in our efforts to serve the Kearns community, as well in his current role as the District Director for Congressman Burgess Owens.

In the City of Kearns we have worked shoulder to shoulder with Casey in his volunteer efforts to serve the community that he loves and lives in. Casey was recently awarded by the Kearns Community Council the 2025 Hometown Hero Award for his volunteer efforts. In addition, we have also collaborated closely with him in his role with Congressman Owens' office in helping the Kearns Improvement District obtain \$2,700,000 in grants to help improve and replace existing water infrastructure for an underserved area of Kearns. Casey has been instrumental in keeping apprised of water issues that have a significant impact on both JVWCD and KID.

We believe the City of Kearns and Magna City would be well represented by Casey Saxton and offer our full support for him to serve as the JVWCD Trustee, Division 2 representative.

With Kind Regards

A handwritten signature in blue ink that reads "F. Greg Anderson".

F. Greg Anderson, P.E.  
General Manager/CEO

## **Jeff Monson**

### **Water Related Biography**

Kearns Improvement District Board of Trustees – 2016 to present

Central Valley Water Reclamation Facility Board of Trustees – 2019 to 2023

Quirrh Park Fitness Board of Trustees Chair – 2015 to present

Jeff Monson has over 20 years of work experience in human resources and the organizational management field. He has a Bachelor's degree in Business Administration and a Master's degree in Organizational Management from the University of Phoenix.

Jeff has gained his experience by working with private and public organizations like: Intermountain Health Care, American Employment, HR Group Central, Lab One, Mountain America Credit Union, Equity Capital Group, Salt Lake Valley Emergency Communications Center and currently with Salt Lake County Criminal Justice Services. Jeff has gained the valuable experience from serving on the Board of Trustees of the Kearns Improvement District.

While working with these organizations, Jeff has gained a wide range of experience from working with many small and medium sized organizations by assisting them with their human resources, safety, financial and benefit management programs. Jeff brings this knowledge and expertise with him to help advise and assist Kearns Improvement District in the opportunities and challenges that may arise.



October 27, 2025

Governor Spencer J. Cox  
350 North State Street, Suite 200  
P.O. Box 142220  
Salt Lake City, UT 84114-2220

RE: Jordan Valley Water Conservancy District (JVWCD) Board of Trustees  
Division 2, Kearns City & Magna City Board of Trustee Position  
Jeff Monson Letter of Recommendation

Dear Governor Cox,

The Kearns Improvement District (KID) is excited and honored to offer this letter of recommendation and support to the City of Kearns' nomination for Jeff Monson to serve as a member of the Board of Trustees for the JVWCD, representing Division 2. The Kearns Improvement District is a part of the Division 2 Trustee boundaries. Jeff has served on the Board of Trustees for the Kearns Improvement District for the past ten (10) years. Jeff has served as the Board of Trustees Chair and is currently serving as Vice Chair. Jeff has also represented KID on the Board of Trustees for the Central Valley Water Reclamation Facility (CVWRF) of which KID owns and operates with seven other districts and municipalities.

KID has known Jeff to be passionate about his service to the Kearns Community and to ensure their access to safe, clean, and reliable water and sewer services. His guidance has allowed KID to be nationally recognized for their conservation and outreach programs, while ensuring that the community has access to a water system that is well maintained and reliable. Jeff knows water and is highly active in understanding the water issues that face the State of Utah and in particular the Jordan Valley Water Conservancy District (JVWCD). KID relies heavily on JVWCD for their water supply. KID purchases 94% of the water that they provide to their customers from JVWCD.

KID has felt underserved by the current representation on the JVWCD Board of Trustees. We believe that the City of Kearns and Magna City would be well represented by Jeff Monson and offer our full support for him to serve as the JVWCD Trustee, Division 2 representative.

With Kind Regards

A handwritten signature in blue ink that reads "Greg Anderson".

F. Greg Anderson, P.E.  
General Manager/CEO

# **NOTICE OF PROPOSED TAX INCREASE**

## **SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT**

The SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT is proposing to increase its property tax revenue.

The SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT tax on a \$600,000 residence would increase from \$2.64 to \$3.41, which is \$0.77 per year.

The SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT tax on a \$600,000 business would increase from \$4.80 to \$6.20, which is \$1.40 per year.

If the proposed budget is approved, SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT would receive an additional \$320,000 in property tax revenue per year as a result of the tax increase. If the proposed budget is approved, SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT would increase its property tax budgeted revenue by 29.09% above last year's property tax budgeted revenue excluding eligible new growth.

The SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT invites all concerned citizens to a public hearing for the purpose of hearing comments regarding the proposed tax increase and to explain the reasons for the proposed tax increase. You have the option to attend or participate in the public hearing in person or online.

### **PUBLIC HEARING**

Date/Time: 12/8/2025 6:00 pm

Location: District Offices Conference Room  
7308 Airport Road  
West Jordan

Virtual Meeting Link: <https://us02web.zoom.us/j/81630315463>

To obtain more information regarding the tax increase, citizens may contact the SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT at 801-255-4651 or visit [sslvmad.utah.gov](http://sslvmad.utah.gov)

## Tax Increase Instructions

The advertisement shall be published be published **for at least 14 days before** the day on which the taxing entity conducts the public hearing in the following locations:

- 1) Electronically in accordance with Section 45-1-101: on a website established by the collective efforts of Utah newspapers. [www.utahlegals.com](http://www.utahlegals.com)
- 2) On the Utah Public Notice Website under Section 63A-16-601 [www.utah.gov/pmn/](http://www.utah.gov/pmn/)
- 3) As a Class A notice under Section 63G-30-102.
- 4) Publish the public notice on the entity's official website.

The advertisement shall state that the taxing entity will meet on a certain day, time, and place in the advertisement. The exact wording for the advertisement can be found in 59-2-919.

The scheduled hearing shall not be held less than **ten (10) days after** the mailing of the "Notice of Property Valuation and Tax Change" by the county auditor.

The scheduled meeting on the proposed tax increase may coincide with the hearing on the proposed budget.

The hearing shall begin at or after **6:00 PM**

**The public hearing must be open to the public and held at a meeting with no other items on the agenda other than discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing entity's certified tax rate, budget, or a special districts fee implementation.**

**The public hearing needs to be available for individuals to attend or participate either in person or remotely through electronic means.**

**If another meeting is needed to finalize the tax increase, the details of the meeting (place, date, time) must be announced at the end of the public hearing.**

**Please see our website for more information.**

**<https://propertytax.utah.gov/tax-increases/>**

# South Salt Lake Valley Mosquito Abatement District

## 2026 Proposed Tax Increase

Public Hearing December 8th, 2025 at 6:00 p.m. (District Offices)

Virtual Link (Zoom: <https://us02web.zoom.us/j/81630315463> )

# *Proposed Increase: \$320,000*

## Proposed 2026 Property Tax Revenue: \$1,420,000

### Background Points

- No change in rate since 2012
- No effective change in rate since 2002 (prior to tax increase and tax lower for building construction)
- Population growth of over 200,000 individuals and 72,000 homes with same tax rate
- Inflation and price increase (over 6% in 2024)
- Innovation stagnation

### Tax Increase Utilization

Cost Stabilization for Essential Services:

**\$160,000**

- Sustain current service levels without interruption (assessed at 4 years)
- Operate above negative net position.
- Integrate Public Relations and Black Fly Programs back into operation.
- Maintain Financial Health

Operational Enhancements:

**\$100,000**

- Expand to drone-based surveillance and treatment.
- Upgrading data system for faster response and better tracking.
- Implementing ecologically conscious targeted control measures.

Capital Increase:

**\$60,000**

- Meet the needs of future capital projects
- Modernize fleet and equipment
- Expand laboratory

### Cost To Average Home Owner

Average Home Cost: \$600,000

Current Tax Rate: \$2.64 (yearly)

Proposed Tax Rate: \$3.41 (yearly)

Tax Increase:

**\$ .77 increase (yearly)**

Paid with residential property taxes

### Cost to Business Owners

Average Business Property: \$600,000

Current Tax Rate: \$4.80 (yearly)

Proposed Tax Rate: \$6.20 (yearly)

Tax Increase:

**\$1.40 increase (yearly)**

Paid with business property taxes



# Council Staff Report

**Meeting Body:** Kearns City Council

**Meeting Date:** November 10<sup>th</sup>, 2025

**File Number & Project Type:**  
OAM2025-001501 – Kearns Omnibus and HB 368 Amendments

**Applicability:** Citywide

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Kearns Staff

## Key Findings:

- House Bill 368 mandated certain changes to the Kearns Subdivision Ordinance,
- Other amendments clarify the legislative intent of the ordinance,
- Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

**Staff Recommendation:** The MSD Planning Staff and the Kearns Planning Commission recommend that the Council approve the attached ordinance.

## Exhibits:

### A. Proposed Ordinance

## BACKGROUND/ ISSUES TO CONSIDER

During the 2025 Session, the Utah Legislature adopted House Bill 368, which necessitates that the city make certain changes to Title 18 Subdivisions and Title 19 Zoning regarding subdivision bonding processes, warranty bond timing, warranty bond inspections and releases, and regulating landscape installation relative to building permits and certificates of occupancy. In addition, an existing ordinance requires that a signature is required on construction plans contrary to Utah Code because it has the effect of subjecting an applicant to standards and requirements that are not adopted by Kearns City.

## PROPOSED ORDINANCE

The proposed ordinance eliminates the requirement that a developer post a reclamation bond prior to beginning construction. HB 368 prohibits a city from requiring that a warranty bond or any other bond be posted prior to a developer beginning construction on approved subdivision improvements if the developer chooses to complete the installation of those prior to recording the subdivision plat. HB 368 also prohibits a city from requiring that the warranty portion of the bond be posted prior to the release of the improvement bond. The developer may not record the plat until either the improvements are complete and accepted by the city or the developer posts an improvement bond. Cities are required to allow a developer to choose either of those two paths.

The proposed ordinance amends the procedures and timeframes for inspecting and releasing improvement bonds to comply with HB368.

The proposed ordinance eliminates the option of extending the warranty period for two years to comply with Utah Code 10-9a-103(27).

The proposed ordinance eliminates Fees in Lieu of required improvements.

The proposed ordinance eliminates a requirement that a water master sign subdivision improvement construction plans. According to Utah Code 10-9a 509(1)(g), A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in Chapter 10-9a-509; a municipal ordinance in effect on the date that the applicant submits a complete application; or a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application. While the owner of a ditch or canal may be able to enforce their standards, the city cannot enforce those standards because those standards are not expressed in municipal ordinance or in standards and specifications adopted by the city. The requirement for a water master to sign the plans is contrary to Utah Code Chapter 10-9a-509 because it has the effect of subjecting an applicant to standards and specifications that are not adopted by Kearns City.

Based on the recommendation of the Kearns Planning Commission, the proposed ordinance allows internal, attached, and detached accessory dwelling units to be constructed on single family lots with 5,000 square feet or greater;

The proposed ordinance amends the definition of Commercial Vehicles and clarifies the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones;

The proposed ordinance clarifies that there is a 1 acre minimum for new development in the A-1 zone, which seemed to be the consensus based on the workshop discussions that lead to the Title 19 repeal and replace in June 2023;

The proposed ordinance clarifies that a lot must include 20,000 square feet to have "animal rights";

The proposed ordinance modifies the setback requirements in the M-1 and M-2 (Manufacturing) zones when uses in those zones border on other parcels in the manufacturing/industrial zones. The setback requirements that Kearns had used as part of Unincorporated Salt Lake County and later as a Metro Township utilized a lightly adapted version of the county code, which had no side or rear yard setback requirements. Salt Lake City and West Valley City also do not have side and rear yard setback requirements for their manufacturing/industrial zones. West Jordan has setback requirements when adjacent to commercial and residential zones, but not when manufacturing uses are found in an industrial park or district. The proposed ordinance eliminated side and rear yard in the the M-1 and M-2 zones when located in industrial parks or districts. In those relatively rare occasions where the flex manufacturing zone is located adjacent to potentially incompatible uses a setback is required depending on the category of the adjacent use; and

The proposed ordinance adds or clarifies the definitions for "Animal Rights", "Alteration", "Clustering", "Drive Approach", "Driveway", Driveway, Cross Access", "Driveway, Multifamily",

'Driveway, Private", "Driveway, Shared", "Dwelling", "Expansion", "Grading", "Hard Surface", Natural Open Space", "Net Developable Acreage", "Pavement", "Paved, Road, Private", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Street, Private", "Substantial Economic Hardship", "Undevelopable", and "Waiver".

## **PLANNING COMMISSION**

On November 3<sup>rd</sup>, 2025 the Kearns Planning Commission held a public hearing on the proposed ordinance. After discussing the Staff Recommendation that the ADU ordinance be clarified to allow attached and internal ADU's on only lots with at least 6,000 square feet, the Planning Commission decided that since 5,000 square feet was sufficient for detached ADU's, there was no reason that internal and attached ADU's couldn't work if parking and other ADU requirements could be met. The Planning Commission Recommended that the Council adopt the proposed ordinance with that amendment. The ordinance attached to this staff report reflects that recommendation.

## **STAFF RECOMMENDATION**

Staff finds that:

1. House Bill 368 was adopted by the Utah Legislature during its 2025 regular session,
2. This bill mandated that cities no longer require bonds to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements,
3. The bill mandated that cities revise their policies on inspecting and releasing improvement bonds,
4. Utah Code precludes cities from extending the warranty period for subdivision improvements for more than one year,
5. Fees in lieu are not a workable alternative to installing required improvements or delay agreements,
6. Mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Kearns City, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g),
7. Lots with 5,000 square feet are large enough to include an accessory dwelling unit, whether attached or detached where the other applicable standards can be met,
8. Animal rights were never intended to be allowed on lots with less than 20,000 square feet,

9. The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses.
10. Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate.
11. Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel.
12. Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

Given the above findings, staff recommends the following action:

The MSD Planning Staff recommend that the Kearns Planning Commission recommend that the Council approve the attached ordinance.

**ORDINANCE 2025-O-\_\_**

Ordinance No. O-\_\_

Date: \_\_\_\_\_, 2025

**AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING TITLE 18 SUBDIVISIONS AND TITLE 19 ZONING TO: ELIMINATE RECLAMATION BOND REQUIREMENTS; BRING PERFORMANCE AND WARRANTY BOND PROCEDURES, AND FINAL DISPOSITION AND RELEASE REQUIREMENTS INTO COMPLIANCE WITH RECENT LEGISLATION; ELIMINATE FEES IN LIEU OF THE INSTALLATION OF SUBDIVISION IMPROVEMENTS; ELIMINATE THE REQUIREMENT FOR ANY ENTITY TO SIGN CONSTRUCTION PLANS, THEREBY SUBJECTING AN APPLICANT TO REQUIREMENTS NOT ADOPTED BY KEARNS CITY IN VIOLATION OF UTAH CODE; ELIMINATE LANGUAGE ALLOWING THE CITY TO WITHHOLD PERMITS OR OCCUPANCY FOR THE FAILURE TO INSTALL PRIVATE LANDSCAPING; ALLOW INTERNAL, ATTACHED, AND DETACHED DWELLING UNITS ON LOTS WITH AT LEAST 5,000 SQUARE FEET; CLARIFYING THAT A LOT MUST INCLUDE 20,000 SQUARE FEET TO HAVE "ANIMAL RIGHTS"; AMENDING THE SIDE AND REAR YARD SETBACKS IN THE MANUFACTURING ZONES; AND ADDING OR CLARIFYING DEFINITIONS FOR "ANIMAL RIGHTS", "ALTERATION", "CLUSTERING", "DRIVE APPROACH", "DRIVEWAY", DRIVEWAY, CROSS ACCESS", "DRIVEWAY, MULTIFAMILY", 'DRIVEWAY, PRIVATE", "DRIVEWAY, SHARED", "DWELLING", "EXPANSION", "GRADING", "HARD SURFACE", NATURAL OPEN SPACE", "NET DEVELOPABLE ACREAGE", "PAVEMENT", "PAVED, ROAD, PRIVATE", "RETAINING WALL", "SITE PLAN", "SLOPE", "STREAM, Ephemeral", "STREAM, PERENNIAL", "STREAM CORRIDOR", "STREAT, PRIVATE", "SUBSTANTIAL ECONOMIC HARSHSHIP", "UNDEVELOPABLE", AND "WAIVER"**

**RECITALS**

**WHEREAS**, Kearns is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

**WHEREAS**, House Bill 368 was adopted by the Utah Legislature during its 2025 regular session, mandating that cities no longer require improvement completion assurances to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements; and

**WHEREAS**, House Bill 368 mandated that cities revise their policies on inspecting and releasing improvement completion assurances; and

**WHEREAS**, Utah Code precludes cities from extending the warranty period for improvement completion assurances for more than one year; and

**WHEREAS**, under House Bill 368 fees in lieu are no longer a workable alternative to installing required public improvements; and

**WHEREAS**, mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Kearns City, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g); and

**WHEREAS**, House Bill 368 precludes the city from holding or revoking building permits and certificates of occupancy from an applicant based on the failure of the applicant to install landscaping; and

**WHEREAS**, lots with 5,000 square feet are large enough to include an accessory dwelling unit, whether attached or detached where the other applicable standards can be met; and

**WHEREAS**, Animal rights were never intended to be allowed on lots with less than 20,000 square feet; and

**WHEREAS**, The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses; and

**WHEREAS**, Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate; and

**WHEREAS**, Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel; and

**WHEREAS**, Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles; and

**WHEREAS**, the Planning Commission has held a public hearing and recommended that the Council amend its land use ordinances to comply with Utah Code, to clarify its legislative intent, and the public health, safety and general welfare.

**BE IT ORDAINED BY THE KEARNS CITY COUNCIL** as follows:

1. Chapter 18.16 Performance Bonds, is hereby adopted as set forth in Exhibit A.
2. Section 18.14.150 Open Ditches and Canals, is hereby adopted as set forth in Exhibit B.
3. Section 19.50.190 Enforcement of Landscape Regulations, is hereby adopted as set forth in Exhibit C.
4. Section 19.42.030 Accessory Dwellings, is hereby adopted as set forth in Exhibit D.
5. Section 19.42.060 Animal Rights, is hereby adopted as set forth in Exhibit E.
6. Section 19.34.030 Required Yards and Setbacks in Manufacturing Zones, is hereby adopted as set forth in Exhibit F.
7. Section 19.04.020 General Definitions and Section 19.04.030 Site Development Definitions, are hereby adopted as set forth in Exhibit G.
8. **Severability**. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
9. **Direction to Staff**. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.
10. **Effective Date**. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

KEARNS CITY COUNCIL

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By: Kelly Bush, Mayor

ATTEST

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Diana Baun, Recorder

Voting:

Council Member	_____	voting	_____
Council Member	_____	voting	_____
Council Member	_____	voting	_____
Council Member	_____	voting	_____
Council Member	_____	voting	_____

*(Complete as Applicable)*

Date ordinance summary was posted to the Utah Public Notice website, and in a public place within Kearns City per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

## EXHIBIT A

### CHAPTER 18.16 PERFORMANCE GUARANTEES

#### 18.16.010 Performance Guarantee Required

- A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:
  1. In conformance with this Chapter; and
  2. Prior to the commencement of any improvements covered by the performance guarantee.

#### 18.16.020 Performance Bonds

- A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, ~~subdividers~~applicants may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a one-year period after the recording of the plat.
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
  1. The completion of one hundred percent (100%) of the required improvements; or
  2. If the Municipal Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants ~~shall~~may not exceed the sum of:
  1. One hundred percent (100%) of the estimated cost of the infrastructure improvements as be established by (1) the Municipal Engineering Division's estimated cost of completion or (ii) a licensed contractor's bid; and
  - 3.2. Ten percent (10%) of the amount of the bond to cover administrative costs incurred by the City to complete the improvements.
- C.D. The performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.

D.E. The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

E.F. A performance bond agreement shall be entered into by the Municipal Engineering Division Planning and Development Services and the subdivider applicant:

1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Municipal Engineer Director can grant an extension(s) of this period upon a showing of good cause.
2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
3. If the project is not timely completed, all remaining funds shall be thereafter remitted to the Municipal Engineering Division Planning and Development Services Division as set forth in the performance bond agreement. period in subsection (F)(1) may be extended only if special circumstances warrant an extension, as determined by the Director after consultation with the Municipal Engineering Division.

F. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

G. The Director or designeeMunicipal Engineer may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default and collection.

#### **18.16.030 Final Disposition and Release**

A. Upon completion of the work for which a performance bond has been posted, including warranty work related thereto, the developer shall submit to the Municipal Engineering DivisionDirector or designee, one copy of a written request for release.

A.B. A performance bond may be partially released if the infrastructure improvement category to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

C. After receipt of the notice and request under Subsection A of this Section, within five (5) daystThe Municipal Engineering Division shall accept or reject the improvements within fifteen (15) days after receiving an applicant's written request under Subsection

(A), Notwithstanding the foregoing, if inspection of the subdivision improvements during that fifteen (15) day period is impeded by winter weather conditions such that a full and complete inspection of the improvement or warranty work is not reasonably possible, the Municipal Engineering Division shall within a reasonable time thereafter, make a preliminary inspection of the improvements and shall submit a report to the Director or designee setting forth the condition of the facilities.

1. Notify the applicant in writing before the end of the applicable time period described in Subsection described in Subsection C that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and
- 4.2. Complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

B.D. The Municipal Engineer Director or designee shall receive the report and, within seven (7) days of the inspection, authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineering Division finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

E. The portion of the bond to which may be held as a durability warranty bond under Sections 18.16.050 and 18.16.060 of this Chapter may not be released until the durability warranty period for all of the approved subdivision improvement plans has expired and an inspection has been conducted by the Municipal Engineering Division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

1. An applicant may request that the ten percent (10%) of the performance bond held as a warranty be released if they have first posted a separate warranty bond prior to that release.
- 4.2. In lieu of posting a separate warranty bond, the applicant may choose to authorize the municipality to hold ten percent (10%) of the performance bond for the duration of the warranty period.

E.F. A bond may not be released if, after consulting with the Municipal Engineering Division, the Director the Municipal Engineer:

1. Finds that the installation of required subdivision improvements does not meet the City's adopted standards or if the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability;
2. Finds that any other terms of the bond agreement have not been satisfied; or

3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.

D.G. ~~If the Municipal Engineering Division determines that the installation of required subdivision improvements does not meet the municipality's adopted standards, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The list of required corrections must comprehensively and with specificity list the reasons for the determination. If the bonds are not released, the reasons shall be given to the applicant in writing within seven (7) days from the time of the inspection.~~

E.H. ~~In the case of a dispute over the release of a performance bond under this Section, the Director Municipal Engineer may refer the matter to the Kearns Council for subsequent action to secure performance.~~

F.I. ~~Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of Municipal Code.~~

#### **18.16.040 Default**

- A. Upon substantiating a finding under Subsection B of this Section, the Director with approval of the Council may, with due notice to the developer:
  1. Declare the performance bond forfeited; and
  2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under Subsection A of this Section if the Director finds that a developer has failed or neglected to:
  1. Satisfactorily install the required improvements;
  2. Make required corrections;
  3. Make payment to Planning and Development Services for administration and inspections; or
  4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer.

#### **18.16.050 Warranty Period**

A. The warranty period does not begin until each of the following actions have been taken:

1. The applicant requests a final inspection of all of the improvements in the approved subdivision improvement plans;
2. All of the subdivision improvements in the approved subdivision improvement plans have been inspected and accepted as complete by the Municipal Engineering Division; and
3. The applicant posts a warranty bond, subject to Section 18.16.060, in the amount of 10% of the estimated cost of the infrastructure improvements as established by the Municipal Engineering Division's estimated cost of completion or a licensed contractor's bid. The applicant may indicate in writing that ten percent (10%) of the performance bond be retained as the warrant in lieu of posting a separate warranty bond.

B. The applicant may request partial releases of the performance bond as subdivision improvement categories are completed in accordance with Section 18.16.030 of this Chapter. Such requests shall follow the same process described in Section 18.16.030, except that the applicant shall clearly indicate in the request the completed subdivision improvement categories, overall percentages of completion of the work covered by performance bond(s) for the project, and other relevant information reasonable requested by the Municipal Engineer to support the partial release(s). While partial releases may be granted, the warranty period for all of the subdivision improvements does not begin until all of the subdivision improvements are complete, inspected and accepted by the Municipal Engineering Division. A partial release does not start a warranty period for those improvements associated with the release.

C. Where an applicant chooses to complete the work prior to recording the plat instead of posting an improvement bond, the subdivision plat may not be recorded until the subdivision improvements are completed, inspected by the Municipal Engineer Division, accepted by the Municipal Engineering Division, and the warranty bond is posted in accordance with Section 18.16.060.

#### **18.16.050 Warranty Bond, Phase 1: Reclamation**

A. Prior to conducting any development activity, the developer shall file with Planning and Development Services a reclamation bond to ensure that the site can be made safe in the event the developer is unable to complete the required improvements.

B. The amount of the reclamation bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be not

~~less than ten percent (10%) of the Municipal Engineering Division's estimated cost of completion.~~

- ~~C. The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.~~
- ~~D. At the end of the construction phase of the project, when the Municipal Engineering Division has approved and accepted the required improvements, the reclamation bond becomes the durability bond, with the final disposition and release subject to the same standards as the durability bond.~~

#### **18.16.060 Warranty Bond, Phase 2: Durability**

~~A. The Planning and Development Services Division shall retain a durability warranty bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The durability warranty bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The durability warranty bond shall be for the purpose of warranting the improvements and shall be for a period of:~~

- ~~B. A. oOne (1) year after final acceptance of the improvement or warranty work; or~~
  - ~~1. Two (2) years after final acceptance of the improvement or warranty work, if the Director:~~
    - ~~a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and~~
    - ~~b. Has substantial evidence of any of the following:~~
      - ~~(1) Prior poor performance of the applicant;~~
      - ~~(2) Unstable soil conditions within the subdivision or development area; or~~
      - ~~(3) Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.~~

~~C. A determination under Subsection A2 of this section shall be made by the Municipal Engineering Division in consultation with the Director.~~

- ~~B. At the end of the warranty period, the Municipal Engineering Division shall conduct an inspection of the required improvements to ensure that:~~
  - ~~1. The improvements have not failed or shown unusual depreciation;~~
  - ~~2. No portion of the required work remains incomplete; or~~

3. The materials or workmanship used in constructing the improvements continue to comply with accepted standards of durability.

D.C. If, after the warranty period, the durability of said improvements is found to be satisfactory, the retainage may be released following the procedure outlined under Section 18.16.030 of this Chapter.

E. The Director may authorize a release of fifty percent (50%) of the improvement durability bond prior to the warranty period, if determined appropriate based on a finding of:

1. The project has been completed and found acceptable and all monies have been released except for the durability bond;
2. An error in the initial amount of the performance bond or the original calculation of the durability bond; or
3. A fact that was previously unknown to the Municipal Engineering Division that is material in a determination that the municipality's public health, safety, and welfare would still be adequately protected.

D. If during or at the end of the warranty period the Municipal Engineering Division determines that the conditions under subsection B apply, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The corrections list must comprehensively and with specificity list the reasons for the determination.

E.E. The person giving the durability warranty bond shall correct the improvements if at any time during the warranty period:

1. Any required improvement fails or shows unusual depreciation;
2. Certain work has not been completed or it becomes evident that certain work was not completed; or
3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.

G.F. If the corrections are not made within a reasonable time, the Director, with review from the Kearns Council, in accordance with Section 18.16.040 of this Chapter, may declare the person and in default and use the retainage to defray the cost of any required work.

**18.16.070 Fee In Lieu Of Required Improvements**

A. Where present conditions exist which make it unfeasible or impractical for the developer or property owner to install any required public improvements, the Director may

~~require the subdivider to pay to the municipality a fee equal to the estimated cost of such improvements as determined by the Municipal Engineering Division. Upon payment of the fee by the developer, the municipality shall assume the responsibility for future installation of such improvements.~~

~~The auditor shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of municipal moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Planning and Development Services Division.~~

## EXHIBIT B

### **18.14.150 Open Ditches and Canals, Permitted When**

- A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
  - 1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
  - 2. The size of pipe and culverts required;
  - 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the Planning and Development Services Division.

**~~B. Irrigation components, whether open or piped, require water master approval.~~**

- ~~1. If existing irrigation components are suspected and not identified, then verification is required.~~
- ~~2. If irrigation components are present, they are checked to comply with the ordinance.~~
- ~~3. The Water Master's signature is required on any sheet in the final construction plans which show irrigation components.~~
- ~~4. Final approval of the construction plans shall be withheld until Water Master's signature is confirmed.~~

## EXHIBIT C

### 19.50.190 Enforcement of Landscape Regulations

~~A. No building permit or occupancy permit may be issued for any lot or use subject to the requirements of this Chapter unless all the requirements of this Chapter have been fulfilled.~~

~~B.A.~~ If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the public landscaping, which shall be returned upon completion of required landscaping.

~~C.B.~~ Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for ~~revocation of the occupancy permit and/or~~ the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.

## EXHIBIT D

### 19.42.030 Accessory Dwelling Unit

#### B. Allowable Areas and Zones.

1. ADUs incorporated within the single-family residence Internal Accessory Dwelling Units (iADUs) and Attached Accessory Dwelling Units (ADUs) shall be a permitted uses on single family home lots with an area of five thousand square feet (5,000 sq. ft.) or greater, in residential zones that require six thousand square foot (6,000 sq. ft.) minimum lot sizes or greater.
2. Detached Accessory Dwelling Units (DADU) are also permitted but may only be built on single family lots with an area of five thousand square feet (5,000 sq. ft.) or greater.
32. In no case may an ADU be permitted in a townhome, a multi-family PUD or other attached residential unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

C. Number of Residents. ADU's may not be occupied by more than four (4) persons, one family.

## EXHIBIT E

### 19.42.060 Animal Rights

Animal rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. Parcels containing fewer than twenty thousand square feet (20,000 sq. ft.) are prohibited from keeping animals under the animal rights provisions in this Section.
- B. When a parcel with animal rights contains at least twenty thousand square feet (20,000 sq. ft.) but fewerless than five and one-quarter (5.25) acres, that parcel may hold no more than one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq. ft.).
- CB. When a parcel or group of contiguous parcels with shared ownership contains more than five and one-quarter (5.25) acres, that parcel or group of parcels may hold no more than one (1) animal unit and their seasonal offspring for each five thousand square feet (5,000 sq. ft.).
- DC. No animals or fowl may be kept or maintained closer than forty feet (40') to any dwelling on an adjacent parcel of land. No barn, stable, coop, pen or corral shall be kept closer than forty feet (40') to any street.
- ED. All yards, barns, shelters, cages, areas, places, and premises where domestic livestock, animals, or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust, or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.
- FE. All pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be maintained so that no flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb health and safety of any person or animal.

## EXHIBIT F

### 19.34.050 Required Yards and Setbacks

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

**Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.**

Standard	M-1	M-2
Front Yard <u>and Side Yard, Corner Lot</u> Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, <u>Interior Lot</u> Setback <del>—Interior Lots</del> (in feet)	Minimum: <u>200<sup>B</sup></u> Maximum: NA	Minimum: <u>200<sup>B</sup></u> Maximum: NA
<del>Side Yard Setback — Corner Lots (in feet)</del>	<del>Minimum: 20 Maximum: NA</del>	<del>Minimum: 25 Maximum: NA</del>
Rear Yard Setback (in feet)	Minimum: <u>250<sup>B</sup></u> Maximum: NA	Minimum: <u>350<sup>B</sup></u> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
<u>Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary</u>	Minimum: <u>30<sup>C</sup></u> Maximum: NA	Minimum: <u>30<sup>C</sup></u> Maximum: NA
<u>Side Yard, Interior Lot and Rear Setback (in feet) from a nonresidential or nonmanufacturing zone boundary</u>	Minimum: <u>20</u> Maximum: NA	Minimum: <u>20</u> Maximum: NA

B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B.C. Residential Buffer. A six-foot (6') masonry wall is required between residential and non-residential uses in accordance with Section 19.50.050.B.

## **EXHIBIT G**

### **19.04.20 General Definitions**

A. General terms used in Title 19 are defined as follows:

1. "Affected Entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
  - a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - b. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - c. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Ordinance or Utah Code.

2. "Agent" means a person with written authorization to represent a property owner.

2.3. "Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.

3.4. "Animal Rights" means the keeping of livestock and fowl on lots and parcels containing at least twenty thousand (20,000) square feet. The keeping of livestock and fowl is, limited to one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq.ft.).

4.5. "Animal Unit" means a proportionate combination of the following:

- a. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
- b. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
- c. Two (2) goats.
- d. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood

surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens, see Chapter 19.42.

- e. Twelve (12) rabbits, or twelve (12) similar small animals.
- f. Two (2) large birds such as ostriches, or emus, or peacocks.
- g. Four (4) turkeys.
- h. The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition shall not include the un-weaned offspring of any residing animal which is less than six (6) months in age.

5.6. "Appeal Authority" means the same as "Land Use Hearing Officer."

6.7. "Applicant" means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19 of Kearns Municipal Code.

7.8. "Bench Mark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

8.9. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.

9.10. "Buffer, Riparian" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.

11. "Business Day" means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.

10.12. "Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

11.13. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.

12.14. "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional

use is a use of land for which a conditional use permit is required pursuant to this Title.

13.15. “Conservation Easement” means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the [insert name of conservation easement holder], permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

14.16. “Council” means the municipal council, unless otherwise clearly indicated.

15.17. “Culinary Water Authority” means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

16.18. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

17.19. “Development Code” means Titles 18 and 19 of Kearns Municipal Code.

18.20. “Development Review Committee (DRC)” means Planning and Development Services staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.

19.21. “Director” means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.

20.22. “Dwelling” means any building or structure, or portion thereof, intended for residential use.

21.23. “Drive Approach” means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.

22.24. “Driveway” means a path of ingress and egress constructed within and adjoining a roadway, connecting the roadway with adjacent or nearby property in accordance with Magna Municipal Code. A “driveway” is an unobstructed access

from a public or private right of way to an adjacent or nearby property that does not interfere with vehicular or pedestrian travel within the right of way.

25. "Driveway, Cross Access" means a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system.

26. "Driveway, Multifamily" means a driveway providing access to more than four dwelling units.

27. "Driveway, Private" means a driveway limited to the use of the owner or a group of owners who share the use and maintain the access and those having express or implied permission from the owner or owners, but not by other persons.

28. "Driveway, Shared" means a driveway serving more than one lot.

23. "Dwelling" means any building or structure, or portion thereof, intended for residential use.

24.29. "Dwelling Unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain more than one (1) dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

- a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
- b. No portion of the building containing cooking facilities may be separated from the remaining rooms to form a separate dwelling unit; and
- c. There is only one (1) electric and/or gas meter for the building.

30. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

25.31. "Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

26.32. "Facility Company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

27.33. "Family" means one of the following groups of individuals, but not more than one group at the same time:

- a. An individual living alone; or
- b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
- c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
- d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.

34. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

28.35. "Grading" means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

29.36. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.

30.37. "Guest" means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.

38. "Guestroom" means a room that is designed for double occupancy by guests, for sleeping purposes.

31.39. "Hard surface" means any asphalt or concrete surface of an approved thickness, or other approved surface, but excluding rock, gravel, grass, or dirt.

32.40. "Health Department" means the Health Department of Salt Lake County, Utah.

33.41. “Inoperable Vehicle” means a vehicle that is not currently registered or licensed in the Utah or in another state, or which has been dismantled or wrecked so that it is no longer considered street legal.

34.42. “Land Trust” means a private non-stock, non-profit corporation that has as its purpose the preservation.

35.43. “Land Use Application” means an application required by the zoning or subdivision ordinances.

36.44. “Land Use Authority” means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.

37.45. “Land Use Decision” means any final decision of the Council, Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.

38.46. “Land Use Hearing Officer” means the “Appeal Authority” created pursuant to Utah Code §10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of Kearns Municipal Code. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C.

39.47. “Legal Lot of Record” means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.

40.48. “Local Jurisdiction” means the municipality, or other political subdivision adopting this Ordinance.

41.49. “Membrane Covered Frame Structure” means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.

42.50. “Minor Local Street” means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.

43.51. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to Salt Lake County survey monuments.

44.52. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services. The "Municipal Engineering Division" is also referred to as the "Municipal Engineer" or "Municipal Engineering".

45.53. "Municipal Flood Control Division" means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.

46.54. "Municipal Geologist" means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.

55. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.

56. "Net developable acreage" is defined as land with all of the following:

- a. An average slope less than thirty percent; and
- a.b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).

47.57. "Noncomplying Structure" means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. A "Noncomplying Structure" may also be referred to as "Nonconforming Structures".

48.58. "Nonconforming Use" means a use which lawfully occupied a building or land at the time the ordinance codified in this Title became effective and which does not conform with the use regulations of the zone in which it is located.

49.59. "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or

amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.

50.60. “Owner” includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

61. “Parcel of Land” means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

62. “Pavement” includes the paved portion of a street, including paved shoulders and on street parking areas. “Pavement does not include curbs, gutters, park strips, sidewalks, trails, and driveways.

51.63. “Paved” means ground covered with stone, brick, concrete, asphalt, or other approved surface, installed over a compacted base course, making a permanent surface that is firm, smooth, and level. A graded natural surface, or one covered with rolled stone or overlaid with compacted or loose gravel is not considered a paved surface.

52.64. “Permitted Use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

53.65. “Planning and Development Services” means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.

54.66. “Planning Commission” means the municipal planning commission.

55.67. “Portable Storage Container” means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers. Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.

56.68. “Pre-Existing Lot” means a lot that was created prior to the adoption date of this Ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning regulations in effect at the time of its creation. For the purposes of this Title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

57.69. “Pre-Existing Structure” means a structure that was legally constructed prior to the adoption of this Ordinance. For the purposes of this Title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.

58.70. “Pre-Existing Use” means a use that was legally established prior to the adoption of this Ordinance and has not been abandoned for more than one year. For the purposes of this Title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.

59.71. “Primary Dwelling” means a single-family dwelling that:

- a. Is detached;
- b. Is occupied as the primary residence of the owner of record; and
- c. “Primary Dwelling” includes a garage if the garage:
  - (1) Is a habitable space; and
  - (2) Is connected to the primary dwelling by a common wall.

60.72. “Provisional Parking” means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved. Provisional parking is subject to the requirements of Chapter 19.48.

61.73. “Public Works Operations” means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.

62.74. “Record of Survey Map” means a map of a survey of land prepared in accordance with Utah Code.

63.75. “Recreational Vehicle” means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including but not limited to truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.

64.76. “Residential Roadway” means a public local residential road that:

- a. Will serve primarily to provide access to adjacent primarily residential areas and property;
- b. Is designed to accommodate minimal traffic volumes or vehicular traffic;

- c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- d. Has a posted speed limit of 25 miles per hour or less;
- e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

77. "Road" can be used interchangeably with the word street.

65.78. **"Road, Private"** means the same as "Street, Private"

79. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

80. "Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

66.81. "Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

67.82. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.

83. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of

permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

84. "Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

85. "Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

68.86. "Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.

69.87. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.

70.88. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership. A "private street" is limited to the use of the owner or group of owners who share the use and maintain the street without the assistance of public entities. "Street, Private" and "Road, Private" can be used interchangeably.

71.89. "Streetlight" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.

72.90. “Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

73.91. “Structural Alterations” means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

74.92. “Subdivision” means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. “Subdivision” includes:

- (1) The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- (2) Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. “Subdivision” does not include:

- (1) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- (2) A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code § 10-9a-524 if no new parcel is created;
- (3) A recorded document, executed by the owner of record:
  - i. Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
  - ii. Joining a lot to a parcel;
  - iii. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code, § 10-9a-524 and § 10-9a-608, if:
    1. No new dwelling lot or housing unit will result from the adjustment; and

2. The adjustment will not violate any applicable land use ordinance;
- iv. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
  1. Is in anticipation of future land use approvals on the parcel or parcels;
  2. Does not confer any land use approvals; and
  3. Has not been approved by the land use authority;
  4. A parcel boundary adjustment;
  5. A lot line adjustment;
  6. A road, street, or highway dedication plat;
  7. A deed or easement for a road, street, or highway purpose; or
  8. Any other division of land authorized by law.

75.93. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code § 10-9a-608, that:

- a. Vacates all or a portion of the subdivision;
- b. Alters the outside boundary of the subdivision;
- c. Changes the number of lots within the subdivision;
- d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- e. Alters a common area or other common amenity within the subdivision.

94. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

76.95. "Substantial economic hardship" means a denial of all reasonable economic use of a property.

77.96. "Substantial improvement" means:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
  - (1) Before the improvement or repair is started; or
  - (2) If the structure is damaged and is being restored, before the damage occurred.

- b. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however, include either:
  - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

97. "Trails" means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.

78.98. "Undevelopable" means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

79.99. "Utility Company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

80.100. "Utilities or Improvements" means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such as sidewalks, curbs, gutters, and streets.

81.101. "Vehicle" means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

82.102. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;

- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
- d. Vehicles with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

**83.103. "Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.**

### **19.04.030 Site Standard Definitions**

- A. Site Development terms used in Title 19 are defined as follows:
  - 1. "Active Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
  - 2. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
  - 3. "All Weather Surface" means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
  - 4. "Alley" means a public or private way which affords a secondary means of access to abutting property.
  - 5. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story.
  - 6. "Base Density" means the original density permitted under the property's zoning category, in dwelling units per acre.
  - 7. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
    - a. The area contains no territory having a slope of thirty percent (30%) or greater;
    - b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;

- c. The engineering properties of the soil provide adequate structural support for the intended use; and
- d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.

8. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
9. "Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.
10. "Building Coverage" means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
  - a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
  - b. The outer four feet of completely open, uncovered, cantilevered balconies having a minimum of eight feet (8') of vertical clearance below.
11. "Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur. The building envelop is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
12. "Building Facade" means the exterior of a building located above ground and generally visible from public points of view.
13. "Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty feet (30') tall, measured from the finished grade are not part of the building footprint.
14. "Building Height" means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.
15. "Building Street Frontage" means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion

of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.

16. "Build-to-Line" means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.
17. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. "Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
21. "Exit" means the location of egress from a room, building, or lot.
22. "Fence" means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. "Final Plat" means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
24. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. "Grade, Finished" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".
26. "Grade, Natural" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. "Grade, Natural" is also referred to as "existing grade".

27. "Green Space" means open space maintained in a natural, undisturbed, or revegetated condition.
28. "Guarantee" means a bond, escrow or irrevocable letter of credit given by the applicant(s) to ensure the proper installation of public infrastructure and improvements.
29. "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.
30. "Lot" means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet (20') wide. Except as provided in this Title, not more than one (1) dwelling structure shall occupy one (1) lot.
31. "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
32. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
33. "Lot, Interior" means a lot other than a corner lot.
34. "Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. "Lot Line Adjustment" does not mean a new boundary line that creates an additional lot or constitutes a subdivision or a subdivision amendment.
35. "Lot Line, Front" means the front boundary line of a lot bordering the street.
36. "Lot Line, Rear" means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').
37. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.
38. "Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.
39. "Primary building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
40. "Major Local Street" means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also

providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.

41. “Marginal Access Street” means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.

41.42. “Natural Open Space” means land in a predominately open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

42.43. “Off Street Parking” means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.

43.44. “Organic Disposal Site” means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

44.45. “Open Space” means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.

45.46. “Parking Lot” means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

46.47. “Parking Space” means space within a building, lot, or parking lot for the parking or storage of one automobile.

47.48. “Passive Recreation” means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.

48.49. “Preliminary Approval” means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

49.50. "Preliminary Plat" means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.

51. "Public Utility Easement" An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.

50.52. "Retaining wall" means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

51.53. "Setback" means a distance from a curb, property line, or structure within which building is prohibited.

52.54. "Side Yard, Corner Lot" means a side lot line that abuts a street.

53.55. "Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.

54.56. "Stealth Design" means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.

55.57. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space will be considered as a story.

56.58. "Story, First" means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

57.59. "Story, Half" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

58.60. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as "provided herein.

59.61. "Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

60.62. "Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

61.63. "Yard, Required" means the open space around buildings which is required by the terms of this Title.

62.64. "Yard, Side" means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side lot line of the building. See "Side Yard, Interior Lot" and "Side Yard, Corner Lot".

**SUMMARY OF**  
**KEARNS CITY**  
**ORDINANCE NO. 2025-O-**

On November 18, 2025, the Kearns Council enacted Ordinance No. 2025-O-\_\_\_\_\_, amending Chapter 18.16, and Sections 18.14.150, and 19.50.190 of Kearns Code to: eliminate reclamation bond requirements; bring performance and warranty bond procedures, and final disposition and release requirements into compliance with recent legislation; eliminate fees in lieu of the installation of subdivision improvements; eliminate the requirement for any entity to sign construction plans, thereby subjecting an applicant to requirements not adopted by Kearns city in violation of Utah Code; and eliminate language allowing the City to withhold permits or occupancy for the failure to install private landscaping.

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By: Kelly Bush, Mayor

ATTEST

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Diana Baun, Recorder

APPROVED AS TO FORM

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Nathan Bracken, City Attorney

Voting:

Council Member \_\_\_\_\_ voting \_\_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_\_

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Kearns Recorder, 860 W. Levoy Dr., Suite 300, Taylorsville, Utah.



**\*\*DRAFT\*\***

**Proposed 2026 Kearns City Council and  
Community Reinvestment Agency Meeting Schedule**

Meetings are held the Second Monday of the month at 6:00 p.m. (unless otherwise noted)  
at the Kearns Public Library located at 4275 W 5345 S, Kearns UT 84118

January 12, 2026

February 9, 2026

March 9, 2026

April 13, 2026

May 11, 2026

June 8, 2026

July 13, 2026

August 10, 2026

September 14, 2026

October 5, 2026 (**Meeting date changed due to Columbus Day Holiday**)

November 9, 2026

December 14, 2026 (**Subject to Cancellation**)

CRA Meetings are held at 6:00 p.m. with the regular City Council Meeting beginning  
immediately afterwards.