

ULUI 2026 Morning Session

Did You See That Coming? All-of-a-Sudden Issues in Land Use

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The Late Great Salt Lake?



- **Extreme Water Loss →**

Lost ~70% of its volume, ~60% of its surface area.

Now <30% its natural volume.

Normal depth is 15 feet, has fallen to 10 feet.

- **Heavy Water Diversions →**

~70–80% of the water flowing into the lake is diverted before it arrives.

- **Toxic Dust Storms →**

Hundreds of square miles of dry lakebed = arsenic, lead, and mercury

Threatening health of 2.5 million downwind residents.

- **Ecosystem and Wildlife Collapse →**

Rising salinity destroys the delicate food web

10 million migratory birds threatened

Multi-million-dollar brine shrimp economy threatened

- **Disrupted Local Climate →**

Lake-effect storms 5% -10% of snowpack, up to 50% of annual rainfall

Shrinking lake alters local weather and snow patterns.

- **Economic Threats →**

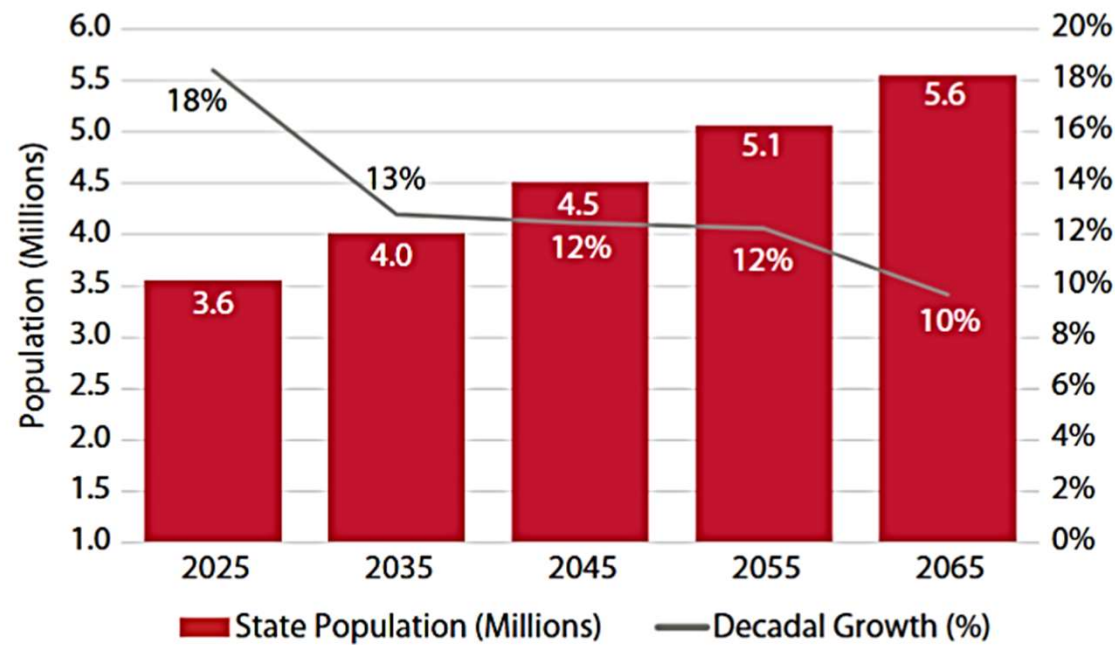
Billions of dollars in annual regional economic activity is at risk.

- **Legal Threats →**

Violations of federal environmental and air quality standards.

Growth Projections & Immigration

Figure 1: Utah Projected Total Population and Decadal Growth Rates, 2025-2065



Source: Kem C. Gardner Policy Institute, 2025-2065 Projections

KEM C. GARDNER INSTITUTE PROJECTIONS 2025-2065

Population Growth →

~2 million more people

Job Growth →

~1.2 million new jobs

Growth Forces →

Migration drives most of the population growth

County Breakdown:

- **Salt Lake County** remains the most populated at 1.6 million residents.
- **Utah County** adds the most, rising to 1.5 million residents.

Foreign Immigration Wildcard →

- ~40% of Utah's growth is international immigration.

Growth Projections & Immigration

Demographic Component	2024 Estimate	2025 Estimate	Net Change
Natural Growth (Births minus Deaths)	+24,374	+24,961	+587
Net International Migration	+26,691	+7,501	-19,190
Net Domestic Migration	+9,300	+3,343	-5,957
Total Population Inflow	+60,365	+35,805	-24,560

Source: Census

So, *What* About Immigration?



So, *WHAT* ABOUT IMMIGRATION?

Construction →

Immigrants account for ~20% of Utah's construction workforce.

Reduced migrant workers stall development and leads to cascading job losses for native-born workers.

Threats to Agriculture →

Utah's agricultural sector depends on immigrants.

Worker shortages are the single greatest threat to agriculture.

Utah farmers cannot compete with construction, related.

Squeezed STEM and Healthcare Sectors →

Immigrants are ~14% of STEM workers and 13% of physicians in Utah.

Account for nearly 10% of hospital workers.

Utah already ranks 46th in the US for doctors per capita.

Broad Consumer Inflation →

Tightening immigration would shrink labor =

~15% increase in food

6% increase on housing costs by 2028.

Demographic Projections



KEM C. GARDNER INSTITUTE PROJECTIONS 2025-2065

Aging Population →

Age rises from 33 to 45, **>nation** (44).

Equivalent to 43% of the state's growth.

Households & Family Size:

Total households will grow from 1.2 million to 2.3 million.

Average HH size shrinks from 3.0 to 2.3 people, **<nation** (2.5).

Race & Ethnicity

All population growth would be non-White (Woods & Poole 2025)

School-aged Children

~Same in 2065 as 2025 (*912k to 958k*).

State Development Authorities



**Military Installation
Development Authority**



**The
POINT**



UTAH INLAND PORT AUTHORITY

— Moving Utah Forward —

MAJOR STATE DEVELOPMENT AUTHORITIES IN UTAH

Utah Inland Port Authority (UIPA) →

Manages economic development, logistics, and infrastructure around the Salt Lake City International Airport and targeted project areas elsewhere in Utah.

The Point Authority (The Point) →

Master-planning and developing the 600-acre former state prison site in Draper.

Military Installation Development Authority (MIDA) →

Support military installations (e.g. Hill AFB) plus commercial, residential, and ski resort development projects elsewhere

Public Infrastructure Districts (PIDs) →

Independent infrastructure entities holding local gov. harmless.

KEY POWERS, DEBATES

Financing & Bonding →

Issue bonds, tax increment financing, other revenues for facilities.

Local Land-Use, Development Review Preemption →

Power to bypass local planning and approval processes.

Key Debates →

Bypasses local planning

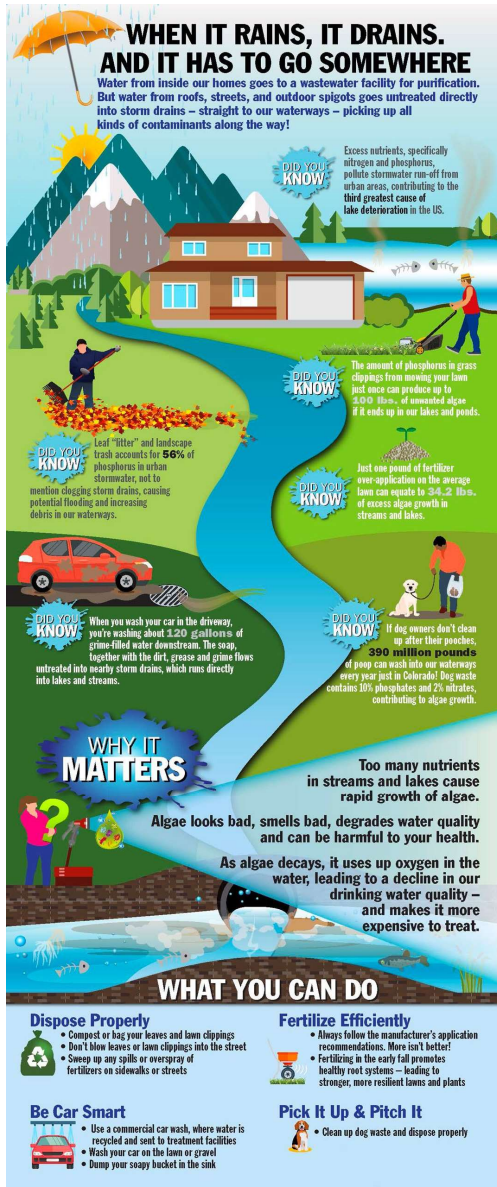
Eliminates referendum rights

Governed by unelected boards or even developers (PIDs)

Taxpayers may still have to bail out defaults

Little state/local coordination of water, sewer, wetland impacts

“Mission creep” like MIDA being able to build ski slopes



Stormwater Issues in Utah

STORMWATER ISSUES IN UTAH

Flooding and Infrastructure Failures

Overwhelmed Systems →

Wasatch Front cities need to inspect 100s of miles of pipes after storm flooding.

Challenge of unclogging of gutters, culverts of trash, leaves, and organic debris.

Untreated Water Pollution →

Stormwater is mostly untreated before entering lakes, rivers

Major pollutants include →

Nutrient Overloading

Construction Site Sedimentation

Chemicals and Toxins that are swept into the drainage system.

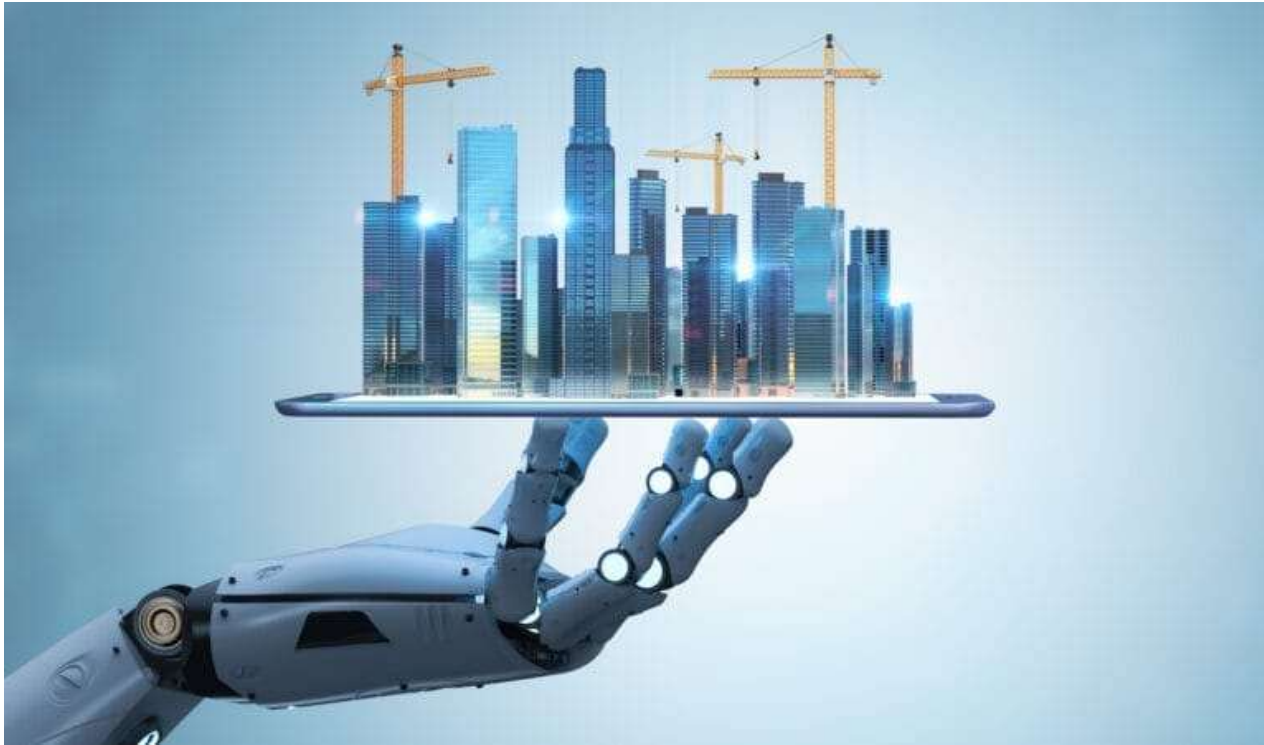
Pathogens from pet waste washed into waterways

Enforcement and Regulatory Challenges →

Much enforcement depend on self reporting "honor system."

Chemical/industrial spills into the Salt Lake rarely face review or fines.

Artificial Intelligence in Planning



ARTIFICIAL INTELLIGENCE IN LAND USE DEVELOPMENT PERMITTING

Automated Application Completeness Checks →

AI scans applications to flag missing documents, wrong forms, formatting errors, etc. before review.

Zoning & Code Compliance Cross-Referencing →

AI can parse blueprints, site plans, and dense codes to flag potential violations in minutes rather than weeks.

Interactive Feasibility & Due Diligence →

Developers use AI to query development codes, manuals, and guidelines to address site constraints early.

Predictive Routing & Workflow Management →

AI recommends permit types, routes files to departments, and tracks real-time progress.

Environmental & Federal Reviews →

Tools like the Dept of Energy's "PermitAI" search through gov. archives to summarize precedents.

Citizen Portals & Guided Intake →

Self-guided AI chatbots help property owners know what they can build.

Limitations, Human Oversight Needed

No Replacement for Final Approval →

AI assists with triage, research, flagging, but **human decision-makers** retain authority over final decisions.

Not a Substitute for Professionals →

Civil engineers, planners, others retain judgment, agency coordination, and complex negotiations.

Accuracy Concerns →

AI struggles with complex/poorly formatted codes and requires human verification to prevent errors.

Development Agreements and Pitfalls

LAND DEVELOPMENT AGREEMENT

(NAME OF DEVELOPMENT)

THIS LAND DEVELOPMENT AGREEMENT (together with all modifications and amendments, the "Agreement") made this _____ day of _____, 20____, by **WEST NANTMEAL TOWNSHIP**, Chester County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania having an address of Box 234, Elverson, Pennsylvania 19520 (the "Township") and _____, a Pennsylvania _____ with offices at _____, _____, Pennsylvania _____ (the "Developer").

BACKGROUND:

A. Developer proposes to develop a _____ acre piece of property, known as Chester County Tax Parcel No. _____, situate at _____, West Nantmeal Township, Chester County, Pennsylvania, in accordance with a proposed subdivision and/or land development known as "_____" (the "Subdivision/Development").

B. The West Nantmeal Township Board of Supervisors (the "Board") granted final land development approval of the Subdivision/Development on _____, 20____ pursuant to a Motion of Approval. Developer received final approval of the land development plans for the Subdivision, subject to, among other things entering into a Financial Security Agreement and this Agreement, and posting the Financial Security, as hereinafter defined, to complete the Secured Improvements, as hereinafter defined.

C. The parties desire to set forth their agreement and understanding with respect to the foregoing and such other matters as hereinbelow set forth.

NOW, THEREFORE, the parties hereunto, in consideration of the premises and the mutual promises herein contained and intending to be legally bound hereby, agree as follows:

1. Definitions; Interpretation.

A. For purposes of this Agreement, except where the context clearly indicates otherwise, the following words and phrases (including the singular and plural forms thereof) shall have the following meanings:

- (1) "Tract" shall mean all that certain _____ acre tract located at _____, West Nantmeal Township, Chester County, Pennsylvania, and which is more fully and further shown and described on the Plans.

CORE PURPOSE & BENEFITS

Regulatory Certainty →

Locks in existing zoning and land-use regulations so future changes by the local government cannot derail the project.

Phasing & Timelines →

Establishes clear schedules for construction, infrastructure delivery (roads, sewers, utilities), and project milestones.

Public Benefits/Community Benefit Agreements →

Allows local governments to secure tailored public amenities—like parks, school sites, or affordable housing—in exchange for zoning flexibility, density bonuses.

Facilitates Financial Planning →

Provides the long-term predictability lenders and institutional investors require to finance large-scale developments.

Planning End-Around? →

Some communities use DAs in place of rezoning.

While zoning codes allow a variety of uses by right, DAs can limit them and sometimes provide for uses not allowed by standard zoning.

Why have zoning at all, if DA replaces it?

RISKS AND PITFALLS

Inflexible Terms vs. Changing Market Conditions →

Issue: Development agreements freeze rules, set rigid timelines. Economic downturns, interest rates, shift in market demand can lead to failure.

Fix: Build in clear modification or tolling clauses for force majeure events or severe market shifts.

Vague Performance Milestones & "Open-Ended" Obligations →

Issue: Lacking protocols for changes can cause default.

Fix: Tie phases and payment to objective, calendar-based or progress-based milestones.

Vested Rights & Over-reaching Exactions →

Issue: Local governments may demand extra public concessions or attempt to change conditions to test the limits of vested rights. But developers may overpromise benefits they cannot afford to deliver.

Fix: Explicitly itemize what fees are waived, what exactions are final, and what happens if/when regulations conflict with laws.

Public Resistance & Political Turnover →

Issue: Local leadership or community sentiment can shift dramatically between the agreement and buildout, leading to new hearings, litigation, political pressure to revoke approvals.

Fix: Ensure the agreement strictly adheres to state enabling statutes to survive changes in future elected bodies.

Preliminary Municipalities



PRELIMINARY MUNICIPALITY

Senate Bill 258

(Utah Code Title 10, Chapter 2a, Part 5), a preliminary municipality is a landowner-driven incorporation allowing developers to establish an unincorporated area as a new town or city before residents move in. Like MUDs in Texas and pre-annexation new communities.

Key Details of the Process

Legal Authority →

Enacted as a pilot project running through **January 1, 2031**.

Requirements →

Land must be contiguous, 50%+ undeveloped, owned by 3 or fewer consenting parties, outside first- or second-class counties, planned for 100+ residents, affordable housing components.

No Initial Vote →

Preliminary municipalities do not require a public vote.

Annual Limits →

Capped at 2 per year, statewide requests annually).

Active Proposals and Controversies

Wasatch Highlands →

2,700-acre proposal east of Heber City (Philo Ventures), 700+ homes, hotel, retail space.

Willow →

Proposed township of over 1,000 homes on a ~600-acres near Kanab, pushback from county leaders.

Statewide Friction →

Local governments have raised concerns that the process bypasses local planning and zoning. New legislation, HB 510 to tighten coordination rules.

Cost of Housing



COST OF HOUSING

91% of renters in Utah →

Cannot afford median cost Utah house

35,000 starter homes by end of 2028 (<\$450k) →

To date, <8,000 built with ~2 years to go

Cost of land →

More housing needed per acre

More missing middle, townhomes, ADUs, “plexes” needed

Maximum lot size the answer, such as 5,000 sq.ft. for detached homes?

Minimum density another answer, such as 75% of zoned density?

What on your mind for solving this?

Data Centers



DATA CENTERS

Can't live with them ... can't live without them

Number of Centers →

48 centers, 920 MW-1,184 MW) = ~1,000,000 homes.

Up to 12 mid-sized to massive centers being built.

82 total planned

8 major hyperscale/AI projects =~ 5k+ servers | millions sf | 500-1000MW power

Impacts →

Low frequency noise penetrating residential walls to 3,000 ft

Causes sleep disruption, stress

Diesel generators/gas turbines → COPD, asthma, cardiovascular strain, stroke risk

2-7 million gallons water/year per 1,000 MW data center

68% of Utah residents →

Oppose data centers within 3 miles of their home

Most residents →

Want veto power over new data centers

State v. Local Role in Land Use Regulation



STATE V. LOCAL ROLE IN LAND USE REGULATION

Local authority →

Land Use, Development, and Management Act (LUDMA)

765 lines added to LUDMA in 2025 →

LUDMA growing increasingly proscriptive

Many local governments are stressed →

Pace of annual changes difficult to keep up with

Many changes driven by anecdote →

“Rogue” actors

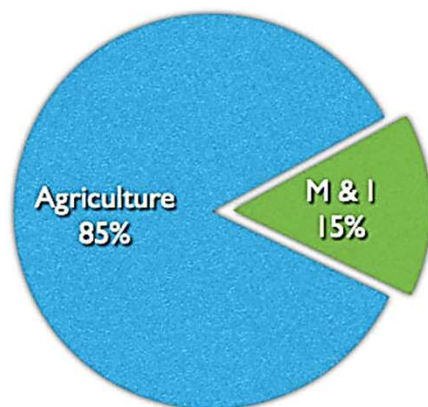
Addressing issues that aren’t problems

How much is too much state intervention?

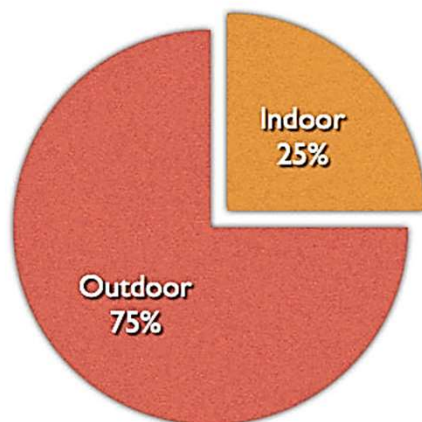
State mandates versus true locally driven reforms

Water

Annual Water
Use



Municipal Water
Use



WATER

Extreme Drought, Record Snowpack Loss →

Warmer winters, lowest snowpacks ever.

Lake Powell, Colorado River at historic lows.

Emergency water cuts on senior water rights.

Dominant Agricultural Consumption →

Agriculture = 75%-85% of water usage, much dedicated to feed crops that are exported.

The "Use It or Lose It" Law →

State water laws penalize conservation by giving farmers incentives to keep irrigating.

High Municipal, Outdoor Waste →

Among the lowest municipal water prices in the U.S., helped by property tax subsidies.

2nd highest per capita residential use @ 169gpd compared to U.S. @ 82gpd.

~60% of domestic water is largely for watering non-native grass and lawns.

Great Salt Lake Crisis →

Decades of overallocation, climate change, and upstream diversions.

New Industrial Pressures →

AI/data centers lead to surface water diversion and groundwater depletion.

New 2026 transparency laws requiring data centers to report their water usage.