

Pending minutes – awaiting approval

Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:30 PM, Tuesday, May 02, 2023

Council Chambers

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

Agenda ([0:00:00](#))

Roll Call

The following elected officials participated:

Council Chair Katrice MacKay, conducting

Council Vice-chair Rachel Whipple

Councilor George Handley

Councilor David Shipley

Councilor Travis Hoban, arrived 12:50 PM

Councilor Shannon Ellsworth, arrived 1:04 PM

Mayor Michelle Kaufusi

Excused: Councilor Bill Fillmore

Prayer

Ginny Smith offered the prayer.

Approval of Minutes

April 18, 2023 Work Meeting

Approved by unanimous consent.

Business

- 1. An ordinance amending the Zone Map of approx. 0.48 acres, located at 2050 N Canyon Road, from General Commercial (CG) and Two Family Residential (R2PD) to Medium Density Residential (MDR) & authorizing a related development agreement. (PLRZ20220302) ([0:17:45](#))**
- 2. An ordinance amending the General Plan Map classification of approx. 0.23 acres of real property, generally located at 2050 North Canyon Road, from Commercial (C) to Residential (R). Pleasant View Neighborhood. (PLRZ20220301) ([0:18:15](#))**

Aaron Ardmore, Planning Supervisor, presented on both items 1 and 2.
(need to listen back to this)

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Mr. Ardmore explained that the applicant had revised their original project proposal in response to some of the concerns from residents of the surrounding neighborhoods.

Councilor Katrice MacKay asked about owner-occupancy with the project. Mr. Ardmore said that based on his discussions, his understanding was that the developer intended to include a provision or percentage of owner-occupancy in the CCNRs on the property, which would be established at a later step of the project. Mr. Ardmore responded to another question from Ms. MacKay about signage. Councilor Rachel Whipple shared her support of the owner-occupancy component of the project. Mr. Ardmore indicated that the applicant would be present at the Council Meeting that evening. ***Presentation only. This item was already scheduled for the Council Meeting on May 2, 2023.***

3. A resolution accepting an annexation petition for further consideration for approximately 9.1 acres of property generally located at 5500 N Canyon Road. North Timpview Neighborhood. (PLANEX20230020) ([0:24:40](#))

Brandon Larsen, Planning Supervisor, presented. The subject property is located at the northeast end of the City. It includes two lots of unincorporated property on North Canyon Road along University Avenue. Historically, the property has been used for agricultural production.

Mr. Larsen presented another case of an annexation. He explained that the property in question is unincorporated land. The zone that the property is in allows for more development. The family who owns the land wants to bring it into city jurisdiction to help preserve the agricultural nature of the land. Mr. Larsen explained that the property was currently not under city jurisdiction so this annexation would bring the property into the city so that local law enforcement could better respond to requests for service in the area. The family have had a few altercations on the property and desire public safety to be able to help them when needed. Mr. Larsen explained that this step was just initially accepting the annexation petition to allow the process to move forward. Following the City Recorder's receipt of the petition, a 30-day public notice period will begin and then the annexation will come to the Council for a final decision.

Councilor George Handley was fully supportive of the annexation and expressed his gratitude to the Smiths and staff who have been moving this forward. ***Presentation only. This item was already scheduled for the Council Meeting on May 2, 2023.***

4. A resolution appropriating \$1,060,000 in the Mountain Vista Fund for completing the Mountain Vista Business Park Road construction project. (23-006) ([0:31:45](#))

Dixon Holmes, Assistant CAO, presented. This project has been underway for the last 20 years or so and this is the last section to be built. They have a matching grant from the federal government, and they need an additional \$1,060,000.00 to finish off the project. Half of this amount will be reimbursed by the matching grant. This road will provide access to new businesses. Councilor Katrice MacKay asked if the matching grant money would just go back to fund balance and Mr. Holmes indicated that was the case. ***Presentation only. This item was already scheduled for the Council Meeting on May 2, 2023.***

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5. A presentation updating the Council and public on Accessory Dwelling Units (ADUs). (23-034) ([0:33:25](#))

Scott Johnson, Zoning Administrator, presented. Mr. Johnson gave an update on ADU statistics in the city. Four have been approved since the process changed. This includes allowing the process of properties east of I-15 being allowed to have special use permit status and have ADUs. They are working with IS to map it all out. They have had 40 inquiries about the process overall and have had 14 applications for ADUs since the process has been approved. Six of those applications are in ADU zones with one on the West Side. Six applications are in the process of being constructed so they are going through the building permit process.

Councilor David Shipley asked about the application for 30 properties and whether this had been delayed and what the status update was for this application. Mr. Johnson said since this application more closely approximated a zone change amendment, the Planning division was handling it. He was not aware of any issues holding it up. Mr. Shipley asked if these rates of applications were consistent with the department's expectations because it did not feel like a very large volume at all. Mr. Johnson said the applications they have received is standard for what they have received in the past; they have not noted a major difference in the volume of applicants. Councilor Rachel Whipple asked how many of the applications were for people trying to come into compliance; Mr. Johnson said they have not really had any applications in that category. *Presentation only.*

6. A presentation regarding efforts addressing homelessness in Provo City-Community Action Services & Food Bank. (23-018) ([0:41:30](#))

Jessica Miller, Community Strategies Director at Community Action Services & Food Bank, presented. The organization has been around since 1967 and they provide assistance with the goal of self-reliance. They try to help individuals in obtaining safe and affordable housing, healthy and life-sustaining food, adequate economic opportunities, and support systems of people in their life they can count on. Their service areas include Utah, Wasatch, and Summit counties, with 48% of their population served in Provo. They are located in Provo and they have five other foodbanks in their service area (Orem, Springville, and several in Wasatch County). In response to a question from Councilor Katrice MacKay, Ms. Miller clarified details about their population served. Their clients are not required to provide economic information, but one-quarter of the people they served in Provo have been unhoused or only temporarily housed. They try to help along a continuum of housing. Because they are community-based, they have a mandate to find out what the community needs are. Their board membership is comprised of a mixture of public and private groups as well as some individuals who have experienced homelessness and can offer their perspective. They also have focus groups with staff and clients to learn more information, compile, and prioritize needs.

The top four needs they have observed in the community are more affordable housing, livable wages that keep up with inflation and housing, greater food security, and improved access to healthcare (including mental and behavioral health supports). Housing issues impact all the other needs. Rent has gone up 11% each of the last two years, with housing prices and inflation continuing to go up. When housing is scarce, vulnerabilities and inequalities are magnified and

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exacerbated regarding access to housing. Ms. Miller explained more about the resources they have to help serve different populations across the affordable housing continuum. These resources aim to help people become more self-reliant. Ms. Miller gave details of the emergency motel vouchers for emergency shelter for individuals.

Ms. MacKay asked questions about people who help out with emergency housing needs. Ms. Miller elaborated on this. There are people of similar socioeconomic strata who may be willing to help but they may not be in a position financially to provide that help on an ongoing basis without some kind of compensation or financial help. There can also be restrictions on peoples' leases for now allowing visitors for an extended period. Councilor David Shipley asked some additional questions about emergency motel vouchers and the demand for these versus other services or housing options available in an emergency. Ms. Miller shared additional insight into how this process works. Funding for these vouchers is donated by the Church of Jesus Christ of Latter-day Saints. She shared several example scenarios to illustrate how vouchers are distributed and the action plan they create with a resident to try and get them situated with work and to improve their situation. They have a limited supply of vouchers, so they try to divert people to other emergency housing options. She shared data from the previous year, noting they were able to limit the use of vouchers due to hard work put into diverting people from the system. Ms. Miller also noted that they do a lot of work with prevention in order to prevent people from becoming unhoused in the first place. Ms. MacKay asked about how the vouchers work, how many the Church funds, and how the review process works. Ms. Miller explained that they have a grant for a lump sum, and they try to use their dollars wisely. If they are running low, they reassess and may consider re-applying. In response to another question from Ms. MacKay, Ms. Miller said she thought the Church also provides some vouchers to the domestic violence shelter.

Ms. Miller explained that the first step is to get someone shelter. They then work on applying for work and for housing. They create an action plan with the resident to help them make progress on these items. Ms. Miller outlined details of the rapid rehousing program. Ms. Miller also shared a breakdown of what kind of income someone needs to be earning in order to afford a certain size of apartment. It is incredibly difficult in the current market to find landlords who are offering rents below market rate and to these kinds of tenants.

Councilor Shannon Ellsworth asked if the statistics that Ms. Miller had were from the county. Ms. Miller confirmed that the statistics were from the county. Councilor Ellsworth also asked if Ms. Miller knew where Provo was in comparison to the region when it comes to rent rates. Ms. Miller did not know and said that she started putting together a survey last year for landlords asking about the rents they were charging in Utah County. She sent 300 surveys and only got 17 responses back.

Ms. Miller highlighted other barriers to finding housing for individuals. She highlighted some of the programs they have in place to help remove some of the potential barriers. They have a commercial kitchen business incubator to help people start food-based businesses if they have the requisite skills, community gardens, financial literacy classes, homebuyer education classes, and the Circles initiative. Circles focuses on those experiencing intergenerational poverty and seeks to help them to break the poverty cycle.

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Councilor Rachel Whipple asked about renter protections and resources for renters. Ms. Miller needs to get more information on these things. Ms. Whipple explained some of the concerns and lack of protection for tenants. She also asked if someone could still participate in the Section 8 voucher program if they were evicted in the past.

Ms. Miller said they do not work on Section 8 vouchers. Those types of voucher are administered by the Provo City Housing Authority. However, Ms. Miller said any eviction would probably impact their ability to find housing in the future based on the housing landscape of how landlords feel about evictions. Ms. MacKay said if they have owe money on an eviction they have to pay it before they can be back in the system. Ms. Miller also noted that there are a lot of predatory elements in lease agreements.

Ms. Miller said that another program they have is mortgage assistance through some city and state-level programs. Food assistance and their food banks are another major service. If families do not have to buy food, they will have more funds remaining that can go toward their housing. Ms. Ellsworth asked about donating expired food. Ms. Miller indicated that food can be expired within a certain timeframe and still be donated. She highlighted several upcoming food drives and noted that they need support year-round. The increase in who they are servicing has put strain on the foodbank capacity and they really rely on private donations. She also said that volunteer hours are also incredibly helpful.

Ms. Miller highlighted several areas in which the Council could help, including identifying ways to provide additional housing, garnering support for a general population non-congregate shelter in Utah County, and improving food access throughout the city. She noted that for low-income individuals, the distance to a grocery store is a major factor for housing options if someone is using and relying on transit to access the grocery store.

Ms. MacKay asked how many units are located in Provo in which they house people. Ms. Miller responded and said she did not have the answer but could find out. Ms. Whipple asked if they paid market rate for the motels. Ms. Miller said there are two motels they use; other motels have opted not to participate. She shared details about the rates as well as some of the conditions, noting they are not paying market rate which helps. ***Presentation only.***

7. A discussion on parking requirements in the Downtown core (23-045) ([1:19:45](#))

Bill Peperone, Development Services Director, presented. Mr. Peperone shared that he does a regular survey of apartment buildings in the downtown area every three years or so to check on rents. He found that they continue to steadily increase. He does this in order to stay informed about the market data on apartment rents in these areas of the city. Mr. Peperone introduced this item. He observed that if people were frequently asking for exceptions to various standards, there may be an issue with the standard that is in place. He shared several recent requests they have received regarding exceptions to parking standards. The downtown area is unique so it may be appropriate to treat it differently for parking standards. Mr. Peperone indicated that they have treated most uses as nonconforming when it comes to parking. When one standard land use code leaves and a different use comes in, they lose the non-conforming status since it is a different

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use. With downtown, it becomes tricky to evaluate because there may be a lot of parking in the vicinity but because it is not technically on-site it is not allowed to be counted.

They have 12,600 parking spaces including public, private, and off-street spaces in the downtown area. There is sufficient parking downtown and just need to help direct citizens to the available parking. Their wayfinding projects have helped a lot with this. It is problematic to have this issue come up every time they change out businesses in this very defined downtown area. Mr. Peperone displayed a map showing a very limited central corridor identifying these areas.

Councilor David Shipley proposed the idea to change rules so that when a business use changes (not just business) they do not have to go back to planning to request an exception to the parking standard. Mr. Peperone highlighted several recent examples of this where it has been problematic. It is also an expensive process for businesses in having to do a traffic study. Councilor Rachel Whipple mentioned this change would also help with staff time and reducing demands. Mr. Peperone agreed with her. She asked about the old city center building and how it is not included in the map area. Mr. Peperone said the new building would have to be based on the code if it is being demolished and built new. Unusual cases like Los Hermanos where there was a fire and require additional square footage above, they will have to figure out a way to add parking. Ms. Whipple noted it is a way to facilitate preservation of facades and buildings and keep them vibrant and in use to have parking reconfigured when a use change. Mr. Peperone said they would much rather incentivize reuse than encourage demolition. Council Chair Katrice MacKay said the department agrees that this is a positive change.

Councilor George Handley likes and supports this proposal. He wondered if this is even more important if they moved in the direction of a more pedestrian Center Street or if they had seasonal pedestrian activities in the street that may obviate some of the on-street parking on Center Street. Mr. Peperone agreed that this amendment becomes even more helpful in that situation. Mr. Handley likes the idea of incentivizing walking in downtown.

Ms. Whipple asked about any other areas in the City where this would be appropriate. Mr. Peperone said it has been an ongoing problem in the Startup District. If the Council is supportive of this concept, this is the first step or test case of looking at other areas. This particular proposal is very manageable and finite, so it is a helpful test case before looking at this solution in other areas. *Presentation only.*

8. A discussion regarding zoning code. (23-042) ([1:52:30](#))

Michael Sanders, Policy Analyst, presented. Staff asked to look at form-based code as a means of modernizing the existing city code. Euclidean zoning is the format used in Provo; named after the town of Euclid, Ohio. A 1926 Supreme Court case solidified the term “Euclidean zoning” based on this town, where a municipality is divided into zones with permitted uses. Mr. Sanders reviewed some of the basics of Euclidean zoning. Provo City Code has 88 different defined zones. Benefits of Euclidean zoning are that it is predictable, it protects property rights, and encourages public safety. Possible negative aspects can include urban sprawl, civic isolation, and increased home costs. Civic isolation means there is a separation of human activities (from New

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Urbanism city planning text). It can be difficult to navigate for staff and applicants. Euclidean zoning focuses on a hierarchy of regulatory use, operations, and then the form.

Form-based code focuses on the design and form that the built environment takes. The first form-based code was implemented in 1982. The Form-Based Code Institute has identified 728 form-based codes broadly speaking throughout the United States. Some of Provo's zones such as the Interim Transit-Oriented Development zone count as a form-based code element. Form-based codes are pedestrian friendly, easy to navigate for developers, and aesthetically pleasing. Some of the cons of form-based code is that it is administratively complex, potentially expensive, and can have political ramifications. The hierarchy of form-based code is form, operations, and then regulatory use.

Form-based code is not the only alternative to Euclidean zoning. The staff memo identifies several other options that could be used. Staff also consulted with Development Services who offered several suggestions. The current city code needs a comprehensive cleanup. There are so many static ordinances, incomprehensible or conflicting ordinances, or other ordinances which were attempting a quick fix rather than lasting solutions. Development Services estimates that a comprehensive cleanup would require hiring a consultant and about \$300,000.00-\$400,000.00 to do. Mr. Sanders outlined several potential directions the Council could take.

Council Chair Katrice MacKay asked Mr. Bill Peperone to share his thoughts as Director of Development Services and what they see as the best path forward. Mr. Peperone said he agreed with Mr. Sanders' presentation and research. He would like to hire him in the Planning department if he is ever available. The Supreme Court Judge Sutherland who wrote the majority opinion in that Supreme Court Case is from Provo, UT. They are supportive of doing something better and would like to consider the incentive zoning possibility. There are some opportunities that could be beneficial to the City which could encourage affordable housing and transfer of development rights (as a solution for property owners of private lots that are geologically difficult to build on).

Mr. Peperone identified some potential TDRs and how this could work, but that is a pending need in the City. Between now and fiscal year 2025, he thinks their staff could work with Council staff to identify some solutions for moving forward.

Councilor George Handley was fully supportive of using funds to explore these changes. He was willing to do everything that is feasible for Provo. For form-based codes, he wasn't sure how that works in the context of a city like Provo. He asked how the transition period works if areas have not yet been built out and if developed areas of the city remain untouched. He also asked if this allows the City to target certain areas for rejuvenation. Some of these questions are unclear to him. Mr. Handley shared additional comments about changing to a new zoning code and the potential costs and benefits implied. He was supportive of an effort to explore this further and receive more recommendations from staff.

Mr. Sanders said it is rare for form-based code to go in citywide; it is usually targeted for certain areas. Salt Lake City has several form-based code districts like North Temple and West Temple Gateways. The ordinance itself is very brief as it summarizes the form buildings should take. Mr. Sanders referred the Council to a March 2017 Work Meeting where the Council had another

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discussion on form-based codes. Councilor Katrice MacKay said she met with Mr. Peperone before she was voted onto the Council and Mr. Peperone said he would want to change the city code. As she has been involved with the City code, it has become apparent through various development proposals and conversations with business owners that this could be improved a lot to become easier. She noted they could be creative and offer a few different options depending on the area of the city and what is appropriate.

Councilor Shannon Ellsworth said a lot of form-based code is based on design standards. She noted the State Legislature have made some laws that prohibit cities from requiring sign standards on certain types of housing. She was concerned about the state continuing to prevent cities from implementing design standards. That is one concern she has and how it may impact on the City's ability to implement a form-based code. Ms. Ellsworth also said she was concerned about any money that is still there in the community development department and how the Council allocated it for the various plans. She is curious about the status of those funds. Mr. Peperone said he had a staff member look into that and that he needs to follow up about the results of that question. Ms. Ellsworth said when they were doing the General Plan they put aside money to hire a consultant and then the consultant was not used for the remainder of the project. She said that if the City is going to overhaul a large volume of the City's laws, that the Council is more involved and part of the process throughout. Councilor Travis Hoban said he would prioritize use over form. Quality of life is important to him and that residents would point more toward use than aesthetics as quality of life factors. In more residential areas of the City, he would not want to prioritize form over use. He is in favor of simplifying things for staff or exploring how things could be simplified. He supported doing some more research about what the best solution would be; he wasn't sure if form-based code was the best fit in Provo politically.

Ms. MacKay noted form-based code would be used only in certain areas like near transit or in certain commercial areas. Mr. Hoban said he would be okay with looking at where form-based code would make sense.

Councilor Rachel Whipple mentioned that some things about Euclidean zoning are helpful while keeping some types of uses separate. She said they need to decide which uses need to be preserved while also simplifying the code. For form-based code generally, the downtown area was originally built before Euclidean zoning even existed. That is why it was more mixed-use and walkable. Many similar cities do not have that Euclidean zoning. Mr. Peperone said that is the irony of this discussion; the most noteworthy place to bring visitors to Provo is downtown, but the current downtown Provo would not be possible under current design and engineering standards. We have zoned ourselves out of what works, what is unique, and what we value about our City. Ms. Whipple said it is nice to have residential areas that can have little commercial elements in them as well, like a corner market or dry cleaners which are nice to have in a residential area. It would help those residential areas to be more walkable.

Ms. MacKay said she likes that any changes would be done with citizen input. She assumes the General Plan would still be in place with whichever type of zoning. Form-based would not be used everywhere; there would still be some prohibited uses. Mr. Peperone indicated that would be correct. Mr. Peperone and Mr. Sanders said it would depend on the area of the City where

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form-based code would be used. Ms. MacKay invited feedback from the Council on the next steps.

Ms. MacKay said to get things rolling and discuss again in October. Councilor Shannon Ellsworth proposed that Council Staff and Development Services work together to create a scope of what needs to be changed, what is scope of form-based code to be used and create a written recommendation.

Ms. Ellsworth moved to direct staff to create a scope of work and to also have Bill Peperone report back within five months about what the next steps are, an outline of zoning ordinance, and the scope of the work that needs to be done.

Mr. Peperone was given permission to do this with staff and will report to Council leadership. However, the point was brought up that they can move more quickly if they can do that independently. Mr. Hoban said to have them come back with recommendations.

Motion: Katrice MacKay moved to request that staff report back within five months with recommendations as to the next steps, an outline of a new zoning ordinance, and a scope of the work that needs to be done. Seconded by Rachel Whipple.

Vote: Approved 6:0, with Bill Fillmore excused.

9. A discussion regarding housing policy in Provo. (23-043) ([2:29:45](#))

Melia Dayley, Policy Analyst, presented. Review housing issue request survey: seven housing issues submitted by Councilors. They have ranked these based on the feedback to help staff be able to prioritize what is coming to Work Meetings.

First priority:

Down payment and mortgage assistance

A lot of information from Jim Wood at Gardner Policy Institute. This information is pulled from the Provo City Moderate Income Housing Plan.

Councilor Travis Hoban commented about the data and how expensive a house someone earning \$100,000 a year can afford.

Councilor Rachel Whipple said the average selling price of homes in Provo in April was over \$500,000.

It is very difficult to find affordable housing in Provo. Ms. Dayley also noted the disparity between County assessed value rates versus how much housing is actually selling for.

Ms. Dayley outlined several existing resources and policy options for down payment and mortgage assistance. There are a number of programs available through the federal government, state, county, and city levels. Some programs require that someone be a first-time homebuyer and that the homes are new builds. Ms. Dayley noted several specific policy options for the Council, including continuing to support and fund HOME/CDBG funding for Provo's down payment assistance program, setting up a Provo City matching and/or independent down payment and mortgage assistance fund, sponsor or partner to provide homeownership education

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and counseling, affordable housing initiatives, and partnerships with or creating a home equity-building program. Ms. Dayley shared information about the perpetual housing fund in Salt Lake City and how that program works.

Councilor Katrice MacKay asked about some of the existing programs. Ms. Dayley responded and gave more details on the various financial literacy classes. Councilor Rachel Whipple shared comments and ideas. Ms. Dayley responded and said there are some requirements about housing so she thought it would make the most sense to find programs that are already in place and support those. Ms. MacKay asked if the City could supplement a set amount to help bridge the gap if houses do not fall under the required threshold. Ms. Whipple also asked if lenders in the area know about these programs, and she hoped they could help point people to these resources. Mr. Hoban said this seemed like an overwhelming problem. The average home price is \$150,000 above the recommended levels. Ms. Dayley noted that providing more affordable housing that meets demand from more income levels can help alleviate some of the strain on the housing supply.

Councilor George Handley shared comments. He felt this was a serious problem, but he was unclear about what the role of the Council is in these kinds of housing issues. He feels that option four is a high priority for the council to focus on. The other options did not feel as clear to him, and he does not know what the right solution is. Option three seemed easy to him but option four seems like it is already in the General Plan. He said that he needs to be convinced about the impact they could have with a certain amount of money to help this issue. He wants to make sure that the money is maximized and that they can make a great impact on families.

Ms. Whipple said there are things the Council could do to help increase affordable housing and that they need to have more concrete things to support what they have in the plan. She gave some ideas like decreasing lot sizes and setbacks, encouraging infill development, and allowing lots to be subdivided into smaller lots in established neighborhoods. These are steps the Council can take and would open up more opportunities for affordable housing to be built that can be integrated into existing neighborhoods. Sometimes requirements like minimum unit size, parking requirements, and more can add to costs. She mentioned that if the Council cares about making housing more affordable, they need to carefully examine the restrictions that add to the cost of housing and how these things are exacerbating costs. Ms. MacKay noted the Council has been doing some of those things but there is also quality of life considerations.

Councilor Shannon Ellsworth added to Ms. Whipple's comments. She thought updating the residential zoning code would make a significant impact. In her time on the Planning Commission and Council, she cannot remember any duplex being approved. She said this is an easy infill and that the missing middle type of housing would be easy to develop. She thought this could be addressed through updates to the residential zoning codes.

Ms. Dayley asked if there was any motion to be made at the moment. Katrice did not have any action items to add to this. She noted that as Ms. Ellsworth said they are doing a deliberate review of the code.

Priority 3: Posted Public Contact Information

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Priority 3 is to “provide both the residents of a managed residential property, like an apartment complex, with better contact to a responsible party when there is a maintenance concern or emergency on the property.”

Council Staff recommends the Council codify this as a business licensing requirement. Ms. Dayley cited several examples of this from other states.

Councilor Shannon Ellsworth asked about what is defined as an apartment in the city code and how many units it needs. Ms. Ellsworth said that it makes her nervous is on how they are supposed to control the information and how it can be done appropriately.

Brian Jones said the current definition of an apartment is in an apartment building with 5 or more units.

Councilor Travis Hoban commented on a previous thing. He said he is struggling with the concept. He doesn't want to sacrifice long-term quality of life to solve a problem they are never going to solve.

Councilor Rachel Whipple commented and said she is not concerned about privacy or protecting information when operating a public business. She thinks this is a good thing that would help the City.

Council Chair Katrice MacKay agreed and said there are some apartment complexes that are well-managed. She and Rachel both heard this concern from some citizens. She does not see a downside to this.

George Handley liked this idea and agreed they should do something like this. He thinks this could help improve relationships with landlords in the city as well as make things easier for renters to get things done.

Motion: George Handley moved that they instruct staff to move forward on a recommendation on option number 1 – amending city code to require “responsible person signs” in Chapter 6.26 making it a business licensing regulation at a future Work Meeting with the draft by the end of June. Seconded by David Shipley.

Vote: Approved 6:0, with Bill Fillmore excused.

10. A resolution authorizing the Mayor to submit an application for a Utah County Municipal Recreation Grant to be used for restroom and playground improvements at Rock Canyon Park. (23-044) [\(3:09:35\)](#)

Doug Robins, Parks and Recreation Assistant Director, presented. This is an annual grant at Utah County with tax revenues collected through tourism tax revenue. The revenues are distributed based on population. Past grants have been used for improvements to the Provo River Trail, Lakewood Park improvements, and other park improvements over the years. This involves restroom replacement and playgrounds at Rock Canyon Park. Updated restrooms are a high priority for residents, and they are consolidating this to a larger, nicer facility with ADA access, family-style restrooms, and added capacity. There will be water-conservative fixtures as well as better windows allowing more natural light, reducing electrical use. The existing playgrounds are 25 years old; playground safety has changed over the years and the recommended life of fixtures is 15 years for playgrounds. It is increasingly difficult to find replacement parts. They will be

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using more of an adventure playground concept, with zip lines, swings, climbing platforms, and slides which will add a lot of value to this facility.

Council Chair Katrice MacKay loves the bathroom design with the additional natural light. David Shipley said improvements like this are great for families and accessibility. He wondered if there were any concerns about updating these bathrooms. He asked if there is anything that can be done to improve safety at parks. He wonders if that is part of what they think through and are trying to address with a new design. He wondered if there have been any security or safety problems with these bathrooms in the past. Mr. Robins said every design they do — and especially in Provo — they will consolidate two-bathroom facilities into one more centrally located and more prominent location. It will be well lit on all sides, closer to parking, and more prominent, which will help with safety.

Mr. Shipley asked if the new play equipment would be as durable and if the durability had been tested. In addition, he asked if they have decades worth of use or if it will require a lot of maintenance. Mr. Robins said the use is quite resilient. Metal slides get very hot, so the plastic doesn't retain heat and are safer. They have done a lot of testing and these new surfaces are quite resilient.

Mr. Hoban mentioned that some parks on the west side don't have bathrooms and asked if there were any updates on those parks and plans. This includes Lakewood Park bathrooms. Mr. Robins said two years ago they replaced the playground. Restrooms will go in that expansion area to south of existing park. Mr. Shipley asked if there is a plan for that. Mr. Robins said in the expansion plan, they will expand by three to four acres on the south side. Mr. Robins did not have the exact timing in the five-year plan. Mr. Hoban asked why they would not use the grant to add a bathroom. Mr. Robins said Rock Canyon is more of a regional facility with higher use, where they are trying to care for the existing facilities. It was confirmed that Sunset View Park has a restroom there.

Councilor Rachel Whipple said she is still advocating for a restroom at Memorial Park. She knows they are developing plans for that. Mr. Handley is supportive of the grant proposal.

Presentation only. This item was already scheduled for the Council Meeting on May 2, 2023.

11. A discussion regarding water management programs for Provo City residents. (23-031) ([3:18:30](#))

Hannah Salzl, Sustainability Coordinator, introduced the presentation and presented the first section. The programs are presented in the same order as they were laid out in the materials. Ms. Salzl reiterated the paradigm shift discussed in previous presentations from plant and soil health and reduction in water waste to achieve wise water management. This is the driving logic of all the programs they have designed and discussed at the City. They also want to remove barriers for residents to make things simpler for the average resident to do. Ms. Salzl reiterated the elements of a Provo-specific program. She listed a number of programs they can implement that are all administrative in nature. It is difficult to estimate costs in the first year, as they are unsure which

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residents will engage in which programs, with so many options available. They will evaluate participation after the first year and then recalibrate moving forward. The costs for residents are very competitive with other areas and programs available. They want to facilitate ease of access to these programs for Provo residents.

Councilor David Shipley asked about the Utah Savers program and some of the county and other programs. The new program the state just rolled out and Mr. Shipley asked if Provo is eligible for that. Ms. Salzl said there are some programs that city residents are still eligible for, and they are including this information in materials for the Council and for residents.

Ms. Salzl outlined some of the elements of the programming that will be available, including education and outreach, pre-approved waterwise landscaping plans (still in progress), landscape code update (in progress—coming to the Council on May 16), demonstration garden (virtual resource initially), and a website (live on the City website).

Dave Decker, Public Works Director, outlined several programs available through Provo Public Works: smart irrigation controllers, turf trade, and a high-efficiency sprinkler rebate program. There is also an incentive program for narrow parkstrips, and Mr. Decker outlined details about this program and the requirements for the landscaping. Trees should remain in place and have appropriate irrigation.

Chaz Addis, City Forester, presented on the programs through Provo Power. He shared some negative examples of failed parkstrip conversion. He outlined the programs (need to relisten to this) available through Provo Power.

Questions

Councilor Shannon Ellsworth asked about how these proposed programs are better than programs initiated or supported by Central Utah Water Conservancy District and the State, or what is better about those programs. Ms. Salzl shared a brief overview in response to this. The major statewide program is the turf buyback program. Provo is offering \$1 more per square foot for landscaping, and \$0.50 less for permeable pavers, in order to incentivize landscaping. Provo has a broader range of programs and incentives available—the turf buyback program is comparable to Salt Lake. Provo's water controller incentives are stackable with the state programs. Ms. Ellsworth asked if there were any programs that were stronger at the regional, district, or state level. Ms. Salzl was not aware of any.

Ms. Ellsworth asked about the dialogue about the importance of the urban forest. She was curious how the City could take additional measures within the City code to better support the urban forest. Mr. Addis said the code requires seven-foot parkstrips for new developments; new homes should not have anything less than seven-feet for single-family or commercial structures. Ms. Ellsworth said there must be some differences in the zoning code as she passed a newer apartment complex which did not have seven-foot parkstrips. She suggested a more detailed review of the city code and what would facilitate better tree health. Mr. Addis said structural soil is needed for tree wells that helps trees grow. Ms. Ellsworth was interested in bigger parkstrips and more space for trees that are in parking lots.

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Councilor George Handley asked about the recommendations for changes to the landscaping code. Ms. Salzl said they were very minor, such as standardizing and increasing standards for vegetative coverage, and widening landscape strips in parking lots to seven feet. Mr. Handley asked about commercial properties. Ms. Salzl said they investigated this somewhat but had not been prioritized with these programs. If the Council would like them to pursue this, they could do so. Mr. Handley said he thought this had been expressed, but maybe a formal vote had not been taken. Mr. Handley would like to see proposals for changing the landscaping code for commercial properties. Ms. Salzl said the only item that requires legislative action is the landscaping code that is coming to the Council on May 16.

Mr. Handley provided additional context on what he had wanted to happen for commercial properties. He noted that business parks are a very wasteful commercial water user. Ms. MacKay said she was more concerned about heat islands and parking issues for commercial. Mr. Handley said that studies from Utah State showed that business parks typically have large areas of only grass, which are very over-watered. Ms. Salzl noted that commercial properties are eligible for smart controllers, which have an average of 17% reduction in water use.

Motion: George Handley moved to instruct staff to include after May 16 suggested changes to the landscape code for commercial properties. Seconded by Shannon Ellsworth.

Vote: Approved 6:0, with Bill Fillmore excused.

Mr. Handley if website is live what is the Council approving. Ms. Salzl clarified that the website includes programs that are already within the jurisdiction of departments and their discretion to use already budgeted funds. The only item with a legislative impact that is coming back to the Council is the landscaping code item coming back to the Council on May 16.

Mr. Handley asked about residents who have been xeriscaping properties beyond what the City code allows. He is concerned about penalizing people who may be implementing waterwise landscaping designs. Ms. Salzl said xeriscaping is already permitted in City code and is pretty flexible; it has requirements for minimum vegetative coverage not including trees and weeds and they have not had any issues with it in recent years.

Councilor David Shipley recalled that the conservation district was supposed to get back to us about whether commercial properties would be eligible for their programs if the city was not adopting their landscaping standards. Ms. Salzl said that commercial users are not eligible unless Provo City adopts their landscaping standards. Ms. Salzl clarified that the landscaping plans are available for any users, and smart controllers are available to any water users in the city. Most of the other programs are focused on residents.

Councilor Rachel Whipple asked about zoning enforcement with regards to landscaping. She wondered how much of a priority this is to zoning enforcement and whether it would be helpful for it to be more of a priority. Bill Peperone spoke to this and said that in reports they had from Provo Power about losing street trees, they have made this a higher priority to evaluate park strips and health of street trees. Ms. Whipple asked if they needed further support from the

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Council on this. Mr. Peperone said they would evaluate this summer and if they need additional resources, they will come back, but he thinks they can manage it within their existing resources.

Ms. Whipple appreciated that the City's rebate is more generous. She thinks they will get pushback from residents about parkstrips over four-foot wide which do not have the same rebate programs available. Ms. Salzl said that is correct and that parkstrips narrower than four feet do not need as much water. For the larger parkstrips, they really do need the water in order to preserve the health of the trees. Ms. Salzl shared additional comments on the Conservancy District standards and parkstrip sizes. Ms. Whipple shared additional comments about the use of parkstrips.

Ms. Whipple had a question for Mr. Addis about parkstrip tree care. Mr. Addis said for utility service areas, the city is divided into three areas for the parkstrip tree crews. They are planning to divide this slightly differently in the future to make it more manageable by having the utility area crews also attend to the parkstrip trees in their areas.

Ms. Whipple asked when 300 South was redone by UDOT, many of the trees have died and have grates with trash and asked if there was a way to remediate these trees and replant trees. Mr. Addis responded to this question. They do plan to replace these trees. They will remove and replace the dead trees. Some of the selections were not the best choices, whether due to the tree size or the soil structure, but they will be working on replacing these trees. The reorganization of the utility and street tree crews will help address some of these issues as well. Mr. Decker shared some additional insight into these trees. He would love to give UDOT a bill for several things. They will continue to work with Provo Power to address those trees. Likely the drip irrigation systems that were installed are not supplying an adequate amount of water to those trees. The soil condition is also poor along that corridor. Mr. Decker said that supporting street trees is not a primary concern of the Conservancy district programs; Provo has always encouraged this and are continuing to expand the availability of trees to city residents and encouraging the planting of these trees.

Ms. Ellsworth asked about the budgets and whether the budgets came from departments allocating their own funds or how this was provided. Mr. Decker said the funding comes either from Energy or Water budgets already and that they have not relied on the ARPA funding for these initiatives. Justin Harrison, Council Executive Director, noted the Council allocated about \$57,000 to the General Fund, so it would still need to be moved to a specific budget by the Council once they have decided where and how to expend those funds. *Presentation only.*

Adjournment

Adjourned by unanimous consent.