



## **PROVO MUNICIPAL COUNCIL Redevelopment Agency of Provo**

### **Work Meeting**

12:00 PM, Tuesday, July 18, 2023

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or  
<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. **The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil)**. If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

**To listen to the meeting by phone: July 18 Work Meeting: Dial 346-248-7799. Enter Meeting ID 816 6255 1257 and press #. When asked for a participant ID, press #.**

### **Agenda**

#### **Roll Call**

#### **Prayer**

#### **Approval of Minutes**

May 16, 2023 Council Meeting

June 20, 2023 Work Meeting

#### **Business**

1. An Ordinance Amending Provo City Code To Expand Prohibitions On Depositing Materials On Sidewalks And Streets And To Regulate Street Parking Of Recreational Vehicles, Boats, And Trailers. (23-054)
2. An ordinance amending the Zone Classification of approx 1.36 acres located between 5065 N Canyon Rd & 5075 N Canyon Rd, From One-Family Residential (R1.20) to One-Family Residential (R1.10). N Timpview Neighborhood. (PLRZ20230073)
3. A resolution instituting a Fire Restriction Order. (23-052)
4. An ordinance amending the General Plan to adopt the Conservation and Resiliency Plan. Citywide Application. (PLGPA20210367)

5. A discussion regarding housing affordability. (23-043)
6. A presentation regarding efforts addressing homelessness in Provo City - The Refuge (23-018)

## **Redevelopment Agency Governing Board**

7. A discussion regarding expanding the tax increment finance agreement with Rivers Edge on University (The Mix). (23-045)
8. A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine. (23-045)

## **Closed Meeting**

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

## **Adjournment**

If you have a comment regarding items on the agenda, please contact Councilors at [council@provo.org](mailto:council@provo.org) or using their contact information listed at: [provo.org/government/city-council/meet-the-council](http://provo.org/government/city-council/meet-the-council)

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To send comments to the Council or weigh in on current issues, visit [OpenCityHall.provo.org](http://OpenCityHall.provo.org).

The next Work Meeting will be held on Tuesday, August 1, 2023. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

### **Notice of Compliance with the Americans with Disabilities Act (ADA)**

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email [evanderwerken@provo.org](mailto:evanderwerken@provo.org) at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at [youtube.com/ProvoCityCouncil](https://youtube.com/ProvoCityCouncil).

### **Notice of Telephonic Communications**

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

### **Notice of Compliance with Public Noticing Regulations**

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City

website at [agendas.provo.org](http://agendas.provo.org). Council meeting agendas are available through the Utah Public Meeting Notice website at [utah.gov/pmn](http://utah.gov/pmn), which also offers email subscriptions to notices.

## **PENDING APPROVAL - DRAFT MINUTES**

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### **PROVO MUNICIPAL COUNCIL**

**Redevelopment Agency of Provo**

**Stormwater Service District of Provo**

**Regular Meeting Agenda**

5:30 PM, Tuesday, May 16, 2023

Council Chambers (Room 100)

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

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

#### **Roll Call**

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth

Councilor Bill Fillmore

Councilor Katrice MacKay

Councilor David Shipley

Councilor Rachel Whipple

Mayor Michelle Kaufusi

Chief Administrative Officer Wayne Parker

City Attorney Brian Jones

Council Executive Director Justin Harrison

Deputy Mayor Isaac Paxman

Conducting: Chair Katrice MacKay

Excused: Councilors George Handley and Travis Hoban

**Prayer** – Adam Borrowman

**Pledge of Allegiance** – Councilor Whipple

Chair MacKay recognized the late Cindy Richards, who served Provo City for 12 years on the City Council.

Isaac Paxman shared the exciting news that Provo City was named the 'Best Performing City' nation by the Milken Institute. He read the following from the press release: "The Index, published annually since 1999, reflects cities' effectiveness at leveraging their resources to promote economic growth and provide their residents with access to the essential services and infrastructure needed for success. Its components include job creation, wage growth, and the high-tech sector's output growth. Since 2021, the Index also includes measures of housing affordability and broadband access that reflect access to economic opportunities of cities' residents."

He also shared this quote by Mayor Kaufusi that was included in the press release: "I am proud to see that the world is taking note of this remarkable place, where the majesty of nature surrounds a thriving hub of tech activity and educational opportunity, creating unparalleled quality of life.... For the Milken Institute to recognize us for three straight years as the nation's Best Performing City is a thrill and an honor. The award is data driven, based on metrics like job and wage growth. But behind our impressive metrics are the amazing people that make it all happen. It is they who should be most proud of this award."

**Public Comment (0:16:25)**

Chair MacKay read the public comment preamble and opened the public comment period. With no public comments, she closed public comment.

## **PENDING APPROVAL - DRAFT MINUTES**

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*With no objections, the Provo Municipal Council adjourned and reconvened as the Governing Board of the Redevelopment Agency of Provo with Chair Ellsworth conducting.*

### **Redevelopment Agency of Provo ([0:17:20](#))**

- 1. A resolution tentatively adopting a proposed budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2023 and ending June 30, 2024. (23-008)**

Kelsey Zarbock, Budget Analyst, presented. She reminded the Board that during the last council meeting, the Board was presented with the tentative budget and this item is to tentatively adopt it. She added that this tentative adoption serves as the initial framework for the budget process, allowing the board to propose and implement changes, as necessary.

Chair Ellsworth opened public comment. With none, she brought the item back for discussion from the board. With no council discussion, she asked for a motion.

**Motion:** Board member Whipple moved to adopt the resolution. Board member Fillmore seconded.

Chair Ellsworth called for a vote on the motion.

**Vote:** The motion was approved 5:0 with Board Members Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Board Members Handley and Hoban excused.

*With no objections, the Redevelopment Agency of Provo adjourned and reconvened as the Provo City Stormwater Service District with Chair MacKay conducting.*

### **Stormwater Service District of Provo ([0:22:25](#))**

- 2. A resolution tentatively adopting a proposed budget for the Provo City Stormwater Service District for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024. (23-008)**

Ms. Zarbock presented. She said this item is like the previous item for the Redevelopment Agency and added that there will be opportunities for public hearing in the next couple of weeks.

Chair MacKay opened public comment. With no public comment and no council discussion, she invited a motion to approve the Resolution as proposed.

**Motion:** Councilor Ellsworth moved to adopt the resolution. Councilor Fillmore seconded.

Chair MacKay called for a vote on the motion.

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**Vote:** The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

*With no objections, the Provo City Stormwater Service District adjourned and reconvened as the Provo Municipal Council with Chair MacKay conducting.*

### **Action Agenda**

**3. A resolution tentatively adopting a proposed budget for Provo City Corporation for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024. (23-008) ([0:22:35](#))**

**Motion:** An implied motion to approve Resolution 2023-20, as currently constituted, has been made by council rule.

Ms. Zarbock presented. She said the total expense budget amount of \$342,048,943 was established as the baseline for consideration. In the past several months, the council has received multiple presentations from various departments to gain insight into the factors influencing the decisions made for this budget. Notably, there was a comprehensive presentation during the previous council meeting on May 2. She emphasized that this budgeting process has been transparent and open to the public, with ongoing opportunities for the public to provide input during the upcoming public hearings scheduled for June.

Chair MacKay opened public comment. With none, she brought the discussion back to the council.

Councilor Whipple shared she would like to explore the decision-making process as to why certain requests were approved in the budget while others were left out.

John Borget, Director of Administrative Services, reminded council that the next month is for discussion of requests. He said the administration would be happy to come and address any concerns that need to be resolved.

Councilor Whipple thanked the departments for their Herculean effort during the budget process.

With no other council discussion, Chair MacKay called for a vote.

**Vote:** The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

**4. An ordinance amending the General Plan Map of Provo City to include General Plan Map amendments previously adopted in ordinances 2022-37, 2022-38, AND 2022-56. Citywide Application. (Related to PLGPA20210364) ([0:26:30](#))**

**Motion:** An implied motion to approve Ordinance 2023-18, as currently constituted, has been made by council rule.

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Brandon Larsen, Planning Supervisor, explained when the new General Plan Map was adopted in January, there were some map amendments that were inadvertently left off. He said after the department became aware of the error, they consulted with legal who advised a resolution to adopt the corrected maps. He discussed the changes to the parcels that were added.

Chair MacKay opened public comment. With no comments or council discussion, she called for a vote.

**Vote:** The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

**5. An ordinance amending Provo City General Plan Appendix C regarding annexation map and policies. Citywide application. (PLGPA20230063) (0:29:45)**

**Motion:** An implied motion to approve Ordinance 2023-19, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He said this item was discussed during work session and the change includes areas five and six on the map. He explained this change would allow property owners the opportunity to annex into the city as an agricultural zone rather than the open space zone.

Councilor Shipley inquired about whether the open space zone would prohibit property owners from maintaining agricultural use on their land.

Mr. Ardmore said the open space zone is specific to parks and recreation activities and would not allow for agricultural use.

Chair MacKay opened item for public comment. With none, she closed public comment. She added that this item has been heard by the planning commission and this is the first public hearing. She called for a vote on the implied motion.

**Vote:** The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

**6. An ordinance amending the zone map class. of approx. 2 acres of property, located at 2075 W Center Street, from One-Family Residential (R1.8) to Mixed-use (MU) & authorizing and related development agreement. Provo Bay Neighborhood. (PLRZ20210271) (0:32:05)**

**Motion:** An implied motion to approve an Ordinance, as currently constituted, has been made by council rule.

Mr. Ardmore presented. He briefly discussed slides previously presented to the Planning Commission, aiming to provide background information and address some questions raised during the work session. He said the property in question involves a zone change request for the northern portion with a concept aligned with the recently adopted mixed-use zone. The north building would offer over 10,000 square feet of commercial space, along with 24 units, while the south building would accommodate 36 units. He added that parking was a topic of concern to staff due to the mixed-use zone allowing a 25%

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discount from the typical parking rate, resulting in 117 spaces instead of the required 155. The floor plans and elevations were also mentioned, highlighting the adjustments made to address Planning Commission concerns by scaling down the building intensity towards the south. In terms of rezoning, he said staff recommended only rezoning the northern acre, and referred to a general plan map that influenced the decision-making process.

Councilor Shipley requested additional background details about the parking considerations. He asked if there was a specific parking stall target suggested to the developer that they did not meet.

Mr. Ardmore responded and said staff would feel more comfortable with the standard number of parking stalls. He said that when the mixed-use zone was adopted, it included the automatic 25% discount. He said that while this area was zoned for mixed-use, it does not have the same walkability as others zoned the same way. He said staff has talked about adjusting the policy to address different service areas, but it has not been finalized.

Councilor Whipple confirmed that the current standards have been met by the developer, but that zone standard might not be applicable in this area. She said it is not the developer's fault for meeting our current standards, even if we are looking at adjusting them and the developer should not be penalized.

Councilors Ellsworth and Whipple discussed the bubbles shown on the map were intended to be flexible instead of harsh lines that align with specific parcels in this area.

With no other questions for Mr. Ardmore, Chair MacKay invited the developer, Steve Turley, to present.

Mr. Turley shared his vision for the project. Some of the aspects he discussed included the height of the buildings, the rooftop amenities, retail space available, parking, and the capacity of the area.

Chair MacKay asked if the individual condominiums would be for sale. She asked if there would be anything in a contract to incentivize owner occupancy or something to deter investors from buying them all.

Mr. Turley responded that each condominium would be metered separately and would be for individual sale. He added that the item being requested is a rezone, but the discussion has been more about the concept plan specifics, which the details of have not been finalized.

Councilor Whipple noted that people are increasingly using alternative modes of transportation like bikes and public transit but still own cars, which creates a need for parking spaces. She suggested that the existing parking standards and reductions do not reflect the actual behavior and preferences of people in today's world. She said that this may not be a significant issue unless there is thriving commercial activity in the area, especially during evening hours. She asked if Mr. Turley has considered this aspect and whether their traffic and parking study considered the usage patterns and operating hours of the commercial properties.

Mr. Turley mentioned that the Hales Engineering report, specifically page four, discussed the shared use of a certain area. He pointed out that the graph showed different retail and bedroom counts, with a peak demand of 90. Mr. Turley acknowledged Councilor Whipple's concerns and admitted that when

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they examined the commercial uses, they received a lot of encouragement for a good restaurant. They analyzed the numbers and found a peak demand during food hours. They mentioned a specific restaurant, Sodalicious, which was interested in leasing another site but required sufficient parking, which the current site could not accommodate due to a lack of drive-through service. Mr. Turley then mentioned a persistent physical therapist who wanted 6,000 square feet. He said zoning restrictions determine the type of commercial activity allowed, and he trusts the planners to make appropriate decisions.

Chair MacKay shared her concern for the quality of life considering the overlapping parking between the commercial space and residents.

Councilor Whipple stated she did not see anything in the documents that would indicate that they would be condominiums or that they would be for sale and not rented.

Mr. Turley provided another document and proffered that the language would be included in the final development agreement.

Chair MacKay opened item for public comment.

Dave Lewis, of Provo, shared what he likes about the project.

With no other public comments, Chair MacKay closed public comment.

Councilor Fillmore said that while he likes the project plan, he worries this will create a creep in high density projects on the west side.

Councilor Shipley shared his concerns regarding parking along Geneva Rd. He said there is another development that is on Geneva Rd. in Orem which has created issues with overparking along the road. He shared his desire to have commercial developments on the Westside. He said his main concern is the parking situation and he plans to review the Hales study further.

**Motion:** Councilor Shipley moved to continue the item to allow for Councilor Hoban's input since it is in his district. Chair MacKay seconded.

Councilor Whipple agreed to continue and invited more members of the affected neighborhoods to provide comments.

Brian Jones reminded that this is the first hearing so a motion is not required if there are at least two council members who would like to continue the item.

Chair Mackay asked if Mr. Turley will be allowed to collaborate with staff to refine the development agreement prior to the next hearing.

7. **An ordinance amending Provo City Code regarding development landscaping requirements. Citywide Application. (PLOTA20230079) ([1:27:30](#))**

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**Motion:** An implied motion to approve Ordinance 2023-20, as currently constituted, has been made by council rule.

Hannah Salzl, Planner, presented. She reminded the council that this item was discussed extensively during the work session. She shared the objectives for the amendment include to standardize the requirements and language, encourage more vegetative coverage in yards and park strips with xeric landscaping, encourage larger shade trees in parking lots, and allow for general code cleanup.

Chair MacKay clarified that the council would be voting on the amendments as written but asked for staff to revisit landscaping with artificial turf.

Ms. Salzl responded that staff will be working with the Parks and Public Works departments to see what they recommend. After the item is revised, the staff would present it to the planning commission and council again.

Chair MacKay opened public comment. With none, she closed public comment.

Councilor Whipple asked if Planning Commission member Lisa Jensen's comments and suggestions were incorporated into the new ordinance. She thanked the planning commission for going through this item so carefully.

Chair MacKay called for a vote.

**Vote:** The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

**8. An ordinance to amend the General Plan Appendix S: Downtown Master Plan to update the document policies, graphics, and data. (PLGPA20220362) ([1:31:25](#))**

**Motion:** An implied motion to approve Ordinance 2023-21, as currently constituted, has been made by council rule.

Bill Peperone, Director of Development Services, reminded the council that this item was presented during the work session.

Javin Weaver, Planner, presented. He shared that the Downtown Master Plan was added to the General plan in 2015 and the UTA Station Area Plan was added in 2019. He discussed the need to revise the document due to the significant growth that has happened downtown.

Councilor Whipple asked about Appendix Y – downtown streetscapes. She asked if modifications in the future, specifically for 100 West, would be allowed or if the council needed to wait to vote on this item.

Mr. Weaver said the language added includes 'modifications may occur' to allow for flexibility.

Councilor Whipple stated her objection for changing the zoning of mobile home parks. She said that even though these areas look like prime redevelopment opportunities, she views them as affordable

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housing that she would like to preserve and protect. She shared that while she will be voting yes for this item, she is opposed to that small portion of it.

Chair MacKay opened the item for public comment. With none, she closed public comment. With no council discussion, she called for a vote.

**Vote:** The motion was approved 5:0 with Councilors Ellsworth, Fillmore, MacKay, Shipley, and Whipple in favor. Councilors Handley and Hoban excused.

**9.     \*\*CONTINUED\*\* Provo City Development Services requests Text Amendments to Section 14.34.060 (Location of Boats, Boat Trailers, and Travel Trailers). Citywide Application.  
PLOTA20230034**

### **Adjournment**

The meeting was adjourned by unanimous consent at approximately 7:10 p.m.

# *Pending minutes – awaiting approval*

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## **PROVO MUNICIPAL COUNCIL Redevelopment Agency Governing Board Work Meeting Minutes**

12:00 PM, Tuesday, June 20, 2023

Council Chambers

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

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

### **Agenda**

#### **Roll Call**

The following elected officials participated:

Council Chair Katrice MacKay, conducting

Council Vice-chair Rachel Whipple

Councilor David Shipley

Councilor George Handley

Councilor Bill Fillmore

Councilor Travis Hoban

Mayor Michelle Kaufusi

Excused: Councilor Shannon Ellsworth

#### **Prayer**

The prayer was given by Keith Morey.

#### **Approval of Minutes**

May 2, 2023 Work Meeting

May 16, 2023 Work Meeting

June 6, 2023 Work Meeting

June 13, 2023 Budget Work Meeting

*Approved by unanimous consent.*

#### **Redevelopment Agency Governing Board**

- 1. A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine. (23-045) ([00:13:44](#))**

Keith Morey, Development Services Assistant Director, presented. He gave the background history of the property where the Noorda College is building, which was a former landfill and was not on the property tax rolls for a long time. Greg Stewart, developer of the site, presented. He shared a short video that describes the economic activity of the campus and impacts on local

## *Pending minutes – awaiting approval*

tax revenues. Robert Lawrence Springmeyer Jr., shared more background information about the Noorda school and its founding.

RDA Board Member Dave Shipley asked about the TIF and if it expands to the other areas past the original housing component. Mr. Stewart said that it expanded to include the medical school which will immediately begin to generate tax revenue. Mr. Stewart gave an overview of the additional structures. They are asking for \$37.3 million over 20 years, which would include the \$4.5 million already authorized by the previous agreement. Mr. Shipley asked how the developer determines the \$37 million figure. He wanted to understand how this figure was identified. Mr. Stewart indicated that there will be two parking structures constructed on the site. They reached this number by working with Mr. Morey and his staff and calculating the tax increment over the 20-year period of time and what would be needed to facilitate their project.

Katrice MacKay, RDA Board Member, commented on the nature of tax-increment financing. Mr. Morey responded and said that the tax increment is contingent on the success of the project for the developer, so the City gives them nothing if the project is not successful. Ms. MacKay said she toured the facility and it is a gorgeous building in spite of the many supply chain delays during the pandemic. Ms. MacKay asked when the first apartments would be done. Mr. Stewart indicated they would begin construction on the apartments later this year and anticipate their completion in two years.

Rachel Whipple, RDA Board Member, said it looks like they are expanding the area to the larger area they had originally asked for previously of the RDA Governing Board. She wondered why that determination was made at that time. Dixon Holmes, Assistant CAO, shared some context on the past decision, which involved relocating several holes of the Timpanogos golf course. Ms. Whipple also asked if the project scope has changed simply due to new opportunities as the project has moved forward. Mr. Stewart indicated that was the case, for instance with the biotech partners. Ms. Whipple clarified if the 20-year increment period would completely replace the 12-year period. She has some hesitation about the length of the 20 years. Mr. Stewart said they have asked for 20 years due to the difficulty they have had in getting things done. He noted that the removal of the trash from the former landfill was expensive and complicated and took an extended period of time to complete.

George Handley, RDA Board Member, said he was uncomfortable with the landfill mitigation being included in this increased ask, as it was very apparent when this project was first approved and that this was a risk and an unknown factor.

Bill Fillmore, RDA Board Member, shared comments and his support for the project as well as this additional request. He thinks the medical school has had a catalyzing effect in the community. Mr. Stewart expanded on his explanation of the buildings on the campus and the functions that will be housed at each. Mr. Morey suggested that the RDA is one of several entities that will be asked to approve the tax increment financing agreement. Ms. MacKay noted that no TIF funding has been paid yet due to the terms of the old agreement. ***Presentation only.***  
***This item will come to a future meeting of the RDA Governing Board.***

## *Pending minutes – awaiting approval*

### **2. A discussion regarding expanding the tax increment finance agreement with Rivers Edge on University (The Mix). (23-045) ([00:51:42](#))**

Keith Morey, Development Services Assistant Director, presented. One of the difficulties that the current developer of Rivers Edge on University has faced engaging with the project. This developer took over the project, so they are asking that the tax increment window be shifted as well as expanded slightly to better fit the needs of the current developer. Mr. Morey indicated that the Provo School District has approved this request.

Shawn Porr, Brighton Communities, presented. He gave an overview of the project and their progress since acquiring the property in March 2021. They have been working to move the project forward. Mr. Porr shared a site plan of the property and highlighted different components of the project. Kiln, a coworking space, is their anchor tenant and they feel this will bring energy back to Provo. They also have some retail users. Mr. Porr outlined some of the benefits of their partnership with the City and how they are contributing to the community. They have had some project difficulties arising from rising inflation and the interest market. They are looking for some additional assistance from the City in order to extend the TIF to cover their project. They would like to commence the agreement in 2025. The TIF was originally set to start in 2021, but it has never been activated since the project is not complete. They would also like to complete the maximum amount of the TIF to \$2.5 million. Mr. Morey highlighted the anticipated return on investment, which illustrates the success of this project and its positive impact on the City.

RDA Board Member Katrice MacKay asked if there was any potential for some owner occupancy of the town homes. Mr. Porr indicated they intended to rent them. RDA Board Member Travis Hoban asked about the maximum on TIF. Mr. Morey gave some additional context on this with the School District; he noted that due to some other projects dropping off, Provo was well within the threshold; he anticipated they were at about 4% of total assessed value for the City was in tax-increment agreements. Mr. Morey noted there would be other projects that would drop off the TIF ratio as they are completed. ***Presentation only. This item will come to a future meeting of the RDA Governing Board.***

### **3. A discussion regarding a RDA Shared Services Agreement (23-045) ([01:06:05](#))**

Brian Jones, City Attorney, and Mary Ditto, Assistant City Attorney, presented. Ms. Ditto shared more context and said since the RDA is a different legal entity than the City, this agreement outlines the shared services used by both the Council and RDA. She invited any questions from the Board. RDA Board Member Travis Hoban asked if there was a preexisting shared services agreement. Ms. Ditto indicated that there was not anything currently in place. ***Presentation only.***

### **4. A discussion regarding an update to the RDA bylaws (23-045) ([01:07:53](#))**

Brian Jones, City Attorney, presented. There have been several recent discussions about amending the RDA bylaws. Mr. Jones displayed the proposed changes to the bylaws, which made some stylistic updates as well as several substantive changes including the address, removing the RDA executive committee, and updating the RDA CEO's duties to reflect state statute. There was a proposal to add quarterly reporting requirements into the bylaws. Mr. Jones

## *Pending minutes – awaiting approval*

suggested that the quarterly reporting might not be a good fit for the bylaws and might be more appropriate in the context of a handbook, which the RDA could adopt similar to the Council.

RDA Board Member George Handley asked for some clarification about the elimination of the RDA executive committee. Mr. Jones provided some clarification and noted that the RDA chair and vice-chair could call meetings if they so choose, but this change to the bylaws simplifies the requirements and allows the RDA Board to hear items as a committee of the whole, similar to the recent change in format the Council has done. Mr. Handley wondered why they would need to have a separate Chair and Vice-chair for the RDA and the Council. Mr. Jones noted the Council and RDA could change the next time they elect chairs for the Council and the RDA.

RDA Board Member Katrice MacKay said this bylaw change would allow any two board members to request an item to be placed on the agenda. She was supportive of that change. She was interested in what Mr. Handley said about having the same chair and vice-chair for the RDA as for the Council. Ms. MacKay shared more comments about other processes for the RDA. Mr. Jones shared the draft language on requests for information for the RDA. Ms. MacKay asked if they decided to resume the Executive Committee, whether they could just handle that administratively. Mr. Jones indicated that the bylaws are intended to set a bare minimum.

Keith Morey, Development Services Assistant Director, shared some comments on the proposed draft of the bylaws. RDA Board Member Rachel Whipple asked about the secretary of the RDA. Mr. Jones shared some comments and feedback on this, with input from Elizabeth VanDerwerken, Council Executive Assistant. RDA Board Member Travis Hoban shared some comments and feedback on the RDA and the board members' involvement.

**Motion:** Katrice MacKay moved to remove the quarterly reporting out of the bylaws draft, and to take out the bonding of the treasurer, and to have the leadership for the RDA be the same as the Council in the new year, and to otherwise move the bylaws forward as drafted. Seconded by Bill Fillmore.

Mr. Hoban preferred to consolidating the chair and vice-chair at the beginning of the next year, rather than memorializing this in the bylaws.

**Motion:** Travis Hoban moved to amend the motion to remove the quarterly reporting out of the bylaws draft, and to take out the bonding of the treasurer, and move the bylaws forward as drafted. Seconded by David Shipley.

Mr. Handley agreed and said he supported Ms. MacKay's suggestion but thought it would be best to make that decision about the RDA chair and vice-chair in January.

**Vote to amend the original motion:** Approved 6:0, with Shannon Ellsworth excused.

**Vote on the amended motion:** Approved 6:0, with Shannon Ellsworth excused.

## **Business**

## *Pending minutes – awaiting approval*

### **5. An ordinance enacting procedures and requirements related to agriculture protection areas. Citywide Application. (PLOTA20230092) (01:47:44)**

Brandon Larsen, Planning Supervisor, presented. He said that they want to protect agricultural protection areas (APA). He says these areas freeze the zoning in the area and has strong limits on nuisance claims. The proposal would protect an agricultural protection area against nuisances unless it became a safety issue. There are things that can be established by the city to process applications. He said that the City Council would process these applications for the agricultural protection areas. This proposal would allow the city to cut out areas in the city from becoming agriculture protection area. Mr. Larsen said that the proposal does not repeat the Utah Code and establishes a new chapter in Title 15 in the city code. He mentioned other cities that are utilizing agriculture protection areas and that the Council could look to them as examples.

Katrice asked how the process of APAs are processed. Mr. Larsen said that it will just follow the typical application process.

Councilor Rachel Whipple asked about this and wondered why this proposal would not just have 5 acres as the minimum, as that is the minimum required to do a greenbelt. She also asked about the industrial protection areas and whether there was a process for this in the city. Mr. Larsen indicated there was not a process for this. This proposal is strictly for agricultural protection areas. Councilor George Handley noted that the Smiths in north Provo have an agricultural protection area (APA) in the County; with this area being annexed into the City, he wondered whether the City needed to do anything to create its own APA on the property. Mr. Larsen indicated that the County's APA would still apply after the annexation takes place.

Brian Jones, City Attorney, said it would make sense to have a backup in that instance; the County APA survives in that instance, but such a protection area has to be renewed in 20 years, and annexation actually triggers a review of the protection area. There is the possibility that during that review, the County may decide to terminate it.

Councilor Bill Fillmore asked about the status of the Smith annexation. Mr. Larsen indicated that annexation is scheduled for the Council Meeting on July 18, 2023. Mr. Jones indicated that if the Council passes this provision, the Smiths could apply for an APA within the City.

***Presentation only. This item was already scheduled for the Council Meeting on June 20, 2023.***

### **6. A discussion regarding unreinforced masonry buildings (23-032) (02:05:47)**

Michael Sanders, Policy Analyst, presented. Unreinforced masonry building is any structure made from brick, stone, or concrete that has less than 20% steel reinforcement. About 18%, but possibly higher, of structures in Provo are unreinforced masonry buildings. Mr. Sanders shared details on the risk of earthquakes in Utah, and the potential hazards that these unreinforced buildings present during such situations.

Mr. Sanders shared a number of different policy considerations that the Council could consider. He suggested looking into pre-mitigation grant program (similar to Salt Lake's "Fix the Bricks"

## *Pending minutes – awaiting approval*

program), a public information campaign, amending the city code to include a disclosure requirement, a training for neighborhood district board members, and the status quo.

Councilor Bill Fillmore asked if there were any existing grant programs available in the City. Mr. Sanders said he was not aware of any available locally. Salt Lake's program is very competitive and that Salt Lake City applies for it through FEMA. Mr. Sanders said that the FEMA grant would require a great deal of coordination from the Administration and would require additional resources. Mr. Sanders responded to several more questions from Mr. Fillmore about the specifics of Salt Lake's program.

Councilor George Handley wanted to know why the "Fix the Bricks" program was so expensive and whether it was just the management of the program which was expensive. Mr. Sanders indicated that based on his discussions with Chris Blinzinger, Emergency Management Coordinator, the main cost to the City was the cost of administering the grant. Councilor Katrice MacKay asked some follow-up questions about the required staffing to run such a program as well as what structures this typically impacts. Mr. Sanders said most structures built before 1975 typically fall into this category. Ms. MacKay liked the idea of adding a disclosure requirement in city code as she thought that was a great market solution.

Councilor Rachel Whipple thanked Mr. Sanders for doing this research. She wanted to make a grant program for this feasible, similar to egress window updates and other programs that help make homes safer in an emergency. She saw a disclosure about this as comparable to the typical lead paint disclosures. She thought that would be helpful so that people moving into older homes were aware of potential risks.

Motion: George Handley moved to request staff to continue the conversation with Salt Lake City to get more information on their Fix the Bricks program to identify the potential costs to Provo City of pursuing such a program. Seconded by Bill Fillmore.

Vote: Approved 6:0, with Shannon Ellsworth excused.

### **7. A discussion on an ordinance amending city code regarding apartment building signage requirements. (23-048) [\(02:23:24\)](#)**

Melia Dayley, Policy Analyst, presented. This item was presented to the Council in May, and they have brought back a proposed draft following additional work and research by Council staff. This item is about signage requirements so that in the event of a maintenance emergency, the property manager can be easily reached by tenants or the public. Ms. Dayley reviewed the questions from the last discussion which staff have sought to address in this latest draft.

This information can be added as an additional layer of data in GIS. Another request related to how this would be enforced, as well as a comparison with the status quo process which is in place in the City. Ms. Dayley displayed each of the versions of the draft ordinance and highlighted the differences with each of the options. The first option is very basic. The second option makes several clarifications as well as adds some standard language to better comply with ADA requirements. Option four has a more explicit solution to address buildings which may

## *Pending minutes – awaiting approval*

have units with multiple owners, and option three specifically excludes condominiums from the additional requirements.

Councilor Rachel Whipple asked how many apartment complexes fall in the range of 5-12 units. Ms. Dayley said they could try to find that information on GIS. Councilor Katrice MacKay was inclined to eliminate the requirement for condominiums, as there may be turnover on HOAs. Councilor Bill Fillmore said that he thought many condominiums had a management company that could be listed. Councilor David Shipley thought the owners of condominiums would have some kind of common connection due to any shared spaces or shared parts of the facility. He was fine starting with a simplified version, but he thought it was reasonable to have the management of the individually owned units be listed.

Councilor George Handley echoed that reducing the number was a good idea.

Motion: Katrice MacKay moved to use option 4 and to remove the language “and has at least 12 units” from the proposal. Seconded by Bill Fillmore.

Mr. Shipley asked about how enforcement matters are addressed with properties with multiple owners. Scott Johnson, Zoning Administrator, shared insight into how they conduct enforcement for properties with multiple owners. Ms. MacKay asked if subsection 3 should be amended to say a property manager or owner. Brian Jones, City Attorney, noted there were some additional changes that would need to be made to the language, which they would do prior to bringing this back to the Council for final action.

Vote: Approved 6:0, with Shannon Ellsworth excused.

***This item will be brought to a future Council Meeting.***

### **8. A discussion regarding housing affordability strategies. (23-043) ([02:50:46](#))**

Melia Dayley, Policy Analyst; Michael Sanders, Policy Analyst; and Abi Maccabee, Council Intern, presented. Ms. Dayley introduced their presentation and briefly highlighted the various housing policy topics they would discuss during the presentation.

Mr. Sanders presented on the status quo in Provo. He explained that Provo has many plans in place which address housing and affordable housing. There are many housing-related goals outlined in the General Plan. There are also a number of goals in the Moderate-Income Housing Plan. Provo also has the HOME Purchase Plus Program, which is a tool available to homebuyers. Councilor David Shipley asked if these goals were making headway on housing first responders and other members of the workforce such as teachers. Mr. Sanders shared several items that have been implemented by the Planning department and how these are contributing to increasing the affordable housing stock in the City. Mr. Shipley asked if the HOME Purchase Plus Program was actually useful especially with home prices being higher because it seemed to him that the down payment amount available as a loan through this program was not high enough to make a difference for homebuyers. Mr. Sanders indicated that the HOME Purchase Plus Program was somewhat underutilized. This program will give a loan capping at \$40,000 for a down payment

## *Pending minutes – awaiting approval*

and closing costs. Mr. Sanders noted that homebuyers could combine this program with other available programs. Mr. Shipley was interested in focusing more on workforce housing solutions for Provo. Other cities have to subsidize units significantly to make these types of units available to lower income members of the community. Mr. Shipley did not know if this was realistic for Provo, but he was interested in realistic solutions in moving the needle in Provo.

Mr. Sanders said that the HOME Purchase Plus Program can do about five to ten homes per year. Mr. Sanders noted that the Council has discretion during the rezone process to make these kinds of policy decisions. Ms. Dayley shared some of the housing development strategies of the redevelopment agency as well as some potential policy solutions that the RDA could explore. She shared examples from Salt Lake City of some of the different solutions they have used. Councilor Katrice MacKay shared some examples of RDA housing strategies that she thought would be beneficial. She noted they would need to get the support of the Provo School District to do these types of things, but that these solutions combined with other things the City is doing would be very helpful. Ms. Dayley briefly gave an update on accessory dwelling units. She gave several updates from discussions happening in the State Legislature regarding ADUs. The Council will hear a more formal update on ADUs at a Work Meeting in October.

Ms. Dayley continued, highlighting state policy and budget changes and how these can support housing solutions for Provo. Ms. Dayley noted that Councilors MacKay and Ellsworth are members of the Utah League of Cities and Towns' Legislative Policy Committee, which involves elected officials around the state. The Council can become more involved if they would like with state politics. The State also has a State Commission on Housing Affordability, which meets monthly and contributes with data, policy, and financing recommendations, as well as a housing inventory audit.

Ms. Maccabee presented on lite-deed restrictions, which involve compensating homeowners a percentage of their home in exchange for restricting who can occupy the home. This encourages a long-term local community and housing affordability, and is in line with other City goals. She noted lite-deed restrictions do not involve income caps. The occupancy requirements for these deed restrictions is either a homeowner or a long-term resident (at least six months). She noted that Park City has successfully used this tool in order to promote more affordable housing for lower income members of the community. She highlighted the successes of this tool in Park City. Councilor George Handley asked about Park City's program and Ms. Maccabee shared additional detail. Councilor Bill Fillmore asked about how the lite-deed restrictions works and whether it was based on the fair-market value of the house. Ms. Maccabee shared additional context into how the program functions; its purpose is to facilitate home ownership and residency for local workers. Ms. MacKay referenced a program that was in place previously and Dixon Holmes, Assistant CAO, shared additional insight into the community development block grants. He noted it was income-qualified and mostly concentrated in the pioneer neighborhoods. Ms. MacKay heard that the realtors did not like the program and lobbied against it.

Ms. Maccabee noted that not all deed restriction programs are modeled after Park City. She has many examples from the intermountain west that have been successful and each have slight differences. Vail, Colorado, has a similar program to Park City since it has a large tourism industry where many local residents have challenges affording homes. Councilor Rachel

## *Pending minutes – awaiting approval*

Whipple asked for clarification on the Vail InDeed Program. Ms. Maccabee clarified some information about the program.

Ms. MacKay recalled that there were some restrictions on how the home could later be sold. Mr. Handley was not yet persuaded on deed restrictions. He thought Park City and Vail had unique sets of problems and that if Provo has other programs that are helping, he was not sure if these were the right solutions for Provo. Mr. Handley was more interested in learning how deed restrictions are working in other cities that are more comparable to Provo.

Ms. Maccabee presented on community land trusts, which are typically used with low-income families. Community land trusts may be formed by either a government entity or non-profit, which purchases the land upon which a home or homes is built. This can allow low-income residents to more easily buy a home since the land is owned by the community land trust. Ms. Whipple asked how community land trusts work with property tax, since the land and improvements are separate assets. Ms. Maccabee was not sure and said she would do more research on property taxes and community land trusts. Ms. MacKay loved community land trusts and is supportive of these types of projects. She is glad the City has been able to support this type of project in the past. She wanted to continue to show support to the community organizations which are facilitating these types of projects in the City. She thought this was the best option for creating more workforce housing. Ms. Maccabee said that in cities where they have community land trusts, homeowners can earn more equity later on when they sell their home, and they are less likely to foreclose on their homes. She shared an example from Irvine, California, where the city of Irvine has developed over 400 affordable housing units for low-income households earning 30-80% AMI. This has been particularly successful with creating more of the “missing middle” housing. There is a community land trust in Park City, which provides housing for homeowners who make less than 80% AMI and who work in Park City. Ms. MacKay referenced a community land trust in Provo and said the City has given them land to do projects in the past.

Councilor Travis Hoban wondered how much Provo residents are taking advantage of the tools available. Rather than creating new programs, he thought it would be helpful to better utilize the existing tools, particularly the RDA. Ms. MacKay indicated her interest as well. Mr. Handley was not inclined to make a motion at this point; he liked the community land trusts idea the best. Since they have a functioning relationship with Provo Housing Authority and Utah Regional Housing, he thought it would make sense to identify what populations and demographics would need the most help from the community land trust so they can be more proactive in connecting community members with these resources. Ms. MacKay noted that community land trusts do have deed restrictions since the homeowner cannot sell the land. Ms. MacKay suggested inviting the local land trust organization to present to the Council.

**Motion:** George Handley moved to establish a conversation with the Provo City Housing Authority and Utah Regional Housing to identify areas within Provo about community land trusts. Seconded by Rachel Whipple.

Mr. Hoban wanted to know what staff recommends they explore further. Mr. Shipley thought some of these existing programs were not making enough of a difference for residents making under \$60,000 or \$70,000 a year. Mr. Shipley wanted to hear more about zoning policy that

## *Pending minutes – awaiting approval*

could help with affordable housing; Mr. Sanders responded to this. Mr. Fillmore did not think the City had to provide housing for anyone who want to live in Provo. Mr. Fillmore wanted to focus on workforce housing. Mr. Handley clarified the intent of his motion by saying he wanted to learn more broadly about the issues, opportunities, and other factors. He thought it would make sense to learn more first and then discuss more of the Council's specific priorities with this.

Brian Jones, City Attorney explained that in this kind of item, there is not any need for there to only be one motion. There can be multiple motions from multiple individuals addressing different components of the item that different Councilors want to hear about.

**Vote:** Approved 6:0, with Shannon Ellsworth excused.

Ms. Dayley invited further requests out of this discussion to be submitted through the Council issue tracker. Ms. Dayley indicated that short-term rentals, zoning, ADUs, and other topics already submitted are still moving forward.

**9. A presentation regarding the general operations and library property tax rates. (23-008) ([03:46:09](#))**

Kelsey Zarbock, Budget Analyst, presented. She shared a breakdown of property tax for Provo residents and the various components from Provo and from other entities in Utah County. She shared an example of how changes in property valuation impact the property tax rate in the Utah property tax structure. She shared several scenarios which illustrated how the property valuation and property tax rate are related and applied.

Councilor George Handley commented about Utah versus other states with regard to the requirement of truth in taxation for inflationary adjustments. Ms. Zarbock continued with her presentation and showed data on Provo's general operations tax revenues over the last five years. Mr. Handley asked about the revenue increases with growth and Ms. Zarbock explained how this works. She displayed the five-year summary for the Provo Library's tax revenue as well.

*Presentation only.*

**10. A presentation on rates and payment schedules for Provo's general obligation bonds. (23-008) ([03:56:17](#))**

Dan Follett, Finance Division Director, presented. General obligation bonds are approved by the voters and Provo currently has two outstanding G.O. bonds — the Provo Recreation Center, which was refinanced recently and will save taxpayers several million dollars, and the City Hall bond. The final payment on the recreation center bond is in 2032 and the final payment on the City Hall bond will be in 2039. Mr. Follett explained how they reach the calculation for the general obligation bonds tax rate. He displayed calculations illustrating this formula. Councilor Katrice MacKay asked if non-profit entities were excluded from the total valuation figure. Mr. Follett explained that this figure refers only to taxable valuation, so no governments or non-profit entities are included. *Presentation only.*

**11. A presentation regarding FY24 supplemental budget requests. (23-008) ([04:00:23](#))**

## *Pending minutes – awaiting approval*

Melia Dayley, Policy Analyst, presented. She reviewed the supplemental requests that were submitted by departments for consideration in the budget. They asked departments to prioritize their requests so that if they received more funding, what they would prioritize within their department. She shared a summary of statistics of the different categories of supplemental requests. She highlighted the funded versus unfunded supplementals. The funded supplemental requests will all be ongoing and will appear in the budget in the future. The Council has received a supplemental excel file with further breakdowns and information. They have added nine full-time equivalents to the budget, and most of these are critical and will be ongoing in future budgets. Ms. Dayley shared a list of unfunded supplemental requests as has been prioritized by the Administration, illustrating what they would show in the budget next. ***Presentation only.***

### **12. A presentation of the FY24 tentative budget and council priorities (23-008) (04:04:27)**

Justin Harrison, Council Executive Director, presented. He displayed a list of the Council's priorities and a summary of which priorities have been funded or partially funded. He wondered if the Council had any specific questions or items they wanted to focus on during the discussion. Councilor Rachel Whipple asked about sidewalk repair and replacement. She did not think the status quo of \$500,000 per year funding was actually addressing any of the critical needs. Ms. Whipple asked what options the Council had for pursuing priorities that were not funded in the balanced budget. Mr. Harrison indicated that the Council has the ability to make changes to the budget prior to adopting the budget. Mr. Harrison shared several other ideas for how the Council could pursue these priorities and secure alternative funding sources. He noted that with upcoming changes to the Council, it was possible that the overall priorities may change with changes to the composition of the Council.

Councilor George Handley commented on the need to find sustainable funding sources and funding mechanisms for infrastructure in order to properly prioritize infrastructure maintenance and replacement. Ms. Whipple responded to Mr. Handley's comment. ***Presentation only.***

### **13. A discussion regarding property tax (23-008) (04:16:01)**

Justin Harrison, Council Executive Director, presented. He explained that statutorily the Central Utah Water Conservancy District, was capped at their certified tax rate last year, but due to the mill rate decreasing with changes to property valuation. They are slated to receive less money this year, even though they are raising the rate back up to where it was at last year. Homeowners will experience a decrease in their tax rate, even though CUWCD is raising their rate again.

Mr. Harrison displayed a spreadsheet showing rates for the general operations and Provo library property tax rates. Mr. Harrison outlined several different scenarios with the property tax rates. Councilor George Handley noted the decision point now is what the Council would like to notice as the maximum rate increase. Mr. Handley is inclined to stick with the 5% maximum as the proposal, so the Council could have the maximum flexibility in choosing a rate.

## *Pending minutes – awaiting approval*

In response to a question from the Council at the previous week's Budget Work Meeting, the total cost for adding one public safety officer is about \$127,158 and the total cost for adding two officers would be about \$254,316. Ms. MacKay invited questions from the Council. Councilor Rachel Whipple asked about the rates in the last few years. Mr. Harrison noted that there was a significant increase in total property valuation Utah's property tax system is structured so that revenue stays flat.

**Motion:** George Handley moved to propose for Truth in Taxation a general operations rate increase to bring in revenues of \$254,316. Seconded by Bill Fillmore.

Councilor Bill Fillmore still thought this was behind the inflation curve. Councilor David Shipley thought the Council was voting on how they look at property tax year-to-year from a policy standpoint. For the public, he thought it was important to have something more consistent and nominal to look at each year. He thought the Council was running the risk that the public would feel the Council was being inconsistent. Mr. Shipley wanted the Council to continually evaluate truth in taxation each year. He would rather the Council ask for a consistent nominal amount, and rely on sales tax and the property growth increase to property tax as well. He thought it was important to not risk the chance of some kind of public backlash that would prevent the City from doing this on an ongoing basis. He liked the idea of the 30-year average inflation being the ask each year for truth in taxation. He thought the Council needed to look at this in a more principled and consistent manner.

Ms. Whipple expressed her preference to always request the inflationary amount, rather than tying a property tax increase to a police officer or a specific need and limiting the use of those funds unnecessarily.

**Vote:** Approved 4:2, with David Shipley and Travis Hoban opposed and Shannon Ellsworth excused.

### **Adjournment**

*Adjourned by unanimous consent.*

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** SWILMOTH  
**Department:** Development Services  
**Requested Meeting Date:** 07-18-2023

**SUBJECT:** AN ORDINANCE AMENDING PROVO CITY CODE TO EXPAND PROHIBITIONS ON DEPOSITING MATERIALS ON SIDEWALKS AND STREETS AND TO REGULATE STREET PARKING OF RECREATIONAL VEHICLES, BOATS, AND TRAILERS.

**RECOMMENDATION:** To be heard at the July 18, 2023 Work & Council Meeting.  
Please see supporting documents.

**BACKGROUND:** The Parking Division is requesting approval of text amendments to Provo City code 9.15 adding any obstructions that are unsightly or render travel on the sidewalk or roadway unsafe. The current code list yard debris but does not specify obstructions.

### **FISCAL IMPACT:**

**PRESENTER'S NAME:** Sandy Bussio, Parking Program Manager

**REQUESTED DURATION OF PRESENTATION:** 10 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** PLOTA20230103

## ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE TO EXPAND PROHIBITIONS ON DEPOSITING MATERIALS ON SIDEWALKS AND STREETS AND TO REGULATE STREET PARKING OF RECREATIONAL VEHICLES, BOATS, AND TRAILERS. (23-054)

WHEREAS, it is proposed the Provo City Code be amended to expand and clarify restrictions on depositing materials on streets and sidewalks and to further regulate the parking of recreational vehicles, boats, and trailers on city streets.

WHEREAS, on July 18, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

## PART I:

Provo City Code Section 9.15.230 is hereby amended as set forth in Exhibit A.

## PART II:

Provo City Code Section 9.31.055 is hereby enacted as set forth in Exhibit B.

### PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

47

48    END OF ORDINANCE.

49

## Exhibit A

### **9.15.230 Depositing Material on Streets Prohibited.**

- (1) It shall be unlawful for any person to throw, cast, put into, drop or leave in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings, ~~or~~ rubbish ~~of any kind,~~ or any other obstruction which shall render such highway or sidewalk unsafe or unsightly or shall interfere with travel thereon.
- (2) Any person violating Subsection (1) of this Section shall be civilly liable for the cost of cleaning the subject street, gutter, sidewalk, or public place. Criminal proceedings under Subsection (1) of this Section shall not be a condition precedent to a civil claim under this Subsection (2) of this Section. Provo City may bring a claim under this Subsection if it cleans the subject property.

## Exhibit B

### **9.31.055      Using Streets for Parking of Recreational Vehicles, Trailers, and Boats.**

(1) It is unlawful for any person to park a recreational vehicle, trailer, boat, or similar conveyance whether attached or unattached to a motor vehicle, upon any public street or alley for more than seventy-two (72) consecutive hours. Any of the above which are moved from a parking spot and then reparked on the same block face within seventy-two (72) hours from the time of said removal shall be deemed to have been continuously parked. For purposes of this section, the term "block face" shall have the same meaning as in Section 14.06.020.

(2) Notwithstanding Subsection (1), a person may park a recreational vehicle, trailer, boat, or similar conveyance on a public street or alley for longer than seventy-two (72) consecutive hours if, and only if, the following conditions are met:

- (a) The person is in possession of a valid permit issued by the Parking Services Division in accordance with subsection (3);
- (b) It is parked in a manner that is in compliance with all City and State laws and statutes. Trailers, boats, or vehicles found in violation may be subject to citations and the permit may be revoked;
- (c) It is parked in front of a property/dwelling/residence that the permit holder owns or rents or is owned or rented by someone the permit holder is visiting; and
- (d) The trailer, boat, or vehicle is not lived in or used as a dwelling during the time it is parked.

(3) A permit issued for a recreational vehicle, trailer, boat, or similar conveyance:

- (a) May only be requested by, and issued to, the registered owner of the trailer, boat, or vehicle, or an applicant with a notarized power of attorney from the registered owner;
- (b) May not be issued for a period in excess of seven (7) days;
- (c) Shall specify the location and the trailer, boat, or vehicle to which it pertains, the date and time permitted parking may begin, and the date and time the permit expires;
- (d) Is valid only for the trailer, boat, or vehicle, the location, and the times specified;
- (e) May not be issued with respect to the same trailer, boat, or vehicle more than six (6) times within any twelve (12) month period;
- (f) May not be issued for any period that commences less than seventy-two (72) hours after a previous permit for the same trailer, boat, or vehicle has expired; and
- (g) May be revoked for abuse, misuse, ineligibility, or other good cause.

(4) For purposes of this Section, the terms "boat," "recreational vehicle," and "trailer" shall have the same meaning as in Provo City Code Section 14.06.020.



DEVELOPMENT SERVICES

# Planning Commission Hearing

## Staff Report

### Hearing Date: June 14, 2023

\*ITEM # 1 Development Services requests Ordinance Text Amendments to Chapters 9.15 (Use of Sidewalks and Streets) and 9.31 (Parking Regulations) to clarify regulations for street parking. Citywide Application. Sandy Bussio (801) 852-7162 sbussio@provo.org  
PLOTA20230103

<b>Applicant:</b> Development Services	<b>Relevant History:</b>
<b>Staff Coordinator:</b> Sandy Bussio	Items left on sidewalks or side of roadways obstructing pedestrian and vehicle traffic have been reported to the Parking Division. Changes to this ordinance include any obstruction, not only yard waste.
	The Parking Division receives numerous complaints about trailers and RVs parked on the public street for extended periods of time. Currently trailers, RV's and vehicles are all under the same code (9.31.050) requiring vehicles to move a minimum of 400 feet and then being able to repark at the same location for 72 hours.
<b>ALTERNATIVE ACTIONS</b>	<b>Neighborhood Issues:</b> These changes would affect all neighborhood districts in Provo. This clarifies that all obstructions on sidewalks and highways that interfere with travel or are unsightly are a violation. Preventing trailers and RVs from being stored on the public street would provide parking for vehicles that are being regularly used.
1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is June 28, 2023, at 6:00 P.M.</i>	These amendments were discussed in Neighborhood District 1 meeting on May 25. They will be discussed in Neighborhood District 3 on June 8 <sup>th</sup> .
2. <b>Recommend Denial</b> of the requested ordinance text amendments. <i>This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.</i>	<b>Summary of Key Issues:</b> <ul style="list-style-type: none"><li>Any obstruction would not be allowed on the sidewalk or roadway. This adds clarification to the existing code.</li><li>Owner's use of on-street parking to park trailers and RVs for up to seven (7) days would be allowed with a permit obtained through the parking department.</li><li>A new ordinance would allow owners to park trailers and RVs to load and unload for up to seventy-two (72) but would require they be removed from the roadway even if having moved the 400 feet required for a vehicle.</li><li>Neighborhoods would have on-street parking available to vehicles that are being used on a regular basis.</li></ul>
	<b>Staff Recommendation:</b> Staff recommends that the Planning Commission recommend approval to the City Council on both ordinance requests.

## **OVERVIEW**

The Parking Division is requesting approval of text amendments to Provo City code 9.15 adding any obstructions that are unsightly or render travel on the sidewalk or roadway unsafe. The current code list yard debris but does not specify obstructions.

The photos shown are of objects that block sidewalks for pedestrians. The photos also show single-axle trailers that are not required to have registration or license plates. Without a license plate or VIN parking enforcement is unable to issue a citation.

Complaints of trailers and RVs being parked on public roadways for extended periods of time are being received by the Parking Division regularly. These types of trailers are not moving a minimum of 400 feet within a seventy-two (72) hour period or being used on a regular basis.

## **FINDINGS OF FACT**

- Trailers and RVs are regularly parked on the public street for longer than 72 hours.
- Sidewalks are sometime obstructed, causing potential hazards for pedestrians.

## **STAFF ANALYSIS**

Section 14.02.020(2) establishes criteria for these types of amendments for staff to evaluate the proposal. The code section below (with staff responses in bold) further addresses the staff's opinion on this proposed amendment.

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

**Staff response:** The public purpose of the amendments is to prevent obstructions on the sidewalk and roadway that could be a hazard to public safety. Also, this will prevent the owner of a trailer or RV's from using the roadway for storage.

(b) Confirmation that the public purpose is best served by the amendment in question.

**Staff response:** The proposed amendment will prevent potential hazards on the city sidewalk and roadway for pedestrians and vehicular travel. This will also prevent storage of trailers and RVs on neighborhood streets.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

**Staff response:** Preventing obstructions for pedestrians on sidewalks allowing a more walkable community. This will also allow for on-street parking for vehicles that are being used on a regular basis.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

**Staff response:** This will create a more walkable community.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

**Staff response: There will be none.**

(f) Adverse impacts on adjacent landowners.

**Staff response: There will be no adverse impacts on adjacent landowners.**

(g) Verification of correctness in the original zoning or General Plan for the area in question.

**Staff response: Staff have verified the correctness of the zoning and General Plan in relation to this request.**

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

**Staff response: There is no such conflict.**

## **CONCLUSIONS**

Staff have seen more walkable neighborhoods recently and want to ensure the safety of pedestrians. Keeping sidewalks and roadways safe and clear is a high priority. Our objective is to keep walkable neighborhoods and parking on roadways for vehicles that are being used regularly.

Trailers and RVs should be stored on private property if not actively being loaded or unloaded. Staff would propose that these amendments are approved.

## **ATTACHMENTS**

1. Proposed Amendment 9.15
2. Photos Related to 9.15
3. Proposed Language 9.31
4. Photos Related to 9.31

Attachment 1 – Proposed Amendment 9.15

**9.15.230**

**Depositing Material on Streets Prohibited.**

- (1) It shall be unlawful for any person to throw, cast, put into, drop or leave in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings, or rubbish of any kind. or any other obstruction which shall render such highway or sidewalk unsafe or unsightly or shall interfere with travel thereon.
- (2) Any person violating Subsection (1) of this Section shall be civilly liable for the cost of cleaning the subject street, gutter, sidewalk, or public place. Criminal proceedings under Subsection (1) of this Section shall not be a condition precedent to a civil claim under this Subsection (2) of this Section. Provo City may bring a claim under this Subsection if it cleans the subject property.

(Am 1988-37)

Attachment 2 – Photos Related to 9.15



Attachment 3 – Proposed Language 9.31

**9.31.055      Using Streets for Parking of Recreational Vehicles, Boats, and Trailers.**

(1) It is unlawful for any person to park a recreational vehicle, trailer, boat, or similar conveyance whether attached or unattached to a motor vehicle, upon any public street or alley for more than seventy-two (72) hours. Any of the above which are moved from a parking spot and then reparked on the same block face within seventy-two (72) hours from the time of said removal shall be deemed to have been continuously parked. For purposes of this section, the term “block face” shall have the same meaning as in Section 14.06.020.

(2) Notwithstanding Subsection (1), a person may park a recreational vehicle, trailer, boat, or similar conveyance on a public street or alley for longer than seventy-two (72) hours if, and only if, the following conditions are met:

- (a) With a permit issued by the Parking Services Division in accordance with subsection (3).
- (b) For a period not to exceed seven (7) days;
- (c) If it is parked in a manner that is in compliance with all City and State laws and statutes. Trailers, boats, or vehicles found in violation may be subject to citations and having their permit revoked;
- (d) It is parked in front of a property/dwelling/residence that the permit applicant owns or rents, or that of a property/dwelling/residence owned or rented by someone the applicant is visiting; and
- (e) If the trailer, boat, or vehicle is not lived in or used as a dwelling during the time it is parked.

(3) A permit issued for a recreational vehicle, trailer, boat, or similar conveyance:

- (a) May only be requested by, and issued to, the registered owner of the trailer, boat, or vehicle, or an applicant with a notarized power of attorney from the registered owner;
- (b) Shall specify the location and the trailer, boat, or vehicle to which it pertains, the date and time permitted parking may begin, and the date and time the permit expires;
- (c) Is valid only for the trailer, boat, or vehicle, the location, and the times specified;
- (d) May not be issued with respect to the same trailer, boat, or vehicle more than six (6) times within any twelve (12) month period;
- (e) May not be issued for any period that commences less than seventy-two (72) hours after a previous permit for the same trailer, boat, or vehicle has expired; and
- (f) May be revoked for abuse, misuse, ineligibility, or other good cause.

**9.31.130      Definitions.**

For the purposes of this Chapter the following terms, phrases, words, and their derivation shall have the meaning given herein.

**“Boat”** means every type of watercraft used or capable of being used as a means of transportation on water.

**“Recreational vehicle”** means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use and capable of human habitation, which contains cooking, eating, sleeping, and/or sanitary facilities, and that is either self-propelled or pulled by another vehicle. This includes, but is not limited to, the following:

- (a) a travel trailer;
- (b) a camping trailer;
- (c) a motor home;
- (d) a fifth wheel trailer; and
- (e) a camping van.

**“Trailer”** means a vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed so that no part of its weight rests upon the towing vehicle.

Attachment 4 – Photos Related to 9.31





WELCOME HOME

PLANNING COMMISSION

June 14, 2023

## \*ITEM 1

Development Services requests Ordinance Text Amendments to Chapters 9.15 (Use of Sidewalks and Streets) and 9.31 (Parking Regulations) to clarify regulations for street parking.

*Citywide Application*

PLOTA20230103

# Proposed Text Amendment 9.15

Adding any obstruction would not be allowed on the sidewalk or roadway.

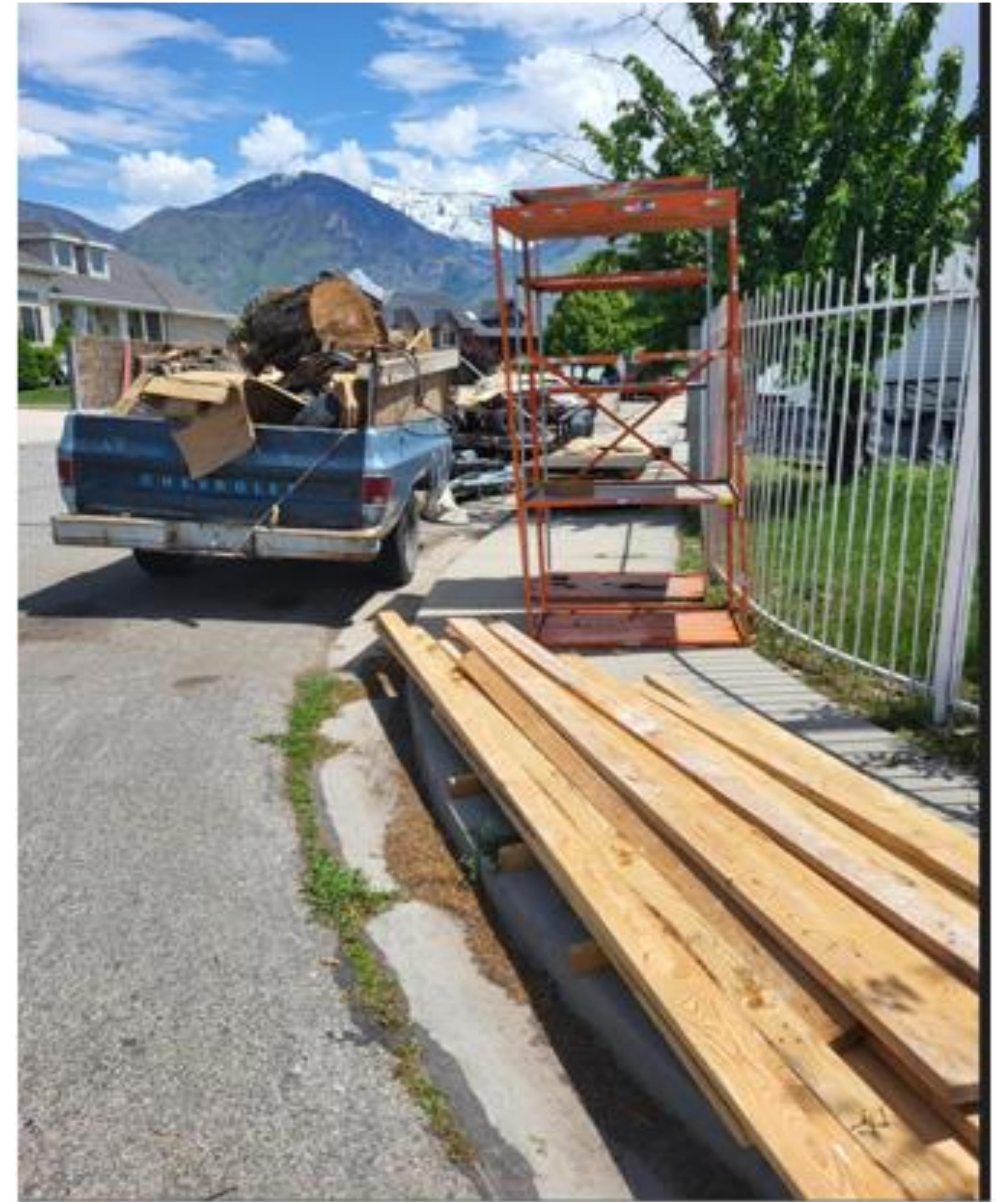
## 9.15.230

### **Depositing Material on Streets Prohibited.**

- (1) It shall be unlawful for any person to throw, cast, put into, drop or leave in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings, ~~or rubbish of any kind.~~ or any other obstruction which shall render such highway or sidewalk unsafe or unsightly or shall interfere with travel thereon.
- (2) Any person violating Subsection (1) of this Section shall be civilly liable for the cost of cleaning the subject street, gutter, sidewalk, or public place. Criminal proceedings under Subsection (1) of this Section shall not be a condition precedent to a civil claim under this Subsection (2) of this Section. Provo City may bring a claim under this Subsection if it cleans the subject property.

# Proposed Text Amendment 9.15

Obstructions on the sidewalk and highway.



# Proposed Language 9.31

## 9.31.055

### Using Streets for Parking of Recreational Vehicles, Boats, and Trailers.

(1) It is unlawful for any person to park a recreational vehicle, trailer, boat, or similar conveyance whether attached or unattached to a motor vehicle, upon any public street or alley for more than seventy-two (72) hours. Any of the above which are moved from a parking spot and then reparked on the same block face within seventy-two (72) hours from the time of said removal shall be deemed to have been continuously parked. For purposes of this section, the term "block face" shall have the same meaning as in Section 14.06.020.

(2) Notwithstanding Subsection (1), a person may park a recreational vehicle, trailer, boat, or similar conveyance on a public street or alley for longer than seventy-two (72) hours if, and only if, the following conditions are met:

- (a) With a permit issued by the Parking Services Division in accordance with subsection (3).
- (b) For a period not to exceed seven (7) days;
- (c) If it is parked in a manner that is in compliance with all City and State laws and statutes. Trailers, boats, or vehicles found in violation may be subject to citations and having their permit revoked;
- (d) It is parked in front of a property/dwelling/residence that the permit applicant owns or rents, or that of a property/dwelling/residence owned or rented by someone the applicant is visiting; and
- (e) If the trailer, boat, or vehicle is not lived in or used as a dwelling during the time it is parked.

(3) A permit issued for a recreational vehicle, trailer, boat, or similar conveyance:

- (a) May only be requested by, and issued to, the registered owner of the trailer, boat, or vehicle, or an applicant with a notarized power of attorney from the registered owner;
- (b) Shall specify the location and the trailer, boat, or vehicle to which it pertains, the date and time permitted parking may begin, and the date and time the permit expires;
- (c) Is valid only for the trailer, boat, or vehicle, the location, and the times specified;
- (d) May not be issued with respect to the same trailer, boat, or vehicle more than six (6) times within any twelve (12) month period;
- (e) May not be issued for any period that commences less than seventy-two (72) hours after a previous permit for the same trailer, boat, or vehicle has expired; and
- (f) May be revoked for abuse, misuse, ineligibility, or other good cause.

## 9.31.130

### Definitions.

For the purposes of this Chapter the following terms, phrases, words, and their derivation shall have the meaning given herein.

**"Boat"** means every type of watercraft used or capable of being used as a means of transportation on water.

**"Recreational vehicle"** means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use and capable of human habitation, which contains cooking, eating, sleeping, and/or sanitary facilities, and that is either self-propelled or pulled by another vehicle. This includes, but is not limited to, the following:

- (a) a travel trailer;
- (b) a camping trailer;
- (c) a motor home;
- (d) a fifth wheel trailer; and
- (e) a camping van.

**"Trailer"** means a vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed so that no part of its weight rests upon the towing vehicle.

# Proposed Language 9.31

Using streets for the parking of Recreational Vehicles, Boats, and Trailers.



# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** SWILMOTH  
**Department:** Development Services  
**Requested Meeting Date:** 07-18-2023

**SUBJECT:** An ordinance amending the Zone Classification of approx 1.36 acres located between 5065 N Canyon Rd & 5075 N Canyon Rd, From One-Family Residential (R1.20) to One-Family Residential (R1.10). N Timpview Neighborhood. (PLRZ20230073)

**RECOMMENDATION:** To be heard at the July 18, 2023 Work & Council Meeting. Please see supporting documents.

**BACKGROUND:** The applicant is requesting approval to rezone the three properties from the single-family residential R1.20 zone to the R1.10 zone to allow for greater flexibility in lot configuration.

The proposed rezone will consist of three parcels totaling approximately 1.36 acres of land that is all owned by the applicant. No new lots are being created as part of the rezone request. Each lot has an existing single-family home built on the lot.

The proposed rezone is supported by the General Plan Map as a residential land use.

### **FISCAL IMPACT:**

**PRESENTER'S NAME:** Dustin Wright, Planner (801) 852-6414 dwright@provo.org

**REQUESTED DURATION OF PRESENTATION:** 10 minutes

### **COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** PLRZ20230073

## ORDINANCE 2023-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 1.36 ACRES OF REAL PROPERTY, GENERALLY LOCATED BETWEEN 5065 N CANYON ROAD AND 5075 N CANYON ROAD, FROM ONE-FAMILY RESIDENTIAL (R1.20) TO ONE-FAMILY RESIDENTIAL (R1.10). NORTH TIMPVIEW NEIGHBORHOOD.

(PLRZ20230073)

10           WHEREAS, it is proposed that the classification on the Zone Map of Provo for  
11 approximately 1.36 acres of real property, generally located between 5065 N Canyon Road and  
12 5075 N Canyon Road (an approximation of which is shown or described in Exhibit A and a more  
13 precise description of which will be attached hereto as Exhibit B after the Zone Map has been  
14 updated), be amended from One-Family Residential (R1.20) to One-Family Residential (R1.10);  
15 and

17 WHEREAS, on June 14, 2023, the Planning Commission held a duly noticed public  
18 hearing to consider the proposal, and after such hearing the Planning Commission recommended  
19 approval of the proposal to the Municipal Council by a 6:0 vote; and

21 WHEREAS, the Planning Commission's recommendation was based on the project design  
22 presented to the Commission; and

24                   WHEREAS, on July 18, 2023, the Municipal Council met to ascertain the facts regarding  
25 this matter and receive public comment, which facts and comments are found in the public record  
26 of the Council's consideration; and

28            WHEREAS, after considering the Planning Commission's recommendation, and facts and  
29 comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah  
30 should be amended as described herein; and (ii) the proposed zone map classification amendment  
31 for the real property described herein reasonably furthers the health, safety and general welfare of  
32 the citizens of Provo City.

34           NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as  
35 follows:

37 PART I:

39 The classification on the Zone Map of Provo, Utah is hereby amended from the One-Family  
40 Residential (R1.20) Zone to the One-Family Residential (R1.10) Zone for approximately 1.36

41      acres of real property generally located between 5065 N Canyon Road and 5075 N Canyon Road,  
42      as described herein.

43

44      **PART II:**

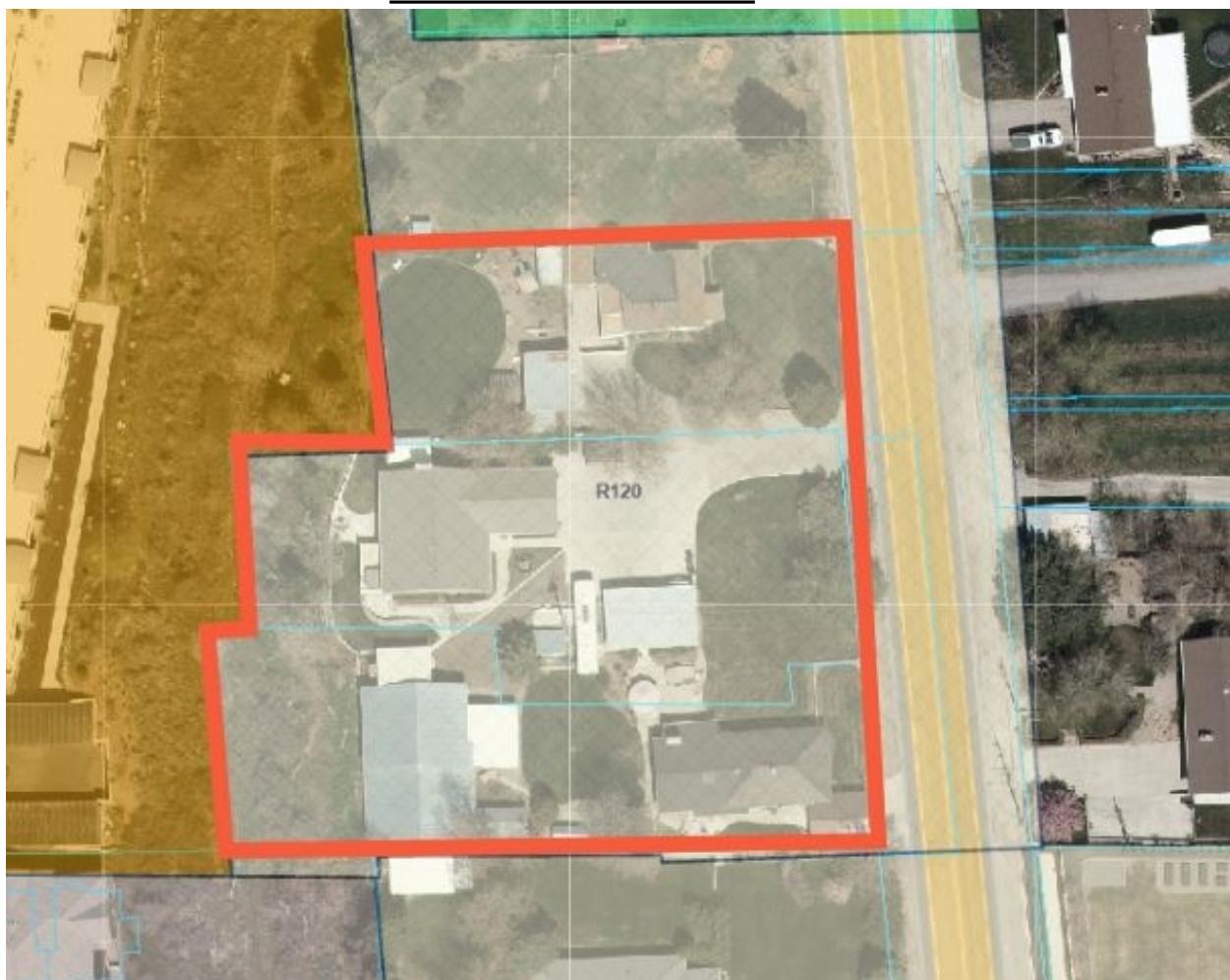
45

- 46      A. If a provision of this ordinance conflicts with a provision of a previously adopted  
47      ordinance, this ordinance shall prevail.
- 48      B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be  
49      severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or  
50      invalid, the remainder of the ordinance shall not be affected thereby.
- 52      C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City,  
53      Utah be updated and codified to reflect the provisions enacted by this ordinance.
- 55      D. This ordinance shall take effect immediately after it has been posted or published in  
56      accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah  
57      Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

59

60      **END OF ORDINANCE**

**EXHIBIT A – ZONE MAP**





DEVELOPMENT SERVICES

# Planning Commission Hearing

## Staff Report

### Hearing Date: June 14, 2023

\*ITEM # 3 Boyd Loveless requests a Zone Map Amendment from the R1.20 zone to the R1.10 zone for three existing residential properties, located between 5065 N Canyon Road and 5075 N Canyon Road. North Timpview Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20230073

**Applicant:** Boyd Loveless

**Staff Coordinator:** Dustin Wright

**Property Owner:** LOVELESS, BOYD H & SHARON H (ET AL)

**Parcel ID#:** 20:027:0088 - 45:160:0001 - 34:458:0002

**Acreage:** 1.36

**Number of Properties:** 3

**Current Zone:** R1.20

**Proposed Zone:** R1.10

**Council Action Required:** Yes

#### **ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider the information presented. The next available meeting date is June 28, 2023, at 6:00 p.m.

2. **Recommend denial** of the requested Rezone Application. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

**Current Legal Use:**

Single-family residential.

#### **Relevant History:**

These three lots were created before they were annexed into the city, so they do not meet current lot frontage requirements.

#### **Neighborhood Issues:**

This item was discussed at a district meeting on May 25, 2023, with 12 in support and none opposed.

The item has also been placed on Open City Hall.

#### **Summary of Key Issues:**

- The proposed rezone is supported by the General Plan Map as a residential land use.
- The lots are nonconforming to the lot width requirements. This zone change would bring them closer into compliance because the R1.10 requirement is ten feet less than the R1.20 requirement.
- The applicant owns all three properties. No new lots are being proposed as part of the rezone. The property owner would like to realign property lines in the future and the lot size requirement in the R1.10 would allow the flexibility needed for that.

#### **Staff Recommendation:**

Recommend approval of the requested Rezone Application to the Municipal Council.

## **BACKGROUND**

The applicant is requesting approval to rezone the three properties from the single-family residential R1.20 zone to the R1.10 zone to allow for greater flexibility in lot configuration.

The proposed rezone will consist of three parcels totaling approximately 1.36 acres of land that is all owned by the applicant. No new lots are being created as part of the rezone request. Each lot has an existing single-family home built on the lot.

The proposed rezone is supported by the General Plan Map as a residential land use.

The current zone and the proposed zone are subzones of the R1 zone. The R1.20 zone differs from the R1.10 zone in just a few things. The minimum lot size requirement is 20,000 square feet in the R1.20 and 10,000 square feet in the R1.10 zone. Lot width and depth are ten feet shorter in the R1.10 zone. Two of the lots do not meet the requirement of the zone now and are therefore called “nonconforming lots” meaning that they do not meet or conform to the minimum zoning requirements. Since the lots are nonconforming to the lot width requirements now, this zone change would bring them closer into compliance because of the shorter R1.10 requirement. The applicant plans to realign the lot lines after the rezone to make the lots conforming.

## **FINDINGS OF FACT**

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

**Staff response: The proposed zone change will provide a zone that is compatible with the surrounding built environment.**

(b) Confirmation that the public purpose is best served by the amendment in question.

**Staff response: The proposed rezone will bring the existing uses more into compliance with the minimum lot requirements and maintain a land use that is compatible with surrounding uses.**

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

**Staff response: Rezoning the property will continue to align with the residential designation from the General Plan map for this area.**

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

**Staff response: The proposed rezone would not affect the timing and sequencing of the General Plan.**

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

**Staff response: The proposed rezone would not be much of a change from the current zone or existing land uses on the property. There are not any articulated policies in the General Plan that this request would hinder.**

(f) Adverse impacts on adjacent land owners.

**Staff response: The proposed use of the property would not have any additional impacts on the surrounding property that are not already existing. The property has existing homes on each lot. There could be a potential to possibly add new a new lot, but it would have to meet the same requirements as the adjacent R1.10 zoned property.**

(g) Verification of correctness in the original zoning or General Plan for the area in question.

**Staff response: The land use map from the General Plan has been reviewed and found to be correct for this area.**

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

**Staff response: There are no conflicts noted by staff.**

## **STAFF ANALYSIS**

These three lots front on Canyon Road, which is classified as a major arterial road. The property to the north is R1.20 and currently is vacant land. The property to the east has single family homes and is not part of Provo City. To the south and southeast, the property is R1.10. The property to the west is apartments and condominiums in the PRO A10 and MDR zones.

A concept plan has not been included along with this rezone because the zone being asked for is not much different than the current zone and that the property is already developed.

Staff finds that this rezone is in line with the General Plan and that there was support from those in attendance at the district meeting where this item was discussed. Staff finds that this rezone would be appropriate for this location and help bring the properties more into compliance with the R1 zone lot width requirement.

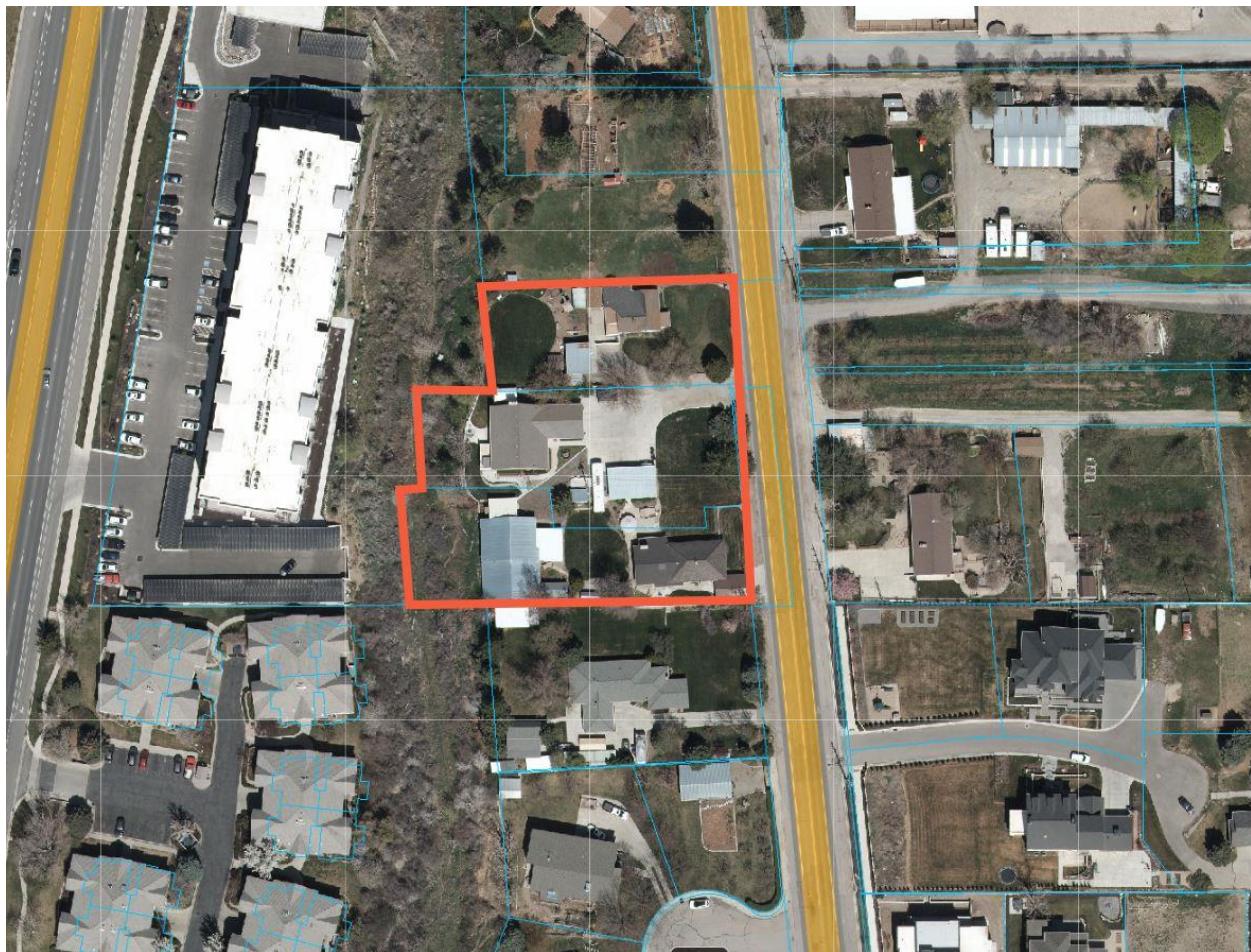
## **STAFF RECOMMENDATION**

Recommend approval of the requested Rezone Application to the Municipal Council.

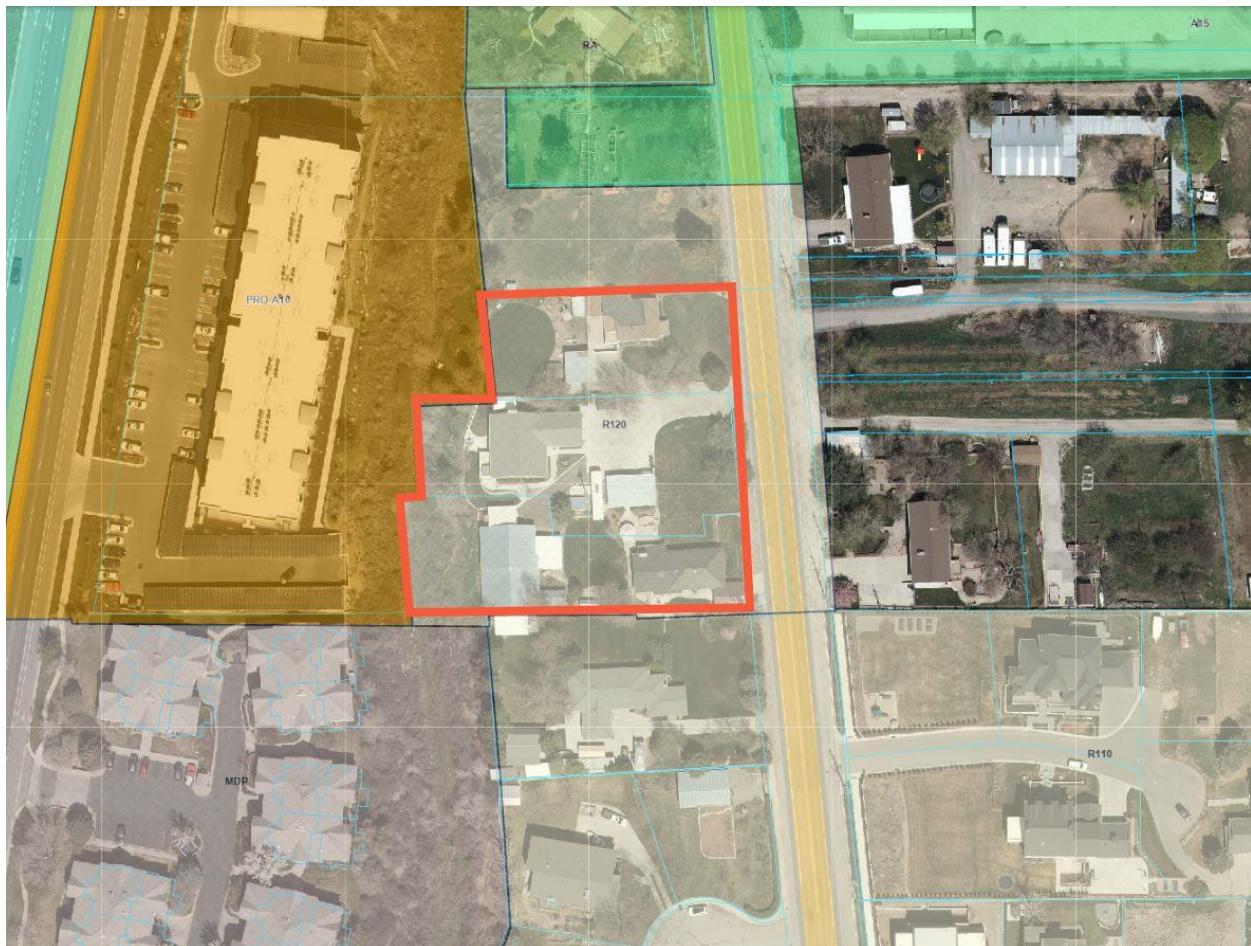
## **ATTACHMENTS**

1. Aerial of Site
2. Current Zone Map
3. General Plan Map

Attachment 1 – Aerial of Site



Attachment 2 – Current Zone Map



Attachment 3 – General Plan Map





WELCOME HOME

PLANNING COMMISSION

June 14, 2023


## \*ITEM 3

Boyd Loveless requests a Zone Map Amendment from the R1.20 zone to the R1.10 zone for three existing residential properties, located between 5065 N Canyon Road and 5075 N Canyon Road.

*North Timpview Neighborhood*


PLRZ20230073

5065-5075 N  
Canyon Rd.



# Zone Map

Rezone  
from R1.20  
to R1.10



# General Plan Map



Provo City Planning Commission  
**Report of Action**

June 14, 2023

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\*Item 3 Boyd Loveless requests a Zone Map Amendment from the R1.20 zone to the R1.10 zone for three existing residential properties, located between 5065 N Canyon Road and 5075 N Canyon Road. North Timpview Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20230073

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The following action was taken by the Planning Commission on the above described item at its regular meeting of April 13, 2022:

## **RECOMMENDED APPROVAL**

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

**Conditions of Approval:**

N/A

Motion By: Daniel Gonzales

Second By: Raleen Wahlin

Votes in Favor of Motion: Daniel Gonzales, Raleen Wahlin, Lisa Jensen, Robert Knudsen, Melissa Kendall, Jeff Whitlock  
Lisa Jensen was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

**LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED**

The property to be rezoned to the R1.10 Zone is described in the attached Exhibit A.

**RELATED ACTIONS**

N/A

**APPROVED/RECOMMENDED OCCUPANCY**

\*Type of occupancy: Family

**STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, findings of fact, conclusions, and recommendations.

**CITY DEPARTMENTAL ISSUES**

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

**NEIGHBORHOOD MEETING DATE**

- A neighborhood meeting was held on May 25, 2023.

**NEIGHBORHOOD AND PUBLIC COMMENT**

- There was nobody from the public to comment on this item.

**CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- No comments from the public were made.

## **APPLICANT RESPONSE**

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant discussed the history of the homes and plans to bring the lots into compliance with city codes.
- The applicant discussed how the properties are currently being used and how there is an accessory structure on one that would remain.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- There may be potential to have an additional lot or two created in the future due to the lower lot acreage requirement of the proposed zone. If this were to happen, it was discussed how it would still fit in well with the surrounding residential uses.



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Planning Commission Chair



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Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center St, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

**BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS**

# EXHIBIT A

20:027:0088

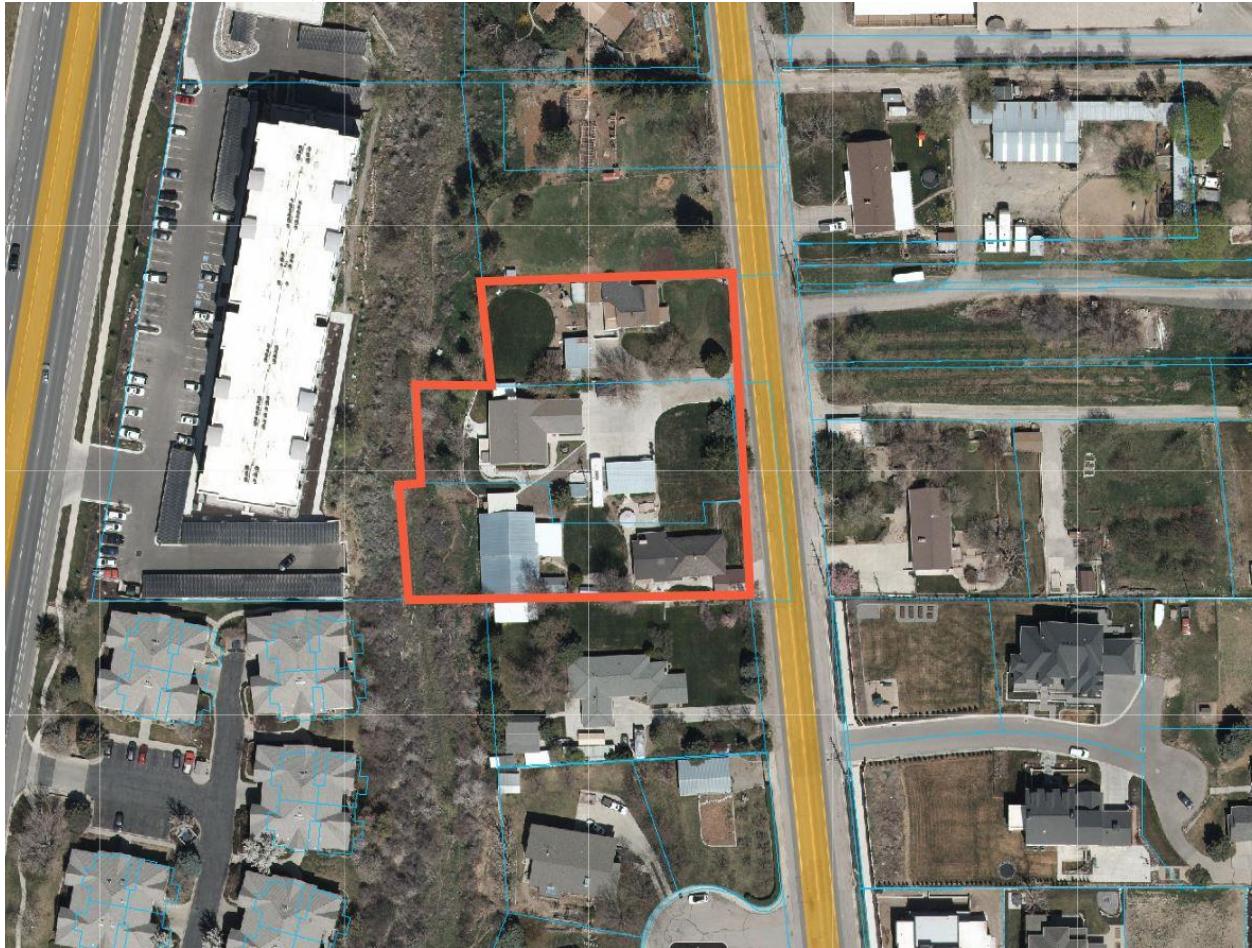
COM N 1158.31 FT & E 712.87 FT FR W 1/4 COR. SEC. 18 T6S R3E SLB&M.; N 5 DEG 50' 9" W 80.38 FT; N 88 DEG 16' 10" E 72.16 FT; N 88 DEG 7' 42" E 120.72 FT; S 5 DEG 50' 0" E 80.6 FT; S 88 DEG 16' 10" W 191.84 FT TO BEG. AREA 0.355 AC.

45:160:0001

LOT 1 PLAT A LOVELESS. AREA 0.538 AC.

34:458:0002

LOT 2, PLAT B, ARBORS ON THE AVENUES SUBDV. AREA 0.459 AC.



RESOLUTION 2023-.

A RESOLUTION IMPOSING FIRE RESTRICTIONS DUE TO HAZARDOUS ENVIRONMENTAL CONDITIONS. (23-052)

WHEREAS, the Provo fire code official has determined that existing hazardous environmental conditions necessitate certain ignition source restrictions and it has been proposed that Provo City adopt the restrictions in the Notice of Fire Restrictions attached hereto as Exhibit A; and

WHEREAS, Utah Code 15A-5-202.5 provides that a municipal legislative body may prohibit fire ignition based upon such a finding of the fire code official; and

WHEREAS, the Provo City watershed is faced with a significant light fuel load in our wildland urban interface and watershed, that is now drying out; and

WHEREAS, on July 18, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds that (i) the attached Notice of Fire Restrictions should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as follows:

PART I:

The Notice of Fire Restrictions attached hereto as Exhibit A is approved and the restrictions stated therein are implemented. This order is effective until rescinded in writing by the fire code official.

PART II:

This resolution shall take effect immediately.

## Exhibit A

### Notice of Fire Restrictions

By order of the Provo City Fire Marshal, the following fire restrictions are in place along the Provo City Watershed effective July 20, 2023. Fires are prohibited in the Provo City watershed ***except in approved fire pits located in improved campgrounds and picnic areas, and within permanent fire pits in residential properties.***

The restricted area includes all mountains and canyons beginning at the Springville City line and extends along the east bench of Provo to the Provo City line, then along Provo Canyon up to, and including South Fork.

These restrictions are put in place to protect the Provo City water supply. Due to the drying vegetation following a wetter than normal winter, and the need to protect our wildland urban interface, and available water supply, it is incumbent on each of us to decrease the risk of catastrophic fire.

Provo Fire & Rescue encourages a safe and cautious approach to the use of fire near our canyons and mountains. Fires must be contained in an improved fire ring or pit in improved campgrounds and picnic areas. Violations of this Fire Restriction Order are a Class B Misdemeanor. Questions regarding these fire restrictions may be directed to the Fire Prevention Bureau at Provo Fire & Rescue by calling 801-852-6321 or email at [firemarshal@provo.org](mailto:firemarshal@provo.org).

Fire restrictions are effective beginning at noon on Thursday, July 20, 2023. This fire restriction notice is published on Wednesday, July 19, 2023 at 0800.

---

A. Lynn Schofield  
Fire Marshal



CHIEF JAMES MIGUEL

TEL: 801. 852 .6321  
80 S 300 W  
PO BOX 1849  
PROVO, UT 84601

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Fire restrictions are effective beginning at noon on Thursday, July 20, 2023. This fire restriction notice is published on Wednesday, July 19, 2023 at 0800.

---

A. Lynn Schofield  
Fire Marshal

# Fire Restrictions 2023

Presented by  
Fire Marshal Lynn Schofield

# Utah Code 15A-5-202.5 (1) b

1. When the fire code official determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may occur:
  - 1.1. If the existing or historical hazardous environmental conditions exist in a municipality, the legislative body of the municipality may prohibit the ignition or use of an ignition source in:
    - 1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;



The Current Situation



# The Current Situation

---

- Monday, July 17, 2023
- 3 brush/grass fires
  - One started from a spark off a mower

# Recommendation

- Authorize the implementation of Level 1 Fire Restrictions in the Provo City Watershed
  - No open fires except in improved fire pits in improved campgrounds and picnic areas
  - This includes charcoal
  - Fuel fired stoves with a shut off are okay
  - Personal fireplaces in the yard are okay, but caution is urged.



# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** HSALZL  
**Department:** Development Services  
**Requested Meeting Date:** 01-01-2018

**SUBJECT:** An ordinance amending the General Plan to adopt the Conservation and Resiliency Plan. Citywide Application. (PLGPA20210367)

**RECOMMENDATION:** Discussion only. This item is also scheduled for the Council Meeting on August 1.

**BACKGROUND:** The full text of the Conservation and Resiliency Plan can be viewed at this link:  
<https://www.provo.org/home/showpublisheddocument/22686>

The proposed Conservation and Resiliency Plan builds on themes introduced in the Resource Management chapter of the General Plan. It is not required by state statute, and there are no external criteria for the plan.

The Conservation and Resiliency Plan addresses eight elements of environmental sustainability:

- Carbon Emissions
- Air Quality
- Renewable Energy
- Urban Nature
- Waste Diversion
- Water
- Mobility
- Fire Risk

For each element, the plan gives the 2019\* metrics as well as targets for 2030 and 2050, contextual explanations, a list of resources for more information, and goals to help the City reach the targets. A quick overview of the targets and definitions for each of the eight elements can be found on pages 16-17 of the Conservation and Resiliency Plan as well as in Appendix A of the attached staff report.

\* Staff and the consultants selected 2019 as the baseline year to avoid the effects of the COVID-19 pandemic in 2020-2021, which impacted the data for almost all of the eight elements. When staff revised the document in 2022, data for that year was not yet available.

**FISCAL IMPACT:** TBD

**PRESENTER'S NAME:** Hannah Salzl, Planner/Sustainability Coordinator 801-852-6423 [hsalzl@provo.org](mailto:hsalzl@provo.org)

**REQUESTED DURATION OF PRESENTATION:** 55 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

Transportation:

4. Coordinate with the Conservation and Resiliency Plan to reduce environmental impacts of single- occupancy vehicle trips.
  - 4a. Consider increasing the total number of public charging stations for electric vehicles.
  - 4b. Relieve automobile congestion and reduce stress on roadways by promoting multimodal choices.
  - 4c. Increase the urban tree canopy and consider looking at the size of parkstrips to accommodate larger trees.

Resource Management:

“The General Plan supports and reaffirms the goals in the Conservation and Resiliency Plan” (page 85).

1. Promote best practices for environmental stewardship.
  - 1a. Complete and implement a Conservation and Resiliency Plan.
  - 1b. Promote the use of water conservative practices, including landscaping.
  - 1c. Encourage waste reduction and recycling.
  - 1d. Explore ways to minimize the impacts of light pollution across the city.
  - 1e. Educate residents about ways to become more sustainable and resilient.
  - 1f. Continue support for the Thousand Trees program.
  - 1g. Increase the urban tree canopy.
  - 1h. Identify locations and projects to improve storm water management using green infrastructure and low impact design.
2. Become a leader in sustainable practices and promote regional collaboration.
  - 2a. Consider ways to increase our regional leadership in energy conservation and clean and renewable energy sources.
  - 2b. Explore independent certification in alignment with adopted Conservation and Resiliency Plan goals.
  - 2c. Coordinate with BYU and other large institutions' sustainability practices to increase overall successful implementation.
  - 2d. Explore innovative approaches to water management.

**CITYVIEW OR ISSUE FILE NUMBER:** PLGPA20210367

## **Conservation and Resiliency Plan Document**

The Conservation and Resiliency Plan is too large to attach here in its entirety. It can be viewed online at the link below:

<https://www.provo.org/home/showpublisheddocument/22686/638241500710070000>

## ORDINANCE 2023-.

AN ORDINANCE AMENDING THE GENERAL PLAN TO ADOPT THE  
PROVO CONSERVATION AND RESILIENCY PLAN. CITYWIDE  
APPLICATION. (PLGPA20210367)

WHEREAS, it is proposed that the Provo City General Plan be amended to adopt the Conservation and Resiliency Plan; and

WHEREAS, on July 12, 2023 the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 7:0; and

WHEREAS, on August 1, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) the Provo City General Plan should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

## PART I:

The Provo City General Plan is hereby amended as set forth in Exhibit A.

## PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

47

48    END OF ORDINANCE.

**Exhibit A**

49  
50 The Conservation and Resiliency Plan is too large to attach here in its entirety. It can be viewed  
51 online at the link below:  
52  
53 <https://www.provo.org/home/showpublisheddocument/22686/638241500710070000>

**Planning Commission Hearing  
Staff Report  
Hearing Date: July 12, 2023**

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**\*ITEM #2** Development Services requests the adoption of the Provo Conservation and Resiliency Plan to support the 2021 General Plan Update. Citywide Application. Hannah Salzl 801-852-6423 [hsalzl@provo.org](mailto:hsalzl@provo.org) PLGPA20210367

---

**Applicant:** Development Services

**Staff Coordinator:** Hannah Salzl

**Citywide Application**

**Council Action Required:** Yes

**Current Legal Use:** The Conservation and Resiliency Plan would help guide future decisions for the entire city.

**Relevant History:** As the updated General Plan was being written, it became clear that a separate Conservation and Resiliency Plan was necessary to explore key themes in more detail.

**Neighborhood Issues:** No issues have been raised on the current version of the Conservation and Resiliency Plan.

**Summary of Key Issues:** The Conservation and Resiliency Plan addresses the following key elements:

- Carbon Emissions
- Air Quality
- Renewable Energy
- Urban Nature
- Waste Diversion
- Water
- Mobility
- Fire Risk

**Staff Recommendation:** Staff recommends the Planning Commission recommend approval of the proposed Conservation and Resiliency Plan to the Municipal Council.

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is July 26, 2023, at 6:00 P.M.*

2. **Recommend Denial** of the requested Ordinance Text Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

## **OVERVIEW**

The full text of the Conservation and Resiliency Plan can be viewed at this link:  
<https://www.provo.org/home/showpublisheddocument/22686>

The proposed Conservation and Resiliency Plan builds on themes introduced in the Resource Management chapter of the General Plan. It is not required by state statute, and there are no external criteria for the plan.

The Conservation and Resiliency Plan addresses eight elements of environmental sustainability:

- Carbon Emissions
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- Urban Nature
- Waste Diversion
- Water
- Mobility
- Fire Risk

For each element, the plan gives 2019 metrics as well as targets for 2030 and 2050, contextual explanations, a list of resources for more information, and goals to help the City reach the targets. A quick overview of the targets and definitions for each of the eight elements can be found in Appendix A of this staff report.

Staff and the consultants selected 2019 as the baseline year to avoid data impacted by the COVID-19 pandemic in 2020-2021. When staff revised the document in 2022, data for that year was not yet available.

## **RELEVANT HISTORY**

As Planning Staff and their consultant DesignWorkshop worked on drafting the General Plan update, it quickly became clear that a second, more targeted plan was needed. City staff, DesignWorkshop, and Spirit Environmental, LLC worked closely with the Technical Working Group (see page 2, Acknowledgements) and the Citizens' Sustainability Committee to draft the initial version. That draft was shared with the Planning Commission on November 10, 2021. It was then reviewed and revised by the relevant departments and the Administration to further refine the broad vision of the first draft into more specific, actionable targets and goals.

Because the plans were partially developed in tandem, the Conservation and Resiliency Plan went through the same public engagement process as the General Plan. Early engagement got input from more than 1,500 residents, and a later independent, statistically valid survey

had over 900 responses. The plan is consistent with residents' input, which is summarized in the introduction to the Conservation and Resiliency Plan.

## **GENERAL PLAN POLICIES**

The Conservation and Resiliency Plan was written in tandem with the General Plan to further refine its goals and priorities.

### *Transportation*

4. Coordinate with the Conservation and Resiliency Plan to reduce environmental impacts of single- occupancy vehicle trips.
  - 4a. Consider increasing the total number of public charging stations for electric vehicles.
  - 4b. Relieve automobile congestion and reduce stress on roadways by promoting multimodal choices.
  - 4c. Increase the urban tree canopy and consider looking at the size of parkstrips to accommodate larger trees.

### *Resource Management*

"The General Plan supports and reaffirms the goals in the Conservation and Resiliency Plan" (page 85).

1. Promote best practices for environmental stewardship.
  - 1a. Complete and implement a Conservation and Resiliency Plan.
  - 1b. Promote the use of water conservative practices, including landscaping.
  - 1c. Encourage waste reduction and recycling.
  - 1d. Explore ways to minimize the impacts of light pollution across the city.
  - 1e. Educate residents about ways to become more sustainable and resilient.
  - 1f. Continue support for the Thousand Trees program.
  - 1g. Increase the urban tree canopy.
  - 1h. Identify locations and projects to improve storm water management using green infrastructure and low impact design.
2. Become a leader in sustainable practices and promote regional collaboration.
  - 2a. Consider ways to increase our regional leadership in energy conservation and clean and renewable energy sources.
  - 2b. Explore independent certification in alignment with adopted Conservation and Resiliency Plan goals.
  - 2c. Coordinate with BYU and other large institutions' sustainability practices to increase overall successful implementation.
  - 2d. Explore innovative approaches to water management.

## **FINDINGS OF FACT**

- Provo does not currently have a plan that specifically addresses the environment.
- Public engagement identified “Becoming a more environmentally sustainable city” as the fourth most important element of quality of life for Provo residents.
- Public engagement identified “Becoming a more environmentally sustainable city” as the third most common response for areas the City needs the most improvement.
- Targets have been reviewed and discussed by the Administration, relevant City departments, the Citizens’ Sustainability Committee, and representatives from regional entities such as the State Division of Air Quality and Central Utah Water Conservancy District.

## **STAFF ANALYSIS**

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan amendments:

*Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (responses in bold)*

*(a) Public purpose for the amendment in question.*

**The proposed Conservation and Resiliency Plan recommends policies that will help improve public health, preserve or improve quality of life, and prevent and mitigate environmental threats and help the City become more resilient.**

*(b) Confirmation that the public process is best served by the amendment in question.*

**The proposed plan underwent a long, robust public engagement process and addresses residents’ concerns that Provo should become a more environmentally sustainable city.**

*(c) Compatibility of the proposed amendment with General Plan policies, goal, and objectives.*

**The proposed plan was developed in tandem with the updated General Plan and is fully compatible.**

*(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.*

**Staff is not aware of any timing and sequencing issues with this proposal.**

*(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies*

**The proposed plan was developed in tandem with the updated General Plan and should in no way hinder or obstruct it.**

*(f) Adverse impacts on adjacent landowners.*

**Staff is not aware of any adverse impacts to landowners.**

*(g) Verification of correctness in the original zoning or General Plan for the area in question.*

**The proposed citywide plan does not address zoning and does not conflict with the General Plan map.**

*(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

**Staff are not aware of any conflict.**

## **CONCLUSIONS**

In addition to extensive public engagement over several years, staff have gone to great lengths to get support from and represent the interests of all relevant City departments. Although it could not address every concern, the Conservation and Resiliency Plan addresses the most critical issues to help the City become more resilient against environmental threats and maintain a high quality of life for future generations of Provo residents.

## **ATTACHMENTS**

- 1. Excerpt: Definitions and Targets**
- 2. Conservation and Resiliency Plan**

### **Attachment 1: Excerpt: Definitions and Targets**

The definitions and targets on the following two pages come from pages 16 and 17 of the Conservation and Resiliency Plan.

#### **DEFINITIONS**

<b>CARBON EMISSIONS</b>  Carbon emissions are expressed as a carbon dioxide equivalent (CO <sub>2</sub> e) and include other greenhouse gases like methane, nitrous oxide, and others, which are converted to their equivalent amounts of carbon dioxide. This KPI currently includes energy generation, on-site emissions, and transportation.	<b>AIR QUALITY</b>  The top two sources of air pollution are motor vehicles and buildings. Provo will periodically administer the same survey asking residents about their behaviors that impact air quality. The survey has not yet been administered, and the KPI should be updated once the baseline has been established.
<b>RENEWABLE ENERGY</b>  Provo needs reliable electricity, and shifting to renewable sources can improve health, save money, and create jobs. Examples of renewable energy sources are wind, solar, and hydropower. Provo Power partners with the Utah Municipal Power Agency, a joint action energy provider.	<b>URBAN NATURE</b>  The environment has an impact on local temperature through impervious surfaces and albedo (or reflection). Increasing tree canopy also has numerous environmental and social benefits. Provo's canopy coverage is currently unknown, and the KPI should be updated once the baseline has been established.
<b>WASTE DIVERSION</b>  A circular economy (aided by programs like recycling and green waste) focuses on waste reduction strategies to save money and resources. Contamination from non-recyclable and non-compostable waste greatly increases the costs of operations. The KPI should be updated once the transfer station is complete.	<b>WATER</b>  In a semi-arid environment, water must be managed in a way that minimizes threats of water shortages and maximizes efficient and beneficial uses. Storing water in aquifers can be a key part of a resilient water management plan.
<b>MOBILITY</b>  Transportation is the number one cause of air pollution and carbon emissions in Provo (see Carbon Emissions for an explanation of measurements). This KPI includes 100% of emissions from trips within Provo and 50% of trips that begin or end in Provo. It does not include trips that only pass through the city.	<b>FIRE RISK</b>  As water becomes more of a limited resource and temperatures increase, we must plan to mitigate and reduce the risk of fires. The wildfire risk index is measured as a score of 1-12 based on a series of indicators.

BASELINES AND TARGETS			
	2019	2030	2050
<b>CARBON EMISSIONS</b> 	<b>16.5</b> Metric Tons CO2e/Year/Capita	<b>15%</b> Decrease	<b>50%</b> Decrease
<b>AIR QUALITY</b> 	<b>ND</b> Air Quality Behaviors Survey Score	<b>10%</b> Increase	<b>30%</b> Increase
<b>RENEWABLE ENERGY</b> 	<b>33%</b> Renewable Sources	<b>60%</b> Renewable Sources	<b>100%</b> Renewable Sources
<b>URBAN NATURE</b> 	<b>ND</b> Tree Canopy Coverage	<b>15%</b> Increase	<b>20%</b> Increase
<b>WASTE DIVERSION</b> 	<b>33%</b> Contamination Rate	<b>25%</b> Contamination Rate	<b>20%</b> Contamination Rate
<b>WATER</b> 	<b>0</b> Acre-feet Recharged/Year	<b>10k</b> Acre-feet Recharged/Year	<b>20k</b> Acre-feet Recharged/Year
<b>MOBILITY</b> 	<b>3.5</b> Metric Tons CO2e/Year/Capita	<b>5%</b> Decrease	<b>15%</b> Decrease
<b>FIRE RISK</b> 	<b>6</b> Community Wildfire Risk Index	<b>5</b> Community Wildfire Risk Index	<b>4</b> Community Wildfire Risk Index

**Attachment 2: Conservation and Resiliency Plan**

The full text of the Conservation and Resiliency Plan can be viewed at this link:  
<https://www.provo.org/home/showpublisheddocument/22686>



# Provo City Planning Commission

## Report of Action

July 12, 2023

*ITEM #2	Provo City Development Services requests the adoption of the Provo Conservation and Resiliency Plan to support the 2021 General Plan Update. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.org PLOTA20230079
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The following action was taken by the Planning Commission on the above described item at its regular meeting of July 12, 2023:

### RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew South

Second By: Barbie DeSoto

Votes in Favor of Motion: Melissa Kendall, Robert Knudsen, Raleen Wahlin, Jeff Whitlock, Daniel Gonzales, Andrew South, Barbie DeSoto

Dan Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions, and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### **TEXT AMENDMENT**

The text of the proposed amendment is attached as Exhibit A.

### **STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### **NEIGHBORHOOD MEETING DATE**

- Citywide application; all Neighborhood Chairs received notification.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- This item was City-wide or affected multiple neighborhoods.
- Don Jarvis spoke during the public comment period in support of the proposed amendment.

### **PLANNING COMMISSION DISCUSSION**

The Planning Commission agreed that the discussion in the Study Session was sufficient. There was no further discussion in the Planning Commission meeting.

Key points discussed by the Planning Commission included the following:

- The contamination rate in the plan is from a transfer facility that services multiple cities. Although this aggregate number is likely representative of Provo's contamination rate, the completion of our transfer station will allow the City to get a more accurate rate. It will also allow the City to determine the contamination rate from different routes and neighborhoods, enabling more targeted education campaigns as needed.
- Water conservation is addressed in the goals of the plan. However, since Provo is already below the State's targets for water use per capita by 2030, staff thought it most appropriate to have the key performance indicator instead reflect efforts to secure reliable sources of water.
- Air quality is heavily impacted by outside sources from neighboring cities to other states to global weather trends. The Conservation and Resiliency Plan maintains a narrow focus on only activities that affect air quality and are within the control of Provo and its residents and businesses.
- Staff have begun work on the Air Quality survey, which was the metric recommended by staff at the Utah Division of Air Quality. It will be added as an appendix to the plan.
- Staff are currently working with Brigham Young University to calculate Provo's urban tree canopy coverage.
- Infrastructure and layout could have a large impact on emissions (e.g., drive-throughs).
- The relevant City departments (especially Public Works, Energy, Parks, and Fire) were very engaged in the revision process. This version better reflects their expert insights and recommendations for the city.
- The language in the goals is loose in order to give future decision makers for the City some flexibility.
- The eight elements were chosen by comparing what benchmark cities have in their plans, what Provo departments are working on, and what residents and the Technical Working Group identified as their priorities. There is no hierarchy or prioritization among those eight elements. Certain topics, such as light pollution/dark sky preservation, were not included only to keep the plan's scope and length manageable.

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Planning Commission Chair

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Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

**BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS**

## **EXHIBIT A**

The Conservation and Resiliency Plan is too large to attach here in its entirety. It can be viewed online at the link below:

<https://www.provo.org/home/showpublisheddocument/22686/638241500710070000>

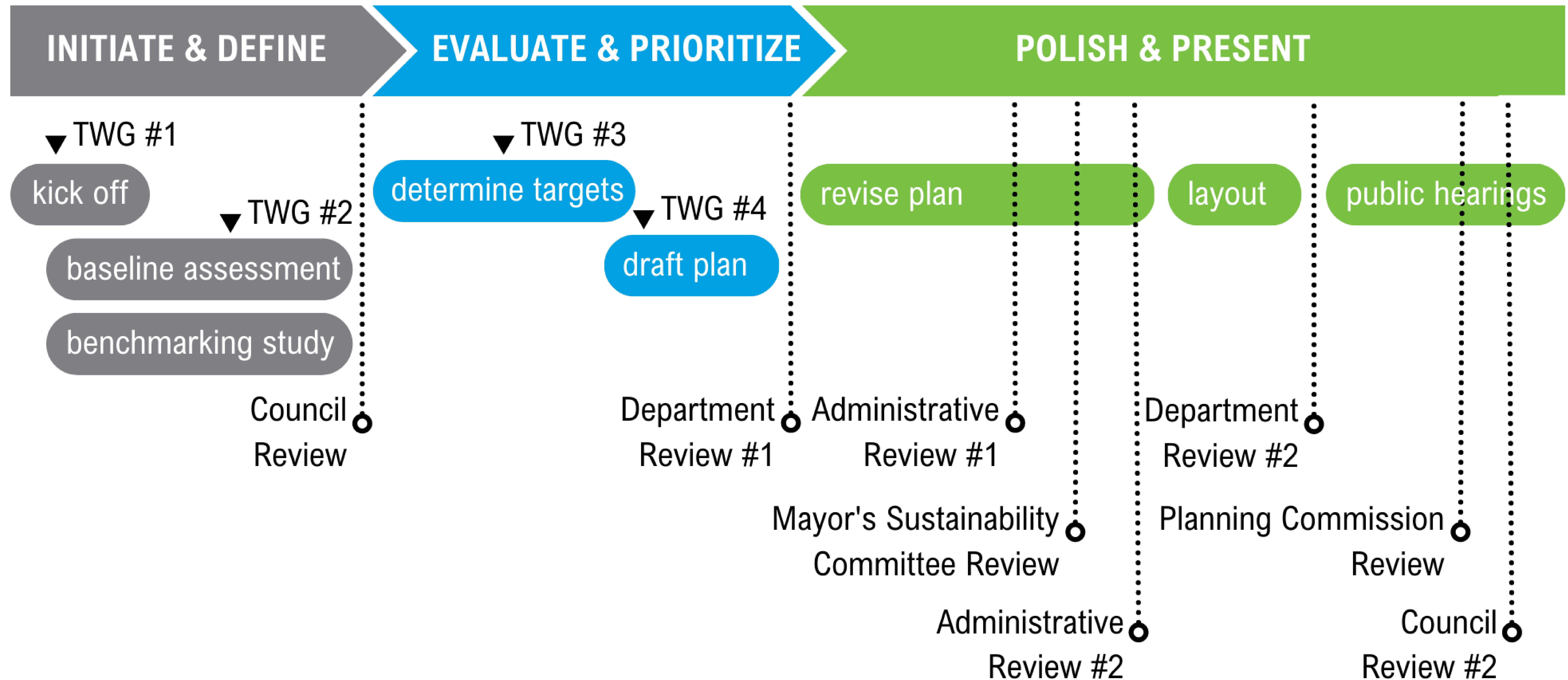


WELCOME HOME

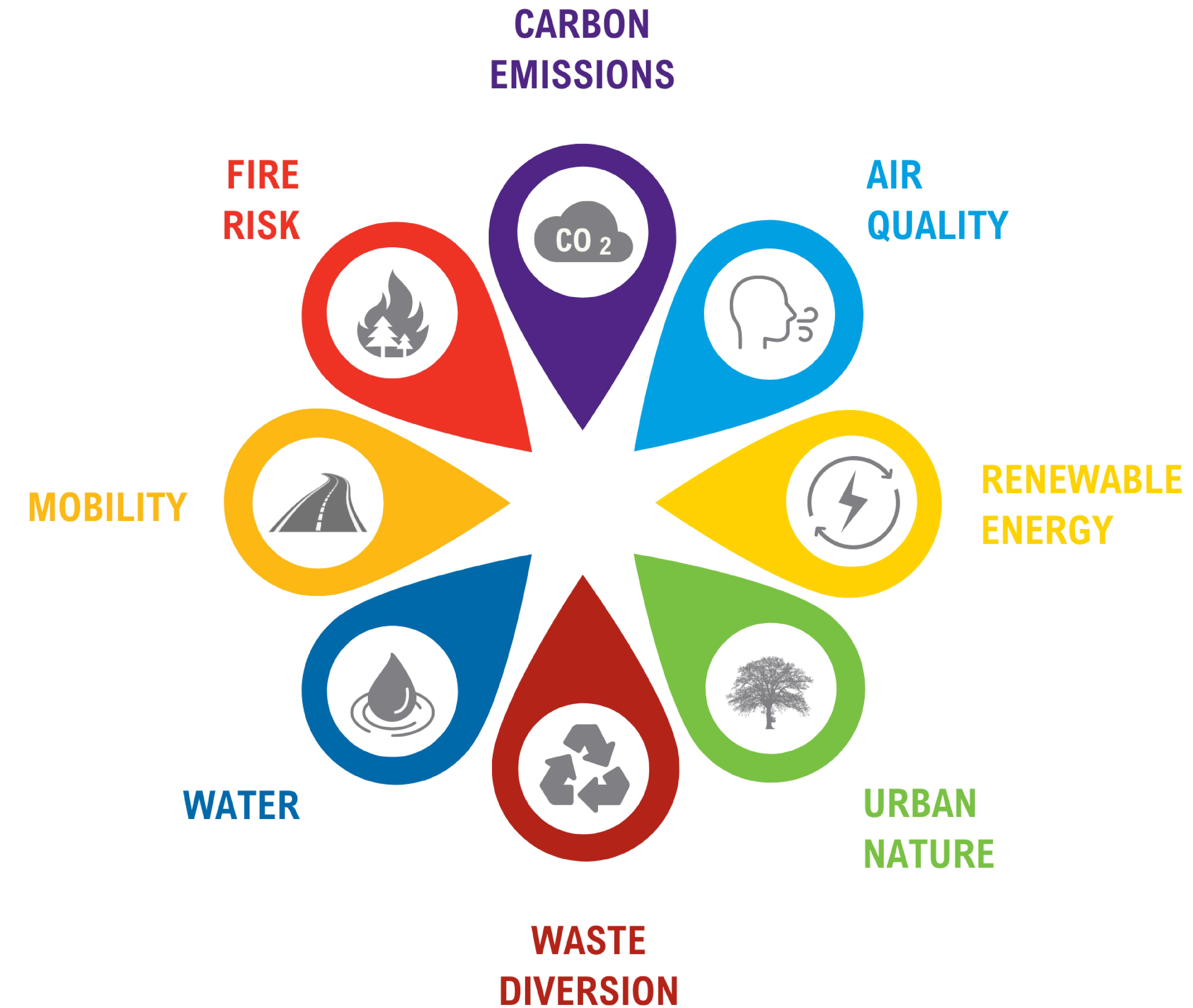
PLANNING COMMISSION

July 12, 2023

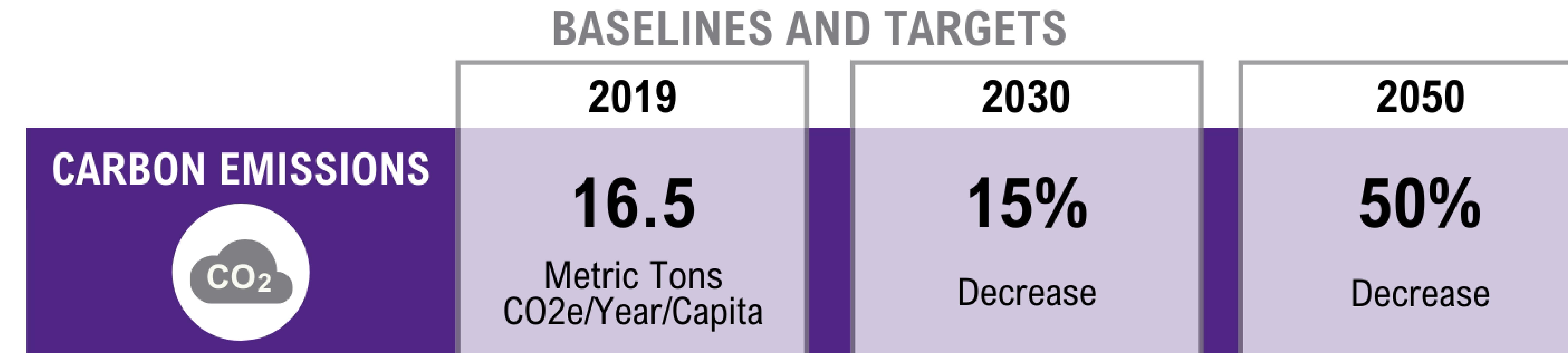
# Process



# Eight Elements



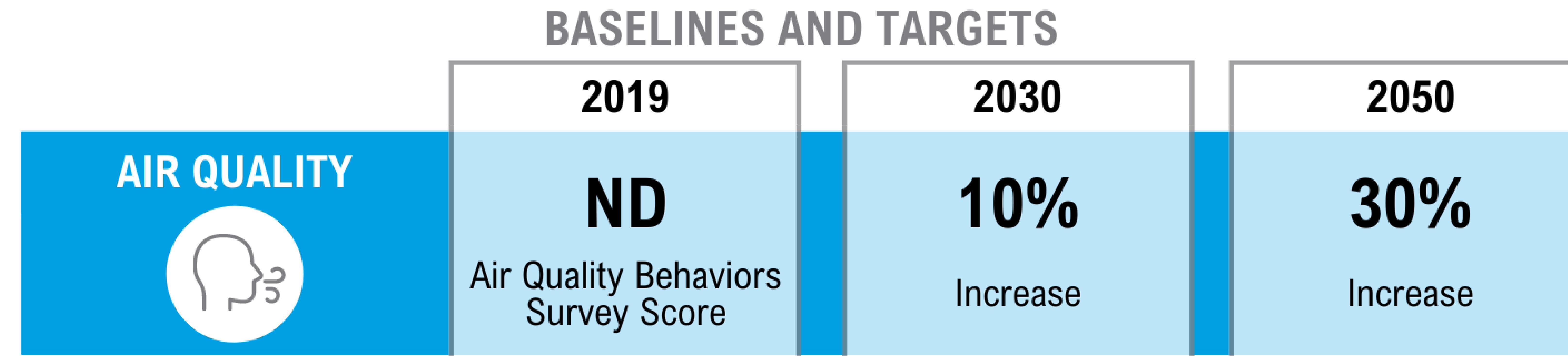
# Carbon Emission



## Goal Categories

1. Increase the efficiency of commercial buildings.
2. Adopt voluntary stretch code standards for Zero-Emissions Buildings.
3. Develop a comprehensive Greenhouse Gas (GHG) Inventory and identify significant emissions sources.
4. Investigate carbon capture projects for City-owned facilities and land.

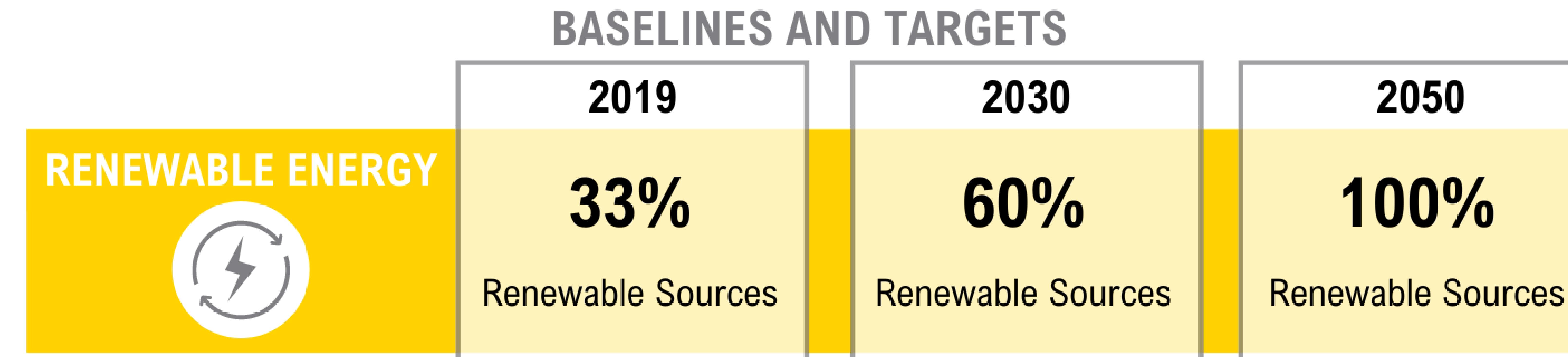
# Air Quality



## Goal Categories

1. Increase air quality monitoring capacity.
2. Reduce emissions from vehicles.
3. Reduce emissions from buildings and encourage improved indoor air quality.

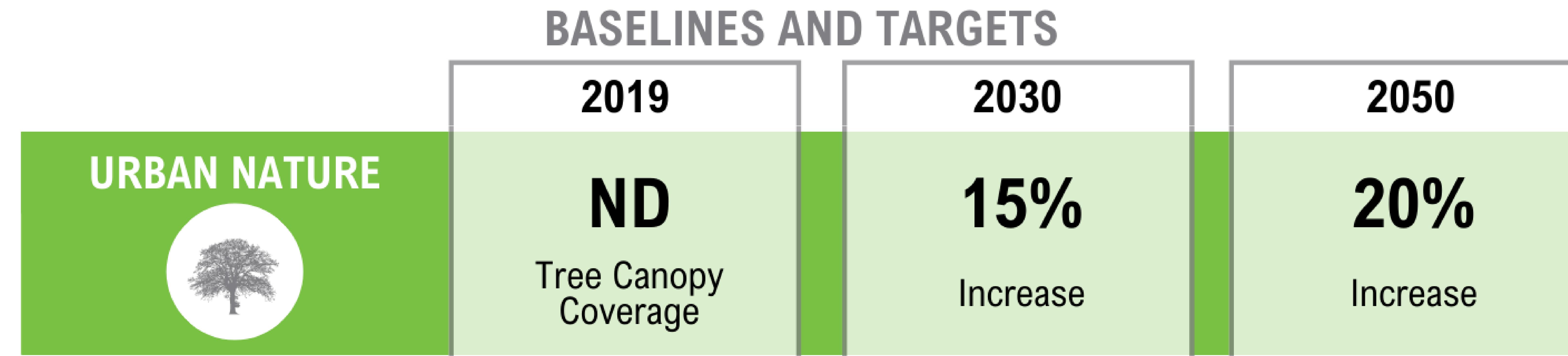
# Renewable Energy



## Goal Categories

1. Support Provo Power in meeting low-/zero-carbon targets.
2. Empower residents to access low-/zero-carbon energy options.
3. Couple energy storage with renewable energy for resiliency.

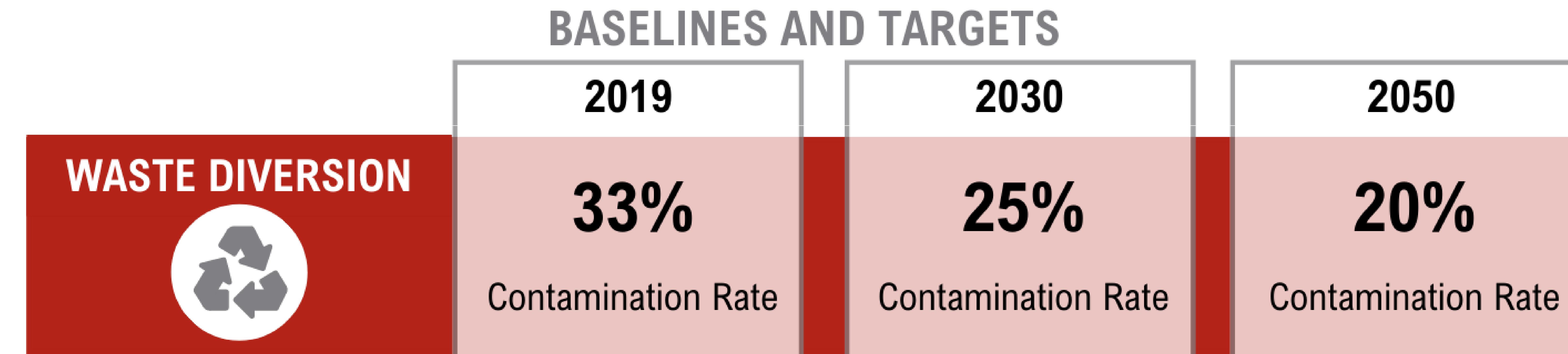
# Urban Nature



## Goal Categories

1. Inventory the current tree canopy percentage.
2. Develop an Urban Forestry Master Plan.
3. Encourage the planting of regionally appropriate trees on private properties.
4. Increase and preserve open space as appropriate.
5. Create a sustainable tree watering plan.

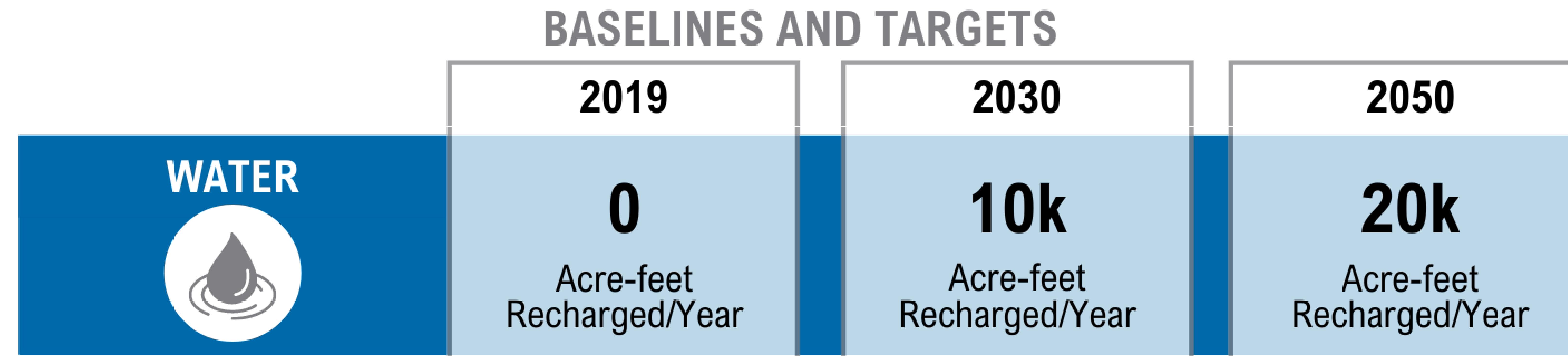
# Waste Diversion



## Goal Categories

1. Review the targets once the transfer station is complete.
2. Reduce contamination rates for current and new users.
3. Increase the number of single-family, multifamily, and commercial buildings that use the City's recycling and compost services.
4. Increase proper household hazardous waste disposal.
5. Increase participation in the green waste program.

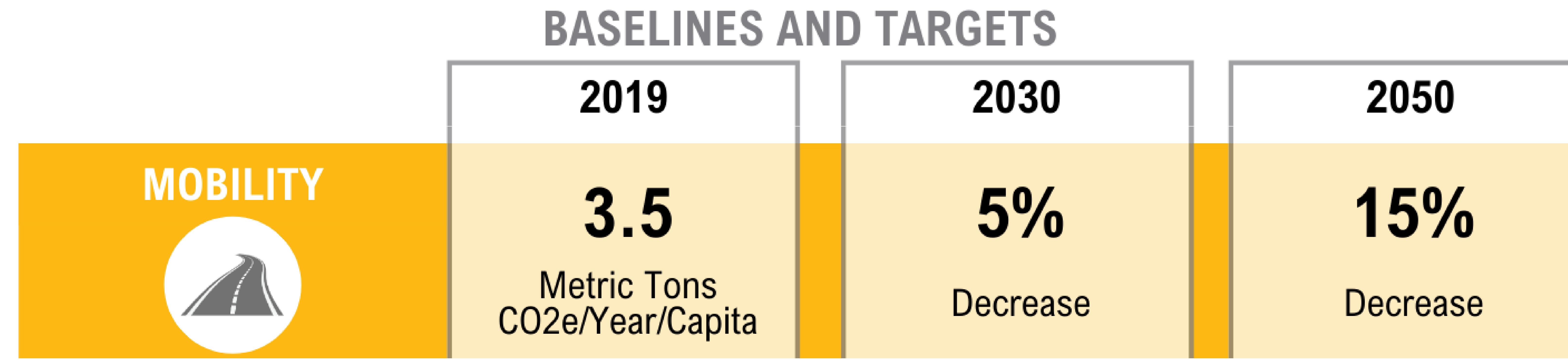
# Water



## Goal Categories

1. Consider ways to expand the use of water-efficient appliances.
2. Promote the wise use of water by residents and Provo City.
3. Educate property owners about their water use and encourage reducing waste.
4. Increase the appropriate use of non-potable and gray water.

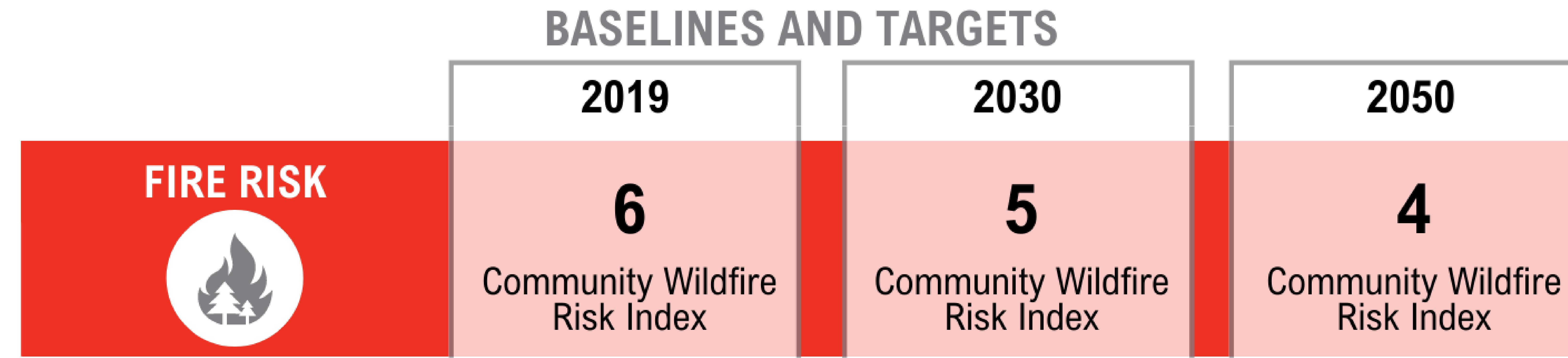
# Mobility



## Goal Categories

1. Track overall mode split and refine transportation KPI.
2. Implement travel demand management strategies.
3. Work toward maximizing access to different transportation options for all members of the community.
4. Promote the use of mass transit.

# Fire Risk



## Goal Categories

1. Limit new development in areas with high fire risk.
2. Continue to decrease fuels in and around high and extreme risk areas.
3. Implement wildfire protection and prevention measures.
4. Update the Community Wildfire Preparedness Plan and educate residents.

# All Targets

BASELINES AND TARGETS			
	2019	2030	2050
<b>CARBON EMISSIONS</b> 	<b>16.5</b> Metric Tons CO2e/Year/Capita	<b>15%</b> Decrease	<b>50%</b> Decrease
<b>AIR QUALITY</b> 	<b>ND</b> Air Quality Behaviors Survey Score	<b>10%</b> Increase	<b>30%</b> Increase
<b>RENEWABLE ENERGY</b> 	<b>33%</b> Renewable Sources	<b>60%</b> Renewable Sources	<b>100%</b> Renewable Sources
<b>URBAN NATURE</b> 	<b>ND</b> Tree Canopy Coverage	<b>15%</b> Increase	<b>20%</b> Increase
<b>WASTE DIVERSION</b> 	<b>33%</b> Contamination Rate	<b>25%</b> Contamination Rate	<b>20%</b> Contamination Rate
<b>WATER</b> 	<b>0</b> Acre-feet Recharged/Year	<b>10k</b> Acre-feet Recharged/Year	<b>20k</b> Acre-feet Recharged/Year
<b>MOBILITY</b> 	<b>3.5</b> Metric Tons CO2e/Year/Capita	<b>5%</b> Decrease	<b>15%</b> Decrease
<b>FIRE RISK</b> 	<b>6</b> Community Wildfire Risk Index	<b>5</b> Community Wildfire Risk Index	<b>4</b> Community Wildfire Risk Index

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** MDAYLEY  
**Department:** Council  
**Requested Meeting Date:** 05-02-2023

**SUBJECT:** A discussion regarding housing affordability. (23-043)

**RECOMMENDATION:** Discussion seeking Council motion for possible further action.

**BACKGROUND:** As part of the Council's priority to discuss housing affordability in Provo, this discussion aims to assess various strategies the Council may take to improve housing attainability for residents.

**FISCAL IMPACT:** N/A

**PRESENTER'S NAME:** Abi Maccabee, Council Intern & Sarah Can Cleve, Provo Housing Authority

**REQUESTED DURATION OF PRESENTATION:** 40 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 23-043

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** MISANDERS  
**Department:** Council  
**Requested Meeting Date:** 06-06-2023

**SUBJECT:** A presentation regarding efforts addressing homelessness in Provo City - The Refuge (23-018)

**RECOMMENDATION:** Presentation only.

**BACKGROUND:** In an effort to understand more about resources dedicated to homelessness, various community partners will present about the work they do in Provo City and the greater Utah Valley region. This week's presentation will be from The Refuge.

More information on The Refuge and the work they do can be found here:  
<https://therefugeutah.org/>

**FISCAL IMPACT:**

**PRESENTER'S NAME:** Laurie Loader, Shelter Director of The Refuge

**REQUESTED DURATION OF PRESENTATION:** 25 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 23-018



THE  
**REFUGE**  
UTAH

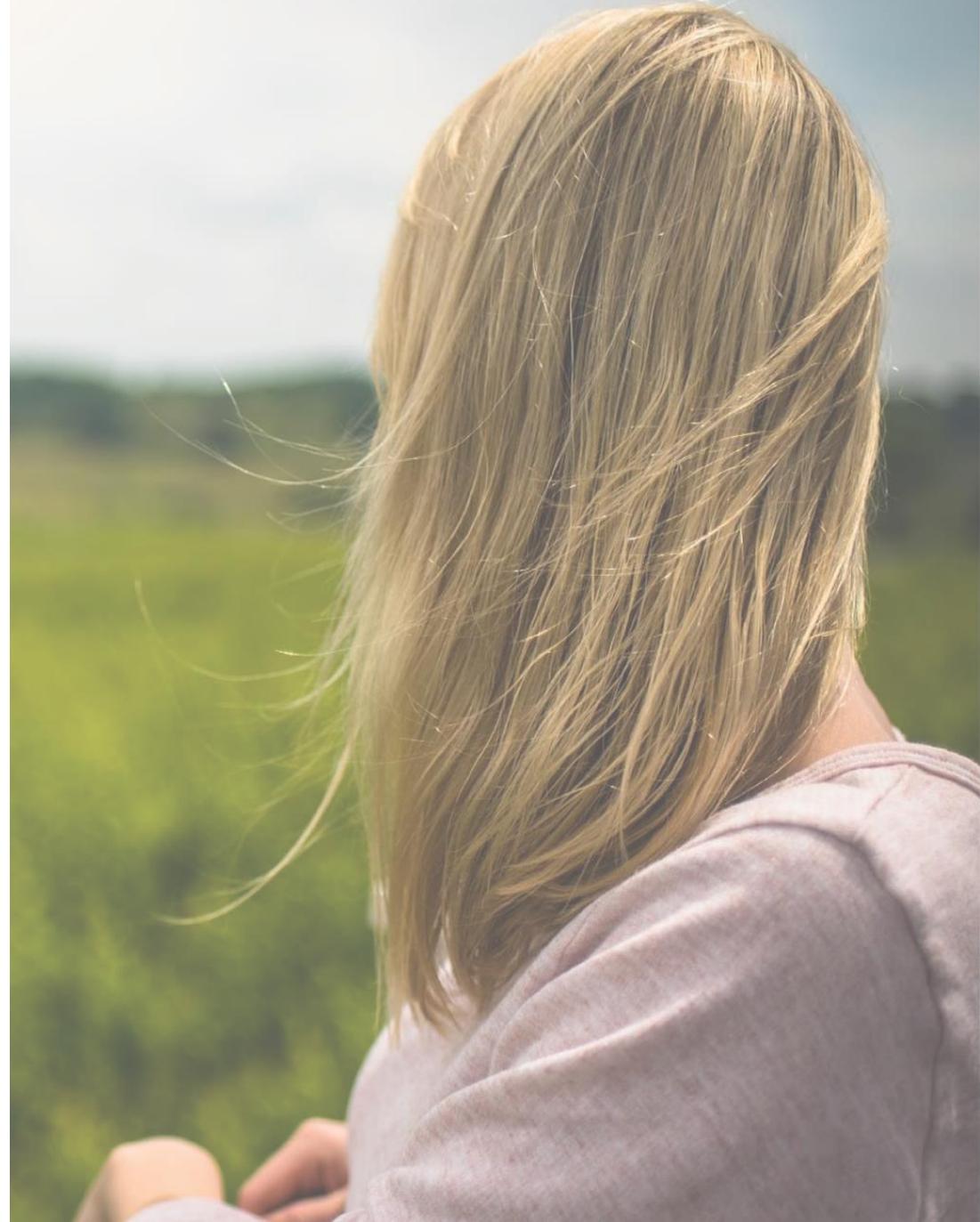


## WHO WE ARE

Our Mission is to provide a caring, advocating, safe, and educationally based environment for survivors of domestic violence and sexual assault.

We focus on empowering survivors to be self-sufficient and to live free from abuse. We use trauma-informed practices and housing first models to promote independence.

We are members of the Mountainlands Continuum of Care as well as other local and statewide coalitions addressing homelessness, domestic violence, and sexual assault



## OUR SERVICES

### Domestic Violence

- Confidential 24-hour hotline
- Emergency safe shelter for individuals fleeing domestic violence and their children
- Victim advocacy and crisis support
- Children's support program
- Individual and group therapy
- Educational support classes – open to the public

### Sexual Assault

- Confidential 24-hour hotline
- Hospital Response Advocates to assist victims in the hospital during forensic medical exams
- Follow-up support to connect with additional services
- Individual and group therapy
- Educational support classes – open to the public

### Housing

- Transitional housing (6-24 months) for those fleeing domestic violence
- Permanent supportive housing in partnership with Provo City Housing Authority
- Limited financial assistance with security deposits, rent, and utilities
- Follow-up case management
- Assistance with applications, referrals to other housing programs, and other advocacy services



## WHO WE SERVE

We provide services for any victims of domestic abuse and sexual assault in Utah, Juab, and Wasatch counties.

51% of who we serve are females between the age of 19-33.

45% of those staying in our safehouse are from Provo or Orem.



Incidences of domestic violence have more than doubled in the past three years in Utah County.



Law enforcement victims advocates work with an estimated 4,000 victims of domestic abuse each year.

## DOMESTIC VIOLENCE IN UTAH COUNTY



## OUR IMPACT - 2022



We provided safe shelter to 94 females and 116 children at our safehouse with an average stay of 28 days.



628 adults and children received financial assistance in securing permanent housing from our agency.



We served a total of 1,575 victims of domestic abuse and sexual assault



We received 2,982 crisis calls to our 24/7 hotlines for help





## THE NEED

### CURRENT SHELTER



The Refuge Utah currently has 25 emergency beds available for domestic abuse victims and their children fleeing abuse.

### TURNED AWAY



480 individuals turned away last year due to current facilities being full.

### HOMELESSNESS



In 2022, 37.7 % of homelessness in our Continuum of Care area was a result of domestic violence (Annual Data Report on Homelessness, DWS, 2023).

## CONTACT US

Domestic Violence Hotline: 801-377-5500

Sexual Assault Hotline: 801-356-2511

General Office: 801-227-5038

[www.TheRefugeUtah.org](http://www.TheRefugeUtah.org)

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** MISANDERS  
**Department:** Council  
**Requested Meeting Date:** 06-20-2023

**SUBJECT:** A discussion regarding expanding the tax increment finance agreement with Rivers Edge on University (The Mix).

**RECOMMENDATION:** Review the proposal amendment requested by Brighton Communities for approval at the next available Board Meeting.

**BACKGROUND:** Due the delay in obtaining control of the project and with the accompanying rapid increase in both construction and financing costs, Brighton is requesting the Agency to amend the interlocal agreements to start in 2025 and to collaborate with the School District to allow Brighton to receive tax increment beyond the six-year term.

**FISCAL IMPACT:**

**PRESENTER'S NAME:** Keith Morey, Asst Director of Development Services

**REQUESTED DURATION OF PRESENTATION:** 20 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**  
This project supports Provo City's goal to increase property values, create jobs and diversify our economy.

**CITYVIEW OR ISSUE FILE NUMBER:**

# RIVERS EDGE ON UNIVERSITY

2300 N University Parkway, Provo, Utah, 84604

TIF PRESENTATION



# RIVERS EDGE ON UNIVERSITY

TIF PRESENTATION

2300 N University Parkway, Provo, Utah, 84604

**Condition of property at time of purchase in March 2021**



# RIVERS EDGE ON UNIVERSITY

2300 N University Parkway, Provo, Utah, 84604

TIF PRESENTATION

**Current condition of property as of March 2023**



# RIVERS EDGE ON UNIVERSITY

SITE PLAN

2300 N University Parkway, Provo, Utah, 84604

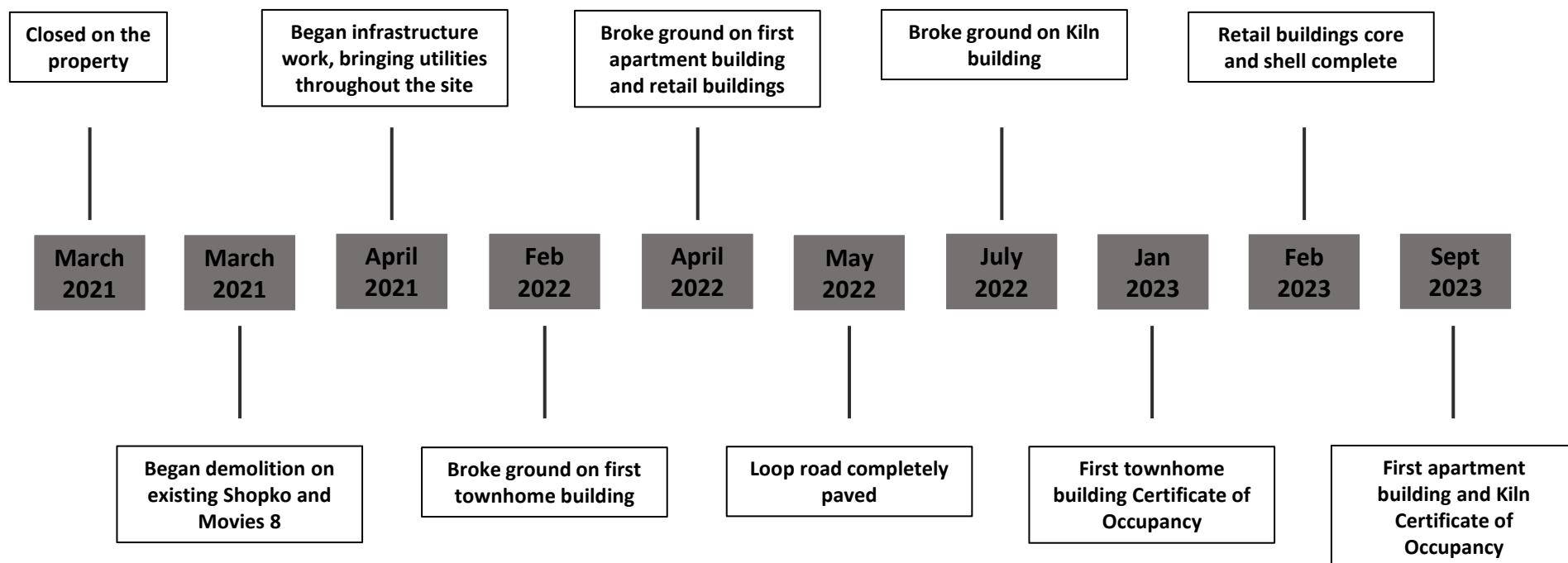


BRIGHTON COMMUNITIES

# RIVERS EDGE ON UNIVERSITY

## PROJECT TIMELINE

2300 N University Parkway, Provo, Utah, 84604



Confidential - Brighton Development Utah,  
LLC



BRIGHTON COMMUNITIES

2300 N University Parkway, Provo, Utah, 84604

### Partnership

- We would love to stay partnered with Provo City over the long-term as an active member of the community. Here are a few ways that Brighton has committed or will commit to Provo City:
  - Brighton Communities is a local company with an office currently under construction within the River's Edge project where we hope to have a local presence over the long-term.
  - Hire local talent, including high school and college students.
  - Kiln, a coworking office user, will bring opportunities for start up companies to grow in Provo. We hope this leads to companies staying in Provo over the long term. Kiln will also facilitate many events for the business community.
  - Work closely with the city to find homes within the center for local businesses looking to stay in Provo
  - Providing 416 housing units for a supply constrained market.
  - Revitalizing the Plum Tree Shopping Center through an investment of over \$150M.

2300 N University Parkway, Provo, Utah, 84604

### Project Difficulties

- The perfect storm. Commercial real estate has been decimated over the past two years. Construction costs have skyrocketed. Interest rates have effectively doubled. Commercial building values have dropped as much as 25-30%, and vacancy rates as high as 13% in Utah County.
- Investors and banks will not allow us to begin additional buildings until a resolution to these issues is found and an increase to the TIF is a solution that was identified by the Investment team.
- Currently the project has \$35 million invested with an addition of \$115 million of debt.
- Permanent financing from banks has dropped from roughly 75% to 60% of our loan to value resulting in an additional \$3 million in equity required for the commercial alone. The residential is expected to require an additional \$10 million of equity that we don't have.
- The TIF agreement was meant to offset Brighton's costs made to "offset Developer's costs for the Sewer Line Improvement Project and other associated infrastructure project costs." Because of the increase in costs we've experienced, and the difficult economic environment, we are requesting that the TIF amount increase, as well.



# RIVERS EDGE ON UNIVERSITY

TIF PRESENTATION

2300 N University Parkway, Provo, Utah, 84604

## Cost Increases

- The table below illustrates the changes in costs we have experienced since acquiring the project:

	Initial Bid Date	Initial Total Cost Amount	Current Cost Amount	Difference	% Change
<b>Wags Capital</b>	August 30, 2021	\$ 2,834,136.00	\$ 3,356,882.00	\$ 522,746.00	15.57%
<b>Spec Building</b>	February 9, 2021	\$ 1,714,802.00	\$ 2,630,583.00	\$ 915,781.00	34.81%
<b>Kiln</b>	January 14, 2022	\$ 8,513,366.00	\$ 9,911,820.00	\$ 1,398,454.00	14.11%
<b>Lofts at Rivers Edge</b>	May 27, 2021	\$ 44,089,212.00	\$ 50,769,215.00	\$ 6,680,003.00	13.16%
<b>Towns at Rivers Edge</b>	August 24, 2021	\$ 40,597,380.00	\$ 50,973,751.00	\$ 10,376,371.00	20.36%
<b>Offsite Costs</b>	September 9, 2020	\$ 4,000,000.00	\$ 6,228,000.00	\$ 2,228,000.00	35.77%
	<b>Total</b>	<b>\$ 101,748,896.00</b>	<b>\$ 123,870,251.00</b>	<b>\$ 22,121,355.00</b>	<b>17.86%</b>



2300 N University Parkway, Provo, Utah, 84604

### Request

- Originally, Westport Capital negotiated the sewer improvement agreement and kicked off the TIF/Interlocal Agreements. The Interlocal Agreements had a 2021 Commencement Date.
- With the change of ownership and the change of economic conditions, we have two requests:
- **#1 Adjust the term of the agreement to commence in 2025.** With us purchasing the property in 2021, we did not have time to significantly change the value of the property at the commencement date.
- **#2 Increase the maximum amount to \$2,500,000.** This would allow Brighton to recoup more money to help cover infrastructure costs, major cost overruns due to COVID, and make future development in the project more feasible, while still allowing the City to share in the upside from the increased tax revenue.

### Increase in tax value to the City due to development

	Average Yearly Income Over 12 Year Period	Total Amount Over 12 Years
City's Tax Income Under Previous Development	\$ 42,579	\$ 510,948
City's Tax Income Under Proposed Agreement	\$ 94,531	\$ 1,134,372

# COMMERCIAL AT RIVERS EDGE

TIF PRESENTATION

2300 N University Parkway, Provo, Utah, 84604

## Questions?



# Memo

**To:** Travis Hoban, Vice Chair Redevelopment Agency Board

**From:** David Walter

**Date:** March 16, 2023

**Re:** The Mix background information

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The Mix at River's Edge commercial center, the former Plumtree Plaza, has been an issue for Provo City for a number of years. The center went through a prolonged period of decline which was further exacerbated by the closure of the Shopko store. Located on a highly traveled corridor between Orem and Provo, its position made it attractive for retail but that same position also makes it problematic for retail. The center had difficult ingress and egress and the layout and structures are showing their age. As retail transitions, older spaces developed to an earlier standard required more resources to try and bring them to a more productive reuse.

In 2016, representatives of Westport Capital (Westport), a real estate investment firm out of Connecticut, was interested in investing in Utah and in Provo and approached us in January of that year. In July of 2016, the Redevelopment Agency adopted its first resolution to create a redevelopment project area for the Plumtree Plaza area. At that time, Westport was proposing to replace the tired shopping center with a mixed -use development consisting of 260 market rate apartments, 81,000 square feet of retail, 311,250 square feet of Class A office, 110,000 square feet of hotel use and two parking structures with 1,960 spaces between them. This ambitious plan was put on hold by Westport as the real estate market continued to undergo multiple system shocks. Eventually, as a result of the collapse of the retail real estate market and the large number of office projects being constructed in Utah County, Westport withdrew their proposal and considered their options.

Westport returned with a scaled back proposal that removed the office space, the parking structures, increased the residential, cut back on both the retail and hotel spaces. During this time, we discovered that there were sewer upgrades that needed to be done to benefit this project and other projects further away. The City entered into an Improvement Agreement and a Development Agreement with Westport in 2019. We also met with the Provo School District and got them to agree to allow tax increment generated by the project to pay for some of those sewer improvements. We told the School District we would collect tax increment from them for only 6 years maximum.

However, Westport still continued to take no action and waited for another two years before putting the project up for sale. The interlocal tax increment agreements, the mechanism to allow

the Agency to capture a portion of the increase in tax receipts generated by the development, were supposed to start in 2019. Brighton Homes purchased the Mix project in 2021.

Due the delay in obtaining control of the project and with the accompanying rapid increase in both construction and financing costs, Brighton is requesting the Agency to amend the interlocal agreements to start in 2025 and to collaborate with the School District to allow Brighton to receive tax increment beyond the six-year term.

Brighton is pursuing a mixed-use development with 90,000 square feet of office space for Kiln as well several commercial pads and townhomes and apartments. They estimate they will invest over \$150 million into the project and intend to hold and manage the project themselves. If unsuccessful in their request, they will put the project up for sale in order to minimize their losses.

I hope this provides the background you requested. If you have any further questions or would like additional information, please let us know.

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** MDAYLEY  
**Department:** Council  
**Requested Meeting Date:** 06-20-2023

**SUBJECT:** A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine

**RECOMMENDATION:** Review the proposal amendment requested by Noorda-Com for approval at the next available Board Meeting.

**BACKGROUND:** The economic costs of constructing on this site have increased due to the removal of thousands of tons of trash as well as the required foundational systems, and the installation of a methane mitigation system to dissipate methane gasses. The initial scope of the project was estimated at \$160 million but has now increased to over \$400 million. Expanding the scope and term of the agreement will increase the estimated value of the property from \$22 million to over \$400 million.

### **FISCAL IMPACT:**

**PRESENTER'S NAME:** Keith Morey, Asst Director of Development Services

**REQUESTED DURATION OF PRESENTATION:** 20 minutes

### **COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

This project supports Provo City's goal to increase property values, create jobs and diversify our economy.

### **CITYVIEW OR ISSUE FILE NUMBER:**



#### Overview:

- Asking for Tax Increment Financing
- The economic costs of constructing on this site have increased due to the removal of thousands of tons of trash as well as the required foundational systems, and the installation of a methane mitigation system to dissipate methane gasses. The initial scope of the project was estimated at **\$160 million** but has now increased to over **\$400 million**.
- (Asked we accepted the land with the knowledge that we would have to remove the trash. The trash removal cost increased by **\$4 million alone.**)

#### Revenue Created from NCOM with TIF:

- This will not happen without the TIF
- 20-year Tax Increment Financing, the annual property value dramatically increases from the current \$22 million dollars to over \$400 million dollars.
- Tax Revenue for Provo City: Current **\$41,737 to \$203,253**. After the 20-year TIF, annual tax income would be **\$797,513**
- Tax Revenue for Utah County: Current **\$16,182 to \$141,426**. After the 20-year TIF, annual tax income would be **\$309,205**
- Tax Revenue for Provo City School District: **\$167,480 to \$945,223**. After the 20-year TIF, annual tax income would be **\$3,200,190**.



#### Jobs/Community:

- Not only will the taxable value of the property increase, but the new business activity surrounding the college is projected to generate more than \$345 million dollars in annual economic activity, while impacting roughly 8,500 families through direct, indirect and new employment opportunities.

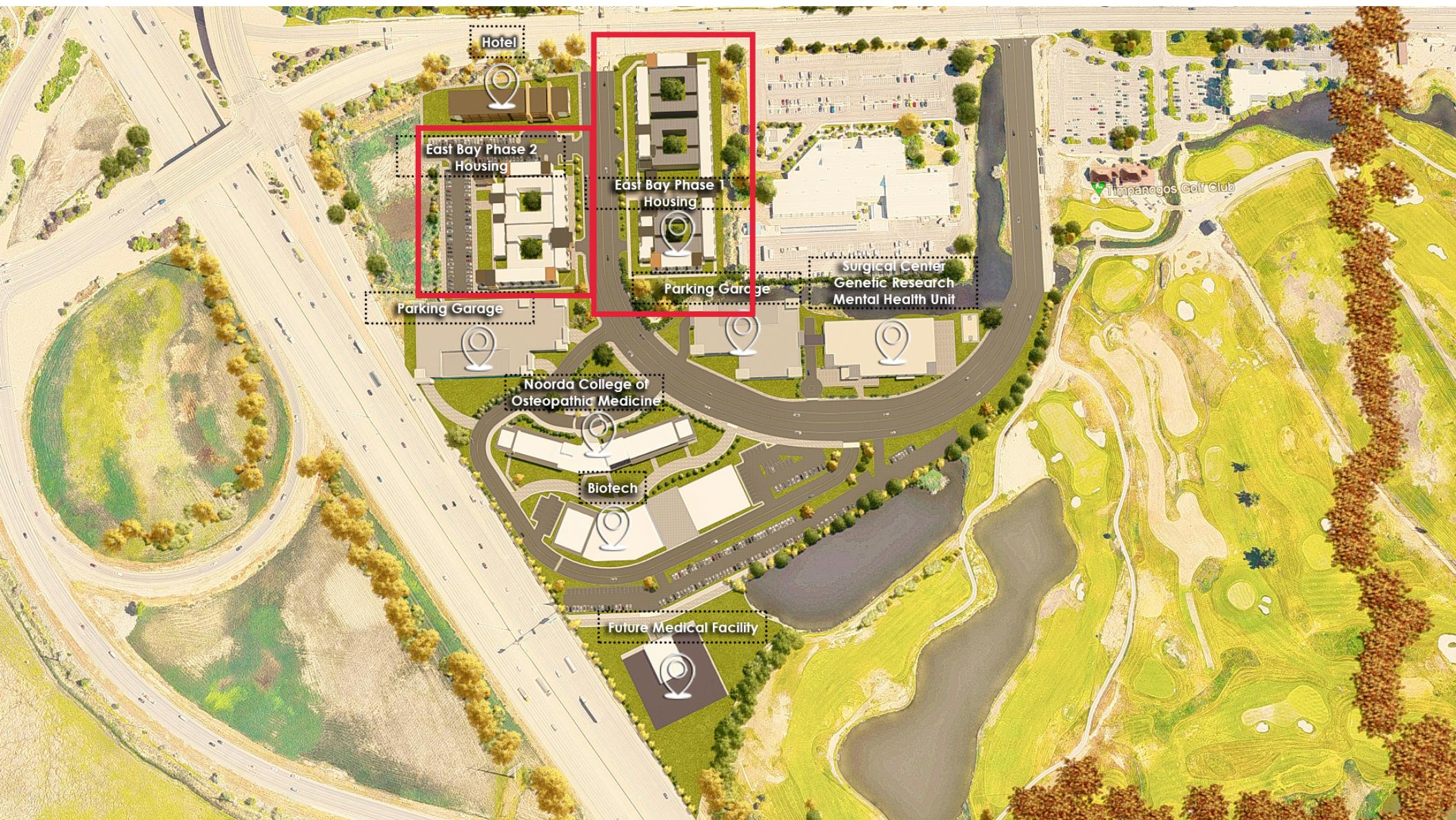
#### Proposed TIF Structure:

- \$35 million/20 year with a 75/25 split on the school district.



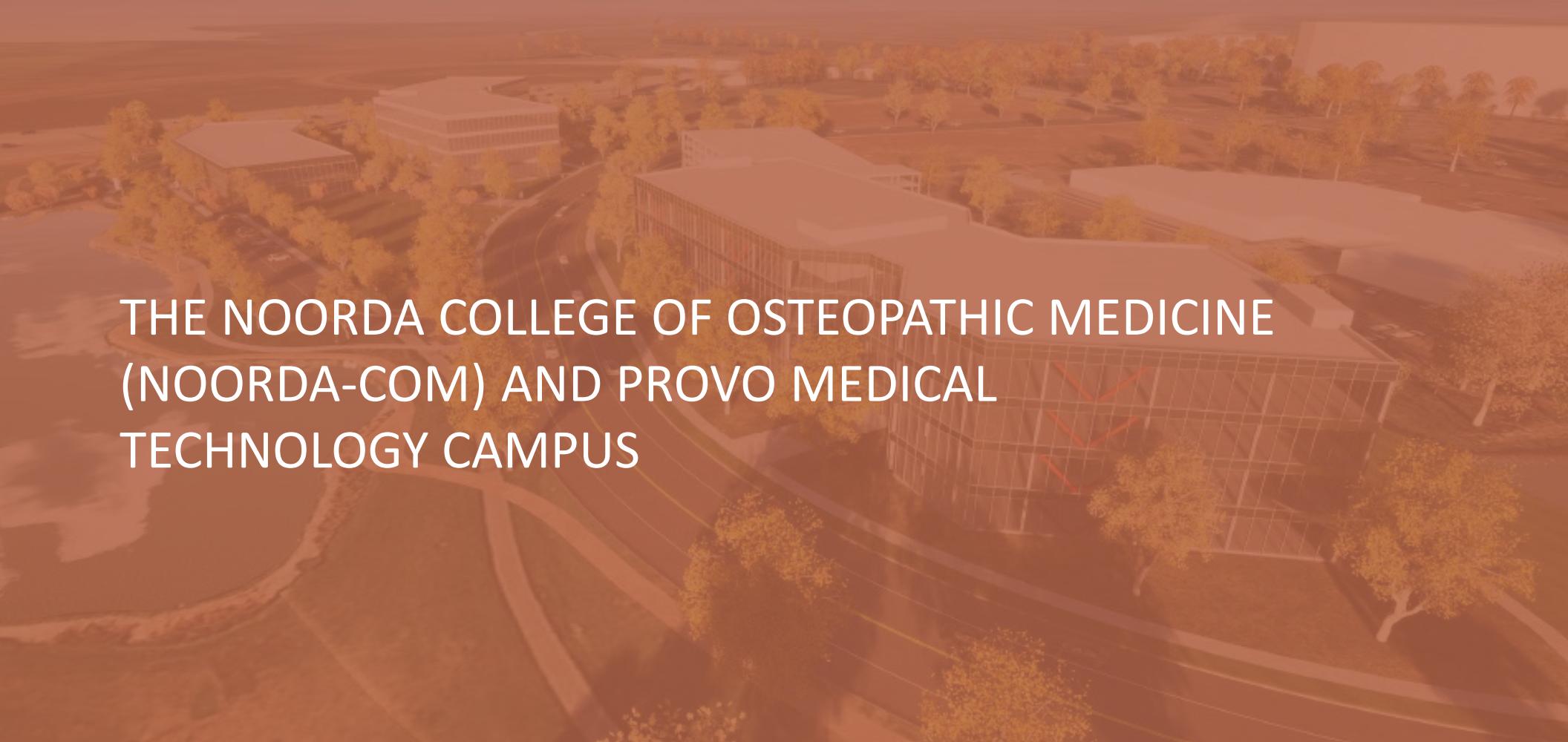
	Existing TIF	Proposed TIF
Building Valuation/Development Cost	38,230,500	364,302,452
Buildings included in TIF	East Bay Apartments	East Bay Apartments Medical School (NCOM), Campus (biotech, neurosurgical, hotel, parking garages)
Buildings Square footage	638,000	1,365,000
Timing	12 years	20 years
TIF amount	4,800,000	35,000,000
Tax Revenue to City over TIF period	1,244,710	5,880,000
Tax Revenue to County over TIF period	260,000	2,770,000
Tax Revenue to School District over TIF period	2,700,000	17,200,000
Tax Revenue to CUWCD over TIF period	180,000	900,000

## Existing TIF



## Proposed TIF





THE NOORDA COLLEGE OF OSTEOPATHIC MEDICINE  
(NOORDA-COM) AND PROVO MEDICAL  
TECHNOLOGY CAMPUS



NOORDA COLLEGE  
of OSTEOPATHIC MEDICINE

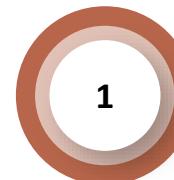
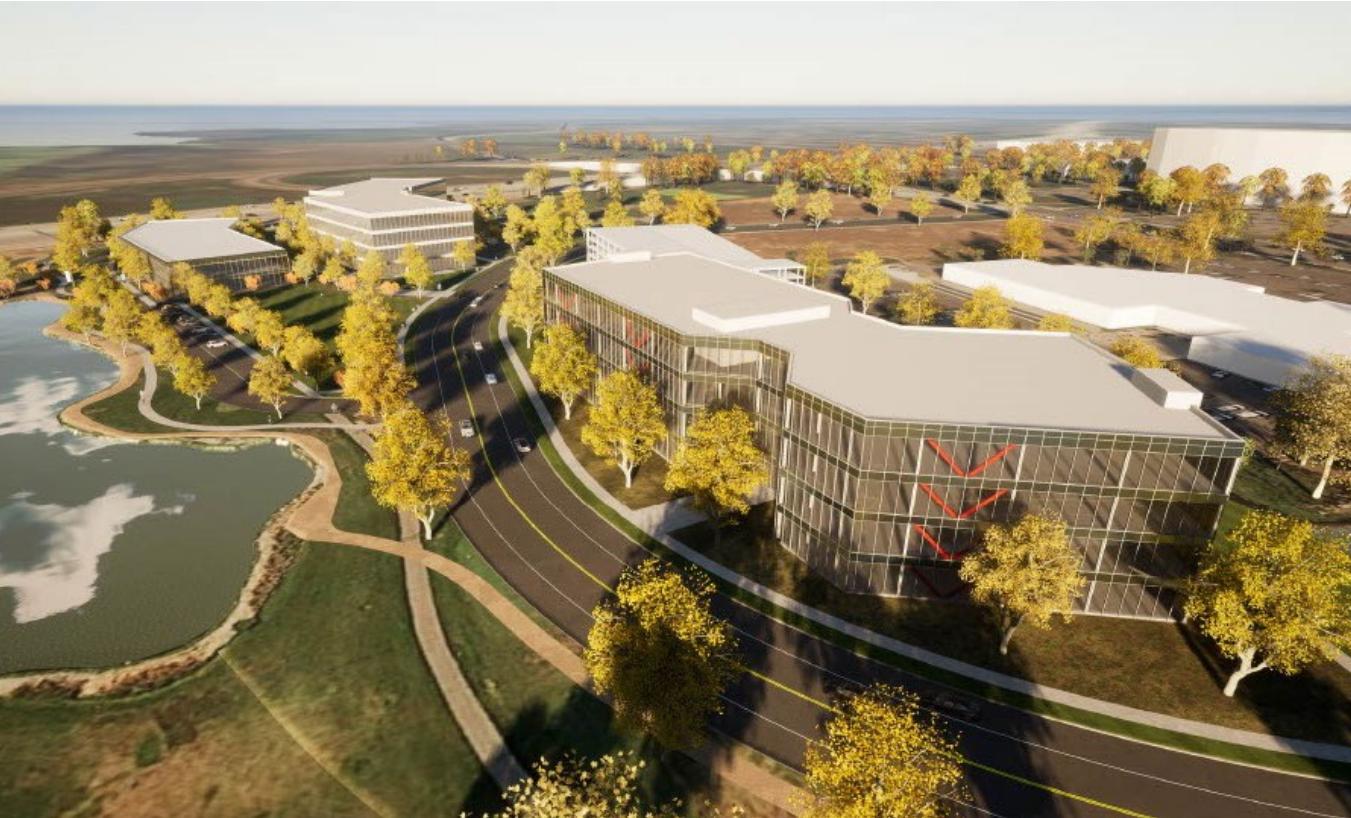
# OVERVIEW

The Noorda College of Osteopathic Medicine (Noorda-COM) and Provo Medical Technology Campus is a project that will maximize the positive impact on the community.

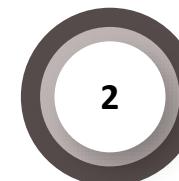


It is not just a long-lasting significant economic impact but a tremendous societal impact. It is hard to imagine a development on this site that could have a more significant and far-reaching societal impact.

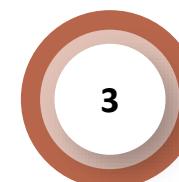
# OVERVIEW



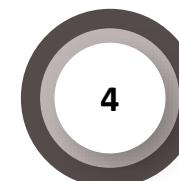
The size, scope, and costs of the Provo Medical Technology Campus have **increased significantly**, creating a \$364.8 million development.



The campus is being built on a **former landfill** with limited economic benefit to the community.



The project should generate at least \$64.9 million in property taxes over the next 30 years and continue in **perpetuity**.



The project will generate more than \$345.7 million annually in **new business activity** and over 8,520 employees through direct, indirect, and induced new employment opportunities.



NOORDA COLLEGE  
of OSTEOPATHIC MEDICINE

# SOCIETAL IMPACT

The Campus will maximize the positive impact on the community by providing significant and far-reaching societal impact.



Noorda-COM is open and providing a next-generation Medical School education highlighted by an innovative and transformational curriculum and by using advanced medical technology to prepare a new physician workforce to practice in the future healthcare delivery system.

# SOCIETAL IMPACT - MEDICAL

- ✓ Utah is currently 42<sup>nd</sup> in the country for overall physicians to 100,000 population.
- ✓ Utah is 49<sup>th</sup> in the country for primary care physicians and 50th in the nation for female physicians and general surgeons.
- ✓ By 2030, the Noorda-COM will have educated, trained, and graduated 987 new physicians to help offset a growing physician shortage.



# SOCIETAL IMPACT - COMMUNITY



**Noorda-COM** has been collaborating with Provo School District representatives for over a year.



**Noorda-COM** has also recently established a partnership with Mayor Michelle Kaufusi and the City of Provo to work with the Provo School District to provide yearly medical screenings of all elementary age students.



**Noorda-COM** is committed to engaging with its local community through community service and outreach events and will have a positive impact on healthcare for Utah and the region.



**Noorda-COM** also has established relationships with other local organizations and charities in the Provo/Utah County area and students and employees are actively engaged in a variety of outreach activities.



NOORDA COLLEGE  
of OSTEOPATHIC MEDICINE

# SOCIETAL IMPACT - RESEARCH

- ✓ Noorda-COM's research endeavors focus on addressing some of Utah's most pressing healthcare challenges, including behavioral health, women's health, and the use of artificial intelligence.
- ✓ Noorda-COM has spearheaded the establishment of the Utah Behavioral Health Research Consortium.
- ✓ Noorda-COM has established clinical and research partnerships with nearby community hospitals and is developing further relationships with academic institutions.
  - A dual DO/MBA program for Noorda-COM medical students with Utah Valley University.
  - Collaborative research projects with faculty from Brigham Young University, and Roseman University.
  - Interprofessional activities with students from other healthcare programs at Rocky Mountain University.



# CONVERTING LANDFILL TO LANDMARK



G.T. Medical Holdings has taken this very challenging, difficult, and expensive site—a landfill with minimal economic impact—and is maximizing beneficial community and economic impact by converting it into a **landmark and icon** for the community that will continue for generations.

# CAMPUS



**The size, scope, and costs of the Provo Medical Technology Campus have increased significantly, creating a \$364.8 million development, which will add:**

- 1 a creative, state-of-the-art Medical Technology Campus;
- 2 an innovative and transformational medical school;
- 3 683 multi-family housing units which are critical to optimizing the experience of the medical students;

# INCREASED SIZE AND SCOPE

Increase in the size and scope from \$83 million to \$365 million.

## Noorda College of Osteopathic Medicine & Provo Medical Technology Campus

Building	Estimated Tax Value	Total Development Costs
Noorda-COM	\$41,884,360	\$60,940,721
East Bay Phase 1	\$27,931,786	\$73,247,196
Research Building	\$14,358,600	\$24,431,992
East Bay Phase 2	\$31,794,546	\$82,478,081
Surgical Center	\$20,121,000	\$26,284,381
Building 3 (Lot 1)	\$33,657,064	\$54,744,934
Building 4 (Lot 2)	\$19,120,000	\$31,095,875
Parking Garage	\$10,585,000	\$11,527,065
Common Area	\$0.00	
Wetlands	\$0.00	
Wetlands/Retention Basin	\$0.00	
Loop Road	\$0.00	
Loop Road	\$0.00	
<b>Total</b>	<b>\$199,452,356</b>	<b>\$ 364,750,245</b>



NOORDA COLLEGE  
of OSTEOPATHIC MEDICINE

# INCREASED COSTS

## Noorda College of Osteopathic Medicine & Provo Medical Technology Campus

Task	Anticipated Costs	Actual Costs
Trash Removal	\$8,000,000	\$12,000,000
Sewer	\$1,200,000	\$2,100,000
Golf Course Improvements	\$3,400,000	\$6,200,000
Kunhi Road Development	Not expected	\$310,000
Building Permits	\$990,000	\$1,230,000
<b>Totals</b>	<b>\$13,590,000</b>	<b>\$22,385,000</b>



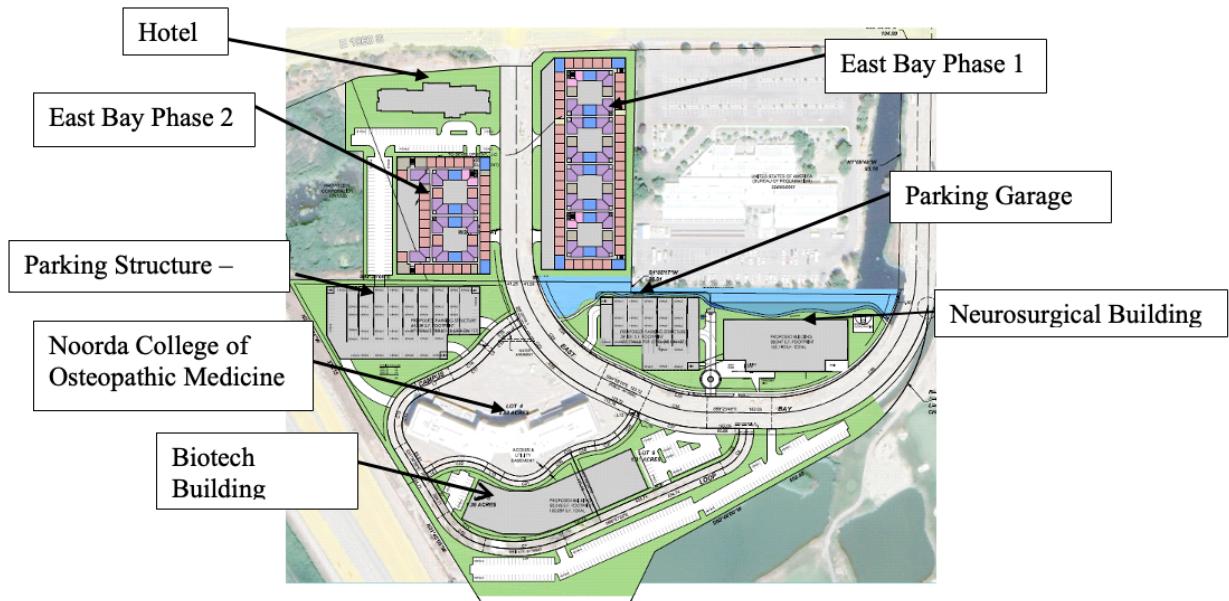
# TAX BENEFIT

Generates \$65 million in property taxes over the next 30 years and then will continue in perpetuity.

Total Direct Property Tax Increment Total Project	15 Year Totals	20 Year Totals	30 Year Totals
Utah County	\$2,850,884	\$3,924,061	\$6,132,813
Provo City School District	\$19,865,594	\$27,343,729	\$42,734,802
Provo City	\$6,313,278	\$8,689,827	\$13,581,104
Central Utah Water District	\$1,132,427	\$1,558,713	\$2,436,072
<b>Total Combined Incremental Taxes W/O PID</b>	<b>\$30,162,183</b>	<b>\$41,516,331</b>	<b>\$64,884,791</b>

# ECONOMIC IMPACT

- ✓ Noorda-COM will help Utah address workforce needs which are driven by continued growth throughout the state and in Utah County, one of the fastest-growing areas in the country.
- ✓ The project will generate more than \$345.7 million annually in new business activity and over 8,520 employees through direct, indirect, and induced new employment opportunities.
- ✓ During the construction period, the Medical School will create new jobs
  - 1,375 temporary construction jobs on-site during the start-up period (2023- 26)
  - 773 new regional jobs at suppliers and partners
- ✓ The College will create 193 new permanent direct high wage jobs
- ✓ Additional 1,200 new direct jobs and with a total employment impact of 8,500 new jobs with a payroll of \$345.6 million for suppliers of goods, services, and housing.



# PROPOSED TIF STRUCTURE

Same economic splits in the existing agreement between taxing entities and the developer



## Natures' Sunshine Property

- ✓ 25 Years, starting in 2023
- ✓ \$12.3 MM in total TIF
  - \$2.3 MM for Provo City (75%/25% Split until Provo receives \$2.3 MM)
  - \$10 MM for Developer

## Medical Campus

- ✓ Noorda COM Building – No TIF
- ✓ 25 Years, starting in 2023
- ✓ \$15 MM in total TIF



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# SUMMARY

TIF funding will ensure that the expanded project can move forward.



By providing the \$27 million in TIF funding, Provo City, the Provo School District, Utah County, and the Central Utah Water Conservancy District will invest in a project which will have tremendous societal and economic long-term impact on the region.

# SUMMARY



Just as the establishment of the University of Utah College of Medicine had a direct and positive impact on the growth and development of research and innovation in Salt Lake City and the region, the establishment of the Provo Medical Technology Campus, with the Noorda College of Osteopathic Medicine as an anchor, will establish the City of Provo and Utah County as a regional center for medical technology and innovation.

TIF



**There are 10 parcels that make up the medical school campus**

**220500070**

**386720002**

**386720003**

**386720004**

**386720005**

**386720006**

**386730001**

**386730002**

**386720001**

**386720009**



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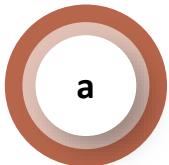
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**The current combined market value of these parcels is  
\$22,106,700**

# TIF

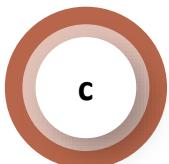
**The amount of current annual tax revenue these parcels currently generate to each entity is as follows:**



To the city  
**\$41,737 per year**



To the County  
**\$16,182 per year**



To the School District  
**\$167,480 per year**



To CUWCD  
**\$8,843 per year**



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# TIF

If we are approved for a 20-year TIF we will be able to increase the value of the land from \$22M to \$364M and increase the Annual Tax Revenue to each entity as shown in the below table.

	Current Tax Revenue	Proposed Tax Revenue with TIF	Increase in Annual Tax Revenue	Annual Tax Revenue AFTER 20-year TIF
Amount to City	\$ 41,737	\$ 203,253	\$ 161,516	\$ 767,513
Amount to County	\$ 16,182	\$ 141,426	\$ 125,244	\$ 309,205
Amount to School District	\$ 167,480	\$ 945,223	\$ 777,743	\$ 3,200,190
Amount to CUWCD	\$ 8,843	\$ 49,906	\$ 41,063	\$ 168,965

	Existing TIF	Proposed TIF
Building Valuation/Development Cost	38,230,500	364,302,452
Buildings included in TIF	East Bay Apartments	East Bay Apartments Medical School (NCOM), Campus (biotech, neurosurgical, hotel, parking garages)
Buildings Square footage	638,000	1,365,000
Timing	12 years	20 years
TIF amount	4,498,911	35,000,000
Tax Revenue to City over TIF period	2,344,710	5,880,000