PROVO MUNICIPAL COUNCIL

Work Meeting

12:00 PM, Tuesday, October 17, 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 and 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: October 17 Work Meeting: Dial 346-248-7799. Enter Meeting ID insert Zoom meeting ID and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Prayer

Approval of Minutes

September 5, 2023 Work Session

September 19, 2023 Work Session

September 5, 2023 Council Meeting

September 19, 2023 Council Meeting

Business

1. An ordinance amending the zone map of approx. 0.66 acres, at 310 S 2470 W, from Agricultural (A1.1) to Residential Ag (RA) & approx. 4.24 acres at 358 S 2470 W, from Residential Ag (RA) to Ag (A1.1). Provo Bay. (PLRZ20230182)

2. An ordinance amending the zone map of approx. 0.18 acres, at 156 W 500 S, from General Downtown (DT1) to Interim Transit Oriented Development (ITOD) & authorizing a related development agreement. Downtown Neighborhood. (PLRZ20230158)

3. An ordinance amending Provo City Code to remove the step-back requirement in the

ITOD zone. Citywide application. (PLOTA20230160)

4. A discussion regarding Accessory Dwelling Units (ADUs) and a 12 month follow up report. (23-034)

5. A discussion regarding short-term rental properties in Provo. (23-043)

6. A presentation regarding proposed Provo-Orem City Boundary Adjustments. (23-075)

7. A presentation regarding a requested airport appropriation from excess revenues in Fiscal Year 2023. (23-006)

8. A presentation regarding the Innovation Grant Fund Program funded projects from FY 2023. (23-066)

9. A discussion regarding the redistricting process. (23-073)

10. A presentation regarding an update from Downtown Provo Inc. (23-074)

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 or using their contact information listed at: provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org
Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil
To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Work Meeting will be held on Tuesday, November 14, 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 at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at 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. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

Pending Minutes – Awaiting Approval

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

PROVO MUNICIPAL COUNCIL
REDEVELOPEMENT AGENCY GOVERNING BOARD
Work Meeting Minutes
12:00 PM, Tuesday, September 5, 2023
Council Chambers
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

Agenda

Roll Call – Municipal Council
The following elected officials participated:

Chairperson Katrice MacKay
Vice-Chairperson Rachel Whipple
Councilor Shannon Ellsworth
Councilor Travis Hoban
Councilor Dave Shipley
Councilor George Handley
Councilor Bill Fillmore
Mayor Michelle Kaufusi

1. **1. A discussion regarding short-term rental properties in Provo. (23-043) (00:12:09)**

   Melia Dayley, Policy Analyst, presenting. Ms. Dayley covered different types of rentals and what other cities are doing as well as some of the things Provo would need to consider should an ordinance be passed to allow these. Chair MacKay clarified that per the code right now individuals would only need to get a rental license. She also asked whether the short-term rental groups (like Air BnB) were collecting any tax for Provo and if they would be classified as a hospitality accommodation and capture additional sales tax revenue. Councilors also discussed if staffing and were told that it would probably require hiring more staffing. Vice Chair Rachel Whipple speculated on whether it would be better to have a business license for an Air BNB versus a rental dwelling license so they can treat them like hotels. Scott Johnson, Zoning Administrator responded that he thought it could be done. He pointed out that as he's looked at other cities, and when it comes to those types of permits/licenses. Cities typically charge higher for licenses or short-term rental permits. Currently, RDL permits in the city are $30 to $60, other jurisdictions are much higher.

A motion was made by Chair Katrice MacKay and seconded by Councilor George Handley proposing that Council Staff explore and bring back recommendations on the following: (1) a short term rental (STR) license, (2) requiring STR companies to verify the existence of an

STR license in order to process credit card payments, and (3) allowing short term rentals of individual rooms (rather than the entire home) for owner occupied properties.

Motion passed 5-0, with Councilors Hoban and Fillmore excused. Following the vote, Chair MacKay asked that Council Staff report back within two months.

2. **A discussion regarding tenant/landlord governance and rental dwelling policies and regulations. (01:13:49)**

   Michael Sanders, Policy Analyst, presenting. Mr. Sanders discussed how several items around this same topic have been brought up so the staff has chosen to group them together for this presentation. The initial request was how can the city enforce on landlords for health and safety violations, inform renters of their rights, and provide a landlord reporting option for tenants. He then covered some of the state and county preemptions that exist, many falling under the Utah Fit Premises Act. He then covered what Provo has tried to do in this area as well as Residential Dwelling License (RDLs) and Good Landlord Programs. Councilor George Handley asked about whether the Good Landlord Programs would only benefit the large, commercially ran complexes and how it might be a benefit to the renter to know who participates in that type of program. Discussion was had regarding what studies might be involved and what those studies should cover to start a program like this. Brian Jones, Provo City Attorney, stated that the last study conducted showed that the costs of services provided to rentals versus non-rentals was negligible, so a Good Landlord Program was not cost effective when discussed in the past. Chair Katrice MacKay wondered why large apartment complexes are being subsidized by only charging $60 for a whole building versus $20 for a single unit. Vice-Chair Rachel Whipple wondered if more inspections would need to be done for a multi-unit building.

A motion was made by Chair Katrice MacKay and seconded by George Handley requesting administrative staff to review the pricing structure of Rental Dwelling License (RDL) permits for single and multiple units and ensure it represents the true cost of business and make a recommendation as to if the City should be charging for RDL permits per unit, per building, or maintain the status quo.
Motion passed 6-0, with Councilor Fillmore excused.

3. A discussion on tiered water rates (23-055) (01:46:56)

Michael Sanders, Policy Analyst, presenting. Mr. Sanders stated that this presentation was to follow-up on the same topic from the August 1st meeting where the council directed staff to return with recommendations on expanding tiers of the current water rates. Public Works is going to engage Bowen, Collins and Associates to do an updated study as the last one was done in 2020. They were given five goals to guide their recommendations. Councilor George Handley had a question regarding the representation of a "church" in the 2021 study and whether that usage was a single building or a group. He also asked about large water users like BYU and how a tiered water rate system would affect them. Gary Calder explained that BYU has their own

well and while they do get some water from Provo City. Mr. Calder also noted that BYU has gone to great lengths to use water mindfully on their properties and buildings and because of this, it's not part of the data shown to the council.

A motion was made by Councilor George Handley and seconded by Councilor Dave Shipley to specifically include industrial, commercial, and non-profit businesses in the consideration of tiered water rates.

Motion passed 6-0, with Councilor Fillmore excused.

A motion was made by Councilor Shannon Ellsworth and seconded by George Handley to accept the recommendations as written by Staff, with the addition of the first motion.

Motion passed 5-1, with Councilor Mackay voting no and Councilor Fillmore excused.

4. A presentation regarding the River District Project & boundary line adjustments. (23-057) (02:16:01)

   Gordon Haight, Engineering Division Director, presenting. The developer has requested that about three acres be annexed into Provo from Orem. The developer feels this would benefit the community because it would then allow neighbors to be in the same school district, vote for the same people etc. Chair Katrice MacKay asked Mr. Haight if he thought this annexation made sense and he agreed.
   Presentation Only

5. An update from the Mayor's Office regarding the "Big 6". (23-020) (02:20:21)

   Different presenters on the latest developments or plans that the mayor is focusing on during her time in office.

   1. Regional Sports Park – Scott Henderson, Director, Parks & Recreation
      The regional sports park listed in the Parks & Recreation Master Plan came from the sale of land in the area and money was earmarked for the project. The County has also contributed $7.5 million dollars towards the park.
      Lee Adamson, Explore Utah Valley (visitors bureau) presented next. Mr. Adamson talked about this facility having a very similar impact on Provo that the convention center did 10 years ago. His concern is that there aren't enough hotel rooms to accommodate some of the tournaments once the facility is opened. Currently there are about 1,300 hotel rooms in Provo City and about 4,000 total rooms in the surrounding areas and its his guess that some tournaments could easily take 2,000 or more rooms to accommodate everyone. Chair MacKay wanted to clarify if the convention center would be involved in booking the different events for the complex and Mr. Adamson replied no, that's why they changed their name because the original one was causing confusion.

Erin, Director of Marketing, Explore Utah Valley stated that she has been meeting with different tournament organizers one on one and laying groundwork with them to get interest peaked in Provo and our part of the country. She has also been having discussions with counterparts in Salt Lake City, where if the tournament is large enough, they could host it jointly.
Doug Robins, Assist. Director of Parks & Recreation. Mr. Robins talked about Parks and Recreation employee, Rylee Snelson. Mr. Snelson's thoughtful nature and conservative cost estimates are a big part of what has made this park so successful. In addition, he works with dozens of subcontractors and is out there every day making sure things are happening as they should be. He then covered the different updates on the park such as infrastructure installation and grading. Turf sod will arrive in Spring of 2024 and lane paving will happen in the Summer. Councilor Hoban asked about mosquito abatement. Mr. Robins responded that they are working closely with the County Mosquito Abatement program and try to provide it as best as they can with the surrounding water in the area.

2. Fire Station 1/Former City Hall Redevelopment ~~– Keith~~ – Keith Morey, Assist. Director of Development Services
Mr. Morey talked about how the demolition of the old city hall site took about six months, faster than they anticipated. Currently, in addition to the planned fire station, Development Services is looking at putting a parking structure on the south side of the property to help with employee parking. The fire station is close to beginning as the~~the~~ bid process has concluded.

Airport Terminal Expansion – Brian Torgersen, Public Works Division Director. Mr. Torgersen stated that it has been about one year of operations in the new terminal. There have been about 367,000 passengers that have departed from the Provo airport with a steady increase month to month. The airlines are interested in adding more destinations, but the airport has reached capacity ~~at the moment~~now which is why expansion is being looked at again. The apron was built initially to hold four airplanes and currently it's at seven every night. Also, Allegiant is in talks with a Mexican airline service called Viva Aero that would offer flights to Mexico should the airport be able to develop into the ability to become international. Breeze is also interested in scheduling international flights should the airport be able to accommodate that as well. Specifically Allegiant is being reviewed by the FAA and Dept. of Justice to allow the Mexican airline to fly to the U.S., then the second phase would be for them to fly into Mexico. The airport has also been courting additional carriers such as Southwest, United, SkyWest, American and Alaska Airlines. Part of the airport expansion is to be ready to host these carriers when the supply chain and manpower shortage catch up from the effects of COVID. The first phase of expansion would begin at the southside of the terminal with some additional baggage processing coming on the northside. This also includes expanded parking and better rental car access. In the expansion drawing we have left room for our air partners to be able to provide spaces for their contracted servicers and that build would cost approximately $46 million. There are five planned phases for this expansion:

a) Place Site Surcharge Aircraft De-ice Pad

b) Place Site Surcharge South Commercial Apron
c) Place Site Surcharge South Commercial Moat Apron
d) Place Site Surcharge North Commercial Apron
e) Place Site Surcharge Taxiway A Extension

We're planning on using a lot of native material and then letting it sit for 12 months to settle into the lake bottom mud soil. The good thing about this timeline is that at the end, the FAA funding will start to come in. Mayor Kaufusi, Isaac and myself have been working with the county commissioners to help advance some of the $10 million allocated by the Tourism Advisory Board to advance the money a little bit so the dirt portion can get started sooner – it came to about $7.5 million – tying it in with the sports park excavation. The total expansion update is coming in at about $78.35 million. Councilor Shannon Ellsworth asked if a formal cost estimate was ever done and Mr. Torgersen answered that a formal estimate wasn't done – it's being included as a whole with the operations numbers to make it easier for the citizens to understand. There is a Utah Division of Aeronautics which is apart of the Utah Department of Transportation – they've done a good job of capturing an economic analysis of each airport in the state and is a great resource to look at that we can point citizens to. Vice Chair Whipple wondered if there would still be bike parking and Mr. Torgersen said it's by the front door. They're also working with UTA to construct a bus stop and would like to get expanded UVX service out there, there's not a date at this time but the airport administration is working with UTA on it. Mr. Torgersen said he is going to conferences four times a year where he can get facetime with the airline executives and ask them if they've "really taken a look a Provo" and some of it falls on deaf ears but the ones who have really examined what is happening are excited about the possibilities. Council Handley encouraged the department to keep the economic impact numbers out front so that the citizens can see the benefits of the money being spent. Chair MacKay asked about the limitation of having another runway, especially when there's construction projects. Mr. Torgesen said there is a second runway – it's not commercially certified because it's the crosswind runway and based on the lack of wind shelter plus the accident in January the FAA won't certify that one. In the long-term Master Plan, the department is looking to build a parallel runway that hopefully can receive that certification so that even when there's maintenance or construction on one, operations can continue the other.

3. West-Side Grocery Store – Keith Morey, Assist. Director of Development Services
Mr. Morey mentioned that it had been about a year and a half since the department had asked for a rezone from agricultural to commercial. A new landowner and developer have now been secured and they are putting together a site plan. A Letter of Intent has been secured with a large retailer which is a very strong sign that this is going to happen. With the addition of Target that should be opening in April of ~~2024~~2024, progress is being made. Councilor Whipple wanted to make sure that the term referenced was Letter of Intent. Mr. Morey said yes, and it's been his experience that although it's a formality as part of the negotiation process, retailers don't sign those unless there's strong support and intent to move forward. The retailer has indicated that out of all the potential sites in Utah, they believe this one has the most potential for future growth and development and that's why they signed the letter.

4. Water Treatment Plant/Aquifer Recharge, Gary Calder, Public Works Division Director – Water
   The department applied for a $50 million grant and received that which will pay for a large part of this project. The Public Works has gone through the NEPA (National Environmental Policy Act) process and are finishing up the Environmental Assessment. Once that is completed the next part is public comment. In addition, the design process has begun. There will booster station by the Missionary Training Center and then a line that goes up into Rock Canyon. The plant is being planned to be over by the Raintree Apartments with a line going through the BYU intermural fields to the football stadium. Since the costs are a little unsure, the design is to be between a 20 million – ~~30 million gallon~~30-million-gallon plant. If the cost comes back higher, then the gallons will be towards the lower end, if they're not as expensive then the higher gallon number might be achievable. This project will benefit Provo for years, from the airport to the parks and is something the city can be proud of.

5. Website Redesign – *To be brought back at the September 19, 2023, Work Meeting* ***Presentation Only***

6. A discussion regarding funding for Fire Station 1 (23-006) (3:33:08)

   Isaac Paxman, Deputy Mayor, presenting. Mr. Paxman showed the five bids that were received by the City. The low bid was selected, however, it was a company that had been used before, so they felt good about the choice. Mr. Paxman then discussed all the project costs which came to $6.5 million dollars. Mr. Paxman explained that the increased cost from the initial estimate of approx. $5 million was due to inflation. Vice Chair Whipple asked to clarify the proposed impact fees and Deputy Mayor Paxman clarified that the impact fees proposed to fund part of the project would come from 2 past years of fire impact fees, plus six years of fire impact fees going forward. John Borget, Director of Finance, came up and reaffirmed that a little over two and a half years ago, a police and fire impact fee had started to be collected for new construction and that money had not been spent. These fees can only be spent for specific purposes, including on a new building/fire station. Vice Chair Whipple then asked why the funds that were designated towards "the old city hall" demolition was not proposed to be used as a funding source. Deputy Mayor Paxman responded that those could be used there, however impact fees are very limited to where they can be used. The funds used for demolition were flexible and could be used in many places.

A motion was made by Councilor George Handley and seconded by Councilor Shannon Ellsworth that $500,000 of the proposed appropriation for Fire Station 1 come from savings from the old City Center demolition project rather than from Legacy CIP Fund Balance. Councilor Handley then amended his motion and moved that the Council clarify its intent that anything left over from the previous appropriation for the old City Center demolition goes back to Legacy CIP fund balance when the project is done. Councilor Ellsworth seconded the amended motion.

Commented [JH1]: Needs minutes

A motion was made by Councilor Dave Shipley to direct staff to prepare a resolution for the night meeting to reappropriate $350,000 from the City Center demolition funds (11/1/2022 appropriation) to the Legacy CIP fund balance and to have $850,000 of the proposed appropriation for Fire Station 1 to come from Legacy CIP Fund Balance and $650,000 from impact fees.

Motion passed 6-1, with Chair MacKay opposed.

7. A presentation on the 5-year public safety staffing plan (23-064) (04:12:22)

Troy Beebe, Police Chief and Jeremy Headman, Fire Chief, Presenting. Chief Beebe explained that he had previously brought to the council a study regarding reactive and proactive policing and was grateful for the additional funding for three officers he received in the FY24 budget. Chief Beebe's goal is that as revenues allow, seven more officers be added over the next four years. This allows him to manage the department in a productive way and keep the citizens safe. Councilor Ellsworth asked where his current staffing levels were at, and he responded that the department currently has116 full-time employee positions filled and funding for 122. Councilor Bill Fillmore asked if current staffing levels meet the needs of the airport and the Chief responded that it would.

Chief Headman than presented his plans for the Fire Department. The top need is an engine at Station 1. The area around Station 21 is the busiest, where many calls are dispatched too. He is asking for an additional 9 positions over four years. Each platoon is made up of three firefighters, a captain, and an engineer and they rotate three shifts Chief Headman let the Council know that he has applied for a Safer Grant and feels good about the chances of being awarded the grant from FEMA. The grant would fund the nine positions for the next three years. He's hoping the administration will budget for an additional three positions for the next three years, so after three years Fire payroll will have the funds for those nine positions and transition from the grant money to city funds without any problems. Fire engine delivery is two to three years out, which is a significant delay, but he wants to make sure funding is available for personnel before funds are spent on an engine. Chair Katrice MacKay asked if Chief Headman knew when he receive an answer from FEMA on the grant. Chief Headman responded that he had hoped to know in a month or two. Vice Chair Whipple asked if Station 4 still needed a new engine and the Chief confirmed it does and has been included in the current budget. Councilor George Handley asked if to get the grant the Chief had to provide any information that the city would be able to take over the salaries at the end of the three years and the Chief responded that was not a condition of the grant, just the current department budget and the ability to demonstrate current need.

Presentation Only

Redevelopment Agency Governing Board

Pending Minutes – Awaiting Approval

8. A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine. (23-045)

Keith Morey, Assistant Director of Development Services, Presenting. Mr. Morey is following up on an assignment from the last work meeting where the board directed staff to look at and propose benchmarks that must be met or a portion of the TIF would have to be repaid. Mr. Morey presented an updated resolution that showed if the agency failed to achieve the first milestone (parking garage) then in such an event the available tax increment funds would be reduced 20% or $1.4 million dollars to $35.6 million in total. If the agency fails to achieve the second milestone (housing) then in such an event the available tax increment funds will be reduced by the remaining penalty amount from $37 million to $30 million.

A motion was made by Board Member MacKay and seconded by Board Member Whipple that this matter be brought back for a vote at the next meeting.

Motion passed unanimously 7-0.

Pending Minutes – Awaiting Approval

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Work Meeting Minutes
3~~2~~:00 PM, Tuesday, September 19, 2023
Council Chambers
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
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Agenda

Approval of Minutes
Passed, 7-0 Unanimously with Councilor Fillmore excused

Roll Call – Municipal Council
The following elected officials participated:
Chairperson Katrice MacKay
Vice-Chairperson Rachel Whipple
Councilor Shannon Ellsworth
Councilor Travis Hoban
Councilor Dave Shipley
Councilor George Handley
Councilor Bill Fillmore
Mayor Michelle Kaufusi

1. **A resolution to place a 0.353 acre parcel of ground located generally at 3110 West (Lakeshore Drive) and Center Street on the surplus property list and sell it to the adjoining property owner. (23-068) 00:09:21)**

   Tara Riddle, City Property Manager Presenting. Ms. Riddle talked about how this piece of land was purchased by the City to develop the area. Now that the development is done, and this portion of the property is not needed, the adjacent property owner intends to purchase it from the city.

   Councilor -Shipley asked if the adjacent property ~~owner had~~owner had previously owned the property and was told no. Councilor Sharon Ellsworth than asked if it would be required to be rezoned after the change of ownership and was also told no.

   Presentation Only

2. **An ordinance amending Provo City Code regarding Performance Development Overlay Zones and Open Space Subdivisions (PLOTA20230098). (00:12:37)**

   Aaron Ardmore, Planning Supervisor, Presenting. Mr. Ardmore talked about the need to change some of the wording in the code (clean up). Councilor George Handley asked if there was a report from the Planning Commission about this, was told there was and that outside of the wording changes, the report was passed 7-0. ~~Councilor Whipple~~Councilor Whipple asked why the Planning Commission decided to reduce the number of attached units from eight to six. Mr. Ardmore responded that in areas with single family homes eight units seemed to be too bulky but six appeared to be a number that worked well.

   Presentation Only, Already set for Council Meeting on 9/19/23.

3. **Update from the Mayor's Office regarding the "Big 6" (2023-020) (00:15:40)**

   Nicole Martin, Director of Communications. Ms. Martin introduced herself to the Council as it was her first time formally presenting to them. Part of her initiative is to create a city brand that incorporates the website and focuses on "storytelling" the many stories of Provo City. Councilor Dave Shipley asked what amount of money this project was going to cost approximately, Director Martin replied around $80,000. Councilor Rachel Whipple asked if search engine optimization (SEO) was being used during this process and Information Services Director Josh Ihrig replied that yes it was, and they were using some different dates to target goals and to keep the process moving. Councilor -Hadley talked about the desire for there to be the ability to either have separate pages in another language or the ability for the user to translate the page into their native language possibly using an overlay feature. ~~Councilor Hoban~~Councilor Hoban asked who currently fields the live chat on the Provo page and was told that the customer service team does. He would be interested in maybe having an AI bot that could answer FAQs and take some of that workload off their plate. Chair~~man~~ MacKay expressed a desire to have an app version of the final website.

   Presentation Only

4. **An update regarding economic development initiatives (2023-055) (00:42:10)**

   Keith More~~l~~y, Assist. Director of Development Services, Presenting. Mr. Morey shared with the group how his team goes about looking to incentivize and develop different areas of Provo. Whether it's an untouched area or an area that has become a bit rundown or has vacated lots – what types of business and growth would serve that part of the community that surrounds it now. ~~Councilor Hoban~~Councilor Hoban asked about bringing a sports bar type restaurant to either downtown or close to campus now that BYU is a member of the Big XII. Mr. Morey responded that they are very focused on that, but a few hurdles are a general lack of alcohol consumption, property owners not wanting alcohol consumption on their properties and spending demographics. He doesn't

believe these are deal breakers but they're still looking for the right area/opportunity as they have an interested party. ~~Councilor Whipple~~Councilor Whipple asked what the general process was to get an idea or project added to their development map. Mr. Morey let her know that the process starts with hiring a consultant, then if the analysis meets specific criteria (as set by the state), then conversations start taking place (what type of projects, what are the hurdles etc.) then move forward from there.

Presentation Only

5. **A presentation regarding Innovation Grant Fund Program funded projects from FY 2023 (2023-066) (01:25:11)**

   Dixon Holmes, Assistant Chief Administrative Officer, Presenting. Mr. Holmes invited two guest speakers to come and share the projects they had been able to implement by being awarded a grant from this fund.

   Heather Perkins was first. Ms. Perkins works in the 9-1-1 Command Center and showed the council a new system that allowed callers to receive a text on their phones that allowed them to take and transmit pictures or video in real-time that could be shared with first responders so they can accurately assess the situation and the type of response needed. Councilor Whipple asked how long they would be able to use this system with the grant money received. Ms. Perkins answered one year, and during that time she was going to look for ways to get additional grants or a budget to keep it – they're very impressed with the system so far.

   Kaehan Shour, Engineer, Public Works went next. Mr. Shour's grant money went towards the rental of three speed monitoring devices that can be mobile and help them capture speeds in different areas of the city to see if a permanent monitoring device should be installed in some areas and/or provide data that can be analyzed as to how fast drivers are moving within different types of areas within the city (residential, commercial etc.) and perhaps devise solutions that will help keep Provo residents safe.

   Presentation Only

DRAFT MINUTES – PENDING APPROVAL

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PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, September 05, 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 George Handley	Councilor Travis Hoban
Councilor Katrice MacKay	Councilor David Shipley
Councilor Rachel Whipple	Mayor Michelle Kaufusi
CAO Wayne Parker	City Attorney Brian Jones
Council Executive Director Justin Harrison	

Conducting: Chair Katrice MacKay

Prayer – Chair Katrice MacKay

Pledge of Allegiance – Councilor Rachel Whipple

Public Comment

Chair MacKay read the public comment preamble. Afterwards, she announced the mayor hosting a town hall event on Monday, September 11 for the road on Grandview. She said the event will be held at Westridge Elementary School and will begin at 5:30 PM.

Councilor Hoban explained that the developer and city staff came to a great resolution. The road will be a turnaround that will allow a connection for pedestrian and bike traffic, but no vehicle traffic.

Bradley Day, of Provo, expressed concern for sanitation services provided in the community at hours before what is allowable in code.

Chair MacKay requested that Mr. Day provide the name of the company to staff.

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

Presentations, Proclamations, and Awards

1. Provo Police New Officer Badge Pinning (23-011) 13:40

Chief Beebe presented. He discussed the significance of a police badge and what it represents. He proceeded to read a short biography for each officer while a loved one pinned the badge on the officer's

uniform. The officers recognized were Sean Dicristofano, Salmon Gee, Garrett Hood, Brock Hunger, Gordon McKay, Branden Neville, Hunter Sivley, and Courtney Stelmack.

Heidi Allman, City Recorder, gave the oath of office to the group.

2. A presentation congratulating Chief Administrative Officer Wayne Parker on his retirement (23-011) 32:30

Chair MacKay said "Today, we bid farewell to our esteemed Chief Administrative Officer, Wayne Parker. With deep gratitude, we acknowledge his decision to retire, effective September 16, 2023. His legacy of dedication and service spans nearly two decades. A true Provo native, his commitment to our city has guided us through transformative times. From a revitalized downtown to technological milestones, from improved transportation to thriving community centers, his ability to lead has helped shape our progress as a city. His achievements extend beyond infrastructure and reach into the very heart of our community. Today, we don't simply bid farewell to a Chief Administrative Officer but to a friend. Join me in expressing gratitude for his service and wishing him a retirement as vibrant as the impact he's had on our city."

Mr. Parker was presented with a gift from the council office.

Action Agenda

3. A resolution consenting to the appointment of individuals to various boards and commissions (23-005) 35:20

Motion: An implied motion to approve Resolution 2023-38, as currently constituted, has been made by council rule.

Mayor Kaufusi recommended the following for appointment:

Jonathon Hill	Planning Commission
Noah Gordon	Transportation and Mobility Advisory Committee
Jennifer Wilson	Provo Housing Authority

With no council discussion, Chair MacKay called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

4. A resolution approving the appropriation of $1,500,000 in the legacy CIP for a fire station and approving the related transfers from the general fund balance and the general CIP fund balance (23-006) 37:45

Motion: An implied motion to approve Resolution 2023-39, as currently constituted, has been made by council rule.

Isaac Paxman, Deputy Mayor, presented. He explained this item is related to the funding of a new fire station. He discussed the federal funds that have been secured for this project. He shared the process of determining where savings could be made after the bids came back. He emphasized the importance of having a building that is Safe & Sound for years to come. He said 1.5 million is needed to have a building that will house a fire engine, where the previous building only had room for an ambulance.

Chair MacKay opened the item for public comment. With none, she invited council discussion.

Councilor Ellsworth said the source of funding had been discussed at length during the work session. She shared her support for building a quality fire station to serve Provo.

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

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

Roger Minert asked if he would be allowed to make a public comment. He mentioned he did not understand that the public comment at the beginning of the meeting was for any item, and not specifically for the road construction.

Chair MacKay confirmed with Brian Jones, City Attorney, that a comment could be allowed. With the recording still going, Chair MacKay invited Mr. Minert to speak.

Mr. Minert said he lives precisely 267 feet from the drilling operation that has been going on for the last three years on Grandview Hill. He expressed his frustration at having to endure the vibrations, the endless penetration of the noise, and the dust. He said he has not been able to find anybody in the city administration or the contractor who can indicate whether that well is producing acceptable water. He said he has been told there is arsenic in the water, and the well will be discontinued, but the grinding regenerator continues.

Chair MacKay requested Mr. Minert to provide his information to staff for Dave Decker, Public Works Director, to contact him directly.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:10 p.m.

DRAFT MINUTES – PENDING APPROVAL

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

PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:45 PM, Tuesday, September 19, 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 George Handley	Councilor Travis Hoban
Councilor Katrice MacKay	Councilor David Shipley
Councilor Rachel Whipple	Mayor Michelle Kaufusi
Council Executive Director Justin Harrison	City Attorney Brian Jones

Conducting: Chair Katrice MacKay

Prayer – Gary Garrett

Pledge of Allegiance – Councilor David Shipley

Public Comment

Chair MacKay read the public comment preamble.

Pam Starley, of Provo, street sign be placed on 4320 N which would prohibit parking overnight. She discussed a situation on her street where an RV had been parked. She explained that after contacting the city, the vehicle moves for 3 days, then returns. She said she would like to see a more permanent solution, like placement of signs along the street.

Chair MacKay asked that Ms. Starley provide her contact information to Scott Johnson for follow-up.

David Meininger, of Provo, expressed his frustration regarding an incident where a power pole fell in his back yard and damaged his home. He said the power department called off the police department for an investigation. Mr. Meininger said he has been working with his homeowner's insurance, who is covering the cost of the repairs after a $1,000 deductible is paid. He requested assistance from the city.

Chair MacKay requested Brian Jones to meet Mr. Meininger at the door to collect his contact information.

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

Presentations, Proclamations, and Awards

1. Employee of the Month - September 10:00

Mayor Kaufusi expressed her desire to announce the employee of the month to the council. She said she wants the employees to feel recognized and appreciated and thought it would be a great way for the council to familiarize themselves with employees. She explained the process would include the department director selecting and introducing an employee from their area. She announced the Development Services Department was selected first, and invited Bill Peperone, the Development Services Director, to present.

Bill Peperone nominated Kendra Herbert. He read the following: "It is with pride and appreciation that I nominate Kendra Herbert as the September Employee of the Month. Kendra consistently exhibits "Exceptional Care for an Exceptional Community." She has been employed with the city for just over three and one-half years, with the past two years as a Code Enforcement Officer in the Development Services Department. Kendra tries to connect with each person with whom she has contact. She has a unique ability to put people at ease, to help them understand what concerns exist, and what actions are required to resolve the concerns. She understands that in some cases it takes a wide variety of resources to get an issue resolved. Kendra regularly coordinates with numerous agencies throughout the city to find solutions. Some of the agencies she has worked with include Provo Police, Animal Control, Wasatch Mental Health Services, Adult Protective Services, Habitat for Humanity, and more. She truly cares for the people she serves and wants the best for them. Kendra is not afraid to roll up her sleeves and work to solve a problem or to help someone out. As an employee of the city, Kendra demonstrates commitment and dedication. She gets her work done with quality and efficiency. She has been asked to work on cases outside of her normal area of responsibility because of her ability to get things done. She has taken additional challenges head-on and provided exceptional results. The quality of her work has been recognized by her coworkers, both within her department as well as other departments throughout the city. Kendra is truly an invaluable part of our team." He also shared some comments from Kendra's peers.

Chair MacKay congratulated Kendra and shared her excitement for these presentations.

Action Agenda

2. A presentation reviewing the Consolidated Annual Performance and Evaluation Report (CAPER). (23-027) 15:10

Melissa McNalley, Community Grant Administrator, presented. She explained the report is used to show what federal funds were expended through the programs and what Provo City and the Utah Valley HOME Consortium accomplished with those funds. She highlighted the projects that were completed during the 22-23 fiscal year using the Community Development Block Grant and HOME funding. She also discussed the ongoing projects that received funds, noting they were not completed. She highlighted the accomplishments and progress made to3ward the five-year plan.

Councilor Handley thanked Ms. McNalley for her dedication and stewardship of this project. He asked if other means of communication could be used to improve the racial diversity among the recipients.

Ms. McNalley shared what efforts have been made to translate and distribute information into Spanish. She invited ideas from the council that will increase ability to reach more Spanish speaking residents.

Councilor Fillmore asked for clarification on the number of jobs created shown in the report. He asked if the number represented new jobs or if it was to help employees remain in their jobs. He also asked if the numbers were reflective of part-time or full-time hours.

Ms. McNalley responded by saying both scenarios mentioned were included in the numbers. She added that the numbers shown were full-time equivalents.

Councilor Whipple said that she noticed some of the council information was outdated. She recommended Melissa to get with council staff to discuss changes and updates.

3. A resolution to place a 0.353 acre parcel of ground located generally at 3110 West (Lakeshore Drive) and Center Street on the surplus property list and sell it to the adjourning property owner. (23-068) 26:25

Motion: An implied motion to approve Resolution 2023-41, as currently constituted, has been made by council rule.

Tara Riddle, Property Manager, presented. She explained the property was acquired in 2009 when 3110 West was widened. She said after the roadway was completed to the desired width, they wanted to sell the remanent property. She discussed the process that is taken whenever a piece of property is to be sold via the surplus property list. She added that the adjoining property owner made an offer at the appraised value and the proceeds will be reimbursed to Mountainland Association of Governments, since funding to purchase the property was provided by them.

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

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

Brian Jones asked if the council could return to item 2 to open public comment as is required by HUD.

Chair MacKay opened public comment for that item. With none, she closed public comment.

4. An ordinance amending Provo City Code regarding Performance Development Overlay Zones and Open Space Subdivisions. Citywide Application. PLOTA20230098 30:25

Motion: An implied motion to approve Ordinance 2023-38, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He mentioned this item comes from the Planning Commission where it received a unanimous recommendation. He said the purpose of this initiative stemmed from identifying redundancies and potential issues in open space subdivision rules. He

explained staff decided to eliminate the open space subdivision code, incorporating its valuable components into the performance development overlay within the critical hillside overlay zone. He added this effectively addressed the remaining aspects of open space division and the redundant chapters were cleaned up. He added that the calculations and percentages were addressed to make it easier for people to use, ideally incentivizing better developments in the city.

Councilor Hoban asked about the standards for calculating minimum open space percentage.

Mr. Ardmore explained that staff determined that a 10% open space standard was sufficient.

Chair MacKay opened public comment. With no public comments, and no council discussion, she called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

5. A resolution approving the first amendment to an interlocal agreement for the Provo Medical School Community Reinvestment Project Area. (23-045) 36:10

Motion: An implied motion to approve Resolution 2023-42, as currently constituted, has been made by council rule.

Keith Morey, Assistant Director of Development Services, presented. He said after talking about this item numerous times, he felt like this version accurately captured all the feedback provided.

Councilor Fillmore asked if there had been anything that was not addressed that was requested in previous conversations.

Mr. Morey said he believed everything had been addressed and updated.

Mr. Jones clarified the amount with Mr. Morey.

Councilor Shipley asked for context for how the numbers and ratios were determined.

Mr. Morey discussed the implementation of two different criteria in a business context. One criterion involved the next phase of the commercial department structure, which had to be completed within five years, and the other criterion was the first phase of residential development, to be completed within ten years. The main goal was to establish a mechanism for recouping funds in case either of these criteria was not met. He said the specific ratio for the claw back was open to adjustment, with the focus being on ensuring penalties were in place for both scenarios, and the penalties would accumulate if either condition was not achieved.

Councilor Shipley expressed concern about the financial impact of including or not including a building in a project. The overall project value increased from around a million dollars on the residential side to approximately 31 million in total when the building was factored in. Councilor Shipley emphasized that the primary goal should be to incentivize additional work, rather than rewarding work that has already

been completed. The key issue was determining the right balance for the claw back and making sure it strongly motivates additional work. Councilor Shipley acknowledged the challenge of finding the ideal number for this incentive and sought a rationale for its determination.

Mr. Morey discussed the challenge of dividing the penalty between two aspects of a project. He mentioned that there was not a specific scientific formula for the split, and it could have been either 50/50 or 40/60, for instance. The decision could have depended on the developer's perspective on which option would be more impactful or hurtful to them. He also suggested considering input from the developer, as they had previously indicated the use of this arrangement for financing in a previous meeting.

Councilor Shipley mentioned that there was a previous allusion to using this project as a financing tool to support its continuation and growth. He asked whether the claw backs outlined in the contract might potentially jeopardize the project's financing.

Greg Stewart, of GT Medical Holdings, said he did not believe the claw back would jeopardize financing.

Mr. Morey stated from his perspective, their previous discussions on the development demonstrated good faith. They had expressed concerns about the developer's commitment to their promises and were evaluating whether penalties had been included in the contract. In some cases, there had been a lack of foresight because they had placed trust in the developer and expected them to follow through on their commitments. He said he saw the inclusion of penalties as a positive step, indicating that they were thinking ahead and were prepared to enforce consequences if the developer did not fulfill their obligations.

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

Chair MacKay shared her excitement for this development.

Councilor Ellsworth asked if there was any interest in continuing the item to review alternative numbers.

Councilor Shipley said he would love to see a resolution tonight, assuming the number is comfortable.

Councilor Hoban asked what number would be comfortable.

Councilor Handley said unless there is a substitute motion made by a councilor, they should vote on the item as is.

Councilor Fillmore agreed that this item needed to be voted on.

Mr. Jones reminded the council that unless there was a change, no new motion was needed due to there already being an implied motion on the table to vote on.

Mr. Stewart explained that the two structures under discussion represented roughly 20% of the total project cost. He said to determine the penalty amount for not building these structures, they simply

took approximately 20% of the previously approved increment and reduced it by that amount. He added that the decision was not based on any specific scientific formula but was a straightforward way to account for the potential impact on the project if these buildings were not constructed.

Chair MacKay called for a vote on the implied motion.

Vote: The motion was approved 6:1 with Councilors Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor. Councilor Ellsworth opposed.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:36 p.m.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 01-01-2018

SUBJECT: An ordinance amending the zone map of approx. 0.66 acres, at 310 S 2470 W, from Agricultural (A1.1) to Residential Ag (RA) & approx. 4.24 acres at 358 S 2470 W, from Residential Ag (RA) to Ag (A1.1). Provo Bay. (PLRZ20230182)

RECOMMENDATION: To be heard at the October 17, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The Finch family is hoping to realign their lots to create separate parcels for the homes along 2470 West from the agricultural land behind them. As part of that plan, they would like to rezone the properties to have all three homes zoned RA and the agricultural land zoned A1. The uses would not change but the zone change requests help to better align the zoning with the existing land uses and the applicants' plans for the future.
The related concept plan shows three lots against 2470 West, lots one and three would both be new lots, each over a half-acre, and lot two would stay as it is. These lots are proposed to be zoned RA. Lot four would be the remainder of the land, just under nine (9) acres, and is proposed to be zoned A1. All four lots have the required street frontage and access and meet the applicable lot standards.
This request is in preparation for a future plan to apply a pending Agritourism Overlay (AT) Zone to the farmland in order to create an event center on lot four. This will have to be a subsequent application and be evaluated separately at that time.

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore (801) 852-6404 aardmore@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20230182

ORDINANCE 2022-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 0.66 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 310 SOUTH 2470 WEST, FROM AGRICULTURAL (A1.1) TO RESIDENTIAL AGRICULTURAL (RA) AND APPROXIMATELY 4.24 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 358 SOUTH 2470 WEST, FROM RESIDENTIAL AGRICULTURAL (RA) TO AGRICULTURAL (A1.1). PROVO BAY NEIGHBORHOOD. (PLRZ20230182)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 0.66 acres of real property, generally located at 310 South 2470 West (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from Agricultural (A1.1) to Residential Agricultural (RA); and 4.24 acres of real property, generally located at 358 South 2470 West (an approximation of which is also shown or described in Exhibit A and a more precise description of which will also be attached hereto as Exhibit B after the Zone Map has been updated), be amended from Residential Agricultural (RA) to Agricultural (A1.1); and

WHEREAS, on September 27, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval of the proposal to the Municipal Council by a 9:0 vote; and

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

WHEREAS, on October 17, 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 Zone Map of Provo, Utah should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described herein 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 classification on the Zone Map of Provo, Utah is hereby amended from the Agricultural (A1.1) Zone to the Residential Agricultural (RA) Zone for approximately 0.44 acres of real property generally located at 310 South 2470 West; and from the Residential Agricultural (RA) Zone to the Agricultural (A1.1) Zone for approximately 4.24 acres of real property generally located at 358 South 2470 West, as described herein.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

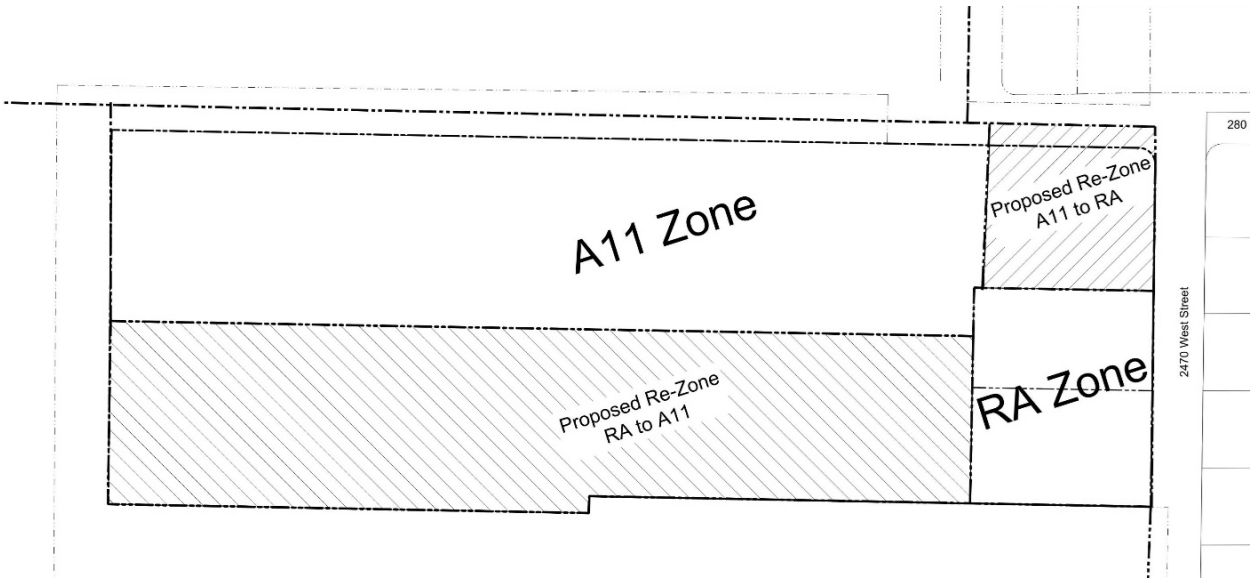
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified 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.

END OF ORDINANCE

EXHIBIT A – ZONE MAP



DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: September 27, 2023

***ITEM 9** Judy and Barry Finch request a Zone Map Amendment from the RA (Residential Agricultural) Zone to the A1.1 (Agricultural) Zone for 4.32 acres of property at 358 South 2470 West, and from the A1.1 Zone to the RA Zone for 0.5 acres at 310 South 2470 West. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230182

Applicant: Judy and Barry Finch

Staff Coordinator: Aaron Ardmore

Property Owner: FINCH FAMILY LLC

Parcel ID#: 39:092:0001; 39:092:0003

Acreage: 10.64

Number of Properties: 3

Number of Proposed Lots: 4

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 25, 2023, at 6:00 P.M.*

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

Current Legal Use: The recognized uses of the three properties included in this concept are as follows:

- 310 S 2470 W is a single-family home with agricultural uses.
- 350 S 2470 W is a single-family home.
- 358 S 2470 W is a single-family home with agricultural uses.

Relevant History: The property owners have discussed with staff how to create a new plat and appropriate zoning to recognize the existing conditions of the properties and better separate the uses.

Neighborhood Issues: This item was discussed at the July 7, 2023, Neighborhood District Meeting at which there was general support for the zone change.

Summary of Key Issues:

- The proposal would put RA zoning over approximately half acre pieces on each residence and A1 zoning over the remaining 8.8 acres of agricultural land.
- The zone changes align with a proposed subdivision plan to subdivide the agricultural land from the three homes along 2470 West.
- The zone change also enables the property owner to make better use of the farmland in the future.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed zone map amendments to the City Council.

OVERVIEW

The Finch family is hoping to realign their lots to create separate parcels for the homes along 2470 West from the agricultural land behind them. As part of that plan, they would like to rezone the properties to have all three homes zoned RA and the agricultural land zoned A1. The uses would not change but the zone change requests help to better align the zoning with the existing land uses and the applicants' plans for the future.

The related concept plan shows three lots against 2470 West, lots one and three would both be new lots, each over a half-acre, and lot two would stay as it is. These lots are proposed to be zoned RA. Lot four would be the remainder of the land, just under nine (9) acres, and is proposed to be zoned A1. All four lots have the required street frontage and access and meet the applicable lot standards.

This request is in preparation for a future plan to apply a pending Agritourism Overlay (AT) Zone to the farmland in order to create an event center on lot four. This will have to be a subsequent application and be evaluated separately at that time.

STAFF ANALYSIS

There aren't any land use changes at this time associated with the requests and is viewed by staff as a cleanup by the property owners. However, as with all zone change requests, staff will evaluate the requested map amendments against the criteria from Section 14.02.020, as follows: (staff responses in bold)

> 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 applicant has stated that the public purpose is to help support the agricultural business on the properties. Staff agrees with this stated purpose but would also argue that the amendments help to preserve agricultural land in the city and provide an update to the zoning map to be consistent with land use.

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

Staff response: The proposed map amendments will help to meet the above stated purposes.

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

Staff response: These amendments comply with the General Plan for the property helping to meet the Chapter Eight goal to "give careful consideration to the

conservation of open spaces, scenic areas, and viable agricultural land."

(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: There are no timing and sequencing issues related to this request.

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

Staff response: Staff believes that this proposal would not hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: Since there are no changes in land use with this request staff does not anticipate any 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 zoning and General Plan designation for the property is accurate.

(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.

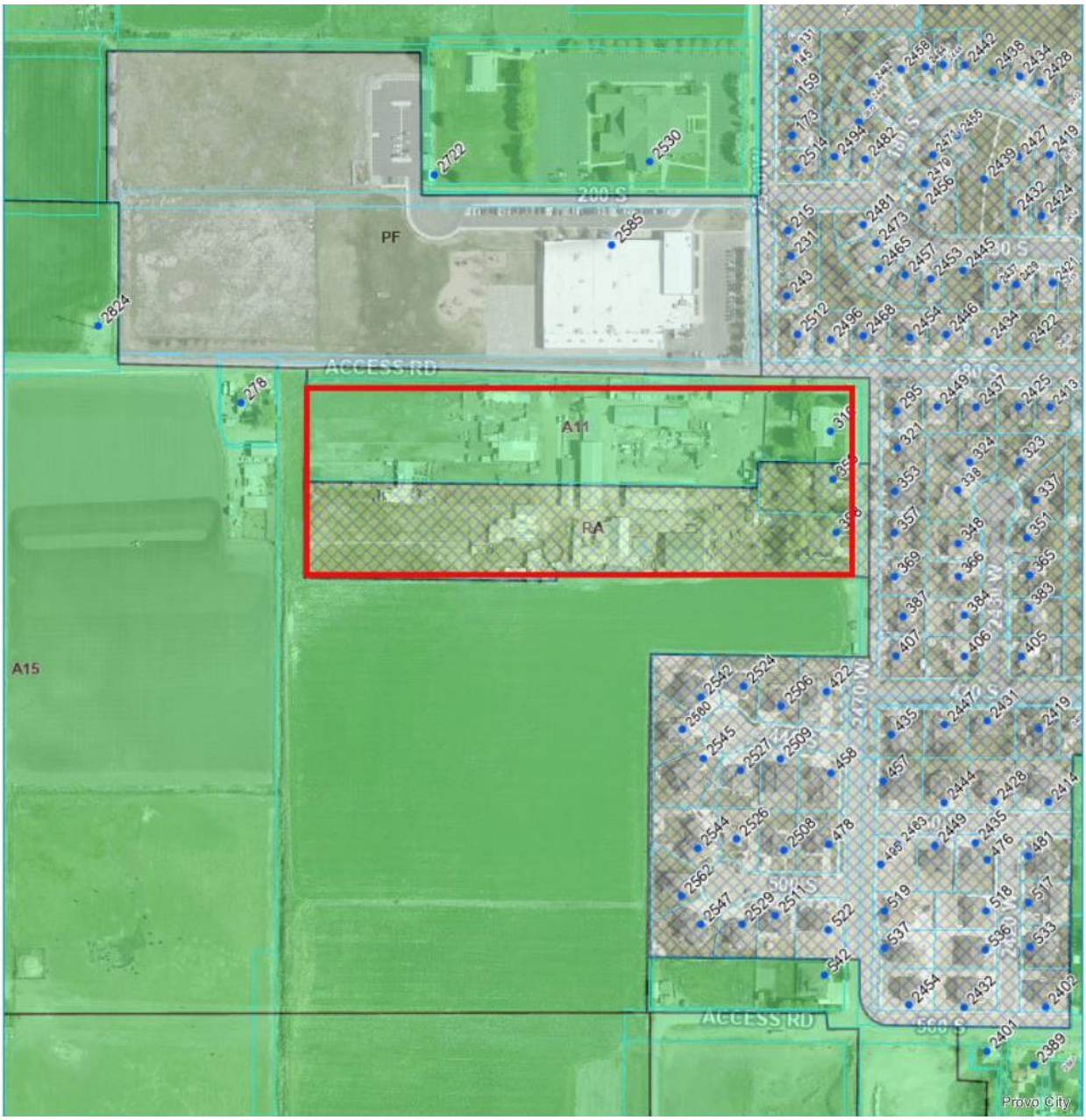
CONCLUSIONS

Staff see no issues with the proposed zone map amendments and finds them to help clean up an incongruent situation with zoning and land use, and recommend that the request receive a positive recommendation from the Planning Commission to the City Council.

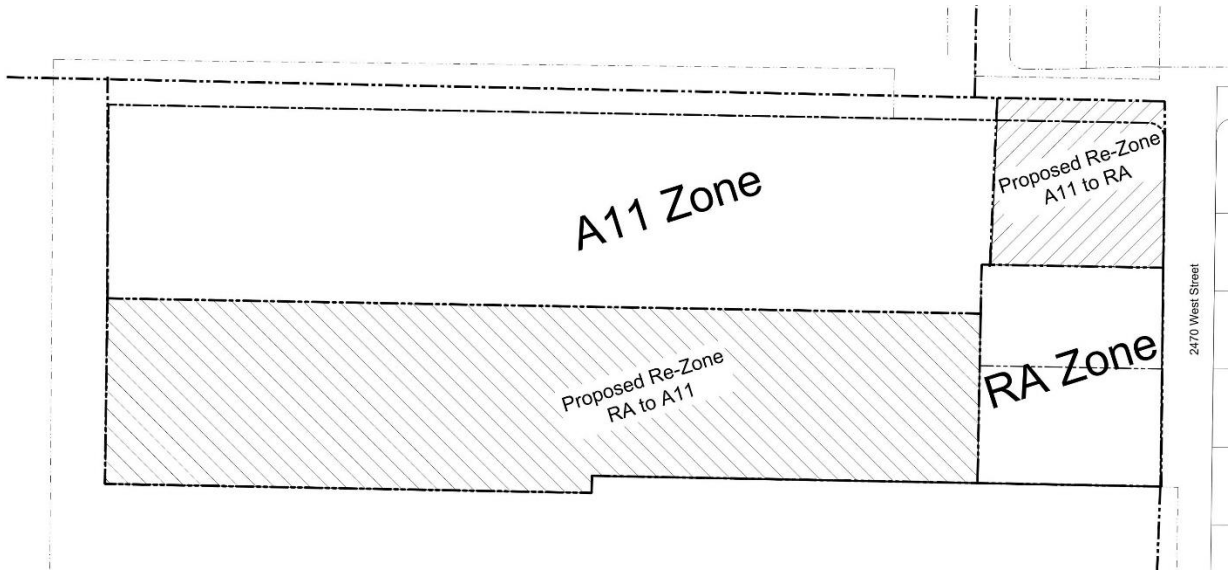
ATTACHMENTS

1. Current Zone Map
2. Proposed Zone Map

ATTACHMENT 1 – CURRENT ZONE MAP



ATTACHMENT 2 – PROPOSED ZONE MAP



Provo City Planning Commission

Report of Action

September 27, 2023

*ITEM 9 Judy and Barry Finch request a Zone Map Amendment from the RA (Residential Agricultural) Zone to the A1.1 (Agricultural) Zone for 4.32 acres of property at 358 South 2470 West, and from the A1.1 Zone to the RA Zone for 0.5 acres at 310 South 2470 West. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230182

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 27, 2023:

RECOMMENDED APPROVAL

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Daniel Gonzales
Second By: Andrew South
Votes in Favor of Motion: Daniel Gonzales, Andrew South, Robert Knudsen, Barbara DeSoto, Jeff Whitlock, Raleen Wahlin, Lisa Jensen, Melissa Kendall, Jonathon Hill
Daniel 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the A1 Zone and to the RA Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission also approved the related concept plan at the September 27, 2023 hearing (PLCP20230230).

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.

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 07/07/2023.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.

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: None.

APPLICANT RESPONSE
Key points addressed in the applicant's presentation to the Planning Commission included the following: None.

PLANNING COMMISSION DISCUSSION
Key points discussed by the Planning Commission included the following:

- Seems like a good request to clean up the zoning, no change of use occurring.

Planning Commission Chair

Director of Development Services

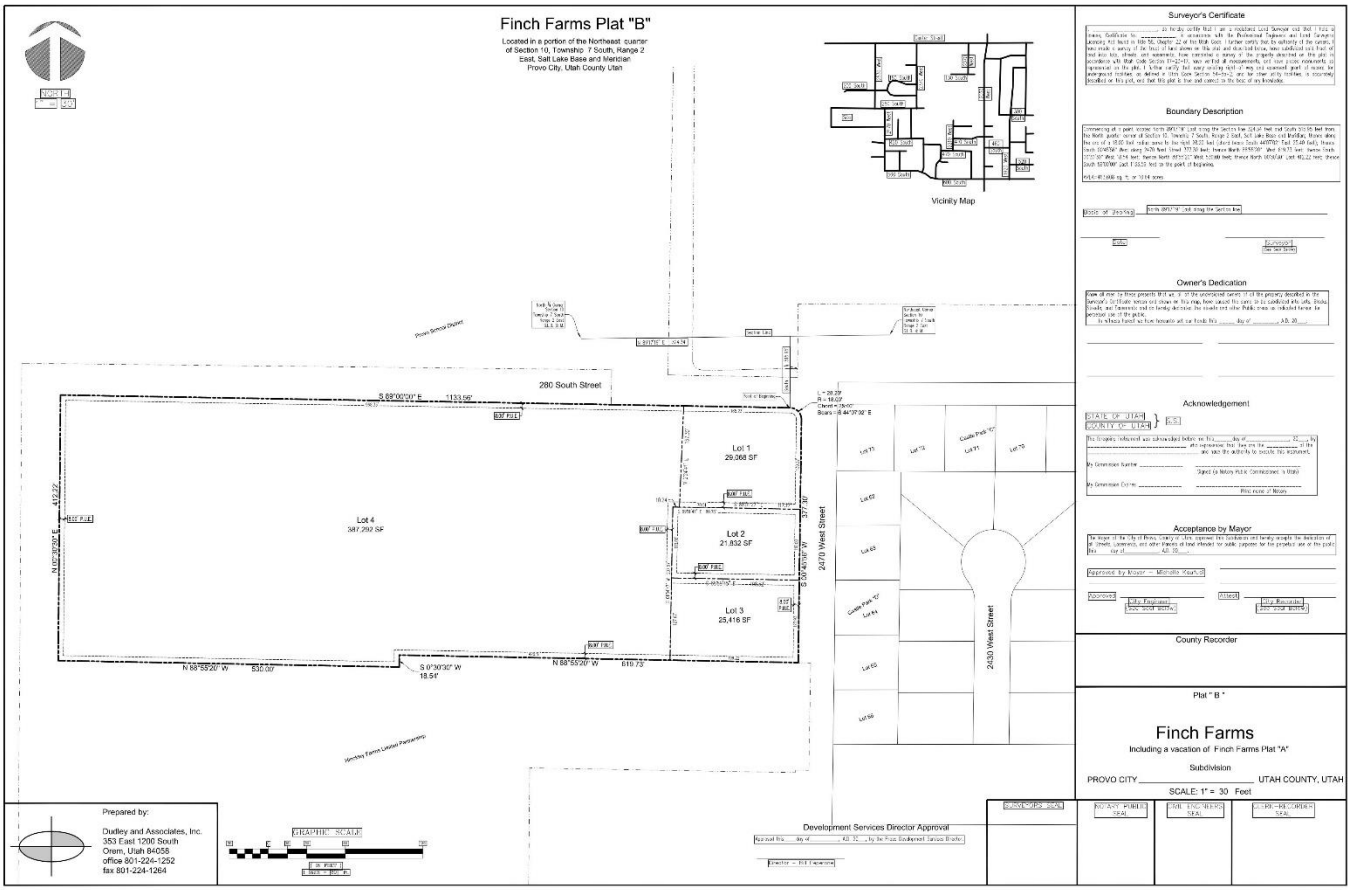
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ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

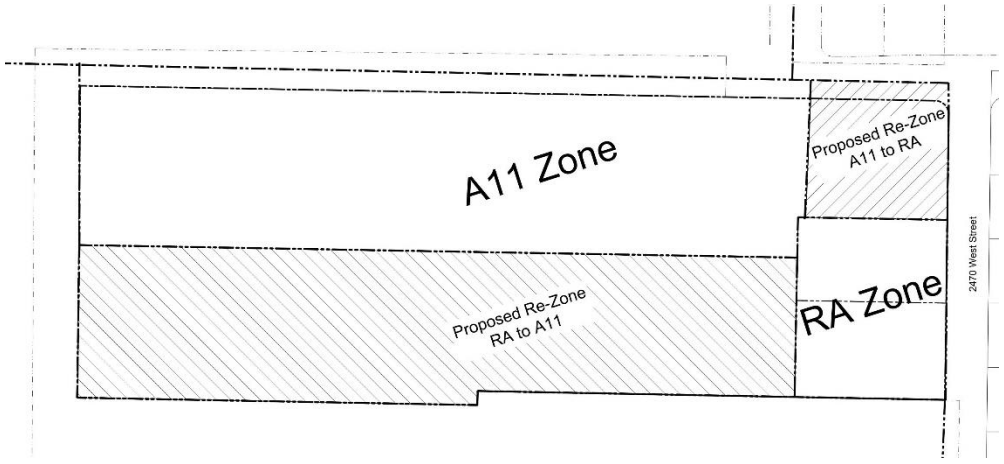
Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

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 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


Finch Farms Plat "B"
Located in a portion of the Northeast quarter of Section 19, Township 7 South, Range 2 East, Salt Lake Base and Meridian
Provo City, Utah County Utah
Vicinity Map
Surveyor's Certificate
Boundary Description
Owner's Dedication
Acknowledgement
Acceptance by Mayor
County Recorder
280 South Street
2470 West Street
2430 West Street
Lot 1
29,068 SF
Lot 2
21,832 SF
Lot 3
25,416 SF
Lot 4
347,293 SF
Plat " B "
Finch Farms
Including a vacation of Finch Farms Plat "A"
Subdivision
PROVO CITY _____ UTAH COUNTY, UTAH
SCALE: 1" = 30 Feet
Prepared by:
Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
office 801-224-1252
fax 801-224-1264
Development Services Director Approval


A11 Zone
Proposed Re-Zone
A11 to RA
Proposed Re-Zone
RA to A11
RA Zone
2470 West Street

provo

WELCOME HOME

CITY COUNCIL

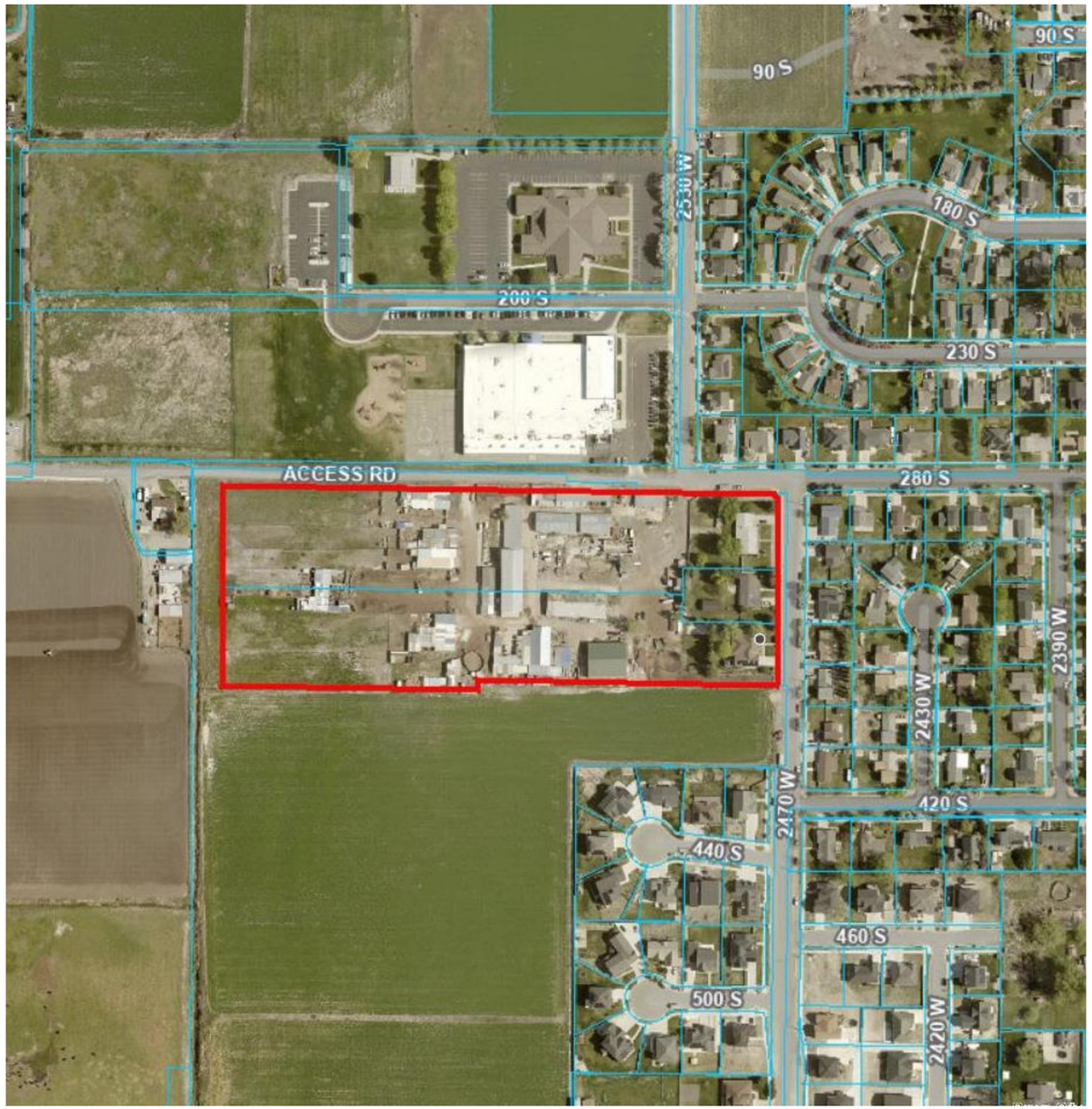
October 17, 2023

Judy and Barry Finch request a Zone Map Amendment from the RA (Residential Agricultural) Zone to the A1.1 (Agricultural) Zone for 4.32 acres of property at 358 South 2470 West, and from the A1.1 Zone to the RA Zone for 0.5 acres at 310 South 2470 West.

Provo Bay Neighborhood

PLRZ20230182

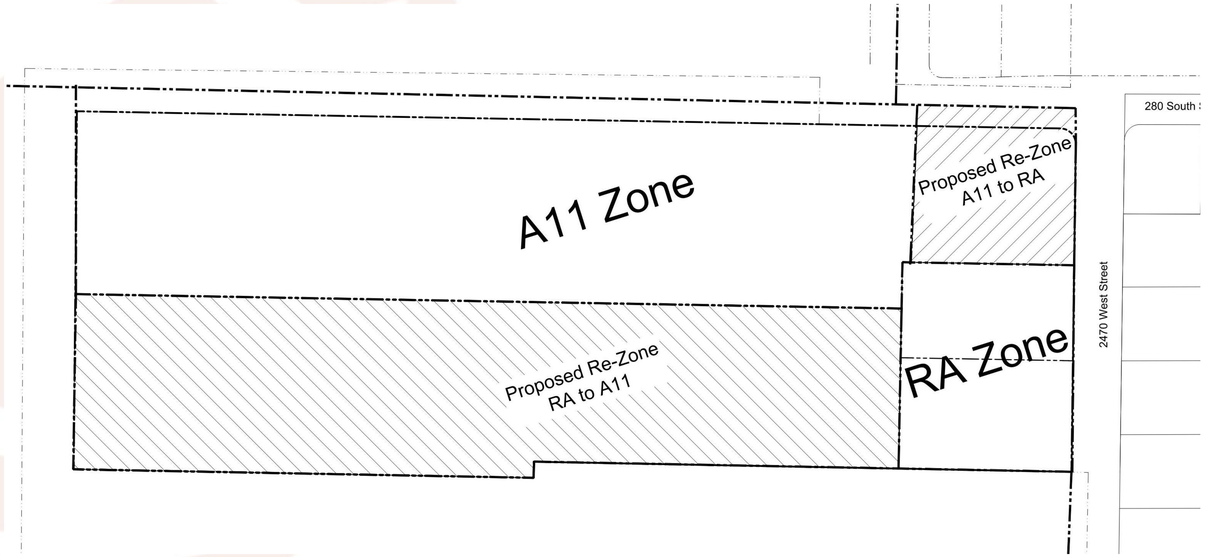
Finch Subdivision and Rezone



Finch Subdivision and Rezone



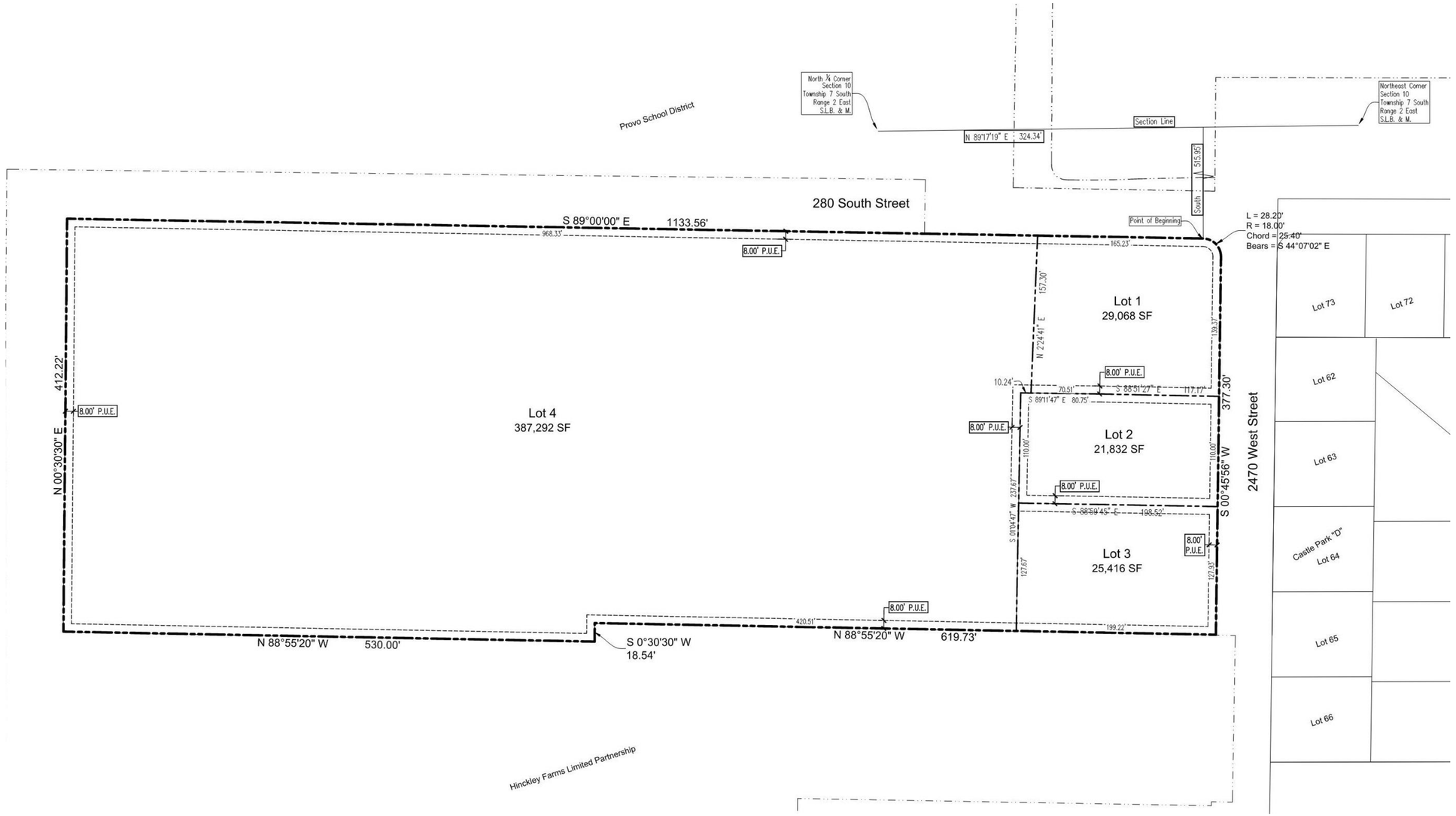
Current Zoning



Proposed Zoning

Finch Subdivision and Rezone

- No change of use
- Aligns zoning with uses
- Meets proposed zone lot standards



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 10-17-2023

SUBJECT: An ordinance amending the zone map of approx. 0.18 acres, at 156 W 500 S, from General Downtown (DT1) to Interim Transit Oriented Development (ITOD) & authorizing a related development agreement. Downtown Neighborhood. (PLRZ20230158)

RECOMMENDATION: To be heard at the October 17, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The applicant is requesting approval for two parcels of land (Attachment 1) to be rezoned from the General Downtown (DT1) zone to the Interim Transit Oriented Development (ITOD) zone. The proposed development of this land also includes a larger parcel that is already in the ITOD zone. The rezone request is an effort to have all the parcels within this proposed development in the same zone (ITOD). Two of the parcels are currently zoned DT1 like the properties to the north, east and west. The other property is zoned ITOD like the surrounding property to the south, east and west.

FISCAL IMPACT:

PRESENTER'S NAME: Dustin Wright (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: PLRZ20230158

ORDINANCE 2023-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 0.18 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 156 W 500 S, FROM GENERAL DOWNTOWN (DT1) TO INTERIM TRANSIT ORIENTED DEVELOPMENT (ITOD) AND AUTHORIZING A RELATED DEVELOPMENT AGREEMENT. DOWNTOWN NEIGHBORHOOD. (PLRZ20230158)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 0.18 acres of real property, generally located at 156 W 500 S (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from General Downtown (DT1) to Interim Transit Oriented Development (ITOD); and

WHEREAS, on September 27, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended approval to the Municipal Council by a 9:0 vote; and

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

WHEREAS, on October 17, 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 Zone Map of Provo, Utah, should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described herein 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 Mayor is hereby authorized to negotiate and execute a development agreement as proposed by the applicant for this zone change, in form substantially similar to the draft attached

hereto as Exhibit C, an executed copy of which shall be attached hereto as Exhibit D after execution.

PART II:

The classification on the Zone Map of Provo, Utah is hereby amended from the General Downtown (DT1) Zone to the Interim Transit Oriented Development (ITOD) Zone for approximately 0.18 acres of real property generally located at 156 W 500 S, as described herein. The effective date of this zone map change shall be the date of final execution of the development agreement described in Part I.

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 Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

D. Except as otherwise stated in Part II, 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.

E. Notwithstanding any provision or language to the contrary in this ordinance, if the Development Agreement authorized in Part I has not been fully executed by the necessary parties within one year from the date of the Municipal Council's approval of this ordinance, the entire ordinance shall expire, becoming null and void as if it had never been approved. Because the zone classification change contemplated in Part II cannot come into effect if the Development Agreement is not executed, neither the applicant nor any successor(s) in interest shall have any vested rights under this ordinance if it expires.

END OF ORDINANCE

EXHIBIT A – ZONE MAP

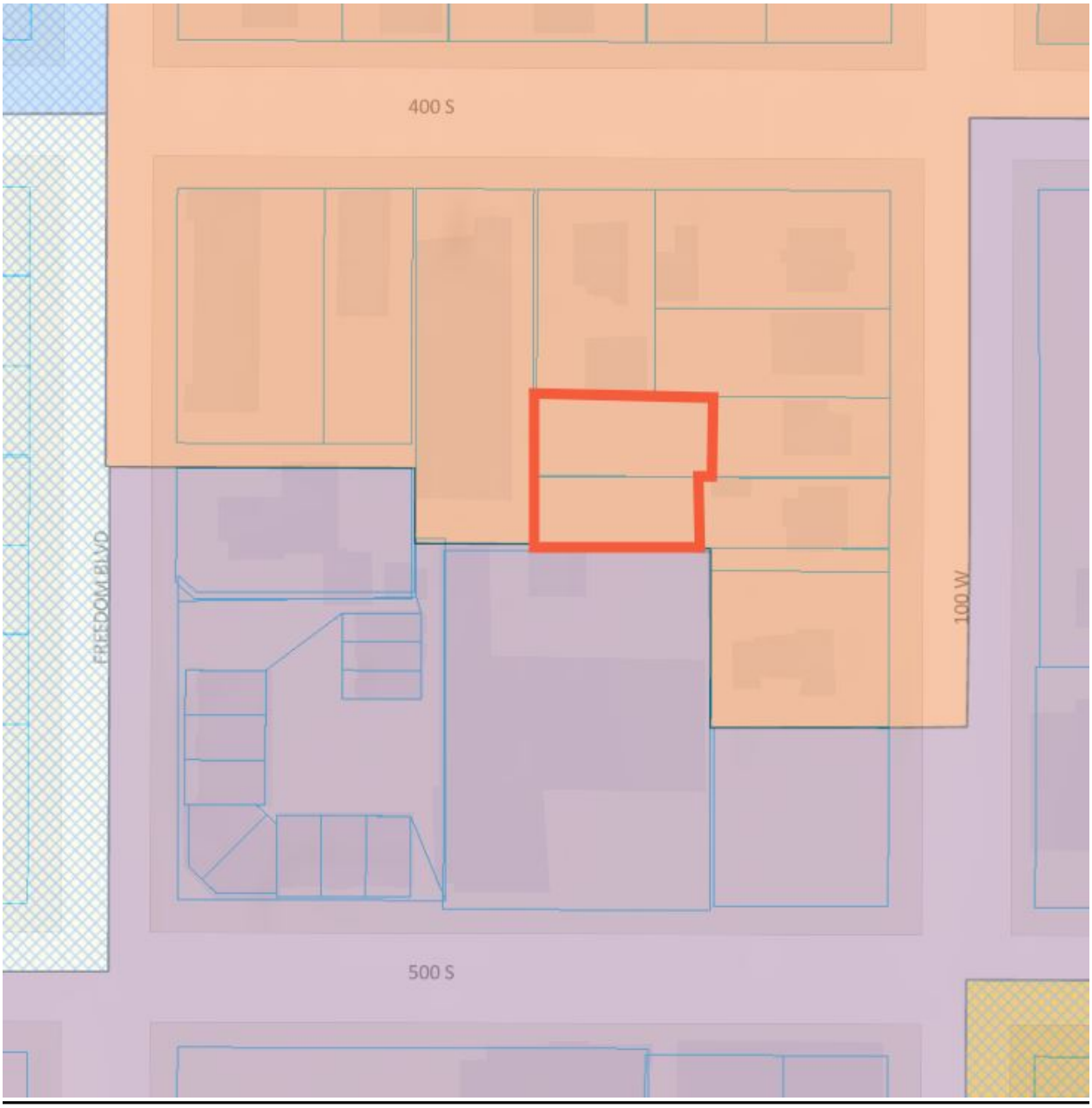


EXHIBIT C – DRAFT DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT
FOR
Provo Commons

(156 W 500 S Provo, Utah)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 20__ (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and PROVO COMMONS LLC, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

RECITALS

A. Developer is the owner of approximately 0.87 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the "Property").

B. On _____, the City Council approved Ordinance _____, vesting zoning (the "Vesting Ordinance"), based on the Concept Plan set forth on EXHIBIT B ("Concept Plan"), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the "Project").

C. Developer is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long range policies, goals, and objectives of the City's general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Developer's proffer to enter into this Agreement to memorialize the intent of Developer and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City's General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and

responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Zoning. The Property shall be developed in accordance with (i) the requirements of the Interim Transit Oriented Development (ITOD) Zone, (ii) all other features as generally shown on the Concept Plan, and (iii) this Agreement. The Developer shall not seek to develop the Property in a manner that deviates materially from the Concept Plan as permitted by the aforementioned zoning designations for the Property.

3. Governing Standards. The Concept Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the use, maximum density, intensity and general configuration for the Project. The Project shall be developed by the Developer in accordance with the Concept Plan, the Vesting Ordinance and this Agreement. All Developer submittals must comply generally with the Concept Plan, the Vesting Ordinance and this Agreement. Non-material variations to the Concept Plan, as defined and approved by the City's Development Services Director, such as exact building locations, exact locations of open space and parking may be varied by the Developer without official City Council or Planning Commission approval. Such variations however shall in no way change the maximum density, use and intensity of the development of the Project.

4. Additional Specific Developer Obligations. As an integral part of the consideration for this agreement, the Developer voluntarily agrees as follows:

a. 1,200 square feet of landscaped area will be designed to accommodate pet amenities in the northwest corner of the property. An access door to this area will be provided for residents to easily access this area with their pets from the building.

b. The apartment building will follow the updated design provided in the renderings in Exhibit B that include the suggested changes from the Design Review Committee and use building materials that were submitted to and approved by the Design Review Committee on September 14, 2023.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-9a-509.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:

1. Developer Agreement. Future laws that Developer agrees in writing to the application thereof to the Project;

2. Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

3. Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.

5. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all

development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

6. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-9a-509 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

7. Default. An "Event of Default" shall occur under this Agreement if any party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within sixty (60) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a party shall not be in default so long as that party commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

a. Remedies. Upon the occurrence of an Event of Default, the non-defaulting party shall have the right to exercise all of the following rights and remedies against the defaulting party:

1. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination, but not including damages or attorney's fees.

2. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or development activity pertaining to the defaulting party as described in this Agreement until such default has been cured.

3. The right to draw upon any security posted or provided in connection with the Property or Project by the defaulting party.

The rights and remedies set forth herein shall be cumulative.

8. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: _____

Attn: _____

_____

_____

Phone: _____

To the City: City of Provo
Attention: City Attorney
445 W Center
Provo, UT 84601
Phone: (801) 852-6140

9. General Term and Conditions.

a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

g. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Utah County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

h. Performance. Each party, person and/or entity governed by this Agreement shall perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

l. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

m. Termination.

i. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Utah County Recorder within ten (10) years from the date of this Agreement (the "Term"), or upon the occurrence of an event of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this Agreement as to the defaulting party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties.

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

10. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer with the consent of the City as provided herein.

a. Notice. Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

b. Partial Assignment. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's reasonable financial ability to perform the obligations of Developer proposed to be assigned.

d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

11. Sale or Conveyance. If Developer sells or conveys parcels of land, the lands so sold and conveyed shall bear the same rights, privileges, intended uses, configurations, and density as applicable to such parcel and be subject to the same limitations and rights of the City as when owned by Developer and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein.

12. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

CITY:

CITY OF PROVO

ATTEST:

By: _____ By:_____
City Recorder Mayor Michelle Kaufusi

DEVELOPER:

_____, a Utah limited liability company

By: _____
Name: _____
Title: _____

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On the ____ day of _____, 2023, personally appeared before me _____, who being by me duly sworn, did acknowledge that he/she executed the foregoing instrument in his/her official capacity as _____ of Provo City, a municipal corporation of the State of Utah.

_____
Notary Public

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On the ____ day of _____, 2023, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of _____, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

_____
Notary Public

Exhibit A

Legal Description of the Property

Legal Description:
Serial Number: 04:020:0017
COM S 7 RDS & W 100 FT FR NE COR BLK 21, PLAT A, PROVO; S 45 FT; W 99.9 FT; N 45 FT; E 99.9 FT TO BEG. AREA .10 ACRE. SUBJ TO R/W.

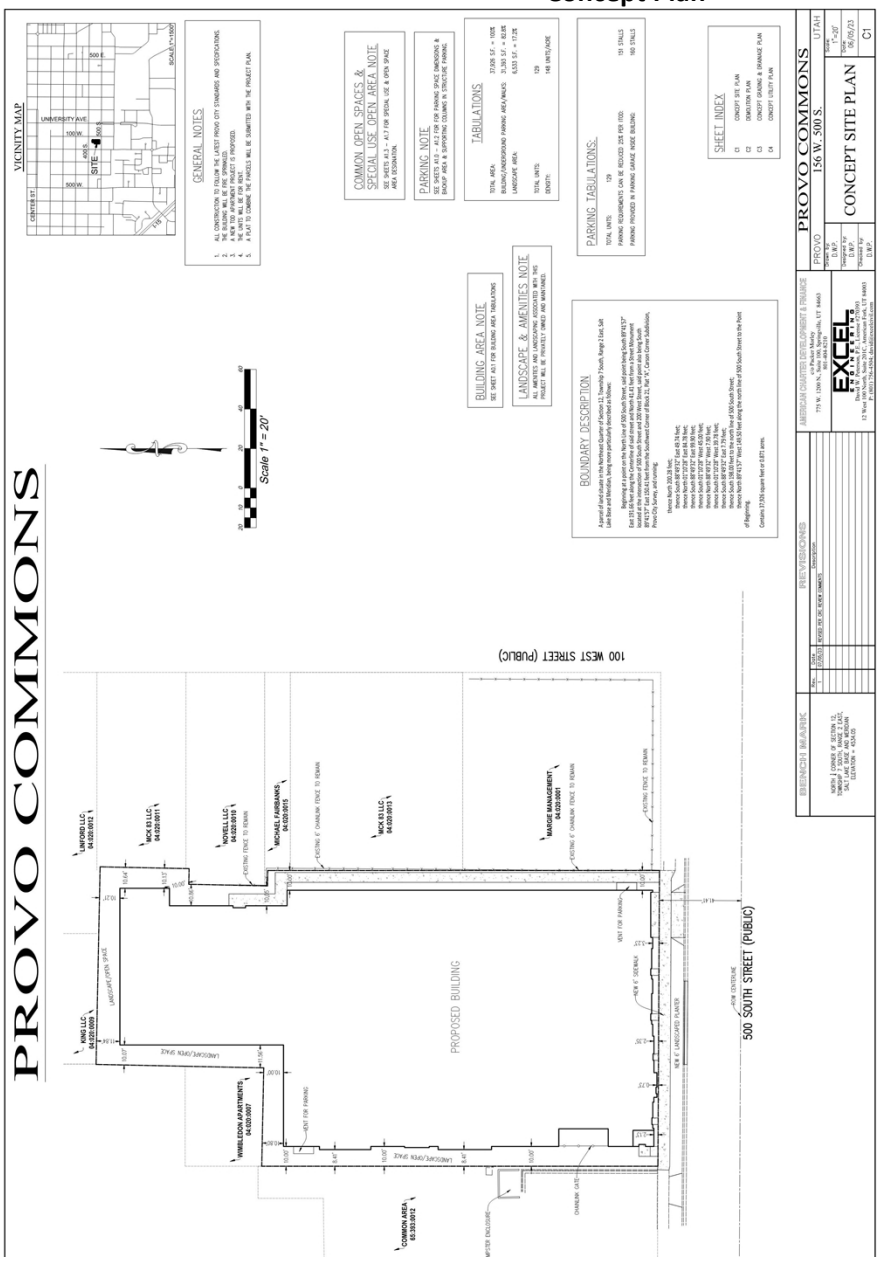
Serial Number: 04:020:0019
COM W 107.9 FT FR SE COR LOT 7, BLK 21, PLAT A, PROVO; N 39.78 FT; W 92 FT; S 39.78 FT; E 92 FT TO BEG. AREA .08 AC.

Serial Number: 04:020:0004
COM AT A PT 3 RDS W OF SE COR LOT 2, BLK 21, PLAT A, PROVO CITY SUR; N 12 RDS TO N LINE OF LOT 3; E 149 1/2 FT ALONG N LINES OF LOTS 3 & 8; S 200.28 FT M OR L TO S LINE OF LOT 1; W ALONG S LINE OF LOTS 1 & 2 149.5 FT TO BEG.



Exhibit B

Concept Plan









HARRIS ARCHITECTURE

30 May 2023

Provo Commons
Provo, Utah

Re: Proposed Exterior Finishes

A	**Brick**	Lakewood Plant, **Summit**
B	**Wood**	Kowhai, **Accoyawood**
C	**Stucco**	Ultra Pure White, **Behr**
D	**Siding 1**	(Orange) SW6643 Yam, **Sherwin Williams**
E	**Siding 2**	(Light Gray) PPU-24-18 Great Graphite, **Behr**
F	**Siding 3**	(Medium Gray) N520-5 Iron Mountain, **Behr**
G	**Windows**	Black
H	**Trim**	Black
I	**Aluminum**	Composite Panels

Provo City Planning Commission

Report of Action

September 27, 2023

*ITEM 6 David Peterson requests a Zone Map Amendment for two parcels from DT1 (General Downtown) to the ITOD (Interim Transit Oriented Development Zone) zone in order have all parcels in the same zone to construct a new apartment building, located at 156 W. 500 S. Downtown Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20230158

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 27, 2023:

RECOMMENDED APPROVAL

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve the above noted application and authorize the Mayor to sign the development agreement.

Conditions of Approval:

1. That a development agreement is approved and signed prior to establishing the ITOD Zone.

Motion By: Lisa Jensen
Second By: Raleen Wahlin
Votes in Favor of Motion: Lisa Jensen, Raleen Wahlin, Robert Knudsen, Jeff Whitlock, Daniel Gonzales, Andrew South, Barbara DeSoto, Jonathan Hill, Melissa Kendall
Daniel 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Interim Transit Oriented Development (ITOD) Zone is described in the attached Exhibit A.

RELATED ACTIONS

September 27, 2023 Planning Commission Item 5, concept plan application PLCP20230159

DEVELOPMENT AGREEMENT

- Applies – Draft copy sent to the Council Attorney.

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.

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 06/22/2023.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.

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:

- The public did not address the Planning Commission during the public hearing.

APPLICANT RESPONSE

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

- The neighborhood meeting was well attended with about 20-30 people.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- It makes sense to rezone to ITOD instead of the DT1 because the majority of the property is already zoned ITOD and the General Plan Map designates this area for transit oriented developments.

Planning Commission Chair

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 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

Legal Description:
Serial Number: 04:020:0017
COM S 7 RDS & W 100 FT FR NE COR BLK 21, PLAT A, PROVO; S 45 FT; W 99.9 FT; N 45 FT; E 99.9 FT TO BEG. AREA .10 ACRE. SUBJ TO R/W.

Serial Number: 04:020:0019
COM W 107.9 FT FR SE COR LOT 7, BLK 21, PLAT A, PROVO; N 39.78 FT; W 92 FT; S 39.78 FT; E 92 FT TO BEG. AREA .08 AC.



provo
DEVELOPMENT SERVICES

Planning Commission Hearing
Staff Report
Hearing Date: September 27, 2023

***ITEM 6** David Peterson requests a Zone Map Amendment for two parcels from DT1 (General Downtown) to the ITOD (Interim Transit Oriented Development) zone in order have all parcels in the same zone to construct a new apartment building, located at 156 W. 500 S. Downtown Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20230158

Applicant: David Peterson

Staff Coordinator: Dustin Wright

Property Owner: PROVO COMMONS LLC

Parcel ID#: 04:020:0004, 04:020:0019, and 04:020:0017

Acreage: Approximately 0.87 acres
Number of Properties: 3

Current Zone: DT1
Proposed Zone: ITOD

Council Action Required: Yes
Development Agreement: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 25, 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:

Currently vacant parcels in the DT1 and commercial building in the ITOD zone.

Relevant History:

There is a concept plan application (PLCP20230159) and an Ordinance Text Amendment (PLOTA20230160) to remove the step-back requirement for the ITOD zone.

Neighborhood Issues:

A neighborhood district meeting was held June 22, 2023.
There were questions asked about traffic, height, step-back, rent price, and amenities. Those present were generally in support.

Summary of Key Issues:

- This development consists of three parcels of land that will be combined into one parcel. Since there are two different zones (ITOD and DT1), these parcels will need to be rezoned to match the others.
- The General Plan calls for Transit Oriented Development at this location, so there is no need to amend the General Plan Map for this rezone.

Staff Recommendation:

That the Planning Commission recommend to the Municipal Council approval of the requested rezone from DT1 to ITOD with a Development Agreement.

BACKGROUND

The applicant is requesting approval for two parcels of land (Attachment 1) to be rezoned from the General Downtown (DT1) zone to the Interim Transit Oriented Development (ITOD) zone. The proposed development of this land also includes a larger parcel that is already in the ITOD zone. The rezone request is an effort to have all the parcels within this proposed development in the same zone (ITOD).

Two of the parcels are currently zoned DT1 like the properties to the north, east and west. The other property is zoned ITOD like the surrounding property to the south, east and west.

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 ITOD zone will allow the land to be combined into one parcel and have all the same zoning applied. This will eliminate confusion about what zoning standards apply for the property.

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

Staff response: The assemblage of land will help provide a more cohesive development and bring more streetscape improvements to the area which will benefit the community.

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

Staff response: The General Plan calls for Transit Oriented Development at this location. The proposed development will be a high-density housing development located near the intermodal transit hub. This is a great location for this type of development, and it is consistent with the General Plan.

> (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: There are no timing and sequencing that would be affected with this rezone request.

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

Staff response: Staff does not believe that this rezone would hinder the General Plan as it is in alignment with the desired land use for the area.

(f) Adverse impacts on adjacent landowners.

Staff response: The proposed use could be done in the existing zone technically. So, the impacts to adjacent landowners are not any greater than they would be if the property was not rezoned.

(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

Staff has reviewed the proposed rezone request and is in support of the rezone because it will provide one set of zoning regulations for the proposed development to follow. The proposed zone either matches or is compatible with the adjacent properties (Attachment 2) and is aligned with the General Plan Map designation (Attachment 3). The proposed zone change will not increase the development potential of the site beyond what it could be in the existing zone, it will just provide consistency. No conflicts with adjacent property are anticipated with the proposed rezone.

The applicant understands the need for pet amenities and offered to use landscaped areas to that end. This should be memorialized in a Development Agreement, along with building elevations, materials and concept plan.

CONCLUSION

The proposed rezone aligns with the General Plan Map designation and would be an appropriate land use change. Combining parcels into one and making the zoning all the same will help provide a better development than if the properties were all developed individually. This will serve the public interest better and allow for the area to benefit by bringing people housing opportunities with a short walk to the Intermodal Hub.

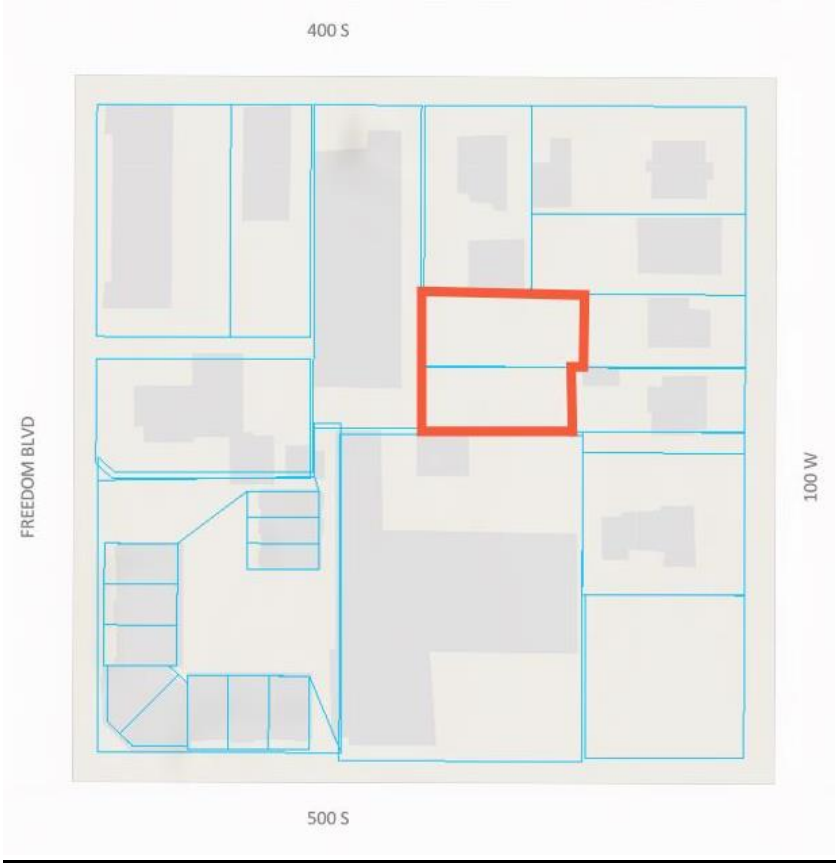
ATTACHMENTS

1. Area to be Rezoned
2. Current Zone Map
3. General Plan Map

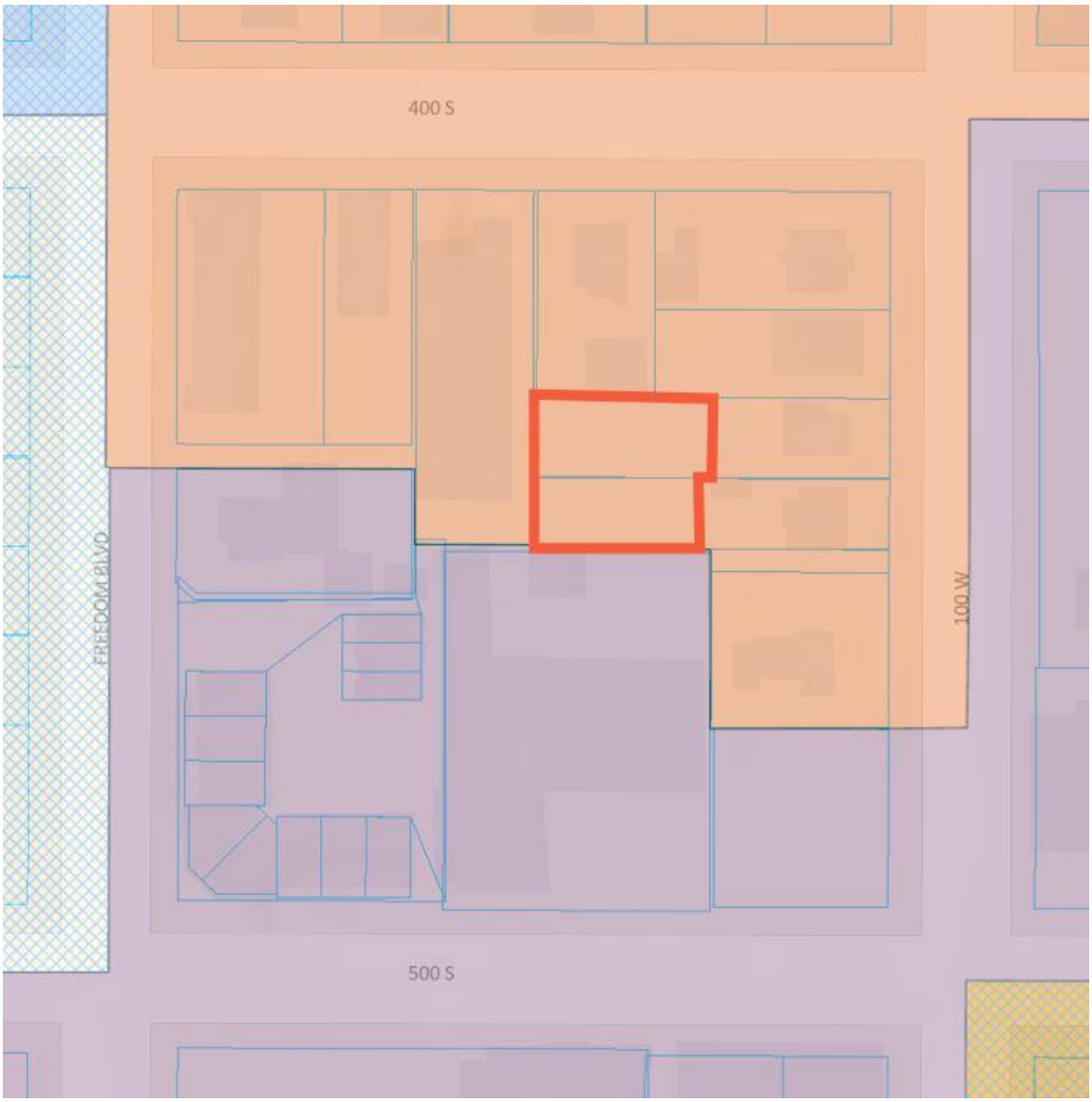
ATTACHMENT 1 – AREA TO BE REZONED

Legal Description:
Serial Number: 04:020:0017
COM S 7 RDS & W 100 FT FR NE COR BLK 21, PLAT A, PROVO; S 45 FT; W 99.9 FT; N 45 FT; E 99.9 FT TO BEG. AREA .10 ACRE. SUBJ TO R/W.

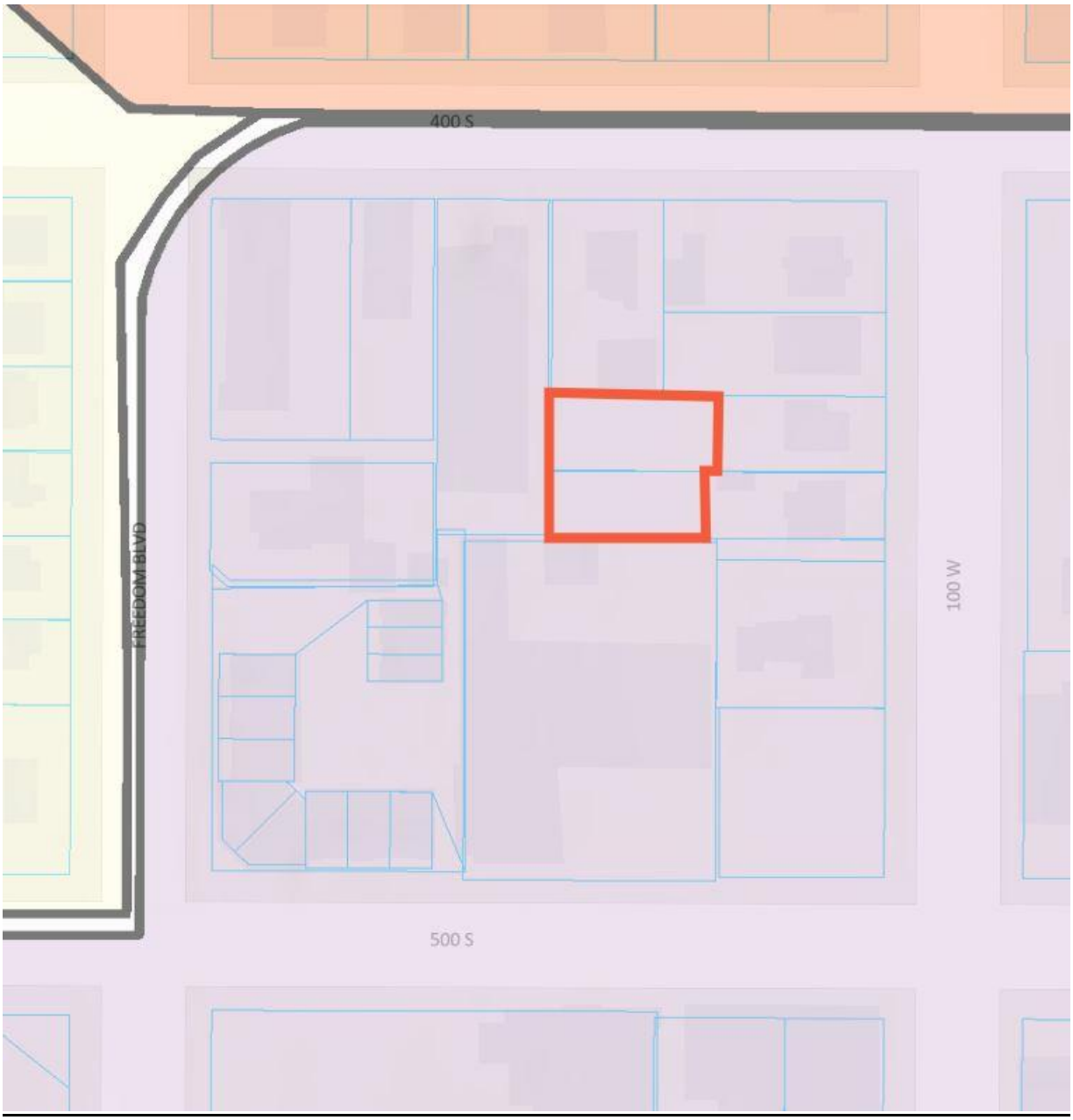
Serial Number: 04:020:0019
COM W 107.9 FT FR SE COR LOT 7, BLK 21, PLAT A, PROVO; N 39.78 FT; W 92 FT; S 39.78 FT; E 92 FT TO BEG. AREA .08 AC.



ATTACHMENT 2 – CURRENT ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP



provo

WELCOME HOME

CITY COUNCIL

October 17, 2023

David Peterson requests a Zone Map Amendment for two parcels from DT1 (General Downtown) to the ITOD (Interim Transit Oriented Development Zone) zone in order have all parcels in the same zone to construct a new apartment building, located at 156 W. 500 S.

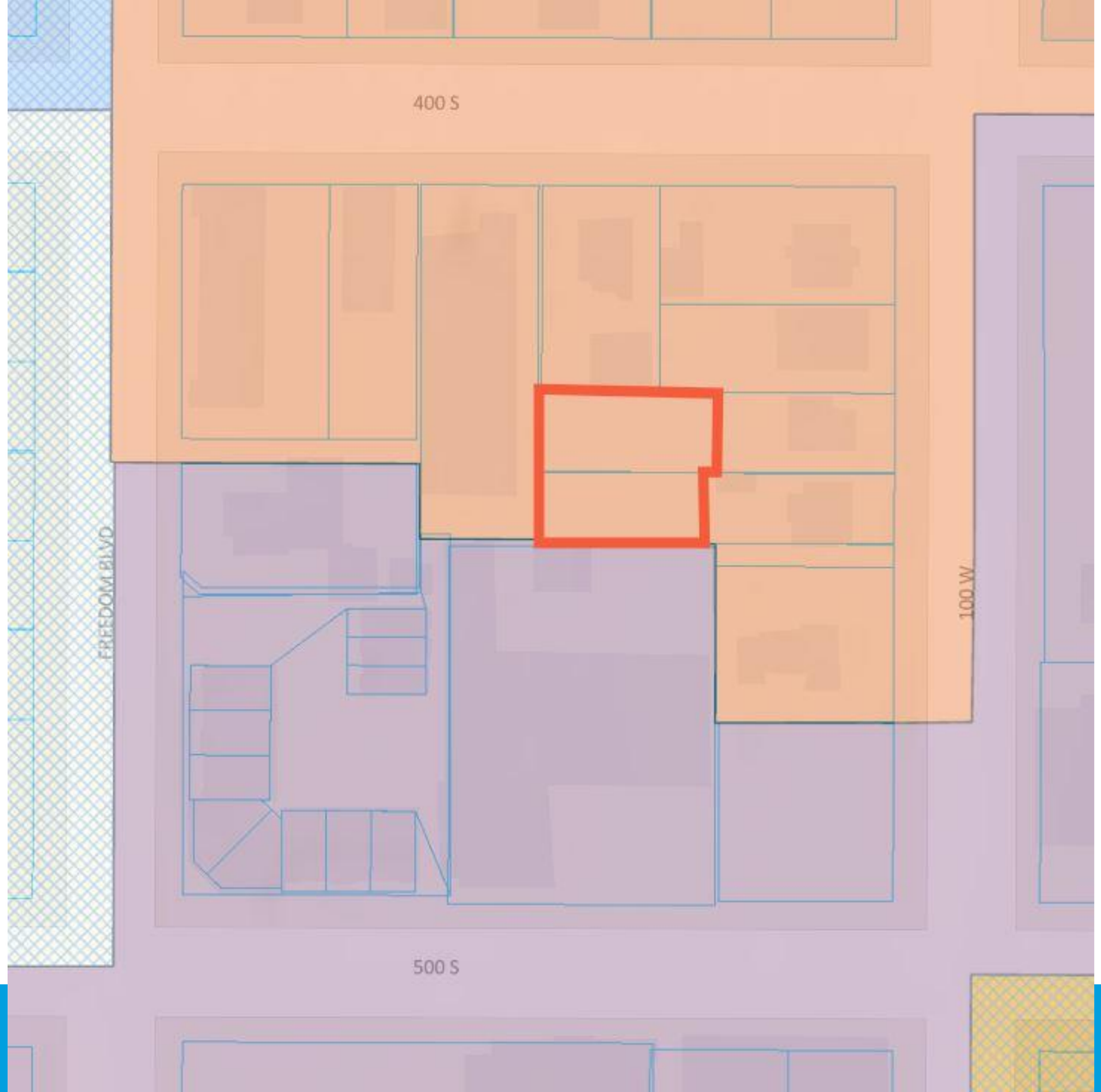
Downtown Neighborhood

PLRZ20230158

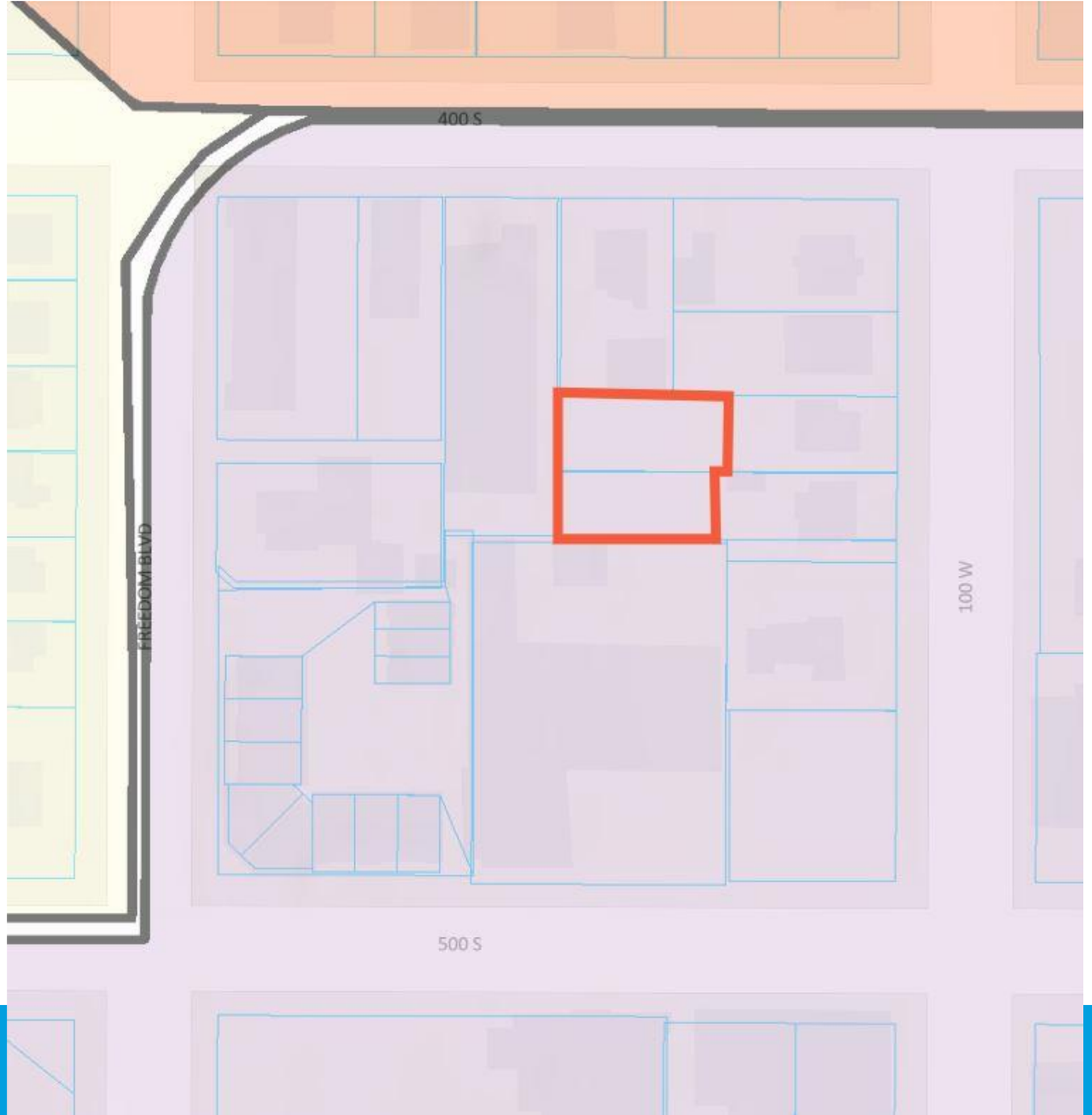
Rezone



Zone Map



General Plan Map




PHANTOM




PHANTOM


COFFEE SHOP

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 10-17-2023

SUBJECT: An ordinance amending Provo City Code to remove the step-back requirement in the ITOD zone. Citywide application. (PLOTA20230160)

RECOMMENDATION: To be heard at the October 17, 2023 Work and Council Meeting. Please see supporting documents.

BACKGROUND: The applicant is requesting an ordinance text amendment to remove the façade step-back requirement in the ITOD zone to be able to efficiently develop their property.
About ten years ago the façade step-back requirement was removed from the downtown zone except for portions of Center Street. We have not had issues with that change and have seen desired growth in that area, especially residential development. The façade step-back ordinance currently requires building stories at the fifth story and above to be setback an additional fifteen feet from the first story. These step-back ordinances help ensure adequate daylight reaches the streets in cities with very narrow streets or to help maintain historic building height compatibility.
Our downtown and ITOD area have very wide streets and so we don't have an issue with daylight. Step-back requirements have been beneficial along Center Street in the Downtown Historic District to ensure compatibility with the historic structures.

FISCAL IMPACT:

PRESENTER'S NAME: Dustin Wright (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: PLOTA20230160

ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE TO REMOVE THE STEP-BACK REQUIREMENT IN THE ITOD ZONE. CITYWIDE APPLICATION. (PLOTA20230160)

WHEREAS, it is proposed that Provo City Code Section 14.23.090 be amended to remove the step-back requirement in the Interim Transit Oriented Development (ITOD) Zone; and

WHEREAS, on September 27, 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 9:0; and

WHEREAS, on October 17, 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) 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 14.23.090 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.

END OF ORDINANCE.

Exhibit A

14.23.090 – Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

(1) Building height shall be measured in number of stories, excluding basement areas;

(2) Each building shall not have less than two (2) stories~~. The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street~~;

(3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20);

(4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code;

(5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation;

(6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation; and

(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: September 27, 2023

***ITEM 4** David Peterson requests an Ordinance Text Amendment to the Interim Transit Oriented Development Zone building height Section 14.23.090 of the Provo City Code, to remove the building step-back requirement at the fifth floor. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20230160

Applicant: David Peterson

Staff Coordinator: Dustin Wright

Zone: Interim Transit Oriented Development (ITOD)

Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 25, 2023, at 6:00 p.m.*
2. **Recommend denial** of the requested text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The applicant has submitted concept plans and a rezone application for a new residential development in the ITOD zone. This text amendment is needed for that project.

The step-back requirements in the Downtown zone were modified to only apply to specific areas on Center Street and not the rest of the zone.

Neighborhood Issues: Citywide Application. No issues have been presented to staff.

Summary of Key Issues:

- The proposed text amendment for the ITOD zone would remove the step-back requirement at the fifth story.
- Removing the step-back requirement will improve development potential in the ITOD by reducing the complexity of designing efficient buildings.

Staff Recommendation: **Recommend approval** to the Municipal Council for the proposed ordinance text amendment to section 14.23.090 to remove the building step-back requirement at the fifth story in the ITOD zone.

BACKGROUND

The applicant is requesting an ordinance text amendment to remove the façade step-back requirement in the ITOD zone to be able to efficiently develop their property.

About ten years ago the façade step-back requirement was removed from the downtown zone except for portions of Center Street. We have not had issues with that change and have seen desired growth in that area, especially residential development.

The façade step-back ordinance currently requires building stories at the fifth story and above to be setback an additional fifteen feet from the first story. These step-back ordinances help ensure adequate daylight reaches the streets in cities with very narrow streets or to help maintain historic building height compatibility.

Our downtown and ITOD area have very wide streets and so we don't have an issue with daylight. Step-back requirements have been beneficial along Center Street in the Downtown Historic District to ensure compatibility with the historic structures.

ANALYSIS

Staff has reviewed the proposed text amendment and is in favor of removing the step-back requirement as requested by the applicant. The ITOD zone is similar to the Downtown DT1 zone in many ways of how they shape the built environment. Since removing the step-back requirement from the DT1 zone, we have positive growth occur, including needed residential housing. The ITOD zone would be able to benefit from the proposed change.

The proposed amendment will be compatible with the General Plan and help to remove development hurdles. This will help encourage redevelopment in an area of the City that has been identified for transit oriented development.

The Design standards in Section 14.23.155 will provide adequate regulations for the design of new structures to ensure a high quality of development within the zone.

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: To encourage new development in the ITOD that can be more affordable by more efficient use on limited land areas in the zone.

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

Staff response: The proposed amendment removes an impediment that limits development potential in the ITOD area and will encourage new development. The applicant's justification statement (attachment 3) identifies this ordinance as a major hinderance to development potential.

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

Staff response: Housing goal 2c. "Encourage "affordability through design" by utilizing best practices to optimize efficiency in building and land use." This amendment will help to lower development costs by reducing the complexity of development and maximizing the building 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 amendment will 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 potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies is limited as it removes barriers to development and enhances the unique varied character of downtown Provo.

(f) Adverse impacts on adjacent landowners.

Staff response: No adverse impacts should be created for adjacent landowners in the zone. There are transitional development standards that protect adjacent landowners outside the ITOD zone.

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

Staff response: The original zoning and General Plan are correct.

(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: No conflicts exist between the map and plan in relation to the proposed amendment.

CONCLUSION

Staff finds that the proposed text amendment to remove the step-back requirement as requested by the applicant, is the correct action to take to improve the ITOD zone to be more development friendly while ensuring quality projects through the existing design standards. This has been done successfully in the Downtown DT1 zone and we would like to continue that success in the ITOD zone.

ATTACHMENTS

1. Existing Text
2. Proposed Text
3. Applicant's Justification Statement

ATTACHMENT 1 – EXISTING TEXT

14.23.090 – Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

(1) Building height shall be measured in number of stories, excluding basement areas;

(2) Each building shall not have less than two (2) stories. The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street;

(3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20);

(4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code;

(5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation;

(6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation; and

(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.

ATTACHMENT 2 – PROPOSED TEXT

14.23.090 – Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

(1) Building height shall be measured in number of stories, excluding basement areas;

(2) Each building shall not have less than two (2) stories. ~~The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street;~~

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(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.

ATTACHMENT 3 – APPLICANT'S JUSTIFICATION STATEMENT

To Whom It May Concern:

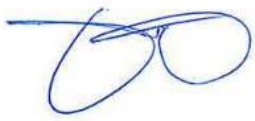
I represent the development firm developing the site located at 156 West 500 South in Provo. We have a very aesthetically pleasing multifamily project planned that will add a great deal to the regentrifying taking place in the area. Our site currently consists of 3 parcels, 040200004, 040200019, and 040200017 respectively. When combined these 3 parcels total 0.863 acres.

Currently, parcel 040200004 is zoned ITOD and parcels 040200019 and 040200017 are zoned DT1. In our preliminary conversations with the city their desire was to have a congruency of zoning throughout the project and desired that we rezoned parcels 040200019 and 040200017 to the ITOD zone. We are happy to comply with this request. As our architects and engineers have begun preparing for the rezoning submission, we noticed that there is one large constraint with the ITOD zoning that affects our project and its financial viability more so than any other. The requirement is found in Section 14.23.090 (2) of the code which states, "Each building shall not have less than two (2) stories. The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street." This has a significant detrimental impact on our project as we are very constrained given the land size as mentioned previously. To achieve the number of parking stalls required and units necessary for the financial viability of the project our only option is to build vertically. Currently, we have planned to have 1 level of subterranean parking in addition to 2 additional levels of podium parking with 5 stories on top of the podium parking. Therefore, we will breach the 5-story limit and be required to step back the two top levels 15 feet which will greatly reduce the number of units we can offer.

In analyzing our site in conjunction with adjacent sites, it is apparent that the only ITOD zoning existing on the East side of 500 S is the block immediately to the East of our site and the parcels on our block fronting 500 S while the remaining zoning in the block North of this site is DT1 which is void of the building setback requirement. Further, our site orientation consists of one 2-1/2 story building to the West and a vacant lot to the East so eliminating the 15 foot step back requirement would not affect the surrounding owners.

We respectfully request that you find sufficient evidence to approve the text amendment wherein we remove the 15 foot step back above the fifth level.

Respectfully,



Provo City Planning Commission

Report of Action

September 27, 2023

*ITEM 4 David Peterson requests an Ordinance Text Amendment to the Interim Transit Oriented Development Zone building height Section 14.23.090 of the Provo City Code, to remove the building step-back requirement at the fifth floor. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20230160

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 27, 2023:

RECOMMENDED APPROVAL

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen
Second By: Jeff Whitlock
Votes in Favor of Motion: Robert Knudsen, Jeff Whitlock, Daniel Gonzales, Andrew South, Barbara DeSoto, Raleen Wahlin, Lisa Jensen, Jonathan Hill, Melissa Kendall
Daniel 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.

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

NEIGHBORHOOD MEETING DATE
- Citywide application; all Neighborhood Chairs received notification.
- This item was placed on Open City Hall.

NEIGHBORHOOD AND PUBLIC COMMENT
- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- This item was City-wide or affected multiple neighborhoods.

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:
- The public did not address the Planning Commission during the public hearing.

APPLICANT RESPONSE

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

- This will be a good change to the code.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- There was a discussion about daylight reaching the streets. Provo has very wide street widths which allow for daylight to reach the streets. Removing the step-back requirement would have minimal impact. In the warmer months the shade is desired.
- The step-back is beneficial in the Historic District to help ensure that new developments fit the scale of the historic buildings. In the ITOD zone we do not have that same situation and so the step-back is impeding development and not providing a needed benefit.
- This is not required in the downtown zone and there have not been issues. We decided as a city that this is the area where we want to have this kind of development and so this amendment will help make best use of the limited land area.



Planning Commission Chair



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.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

14.23.090 – Building Height.

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(1) Building height shall be measured in number of stories, excluding basement areas;

(2) Each building shall not have less than two (2) stories. ~~The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street;~~

(3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20);

(4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code;

(5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation;

(6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation; and

(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.

provo

WELCOME HOME

CITY COUNCIL

October 17, 2023

David Peterson requests an Ordinance Text Amendment to the Interim Transit Oriented Development Zone building height Section 14.23.090 of the Provo City Code, to remove the building step-back requirement at the fifth floor.

Citywide Application

PLOTA20230160

Proposed text amendment

14.23.090 Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

(1) Building height shall be measured in number of stories, excluding basement areas;

(2) Each building shall not have less than two (2) stories. ~~The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street;~~

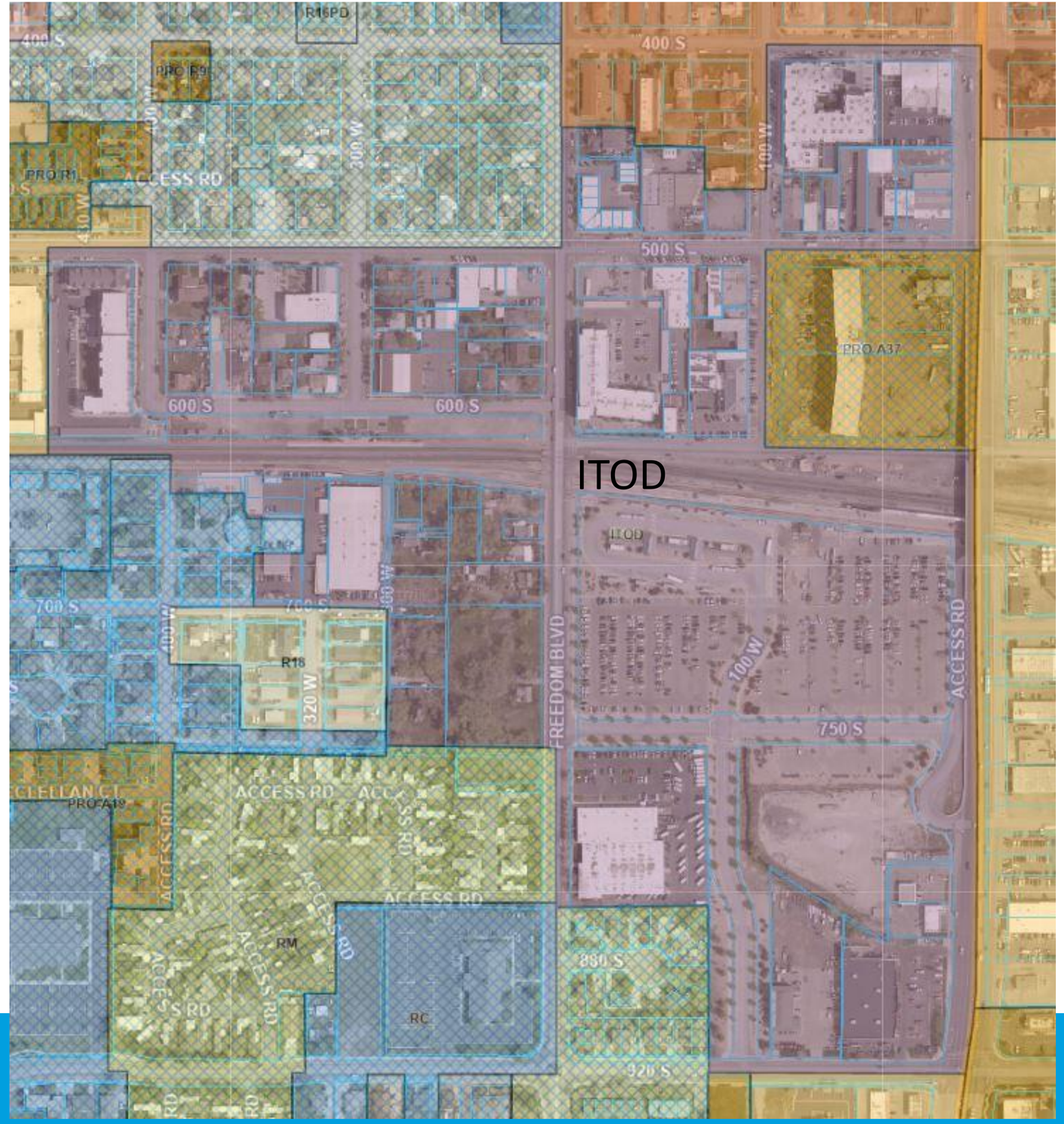
(3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20);

(4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code;

(5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation;

(6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation; and

(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.


ITOD
400 S
500 S
600 S
700 S
750 S
880 S
920 S
100 W
300 W
320 W
400 W
FREEDOM BLVD
ACCESS RD
PRO A37
PRO A19
PRO R1
PRO E9
R16PD
R18
RM
RC

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date:

SUBJECT: A discussion regarding Accessory Dwelling Units (ADUs) and a 12 month follow up report. (23-034)

RECOMMENDATION: Discussion- seeking Council motion for further action.

BACKGROUND: When the Council passed amendments related to the City ADU ordinance in October 2022, a request was made that a report be given by Council Staff and Development Services regarding permit status, complaints, overall monitoriting, and reccommended amendments in 12 months time.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Melia Dayley, Policy Analyst and Development Services Staff

REQUESTED DURATION OF PRESENTATION: 50 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-034

M E M O R A N D U M
September 2023

TO: Provo City Council

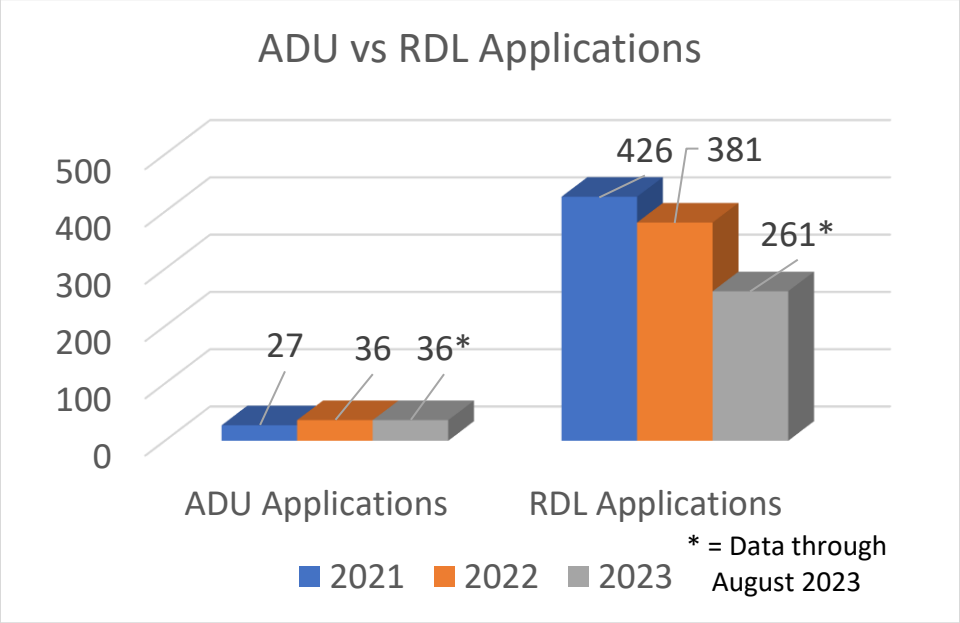
FROM: Scott Johnson
Zoning Administrator
Development Services

SUBJECT: ADU Enforcement

Dear City Council Members,

I have been asked to provide some information and data regarding Accessory Dwelling Units (ADUs) in Provo, including the number of applications and the process thus far.

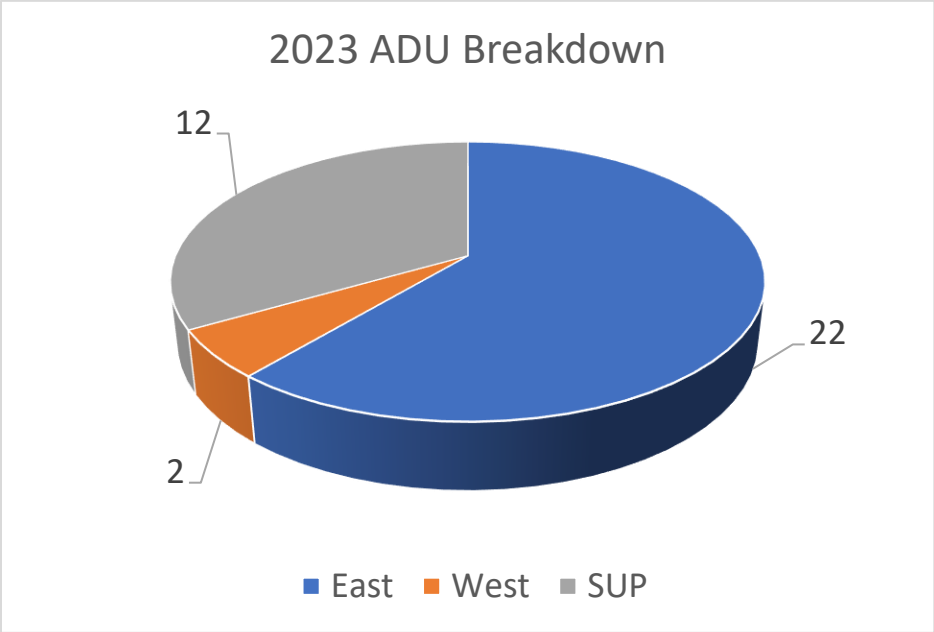
ADU Application Numbers
Looking back over the past three years, there has been a slight increase in the number of ADU applications. This number, however, remains to be a very small percentage of the total of Rental Licenses received each year. As you can see in the chart below, 27 ADU applications were received in 2021, 36 applications in 2022, and 36 applications as of the end of August 2023. Comparing this to the total of Rental Applications, we received 426 RDL applications in 2021, 381 applications in 2022, and 261 applications as of the end of August 2023.



ADU Application Status
For the current year, most applications are in the process of being reviewed and approved. Of the 36 applications received thus far in 2023, nine have been approved, one was denied (due to failure to provide necessary paperwork for review/approval), two applications were closed/canceled due to the applicant withdrawing, and 24 are at various stages of review. Most of the applications under review are waiting on the applicant to complete the construction needed to create the ADU, or waiting for Health and Safety corrections to be completed after Code Compliance completed the initial inspection of the property.

ADU Locations
Looking at the ADU applications that have been received thus far in 2023, I have broken down the data into three general areas. First, areas where ADU's have historically been permitted as per the old A and S Overlay zones. Second,

properties east of I-15 which require applicants to obtain a Special Use Permit (SUP) or the Pathways Program. Finally, the area West of I-15 where ADUs are not permitted by right. The chart below shows the breakdown of ADU applications from each of these three areas. From the data, we see that 22 applications came from areas which historically have allowed ADU's, 12 applications have come from properties which are going through the SUP/Pathways Program, and 2 applications have been received from the West side of I-15.



Enforcement
Over the years, most applicants have had little to no problem with obtaining approval for their ADU. Most of the issues that we must address with applicants include meeting parking and/or owner occupancy requirements. If these requirements are not met, we do not approve the ADU. This year, some potential applicants for ADU's have found it difficult to obtain the necessary signatures to meet the threshold of 66% neighbor approval. These owners chose not to even apply for their ADU due to the understanding that their application would not be approved. We have advised such owners that they are welcome to continue attempting to obtain the necessary signatures, and that we will review their application once they are ready to apply. The small number of citizens with this issue have found it very frustrating.

Conclusion
While we have seen a small increase in ADU applications over the past couple of years, our staff remains confident that this increase has not, and will not be an overburden on their time and ability to enforce.
I hope this report is helpful in your decision-making process.

Thank you,

SCOTT JOHNSON
DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
TEL (801) 852-6433

14.30 Amendment Options

1. Citywide + Pathways **OR** Amended Pathways
2. Citywide + No Pathways
3. Amended Pathways
4. No Pathways

- *(Edited Zones) – can be added to any of the options*
  - Pathways- *leaving 14.30.040 as is aka status quo*

Citywide

14.30.020

Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section 10-9a-530, as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase "areas zoned primarily for residential use" means areas in the following zones: RA, R1, R2, ~~LDR, MDR, HDR, CMU, VLDR, RM~~, RC, any ~~Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.~~

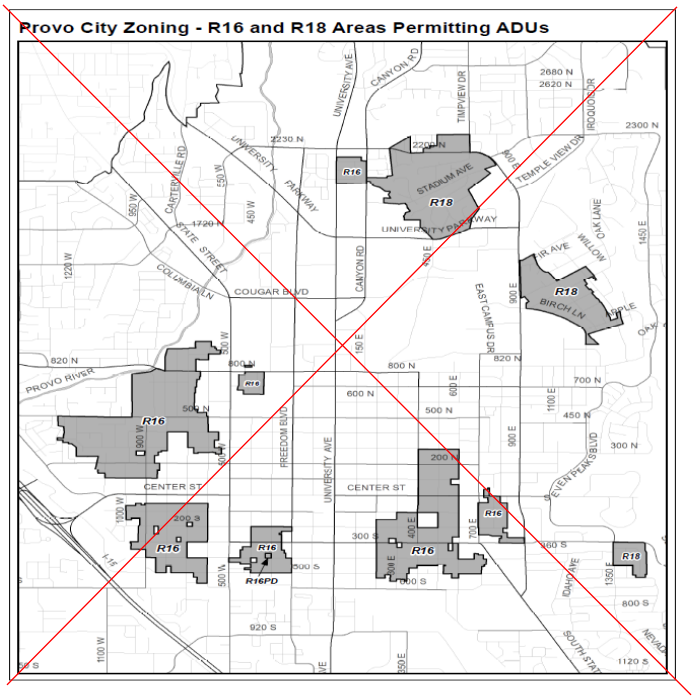
(3) Notwithstanding Subsection (2) of this Section, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a~~) All Project Redevelopment Option (PRO) zones, except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;~~

~~(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;~~

~~(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and~~

~~(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:~~



(4) Detached accessory dwelling units and detached accessory structures containing an ADU are a permitted use in those areas where internal ADUs are permitted under this Section.

~~(5) Notwithstanding Subsection (3) of this Section, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15.~~

(Amended Pathways)

14.30.040

Special Use Permit for Internal Accessory Dwelling Unit.

...

(2) *Application.* Application for an internal accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:

(a) The fee established for the application by the Consolidated Fee Schedule;

(b) A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.

(i) "Immediately adjacent residential property" means each and every property:

(A) For which residential use is a permitted use; and

(B) That shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;

(c) The name, address, and signature of the owners of at least ~~sixty-six percent (66%)~~ fifty percent (50%) of the properties described in Subsection (2)(b) of this Section indicating that they are in support of the special use permit; and

(d) An application for a rental dwelling license meeting the requirements of Chapter 6.26, Provo City Code.

.....

No Pathways

14.30.040

Special Use Permit for Internal Accessory Dwelling Unit.

(1) A property owner seeking to allow an internal accessory dwelling unit on a parcel in an area where such units are otherwise prohibited by Chapter 14.30, Provo City Code, may submit a special use permit application to the Development Services Department seeking conditional approval of such use.

(2) *Application.* Application for an internal accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:

(a) The fee established for the application by the Consolidated Fee Schedule;

(b) A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.

(i) "Immediately adjacent residential property" means each and every property:

(A) For which residential use is a permitted use; and

(B) That shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;

(c) The name, address, and signature of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(b) of this Section indicating that they are in support of the special use permit; and

(d) An application for a rental dwelling license meeting the requirements of Chapter 6.26, Provo City Code.

(3) *Review and Approval.* An application shall be reviewed by Development Services Department staff. The application shall be approved, and an internal accessory dwelling unit special use permit shall be issued if, but only if:

(a) The application meets all the requirements of Subsection (2) of this Section;

(b) The property for which the permit is sought meets all the standards for internal accessory dwelling units in Section 14.30.030, Provo City Code;

(c) The applicant qualifies for and receives a rental dwelling license; and

(d) The applicant signs, on a form authorized by the Development Services Department, an acknowledgement of, and promise to abide by, all Provo City ordinances and regulations related to the use of an internal accessory dwelling unit, including, but not limited to:

(i) Either the main dwelling unit or the ADU must be occupied by an owner occupant;

(ii) Off-street parking must comply with parking standards as outlined in Section 14.30.030, Provo City Code; and

(iii) The property owner must have a valid rental dwelling license at any time the internal accessory dwelling unit is in use.

(*4*) *Application for a Permitted Use for Multiple Homes.* Instead of submitting the special use permit application described in this Section, owners of multiple contiguous properties may submit a text amendment application to the Development Services Department seeking to amend this Chapter 14.30, Provo City Code, in order to designate internal accessory dwelling units as a permitted use for all the subject properties. Such an application shall follow the procedures in Provo City Code Section 14.02.020, Provo City Code, except that:

(a) The filing fee specific to such an application shown on the Consolidated Fee Schedule shall be required rather than the standard amendment fee; and

(b) The application need not comply with Section 14.02.020(1), Provo City Code, but instead must include the information described in Subsections (2)(b) and (c) of this Section.

(Edited Zones)

14.30.020

Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section 10-9a-530, as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase "areas zoned primarily for residential use" means areas in the following zones: RA, R1, R2, ~~LDR, MDR, HDR, CMU, VLDR, RM,~~ RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

(3) Notwithstanding Subsection (2) of this Section, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

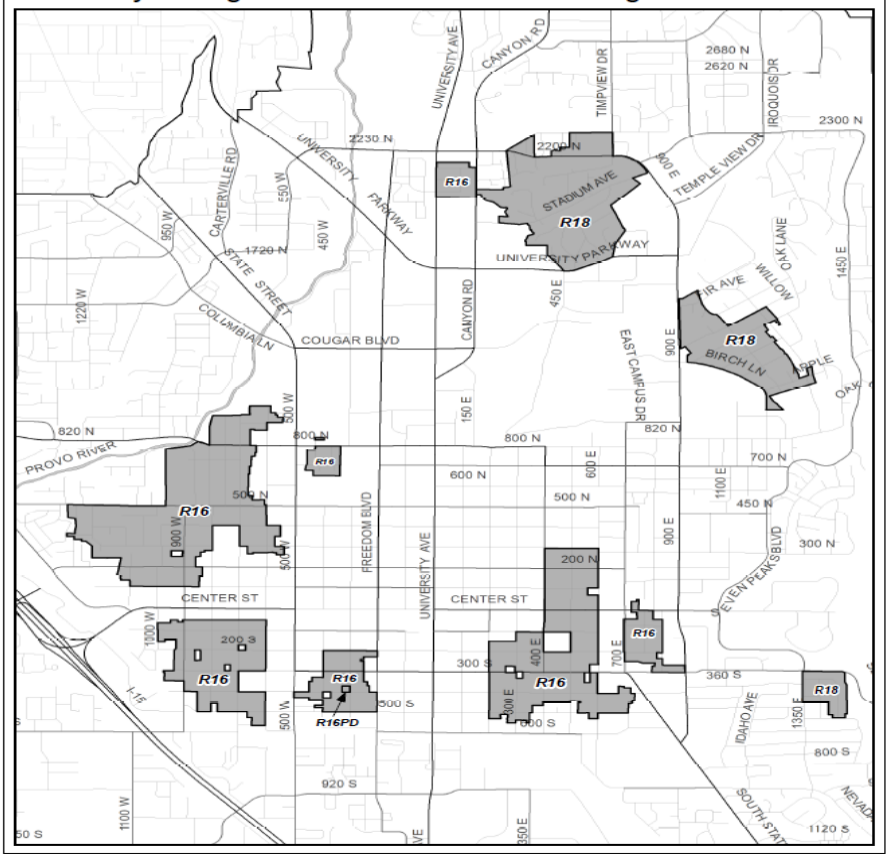
(a) All Project Redevelopment Option (PRO) zones, ~~except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;~~

(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;

(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and

(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:

Provo City Zoning - R16 and R18 Areas Permitting ADUs



ACCESSORY DWELLING UNITS
12 MONTH UPDATE

Provo Municipal Council Work Meeting
3 October 2023

2022 ADU AMENDMENTS

CH 14.30 CHANGES

3 amendments

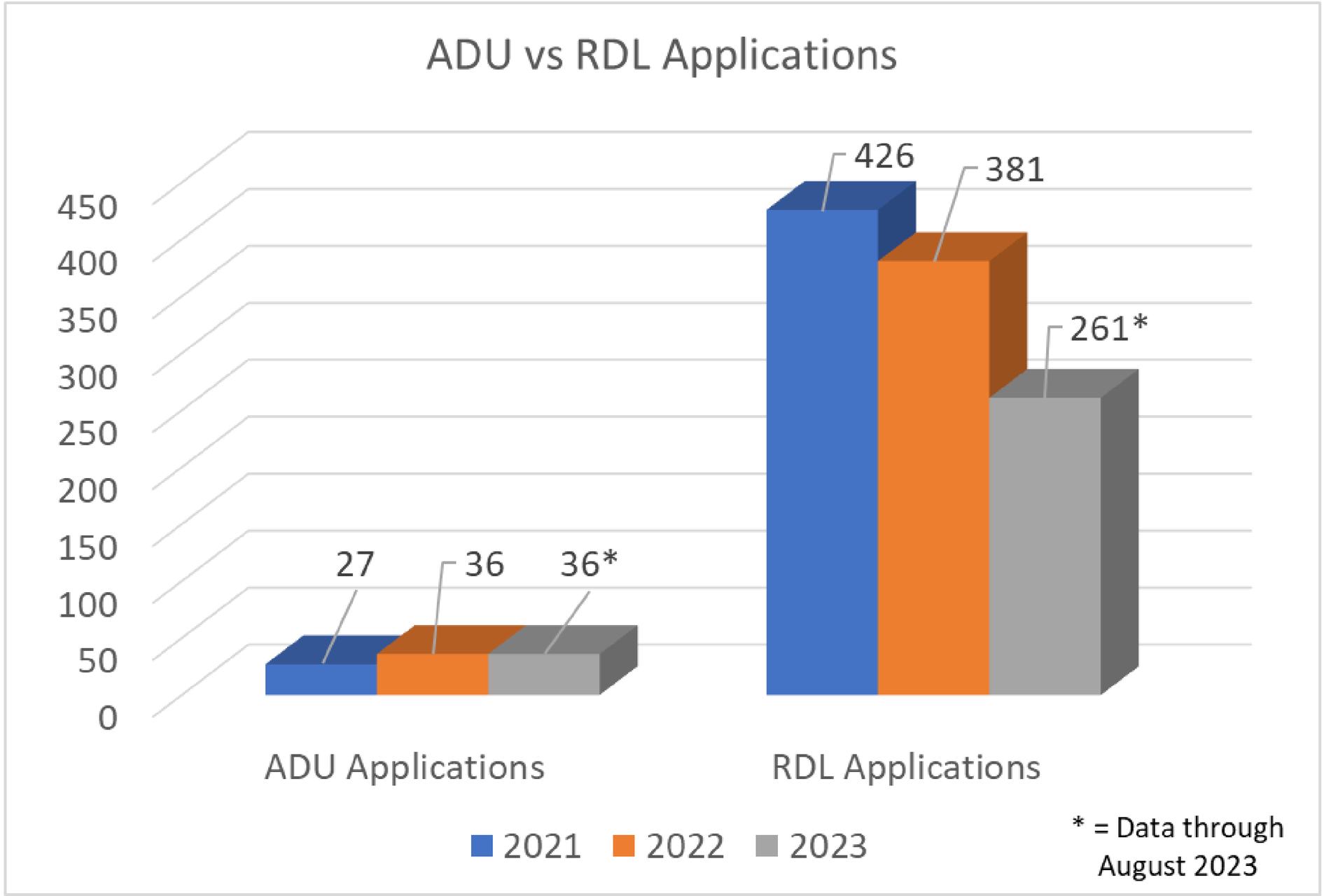
- **Westside residential permitted use**
- **Occupancy limit increase from 2 to 3**
- **Petition pathway to ADU allowance**

6 & 12 MONTH REPORTS

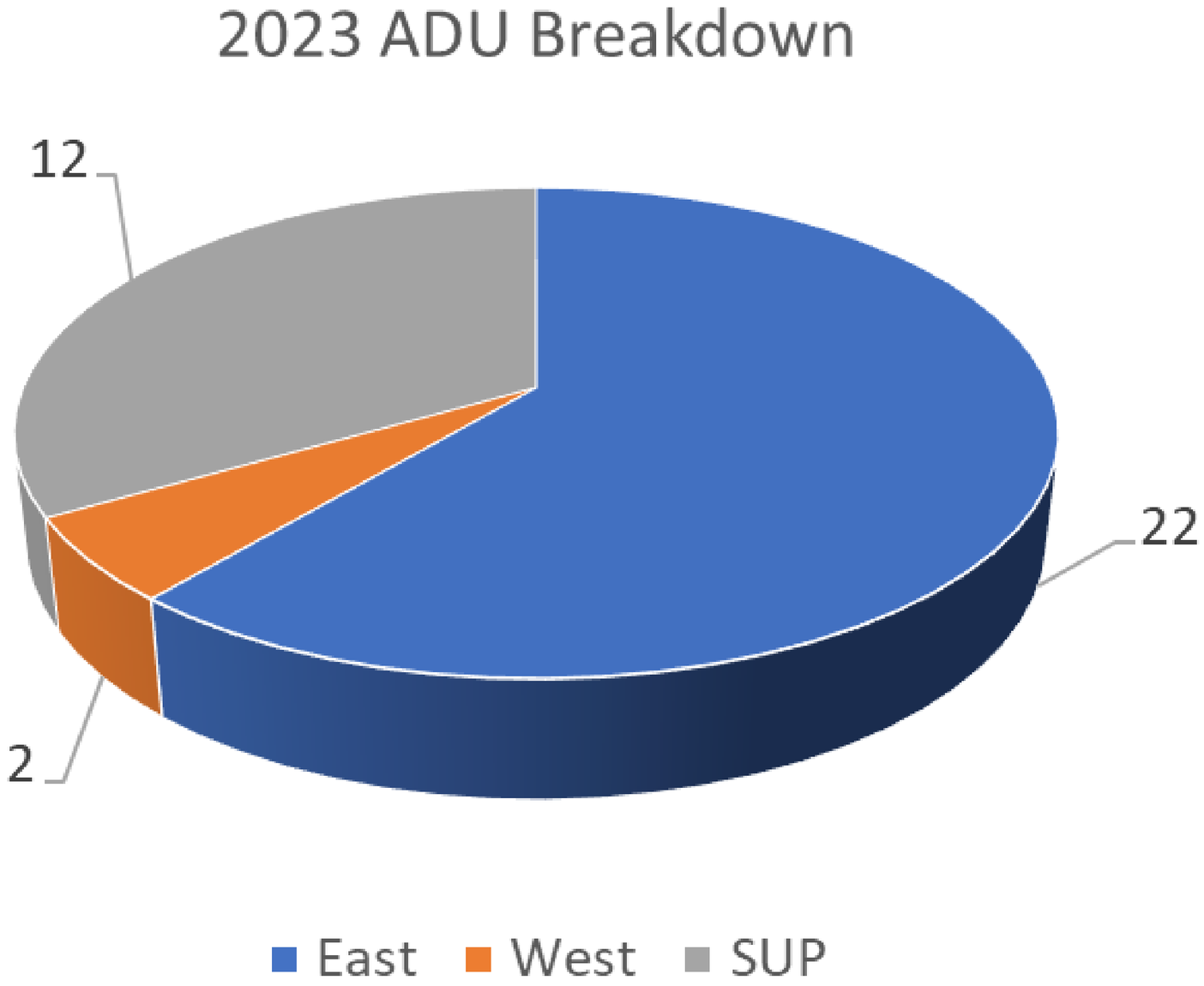
***May 2023*- 6 month report**

***October 2023*- 12 month report & discussion on potential amendments**

STATUS UPDATE



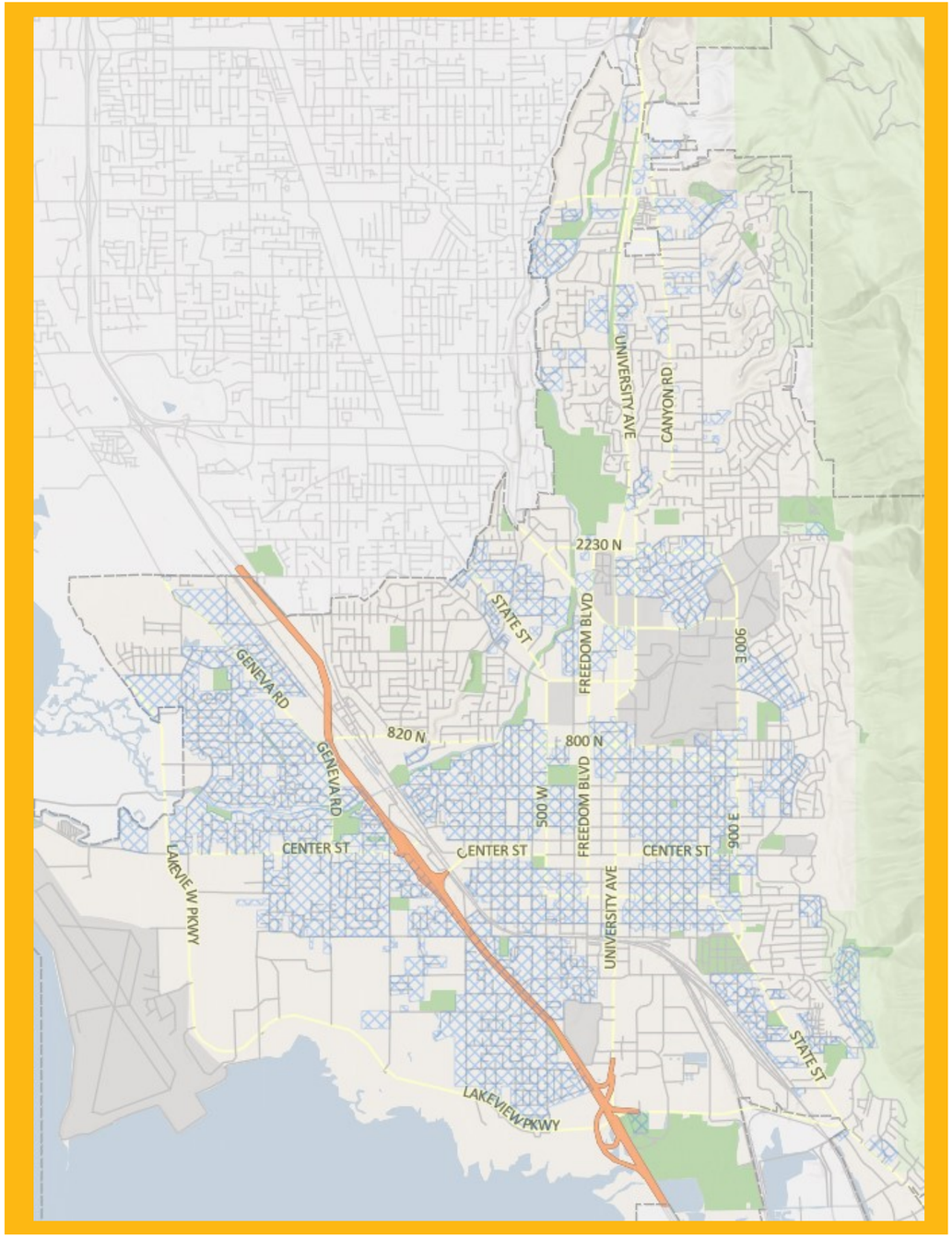
STATUS UPDATE



AMENDMENT OPTIONS

1. Citywide + Pathways OR Amended Pathways
2. Citywide + No Pathways
3. Amended Pathways
4. No Pathways

Edited Zones- *can be added to any options*



POLICY CONSIDERATIONS

1. GOAL TO EXPAND, MAINTAIN, OR REDUCE?

2. IS THE CITY AND/OR CITIZENS BEING HARMED/BENEFITTED?

MOTIONS

Council Staff Motion

I move to direct Council Staff to come back to a Council Work Meeting on or before (date) with (research/report/information/presentation/answers to the following questions) regarding (topic/subject)

Administrative Motion

I move to request the (Administration/ _____ Department) to come back to a Council Work Meeting on or before (date) with (research/report/information/presentation/answers to the following questions) regarding (topic/subject)

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 08-22-2023

SUBJECT: A discussion regarding short-term rental properties in Provo. (23-043)

RECOMMENDATION: Discussion - seeking motion for further action.

BACKGROUND: Councilors requested staff to review short-term rentals' status in the city including regulation, zoning, enforcement, and other policies.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Melia Dayley, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 40 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-043

SHORT-TERM **RENTALS**

Provo Municipal Council Work Meeting
17 October 2023

STR'S IN PROVO

340-370 active listings

- Majority are "entire home" rentals
- No clear data yet on how many are in permitted zones

STRs make-up about 0.01% of city's housing stock

- There are ~30,000 total housing units in the city

Provo fails to place in the top 15 cities in the state for both:

- total number of STRs
- STRs as a share of total housing stock

SEPT 5 WORK MEETING MOTIONS

MOTION 1

Recommendations for a STR license

MOTION 2

Requiring STR companies to verify the existence of an STR license in order to process credit card payments

MOTION 3

Allowing short term rentals of individual rooms (rather than the entire home) for owner occupied properties

MOTION 1: STR LICENSE

RECOMMENDED REQUIREMENTS

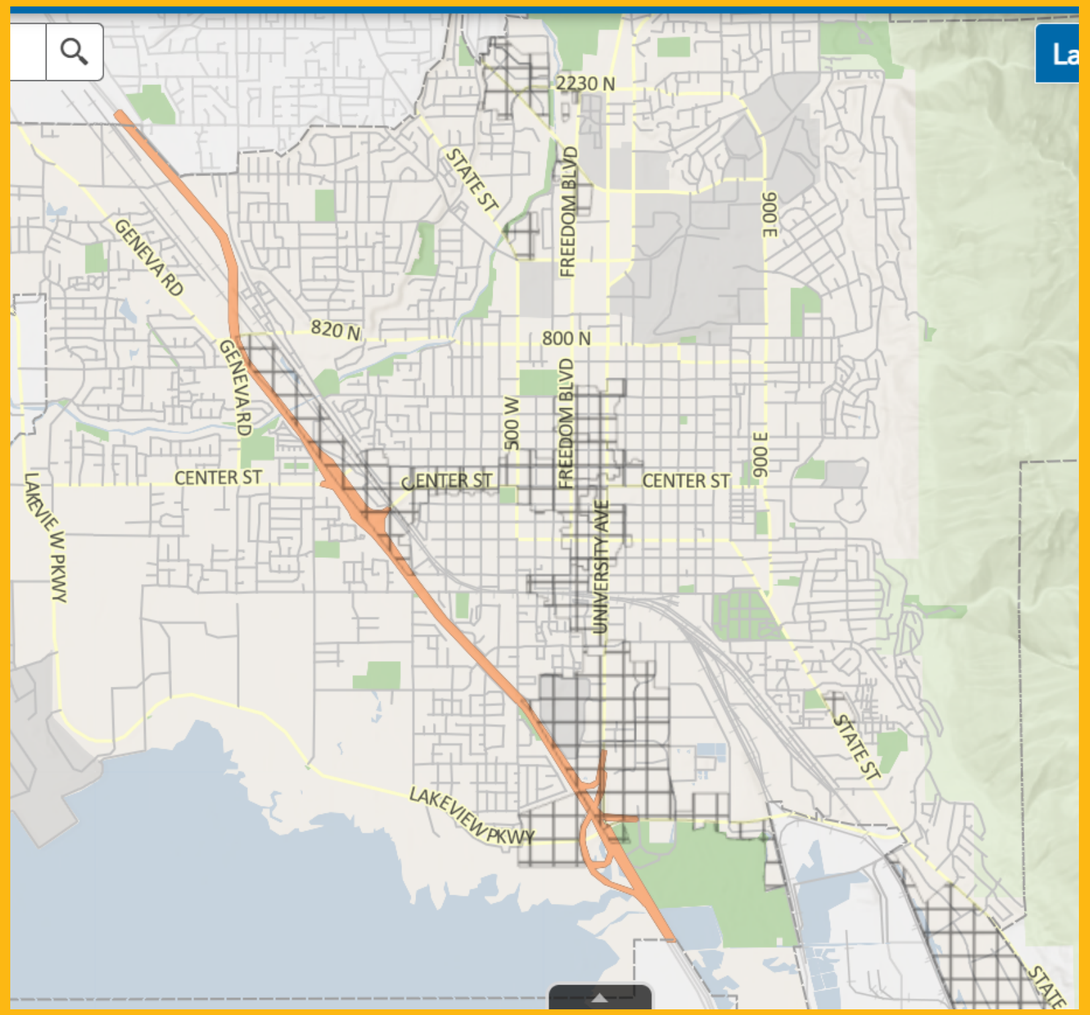
All current RDL requirements

Business License Classification

Proof of Owner Occupancy

Occupancy Limits
- **Dependent on type of STR**

State Sales Tax Registration



POTENTIAL
LICENSE REQUIREMENTS

Total permitted

- Cap on # by...
  - whole city
  - zone
  - other classification
- Proximity rule
  - Only 1 per block/street face/# of ft

Parking

- off-street, on-street
- minimum # of spaces

Tenure

- Renew after 1 year (or more)

Site/building approval

Innkeepers Tax

Proof of Insurance

24/7/365 Contact Information

MOTION 3: SINGLE ROOM

Allowing short term rentals of individual rooms (rather than the entire home) for owner occupied properties

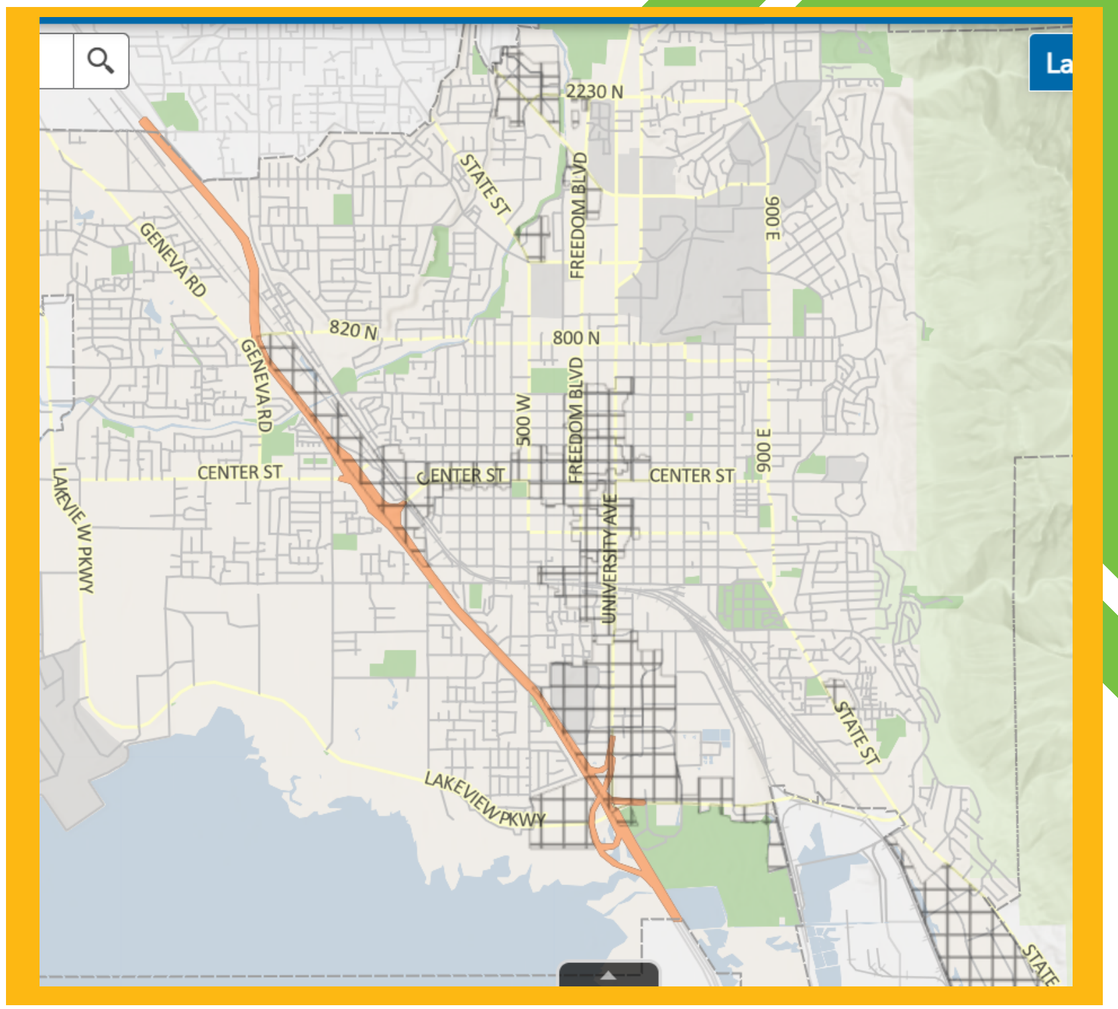
ITOD, DT1, DT2, Commercial Zones

- RECOMMEND STATUS QUO
  - whole house/just room/no limit on days per year/no limit on number of them per area
- NEW
  - Require STR license w/all requirements

ONE-ROOM W/ OWNER OCCUPANCY

Citywide

Permitted by Zone (or other classification)



ZONING CONSIDERATIONS

Currently not permitted in any residential zones

Considerations:

- Overall policy goal for allowing STR
  - Supplementing income for homeowners
  - Providing additional accommodations in the city

Weighing pros & cons

- Do the benefits of allowing homeowners to rent out one room for additional income outweigh the potential and/or expected effects on the city and neighborhoods?

MOTIONS

Council Staff Motion

I move to direct Council Staff to come back to a Council Work Meeting on or before (date) with (research/report/information/presentation/answers to the following questions) regarding (topic/subject)

Administrative Motion

I move to request the (Administration/ _____ Department) to come back to a Council Work Meeting on or before (date) with (research/report/information/presentation/answers to the following questions) regarding (topic/subject)

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Melia Dayley, Policy Analyst

Short-Term Rentals: Overview

31 August 2023

A Council issue request asked Council staff to investigate short-term rentals (STRs) in the city. The purpose of this memo and accompanying Work Meeting discussion is twofold: first, orient the Council on trends, best practices, and policy options regarding short term rentals generally and in Utah and second, seek Council direction on what budgetary and/or legislative actions they would like to pursue, if any.

Short-Term Rentals at a Glance	
Pros	*Cons*
Economic Benefits • Increased tourism accommodations • Increased income for home/property owners	Housing impacts[1] • Long-term rentals becoming STRs • Raised home prices for properties in zones that allow STRs • Raised rent for long-term rentals in the same neighborhood as STRs
Flexible accommodation options for visitors	Neighborhood dynamic concerns • Noise, parking, security
Opportunity for city to capture additional commodity tax revenue	Potential increased City service requests • Code enforcement, emergency services

Short-Term Rentals in Utah

Much like every other state in the country, STRs have grown significantly in Utah over the past decade. According to research from the Kem C. Gardner Policy Institute, there was a 26.8% growth of STR listings between 2019 and 2021 in Utah from 14,782 to 18,743 listings. The majority of these listings (17,236) are for "entire homes" while the listings for "private rooms" saw a net decline in the same time period. With that being said, 5 counties- Summit, Washington, Salt Lake, Rich, and Grand- accounted for 66% of the growth in listings between 2020 and 2021.

Honing in closer to home, Utah County ranks 5th in the state of counties with the most STRs listings with 4.7% of all listings in the state with 879 listings. Of these, 678 are "entire home" and 201 are "private room" listings.

[1] The Sharing Economy and Housing Affordability: Evidence from Airbnb, https://dl.acm.org/doi/10.1145/3219166.3219180;
Short-term rentals and the housing market: Quasi-experimental evidence from Airbnb in Los Angeles, https://doi.org/10.1016/j.jue.2021.103356

It is important to note that STRs only make up 0.4% of all housing units in the county as 2021 reports. In neighboring Summit County, STRs account for 23.3% of all housing units, the highest ratio in the state. All county data across the state can be found in Appendix I and here more in depth.

According to Air DNA, a Denver-based company that tracks short-term rental listings and complimentary data, there are currently approximately 364 active STRs in Provo with the median average monthly revenue for a listing sitting at $2,425. Reflecting statewide data, the super majority of listings are "entire home" rentals. Provo has approximately just over 30,000 housing units so 364 listings equates to around 0.01% of the housing stock.

According to Kem C. Gardner 2021 data, Provo fails to place in the top 15 cities in the state for both total number of STRs and STRs as a share of total housing stock.

Existing State & City Code

From a state perspective, specifications on design, licensing, and taxing regulations specific to the use of housing units for short-term rentals is largely left up to cities. As such, the laws for STRs greatly vary between cities largely reflective of how many STRs are found in that city and/or county. The state does restrict cities in enforcement, however. Cities in trying to enforce against STRs in areas they are not allowed, are not permitted to use an online listing of the rental as a primary piece of evidence in the enforcement process.

In Provo, STRs are defined in Chapter 6.26 Rental Dwellings. Like other rental dwellings in the city, STRs must meet all requirements in code for a license and minimum health, safety, and parking requirements. Enforcement occurs through the normal enforcement channels for rental dwelling units, with the note of where STRs are allowed in the city.

Currently, STRs are prohibited in Provo in all agricultural and residential zones. Zones in which STRs are permitted primarily include DT1, DT2, ITOD, and various commercial zones. See Appendix II for a snapshot of concentrated areas in the city that permit STRs.

Among Airbnb's resources on their site for hosts, is a list of cities and states in the US that have notable and specific regulations for STRs. Staff reviewed a number of these and included further information on several cities in Appendix III as these cities have similar demographics and population size, economies, are college towns, or other factors. Included in this list is the city of Santa Monica, California whose regulation codes for STRs were specifically requested to be researched by Council.

Goals of STR Policy and Regulation

Given the potential pros and cons of STRs and the current status of these rentals in Utah and Provo specifically, there are a number of considerations the city may take into account when determining policy direction. Considerations include, but are not limited to:

- Determining where in Provo to allow/disallow STRs
    - Could some areas benefit? (supplement income for homeowners, provide accommodation in areas that desire/need more, etc)

    - Could some areas be harmed? (disrupt neighborhood though potential noise, parking, traffic, long-term rental market affected)

- Is the city being harmed/benefitted?
    - Is there hospitality tax revenue not being captured that the city would like to?
    - Increase in public services calls/resources (police, fire, parking enforcement, code enforcement, infrastructure)
    - Community/neighborhood complaints about neighborhood disruption

- Does the Council/City see a need/want for…
    - Additional accommodation options
    - Allowing property owners to expand their options for income sources

Appendix IV outlines additional goal considerations with matching policy options outlined by the National League of Cities (NLC) in their guide to STR legislation.

Policy Options

There are several policy options the Council may choose to explore for STRs. Policies of course can be combined and/or modified. The following list is in no way exhaustive and more policy options can be found in Appendix IV in the NLC guide and in Appendix III which outlines example STR zoning, licensing, and other regulations for other cities.

Zoning

- Review permitted zone list to expand or shrink permitted areas
- Consider allowing different types of STRs in designated zones; i.e. list of zones that allow STRs for "entire homes" and zones that allow just for "private rooms"

Licensing

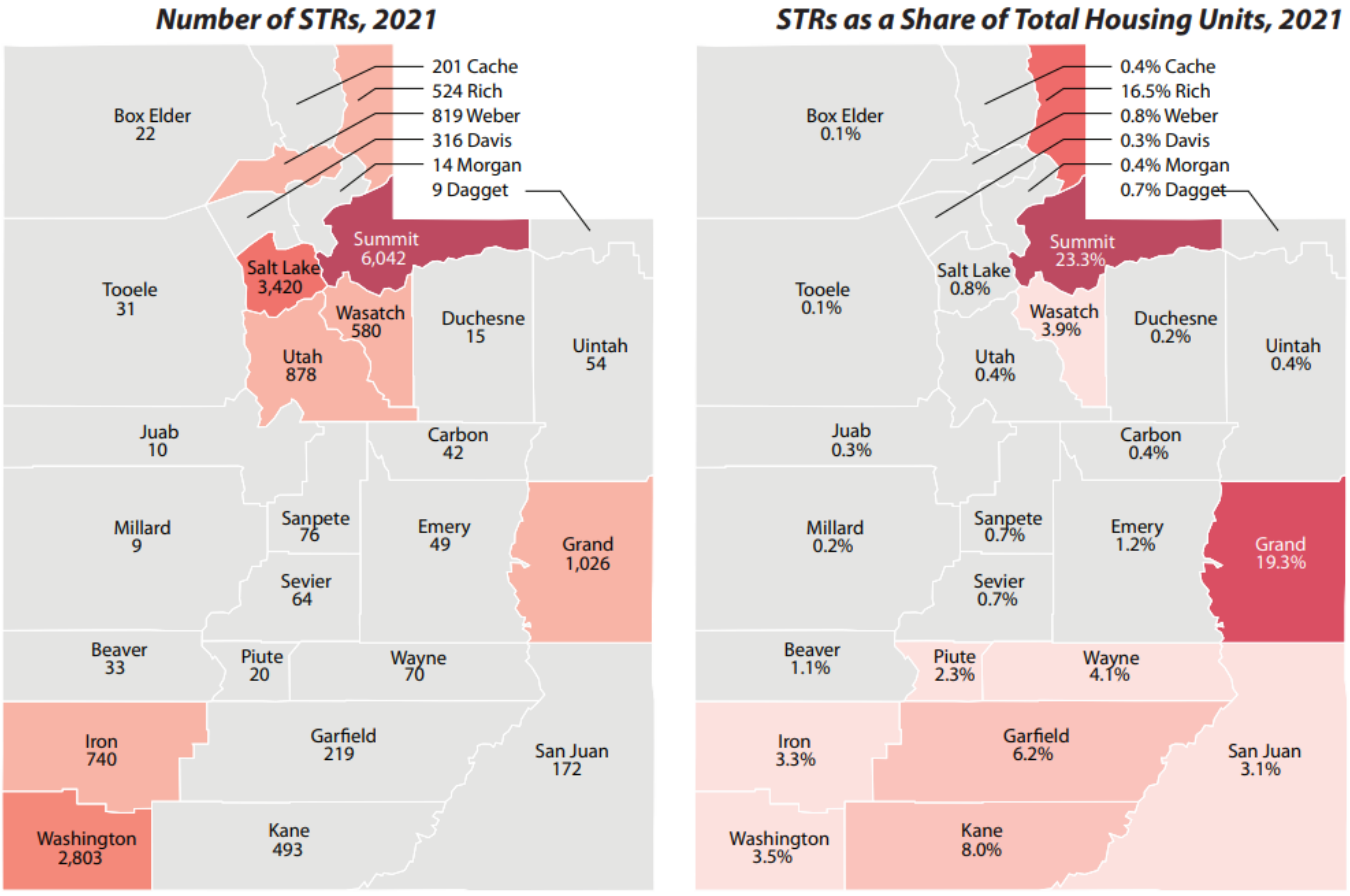
- Create a cap on the number of licenses for STRs across the city (from initial issue tracker request)
- Require STRs listing sites to verify a STR has a proper RDL in Provo before running payment for the rental (see Appendix III- City of Santa Monica STR Code)

Taxation & Revenue Allocation

- Include STRs in the list of businesses that are subject to Provo's Innkeeper tax revenue to capture revenue from listings
    - Explore possibility of earmarking this tax for housing initiatives, community development, and/or infrastructure improvements

Appendix

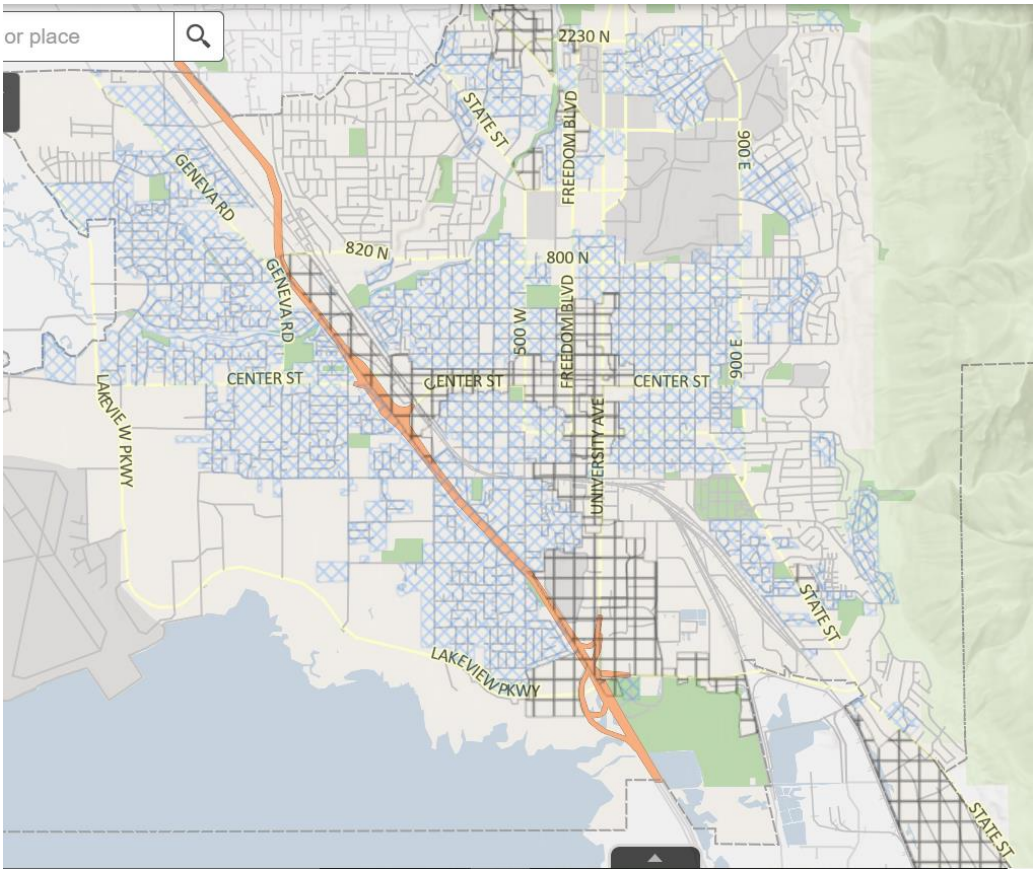
Appendix I



Source: Kem C. Gardner Policy Institute analysis of Transparent, 2020 Decennial Census, and Utah Population Estimates Committee 2021 data

Appendix II

Map of concentrated areas of areas in the city that allow ADUs (blue hashmarks) and STRs (black hashmarks)



Appendix III

Fort Collins, Colorado

- Airbnb Site with Fort Collins information
- Fort Collins STR- Application, General information
- Fort Collins STR Zoning Map

Boise, Idaho

- Airbnb Site with Boise information
- Boise STR Licensing
- Boise STR Code

Bozeman, Montana

- Airbnb Site with Bozeman information
- Bozeman STR Permit Process & FAQs
- Bozeman STR Zoning Map

Santa Monica, California

- Santa Monica STR Code and General Information
- Ninth Circuit Court of Appeal ruling

Appendix IV

Policy Levers to Pull to Achieve Common Policy Goals

POLICY GOAL	POLICY LEVERS
PREVENT THE LOSS OF RENTAL HOUSING Prevent long-term rental properties from being converted to short-term rentals.	Adopt a permit requirement and institute a host residency requirement, which should prevent homeowners from renting properties solely as short-term rentals and prevent properties from being purchased for the sole purpose of operating as short-term rentals.
SLOW OR PREVENT THE OVERGROWTH OF STRS Prevent residential neighborhoods from being "overtaken" by guests to the detrimental of the neighborhood and residential feel of a neighborhood.	Adopt a permit requirement and set a specific quota (number or percentage) on the number of short-term rental permits that will be distributed in a particular geographic area (e.g., neighborhood, census tract, ZIP code, etc.).
COMBAT DISPLACEMENT The presence of short-term rentals can be particularly contentious in certain neighborhoods (e.g., neighborhoods that are experiencing displacement).	Adopt a permit requirement and set a quota on the number of short-term rentals that are allowed to operate in a specific zoning district or neighborhood, particularly areas of the city that are at risk of, or are currently experiencing displacement pressure. Beware that such quotas can limit existing low-income homeowners' ability to earn revenues from their homes. Therefore, consider how to equitably distribute permits. Consider dedicating some revenue generated from permit fees or taxes to affordable housing or home-ownership programs. Explicitly restrict affordable housing units from being rented out as short-term rentals.
PRESERVE THE RESIDENTIAL QUALITY OF NEIGHBORHOODS Limit problem properties such as party houses or houses with complaints.	Adopt a permit requirement and include a limit to the number of people that can stay in a short-term rental. This limit can be tied to the number of bedrooms in a short-term rental, or a total cap on the number that can stay in any type of property. A common limit that cities institute is two adults per bedroom. Require that short-term rental hosts provide their guests with a "Good Neighbor Guide" that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.). Set restrictions on the number or percentage of short-term rentals that are allowed to operate in a particular neighborhood (or other geographic areas, such as census tract, ZIP code, etc.).

ALLOW FOR ECONOMIC GAIN FOR RESIDENTS Short-term rentals can support wealth building for community members, although city leaders must pay attention to who is eligible to host.	Adopt a permit requirement. The permit system should be simple and easy to navigate, particularly if the city is trying to encourage more permanent residents to host on a part-time basis. If the administrative burden is too high, few will be willing to put in the effort.
ENSURE HEALTH AND SAFETY OF GUESTS AND RESIDENTS Ensure the safety of guests and residents, including minimizing public safety risks and noise and trash complaints.	Adopt a permit requirement that requires each listing to include a local contact who can be reached at any time. Use this emergency contact if a complaint is filed. Stipulate that if the registered contact is not responsive, the host's permit risks being terminated. Institute a permanent residency requirement. City leaders report that most complaints come from non-owner-occupied units. Hosts may be more invested in their property if they, too, call it home. Require that short-term rental hosts provide their guests with a "Good Neighbor Guide" that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.). Require an inspection, or, if the city cannot carry out inspections, stipulate that the city has the right to inspect a property should sufficient suspicion arise that the property is not up to code. Institute a process for revoking permits from properties in violation, such as a "three strikes" rule. If three verified complaints are filed within a certain time, the city can revoke a host's permit.
CAPTURING TAX REVENUE Ensure that revenue is being collected.	Adopt a permit requirement that will make it easier to identify whether hosts are complying and paying the appropriate taxes. Use permit and tax revenue to either hire additional staff or a third-party provider to help monitor compliance. Reach an agreement with platforms that requires them to automatically collect and remit taxes back to the city. Be wary of the transparency of the tax remittance process and ensure that the city's enforcement powers are not stifled.
SUPPORT TOURISM IN A BALANCED WAY Tourism is a key component to many local economies and short-term rentals can play a role in facilitating tourism without impacting residents if done in a balanced way.	Adopt a permit requirement and set an annual permit reapplication. Make clear that applications can be denied if regulations change. Adopting a formal permit requirement will not deter hosts from participating, so long as the permitting process is not overly cumbersome. Ensure the permit fees are reasonable and tied to the cost of administering the permit program.
BALANCE THE NEEDS AND RIGHTS OF PROPERTY OWNERS AND NEIGHBORS While lawful hosts have the right to rent their properties out, they should not infringe on the rights of neighbors. Enable hosts to rent out their homes while also ensuring that residents know where and how to file a complaint.	Adopt a permit requirement and establish a process for revoking permits from properties in violation, such as a "three strikes" rule. If three verified complaints are filed within a certain time, the city can revoke a host's permit. Establish a 24/7 hotline that residents can phone to report non-emergencies without calling the local police department or law enforcement. Require short-term rental permit hosts to list a local contact who can be reached should an issue arise.[9]

SANDY CITY COMMUNITY DEVELOPMENT

SHORT TERM RENTAL STANDARDS

Revised February 2023

General Information

Sandy City does allow for Short Term Rental (STR) units within an owner-occupied residential dwelling, under certain circumstances. An STR unit is defined as the following:

Short Term Rental (STR) is defined as any single-family or individual multi-family dwelling or portion thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect remuneration, for a period of less than thirty consecutive days. An STR must be confined to the legal dwelling unit or any portion thereof or accessory apartment, and is not permitted in detached structures, trailers, or any portion of the lot or common area of a development. An accessory apartment is defined as the following:

In order to maintain the residential feel, Sandy City has placed a limit on the number of STR permits per geographic community within Sandy City. Once the limit is reached, Sandy City will maintain a waiting list for prospective STR permittees until which permit a license in their community becomes available.

STRs have a set of requirements, design standards, and an approval process. A checklist of requirements for each of these are described as follows. In order to obtain an STR the applicant must obtain both a business license and a Special Use Permit.

Application Checklist to Obtain Special Use Permit and Business License

- Completed Sandy City General Development application enclosed in this packet.
- STR Business License application, State of Utah sales tax license, and business entity registration (see pg. 4).
- Proof of ownership by providing a copy of the transfer deed, quit claim deed or warranty deed listing the applicant as the property owner.
- Proof of full-time, permanent residency at the property address which will contain the STR. Please provide the following:
    - Presentation of Federal and state tax returns showing the address of the subject property.
    - Presentation of government issued ID showing the address of the subject property*.
    - Signed affidavit, sworn before a notary public, stating the address of the subject property is the applicant's primary address in which they reside for no less than 183 nights per year.
- Detailed drawn or written description of parking for property. Please note on-street parking may not be included as parking areas for guests and residents. Parking shall be limited to the driveway, garage, or other dedicated parking spots for the residential unit.
- Detailed drawn or written description of dwelling which defines the area to be designated for STR use.
- Provide a signed affidavit, sworn before a notary public, certifying to Sandy City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.

***If the property owner has recently purchased the property and is unable to provide tax returns showing the property address then license renewal is contingent upon providing tax returns showing current residence at the subject property.**

Conditions and Requirements for Short Term Rentals

- The Special Use Permit is not transferrable to any other location or applicant.
- The Special Use Permit and STR business license are both required to operate a STR in Sandy City. Revocation of, or failure to obtain either one of these will invalidate the other.
- Only one STR Special Use Permit shall be granted to any dwelling unit.
- Only individuals or majority trustors holding at least 50% ownership of the subject property may apply for a special use permit. Non-permitted entities include, but are not necessarily limited to corporations, limited liability companies, or similar entities.
- Completion of any required inspections by all relevant Sandy City departments is required prior to being issued a STR business license.
- An STR may not be rented more than 182 nights per year.
- If the home has a permitted accessory apartment, as previously defined, it may be rented out 365 nights per year.
- A STR may not be rented for more than 29 consecutive nights by the same renter.
- The owner(s) of the residence shall reside in the dwelling a minimum of 183 nights per year.
- There shall be at least one night of renter vacancy in the STR between different renters.
- STR business licenses will expire JULY 1ST of each year. STR owners must renew their business license each year in accordance with the process established by the business licensing office. Failure to renew in accordance with business licensing policy will result in loss of license, and special use permit. Applicant will be required to re-apply and may be placed at the bottom of the wait list, should there be one.
- Sandy City has set a STR license limit in each of Sandy City's communities based on the number of detached single family homes in that community. These numbers may change annually without notice and may affect those property owners on the waiting list. (Please see community map on following page.)
- The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by Sandy City, a notice of violation will be issued.
- Property shall be maintained by property owner in compliance with all Revised Ordinances of Sandy City.
- Any structural modification of a dwelling not requiring review by Community Development Department must maintain original appearance and intent of dwelling. All modifications must conform to Sandy City uniform building and fire code.
- Owners shall ensure renters adhere to noise control chapter of the Revised Ordinances of Sandy City. Should a renter violate noise ordinances more than once in any given 72-hour period, the renter shall be immediately evicted by the property owner. Code can be found at: (https://library.municode.com/ut/sandy/codes/code_of_ordinances)
- A nameplate shall be posted near the STR entrance which provides the name and contact information of the property owner and/or their designee.
- An informational packet shall be provided within the STR, in plain view, which contains a copy of the STR license by Sandy City, 24/7 contact information for property owner or designee, parking requirements, maximum occupancy,

noise ordinances, garbage pickup dates, and other relevant contact information such as Sandy City Police and Fire.

- Three or more violations of a combination of codes from both Sandy City Land Development Code and the Revised Ordinances of Sandy City within any twelve-month period shall result in the STR license being suspended or revoked. In addition, subsequent STR license applications may be denied.

- The maximum number of occupants in the STR shall not exceed eight persons who are related to each other by blood, marriage, or adoption; or up four unrelated individuals in the area used as the STR. This maximum number shall not include the owner or other residents of the property.

- There must be ample parking, as shown by diagram or in writing, to accommodate the legal occupants of the property, as well as guests utilizing the STR. All parking allocated must be off the street and confined to the garage, driveway, or other paved legally designated off-street parking spots.

- Any other appropriate or more stringent condition deemed necessary for STRs in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Community Development Department.

SANDY CITY COMMUNITY DEVELOPMENT

GENERAL DEVELOPMENT APPLICATION

Revised April 2022

Project Information

Name of Proposed Project: _____ Date Submitted: _____

Parcel Tax I.D. Number(s): _____ Address: _____

Type of Request *(mark all that apply)*

	Annexation
	Code Amendment
	Conditional Use Permit
	General Plan Amendment
	Rezoning of Property
	Sign Review
	Site Plan Review

	Special Exception
	Special Use Permit
	Street Vacation / Closure / Street Renaming
	Subdivision
	Telecommunications
	Temporary Use
	Other (Please Specify)

Provide a brief summary of the proposed action/request: _____

Applicant/Project Contact

By signing this application, you certify that you own the subject property or are authorized to act on behalf of the property owner to make the above referenced land use application(s). You also certify that the application information provided and submitted through the Cityworks Portal constitutes a complete submittal in compliance with Sandy City Code and Administrative Procedures to the best of your knowledge. You do also acknowledge that you have read and consent to the disclosure shown at the bottom of the page.

Signature: _____ Date: _____

Name: _____ Company: _____

Property Owner (*if property owner is different than applicant*)

By signing this application, you certify that the applicant listed above is authorized to act in your behalf regarding the above referenced land use application.

Signature: _____ Date: _____

Name: _____ Company: _____

Disclosure: The Planning Commission typically meets on the first and third Thursdays of the month. Applicants will be notified of changes in meetings and meetings times. The Planning Division will not officially accept a submittal until the conditions and necessary parts of each application procedure are completed.

Records provided to Sandy City are subject to the Utah Government Records Access and Management Act, Utah Code Ann. §63G-2-101 et seq., which may require Sandy City to produce a copy, including in its original form, to any person upon that person's request. Please consult legal counsel prior to submitting or presenting any record (book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics) to any officer, official, employee, volunteer or agent of Sandy City for any reason including without limitation, in support of an application or for presentation or display in a meeting. Information that is not provided to Sandy City will not be considered when making decisions.

By signing this application, the property owner is allowing Sandy City staff access over and through the property close to the right-of-way to post legal notice requirements and to take photographs and/or drone footage.

Sandy City Short Term Rental Business License Application
10000 Centennial Parkway, Sandy 84070
P. (801) 568-7252 | E. BusLic@sandy.utah.gov

HOW TO APPLY FOR A SANDY CITY STR BUSINESS LICENSE
(please retain for your records)

Sandy is a great place to locate a business! This office wishes to offer assistance with the application process and has provided this set of procedures to help you understand some of the requirements for opening a business in Sandy City. Please note that this is not intended to be an exhaustive list.

1. If using a DBA (Doing Business As - business name), the Short Term Rental (STR) applicant must register the name with the Utah Department of Commerce. That agency is located at the Heber Wells Building 160 East 300 South, SLC., or online at https://corporations.utah.gov (aka OneStop). LLC's or corporations are not eligible to apply for a STR License. Applicant must submit some form of acknowledgment/verification of filing the State entity registration along with this application. The same business name must appear on the Special Use Permit and on the Business License applications.

2. Applicant must provide evidence of a State Sales Tax License (including transient room tax). Applicant may apply for a Sales tax number at the same time as registering the business entity at the OneStop web site, or can obtain the sales tax number directly from the State Tax Commission at 210 N 1950 W, SLC. If business will commence in less than 4 weeks, apply for the number in person or on line via the above link. There is no fee.

4. Please complete the application in dark ink. Incomplete or illegible applications will be returned. All applications must contain an original 'wet' signature of one of the applicants.

5. Once the Planning Department has approved the Special Use Permit, you will be contacted to provide any outstanding documents and to pay business license fees. This office will compute pro-rated amounts. Fees and pro-ration calculations are adopted by City Council and are represented in a Fee Schedule. Regulatory and disproportionate fees are pro-rated by the calendar quarter. Note: A double license fee penalty may be incurred for business conducted prior to obtaining a license.

6. Allow 30 days for processing, once all outstanding documents and payments have been received.

7. A license is granted when recommendation for approvals have been received from several separate departments, including Sandy Fire Department, Police, Community Development Department and/or Salt Lake City-County Health Department. If you have been notified to complete on-site inspections, please contact the applicable inspectors after the application is filed and the business is ready for inspections.

FIRE DEPARTMENT 150 E. 9000 S. SANDY UT 84070	PH: (801) 568-2938	REQ Y / N	APPT:
BUILDING & SAFETY 10000 CENTENNIAL PKWY SANDY UT 84070	PH: (801) 568-7251	REQ Y / N	APPT:
COUNTY HEALTH DEPT. 788 E WOODOAK LN MURRAY, UT 84107-6379	PH: (385) 468-3845	REQ Y / N	APPT:

9. License renewals are due July 1 each year. The License Certificate will indicate an expiration date. Renewal notices are sent as a reminder, but you are ultimately responsible for ensuring timely renewal payments. A 25% delinquent fee is assessed on accounts 30 days after due date. After 45 days, additional 50% delinquent penalty is assessed**. Licenses unpaid after 60 days will be considered abandoned, the license account will be closed and the Special Use permit is revoked**. The business will be considered unlicensed and must cease operations or be subject to penalties for operating without a valid license. If the business wishes to operate a STR after a license account has been closed, a new Special Use Permit and business license application will need to be submitted, and the application may need to go onto a wait list if there are no Special Use Permits available for the community area seeking the STR.

Sandy City Short Term Rental
Business License Application

Rec'd	
Account #	

****PLEASE PRINT OR TYPE IN DARK INK****

Form updated 9/2018

Business Name (DBA):		Local Bus Phone #:	
Business/STR Address:	City & State:	Zip:	
Billing Address	City & State:	Zip:	Fax:
Community Area:	State Tax#:(attach)	Entity Registration (attach):	
How Many Bedrooms & Max Occupancy for this STR:		# Of Off Street Parking Stalls:	
24/7 Emergency Contact Person Name(owner or designee):		Phone #	
Address of Emergency Contact person:	City & State:	Zip:	
Projected Opening Date:			

Applicants/Owners (first/middle/last)	E-Mail Address	Alt/Home/Cell Phone
1.		
2.		

Date of Birth (mm/dd/yyyy)	Driver License Number	OR , Alternative ID
1. / /	# ST	
2. / /	# ST	

LICENSE FEES:

Regulatory Fee/New	$90/140	Prorate_____%	$	Insp/Process	$ 40
Other _____	$	Other_____	$	**Total Due: $**	

This application is subject to approval by the Mayor, City Administrator and/or City Council, Planning Department and the Police Department. STR businesses may be required pass inspections of Sandy Fire, Planning & Zoning, and/or Salt Lake County Health Department to receive a license. If a license is not obtained prior to business operations, you may be subject to a DOUBLE LICENSE FEE PENALTY.

I hereby agree that all information supplied on this application is true and accurate. I confirm that I am a legal resident and the owner of the home seeking a Short Term Rental License and reside at the home at least 183 nights of each calendar year. I also agree to conduct my business in accordance with Sandy City Ordinances and any other State Statutes or Federal Laws governing operation of such business.

Signature (any one applicant as listed above)_____ Date_____

Print Name_____ Title_____

PD		**Fire**		**BLDG**		**Plan/SUP#**		**Tax Form:**	**Date:**	**Verified:**

AFFIDAVIT OF UNDERSTANDING

(Short Term Rental Ownership)

On this_____day of_____, 20_____, in the State of Utah, County of_____, I(we)_____, being duly sworn, do hereby affirm that I (we) am (are) the legal owner(s) of the legal residential unit located at _____ also known as lot_____of the_____Subdivision in Sandy City, or is further described by the attached Exhibit A and known asParcel No._____on the Salt Lake County Tax Records.

I (We) do also affirm that said property is my (our) primary residence, except for bonafide temporary absences not exceeding 182 days per calendar year. I (We) understand and acknowledge that the Sandy City Ordinances require an owner to obtain a Special Use Approval and Short Term Rental Business License from the Sandy City Community Development Department if they intend to operate a Short Term Rental, as defined by the Sandy City Development Code, within their primary residence. I (We) do understand that said Approval is only valid while I (we) am (are) the legal owner(s) of said property and maintain permanent residency therein. I (We) do understand that if I (we) change residency or cease to maintain residency at this location, I (we) will lose my (our) permit and business license. Any future owners of said property, successors, heirs, and/or assigns would be required to obtain a separate approval. I (We) will apprize future owners of this restriction before entering into any transaction to transfer ownership of said property.

_____ _____

Signature of Owner Signature of Owner

STATE OF UTAH)
)ss:
County of)

On this_____day of_____, 20_____, the property owner(s) personally appeared before me,_____ _____ signer(s) of the foregoing instrument who duly acknowledged to me that he/she/they executed the same.

(stamp)

_____

Notary Public

AFFIDAVIT OF UNDERSTANDING

(Conflict of Private Restrictions)

On this_____day of_____, 20_____, in the State of Utah, County of_____, I(we)_____, being duly sworn, do hereby affirm that I (we) am (are) the legal owner(s) of the legal residential unit located at_____, also known as lot_____of the_____Subdivision in Sandy City, or is further described by the attached Exhibit A and known asParcel No._____on the Salt Lake County Tax Records.

I (We) do also affirm that said property is NOT subject to any private covenant, condition, or restriction that would prohibit the use of said property as a short term rental, as defined by Sandy City. I (We) understand and acknowledge that the Sandy City Ordinances require an owner to obtain a Special Use Permit from the Sandy City Community Development Department if they intend to operate a Short Term Rental (STR), as defined by the Sandy City Development Code, within their primary residence. I (We) do understand that said Permit is only valid while I (we) am (are) the legal owner(s) of said residence and that if new private restrictions are imposed upon me (us) that restrict me (us) from operating a STR, then I (we) will notify the City accordingly. I (we) understand that this may prohibit this property from being issued a permit and business license for a short-term rental.

_____ _____

Signature of Owner Signature of Owner

STATE OF UTAH)
)ss.
County of)

On this_____day of_____, 20_____, the property owner(s) personally appeared before me, _____
_____signer (s) of the foregoing instrument who duly acknowledged to me that he/she/they executed the same.

(stamp)

_____

Notary Public



BE A GOOD NEIGHBOR

WHILE VISITING WASHINGTON COUNTY

WELCOME TO GREATER ZION/WASHINGTON COUNTY!

The vibrant communities of St. George, Springdale, Hurricane, Ivins, and towns in between offer a wide range of lodging options, dining experiences and access to outdoor pursuits through local outfitters and tour companies. Greater Zion also is a world-class destination for sporting events, conferences and meetings.

Enjoy your stay and be a good neighbor!

BE A GOOD NEIGHBOR

- Please remember that you are vacationing among many permanent residents who have chosen Washington County as a quiet and safe place to live. They, and the County, are looking to you to help preserve that sense of peace and quiet. In short, being a short-term renter means being a good neighbor.

PARKING

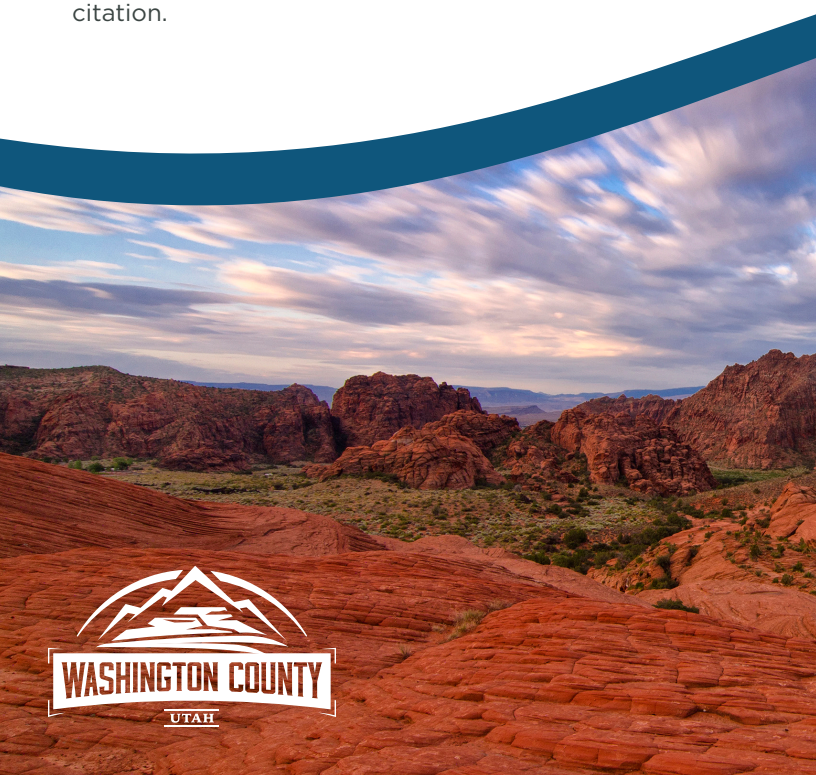
- Renters and guests must park in the garage, carport, driveway or designated parking area of the property. Do not park on dirt, landscaping or the front yard. On-street parking is prohibited. Your short-term rental is required to have a designated parking area on the property, use it!

NOISE

- Quiet time is from 10:00 p.m. to 7:00 a.m.
- Please consider moving indoors after 10:00 p.m. If you choose to be outside, please be considerate of the neighbors and use indoor voices.
- If your vacation rental is equipped with a pool, hot tub or fire pit, please remember your voices carry much farther at night.

ILLEGAL ACTIVITY

- It is always recommended to familiarize yourself with local laws and regulations. Any illegal activity may result in a citation.



FIRE DANGER

A caution about fire and fire pits: you are in an area of high fire danger. Use extreme caution, so we can all enjoy the beautiful scenic vistas in southern Utah for years to come. Please know and comply with all current local fire restrictions.
For up-to-date information, go to www.hvfssd.org

RESPONSIBLE PARTY

- Please remember that in addition to the owner, the person that made a reservation through an online platform or rental agency is considered the “responsible party.” This person is legally responsible for compliance by all renters and guests just as the owner would be.

OCCUPANCY

- How many is too many? Each short-term rental advises an occupancy limit that varies according to the size of the home and number of beds. Always check with the owner before bringing additional people to the property, and verify that you are not breaking any rules.
- Rambunctious or unruly parties, excessive crowds, large social events or unsafe driving of ATV’s could result in a citation from the Sherriff’s office. Remember this is a residential neighborhood. It’s never fun to get a ticket for having too much fun!



ENJOY ALL WASHINGTON COUNTY/GREATER ZION HAS TO OFFER!

- 2,400 square miles of adventure and inspiration
- Zion National Park
- Four state parks
- Stellar mountain biking
- Best off-highway vehicle riding in the country
- 13 Top-rated golf courses
- World-class cultural performances
- History and culture
- ...and so much more.



WASHINGTON COUNTY, UTAH

For questions or concerns about short-term rentals, call the Washington County Clerk/ Auditors Office at 435-634-5712

/washcoutah

@washingtoncountyut

washco.utah.gov

Clerk/Auditor
111 East Tabernacle
St. George, Utah 84770
Phone: (435) 301-7220

SHORT TERM RENTAL BUSINESS LICENSE APPLICATION CHECKLIST

It is the purpose of the County to review Short Term Rental applications for completeness, compliance with County regulations, and the health, safety and welfare of residents and guests. Please refer to Title 10 Zoning Regulations adopted October 5, 2021, for more information.

Short-Term Rental (STR) Definition: Property that is occupied, possessed or used by any person or entity for transient lodging where the term of occupancy, possession, or use is offered for twenty-nine (29) consecutive calendar days or less, for direct or indirect compensation or other consideration.

APPLICATION CHECKLIST

- ☐ Washington County Assessor's office owner-occupied Primary Residential Exemption. https://www.washco.utah.gov/departments/assessor/residential-exemption/
- ☐ Federal Identification Number for partnerships and corporations. https://www.irs.gov/
- ☐ State of Utah sales tax license, and business entity registration. https://www.utah.gov/business/
- ☐ Completed Short Term Rental Business License Application.
- ☐ Completion of Health and Safety Check by County Building Department, verifying that building codes are met, smoke detectors, carbon monoxide detectors, fire extinguishers and other life-saving measures are installed and operable per adopted IRC.
- ☐ Payment of $160.00 application fee, which includes Health and Safety Check ($100.00 of the fee is only applicable for existing dwellings. This will be waived for new dwellings with an issued building permit).
- ☐ Photos of the exterior of the dwelling, and photos of required parking.
- ☐ Site Plan showing setbacks, dwelling size, number of bedrooms, required parking stall locations, pull through lane for large vehicles (if applicable), and trash disposal locations.
- ☐ Southwest Utah Public Health Department septic permit, if applicable. (435)986-2580
- ☐ 24/7/365 contact information for owner and property management company (if one is being used).
- ☐ Proof of insurance (with a landlord endorsement allowing short term rental).
- ☐ Compliance Declaration signed by all Owners.
- ☐ Compliance declaration signed by the property manager (if one is being used).

CONDITIONS OF APPROVAL

- The Short Term Rental Business License is not transferrable to any other location or applicant.
- A Short Term Rental Business License is required to operate a Short Term Rental in Washington County.
- Only one (1) Short Term Rental Business License shall be granted to a property.
- The Short Term Rental must not exceed the size limits for the zone where the property is located.
- The exact address, and proof of ownership of the subject lot or parcel, must match the application. Any proposed license shall be issued in the name of the owner. If the owner is an entity, the name, address, email and phone number of all the principals and the registered agent for the purposes of acceptance of service.
- Completion of any required inspections by all relevant County departments is required prior to issuing a Short Term Rental Business License
- Any real or suspected deficiency in building codes may trigger an inspection from a county building official.
- Additional off-street parking must be provided at rate of one (1) graveled or paved parking stall per bedroom. All Short Term Rental guests and their visitors must park on-site, not on the street.
- Off-street parking may not be in tandem to the required parking for the primary dwelling.
- The owner, or a local property manager, shall be available to respond 24 hours a day, 365 days a year by telephone and when necessary, in person, within two (2) hours to respond to an issue raised by a guest, County official, law enforcement officer, or neighbor. If the County or law enforcement is unable to reach the owner or property manager it is considered a violation, and a violation notice may be issued.
- All Short Term Rentals shall adhere to all County ordinances.
- The owner, or a designated property manager, shall ensure that renters adhere to the noise ordinances of the County.
- The owner's and designated property manager's contact information must be posted on the front outside of the unit, visible from the street, and inside the unit. Photo should be provided when application is approved.
- The owner and/or property manager shall post within the Short Term Rental in a highly visible area the following:
    - County issued Short Term Rental Business License.
    - 24/7/365 owner's and designated property manager's contact information.
    - Parking requirements, including site map of approved off-street parking areas.
    - Garbage receptacle location, pick-up dates and instructions for placing receptacles for pick-up during stay.
    - The Washington County Good Neighbor Brochure.
    - Contact information for Washington County Sheriff and applicable Fire District.

SHORT TERM RENTAL BUSINESS LICENSE APPLICATION

APPLICANT INFORMATION	
Owner(s):	Application Date:
Mailing Address:	
24 Hour Contact Phone Number:	Email:
Responsible principal and the registered agent for the purposes of acceptance of service if the owner is an entity:	
Property Manager (if applicable):	
Mailing Address:	
24 Hour Contact Phone Number:	Email:
Responsible principal and the registered agent for the purposes of acceptance of service if the property manager is an entity:	
Name of Business (Name must be registered with the State of Utah):	
Type of Organization: Proprietorship ( ) Partnership ( ) Corporation ( ) If corporation, attach Articles of Incorporation showing owners	
SSN/Federal Tax # Utah State Sales Tax # Utah Business Entity #	

PROPERTY INFORMATION	
Exact Property Address:	
Parcel No:	Zone:

PLEASE ANSWER THE FOLLOWING QUESTIONS:	PLEASE CIRCLE ONE
Are you the property owner and do you reside at the property?	Yes No
In the event of temporary absence, do you intend to return and resume permanent residency?	Yes No
Is the STR within an accessory dwelling unit (ADU) on the property or within the main residence?	
How many bedrooms does the STR unit have?	
How many bathrooms does the STR unit have?	
Please attach a detailed floor plan of the STR, including all living areas, bedrooms, bathrooms, etc.	☐ Attached
You are required to have one (1) off-street parking space per bedroom and a pull-through lane if expecting guests with trailers. Street parking is not permitted. Does the STR unit have at least one (1) off-street parking stall per bedroom?	Yes No
Please attach a site plan showing location of STR on the property with setbacks, septic system (if applicable), parking locations, and trash receptacle location.	☐ Attached
There are square footage limits on the size of the STR unit, determined by the zone where your property is located. What is the square footage of the unit you are short term renting?	
Where is the entrance to the STR? Is it the primary entrance, a new entrance, an existing entrance, or a second level entrance?	

OFFICE USE ONLY					
Clerk/Auditor Approval:	Initials:	Date:	Application Processing Fee	$10.00	
Com Dev Approval:	Initials:	Date:	Building Inspection Fee	$100.00	
Health/Safety Approval:	Initials:	Date:	Annual STR License Fee	$50.00	
Assessor Approval:	Initials:	Date:	Business License #		

COMPLIANCE DECLARATION

(OWNER – ALL OWNERS MUST SIGN)

(Short Term Rental Ownership, Conflict with Private Restrictive Covenants)

On this _____ day of _____, 20___, in the State of Utah, County of _____,

I (we) _____, hereby affirm, under penalty

of Utah Code, Title 76, Chapter 8, Part 5, that I (we) am (are) the legal owner(s) of the property located at

_____, or is further described by the attached Exhibit A and known as Parcel

_____ on the County of Washington Tax Records (the "property").

(If the owner is an entity, a responsible principal for the entity must sign this Compliance Declaration.)

I (We) hereby affirm that all statements, pictures, and information provided in my (our) Short Term Rental Business License Application are true and correct.

I (We) also affirm that the property is my (our) primary residence, except for bona fide temporary absences not exceeding 182 days per calendar year. I (We) understand and acknowledge that the Washington County Ordinances require an owner to obtain a Short Term Rental Business License from Washington County if they intend to operate a Short Term Rental, as defined by Washington County Code, within their primary residence. I (We) understand that said Licenses are only valid while I (we) am (are) the legal owner(s) of said property and maintain permanent residency therein with the primary residential exemption. I (We) understand that if I (we) change primary residency, or cease to maintain primary residency at this location, I (we) will lose my (our) Short Term Rental Business License. Any future owners of said property, successors, heirs, and/or assigns would be required to obtain separate approval and licenses. I (We) will inform future owners of this restriction before entering into any transaction to transfer ownership of said property and failure to do so will result in automatic termination of the Licenses upon transfer of the property.

I (We) also affirm that said property is NOT subject to any private covenant, condition, or restriction that would prohibit the use of said property as a short term rental. I (We) understand that said Licenses are only valid while I (we) am (are) the legal owner(s) of said property and that if new private restrictions are imposed upon me (us) that restrict me (us) from operating an STR, then I (we) will notify the County accordingly. I (we) understand that this may prohibit this property from being issued a STR license and business license for a short term rental.

I (We) also affirm that I (we) have read, in its entirety, County Ordinance 10-13-23, and understand that I (we) am (are) responsible to comply with the provisions in the ordinances, including, but not limited to, the requirement that I (we) or a local property manager appear at the address of the short term rental license to address guest, county, or emergency services issues, and the required response time is two (2) hours, with availability 24 hours a day, 7 days a week and 365 days a year. My (our) failure to do so is a violation of the ordinances, and may result in penalties as outlined in the ordinances, including, but not limited to fines, criminal prosecution, or suspension, revocation, or non-renewal of the licenses.

I (We) affirm that I (we) am (are) making this unsworn declaration pursuant to Utah Code Ann. 78B-18a-101, et. seq., and that criminal penalties may follow if I (we) have made a false statement pursuant to Utah Code Ann. 76-8-501, et. seq.

Signed on this _____ day of _____, 20____

_____	_____
Signature of Owner	Signature of Owner
_____	_____
Printed name of Owner	Printed name of Owner

COMPLIANCE DECLARATION

(PROPERTY MANAGER – ALL PROPERTY MANAGERS MUST SIGN)

(Short Term Rental Property Management)

On this _____ day of _____, 20___, in the State of Utah, County of _____, I (we) _____, hereby affirm, under penalty of Utah Code, Title 76, Chapter 8, Part 5, that I (we) am (are) the property manager(s) of the property located at _____, or as further described by the attached Exhibit A and known as Parcel _____ on the County of Washington Tax Records (the "property").

(If the local property manager is an entity, a responsible principal for the entity must sign this Compliance Declaration.)

I (We) hereby affirm that I (we) have read the documents referenced herein, and all statements, pictures, and information provided in the Short Term Rental Business License Application are true and correct.

I (We) also affirm that I (we) am (are) the authorized property manager(s) for the property described herein. I (We) understand and acknowledge that the Washington County Ordinances require all owners to obtain a Short Term Rental Business License from Washington County if they intend to operate a short term rental, as defined by Washington County Code, on their property where they primarily reside, and that the owner may retain a local property manager to manage the short term rental. I (We) understand that said licenses are only valid while the property is properly managed as a short term rental. If I (we) fail to properly manage the property the owner(s) will lose the Short Term Rental Business License. I (We) also understand that if the property is sold, any future owners of said property, successors, heirs, and/or assigns would be required to obtain separate approval and licenses.

I (We) also affirm that I (we) have read, in its entirety, County Ordinance 10-13-23, and understand that I (we) am (are) responsible to comply with the provisions in the ordinances, including, but not limited to, the requirement that I (we) appear at the address of the short term rental license to address guest, county, or emergency services issues, and the required response time is two (2) hours, with availability 24 hours a day, 7 days a week and 365 days a year. My failure to do so is a violation of the ordinances, and may result in penalties as outlined in the ordinances, including, but not limited to fines, criminal prosecution, or suspension, revocation, or non-renewal of the licenses.

I (We) affirm that I (we) am (are) making this unsworn declaration pursuant to Utah Code Ann. 78B-18a-101, et. seq., and that criminal penalties may follow if I have made a false statement pursuant to Utah Code Ann. 76-8-501, et. seq.

Signed on this _____ day of _____, 20____

_____ Signature of Property Manager

_____ Printed name of Property Manager

_____ Signature of Property Manager

_____ Printed name of Property Manager

BOUNTIFUL CITY
PLANNING DEPARTMENT

795 SOUTH MAIN STREET
BOUNTIFUL, UT 84010
801.298.6190
PLANNING@BOUNTIFUL.GOV
WWW.BOUNTIFULUTAH.GOV

SHORT-TERM RENTAL PERMIT APPLICATION

FOR OFFICE USE ONLY:		
ADMINISTRATIVE COMMITTEE ACTION:	ADMINISTRATIVE COMMITTEE ACTION DATE:	DATE RECEIVED:
PROJECT PLANNER:		

PROJECT INFORMATION

ADDRESS: _____

_____

APPLICANT INFORMATION

NAME: _____

MAILING ADDRESS: _____

_____

PHONE NUMBER: _____

E-MAIL _____

IF YOU HAVE QUESTIONS REGARDING THE REQUIREMENTS ON THIS APPLICATION OR PROCESS, PLEASE CONTACT THE BOUNTIFUL CITY PLANNING STAFF.

SUBMITTAL REQUIREMENTS

All of the following items must be included in order for the Planning Department to receive the application and start the review process:

☐	1. Completed and signed application form, including property owner's affidavit, agent authorization (if applicable), and acknowledgement of responsibility.
☐	2. Review fees: $225* *If the applicant already has an approved accessory dwelling unit (prior to April 26, 2022 **or** is applying for an STR application and an ADU application concurrently, the STR application review fee is $100.
☐	3. For applications with already approves ADUs, approved plans and any pertinent approvals is required. The applicant may file a GRAMA request.
☐	4. Signed and filled out Short-Term Rental Checklist, see page 3-4.

ONLY COMPLETE APPLICATIONS WILL PROCESSED AND ACCEPTED. APPLICATIONS THAT DO NOT INCLUDE ALL REQUIRED INFORMATION PROVIDED WILL BE DEEMED INCOMPLETE AND RETURNED TO THE APPLICANT.

SHORT-TERM RENTAL PERMITS MUST BE REVIEWED IN A PUBLIC MEETING BY THE BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE.

AT LEAST TEN (10) DAYS PRIOR TO THE SCHEDULED PUBLIC MEETING THE PLANNING DEPARTMENT WILL MAIL OUT COURTESY NOTICE LETTERS TO PROPERTY OWNERS WITHIN THREE HUNDRED FEET (300') OF THE SUBJECT SUBMITTED APPLICATION AND SHALL POST A PHYSICAL SIGN ON THE SUBJECT SITE.

STR ACKNOWLEDGEMENT CHECKLIST

A short-term rental shall not be allowed unless a Short-Term Rental Permit is approved and is found in compliance with the following standards (below).	**Property Owner's Initials**
I hereby acknowledge the following standards:	

1. An accessory dwelling unit rented on a temporary basis for periods less than 30 consecutive days is a Short Term Rental. _____
2. Short-term rentals are allowed within the Single-Family Residential (R) Zone, Residential Multiple-Family (RM) Zone, and Downtown (DN) Mixed Use Zone; and shall not be permitted in any other zone. _____
3. Short-term rentals are only allowed within approved Single-Family Dwellings and Accessory Dwelling Units. It is unlawful to allow, construct, or reside in a short term rental within an entire single-family dwelling, duplex, or multi-family residential dwelling or property. _____
4. A maximum of one (1) short-term rental shall be permitted on a qualifying lot. _____
5. It is unlawful to construct, locate, or otherwise situate a short-term rental on a lot or parcel of land that does not contain a habitable single-family dwelling. _____
6. If an Accessory Dwelling Unit is approved as a short-term rental, the parking for the Accessory Dwelling Unit shall be governed by the Accessory Dwelling Unit Ordinance. The site shall comply with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking. _____
7. The site shall comply with the current Noise Ordinance. The use of sound equipment, sound related activities, and/or noise heard from the property line from 11:00 p.m. to 6:00 a.m. shall be prohibited. _____
8. The site shall not exceed the International Building Code occupancy standards based on unit square footage. _____

INTERNAL ADU UNIT ACKNOWLEDGEMENT CHECKLIST (CONTINUED)

9. Prior to short-term rental occupancy the property owner shall place a notice behind the main short-term rental door to make occupants aware of parking, occupancy standards and noise restrictions, etc. The Planning Department will produce the notice after approval. It is property owner's responsibility to maintain the notice, and to share applicable regulations with renters by other means utilized by the property owner, such as onsite booklet, e-mail communication, website, rental agreement, etc. _____

10. A short-term rental within an accessory dwelling unit shall meet all development standards found Bountiful City Land Use Code Section 14-14-124 Accessory Dwelling Units, any applicable codes, etc. _____

11. A short-term rental shall not be approved unless it is compliant with all State and local laws, ordinances, rules and regulations. This includes all applicable zoning and building codes. A short-term rental shall be prohibited within a non-conforming use or non-complaint structure. _____

Date: _____ Property Owner's initials: _____

Property Owner's Name: _____

PROPERTY OWNER'S AFFIDAVIT

I _____, being first duly sworn, depose and say that I am the current owner of the property involved in this application. I have read the application, including the signed acknowledgement of responsibility below, and have attached plans, other exhibits, etc., and I am familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

_____
Owner's Signature

State of Utah)
County of Davis)

Subscribed and sworn to before me this _____ day of _____, 20___.

Notary Public: _____

AGENT AUTHORIZATION

I, _____, the owner of the real property located at _____, in Bountiful City, Utah 84010, do hereby appoint _____, as my agent to represent me with regard to this application affecting the above described real property, and authorize the aforementioned agent to appear on my behalf before any City board or commission considering this application.

_____
Owner's Signature

State of Utah)
County of Davis)

On the _____ day of _____, 20____, personally appeared before me _____ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary Public: _____

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regards to this request. This application should be processed in my name, and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the Bountiful City Land Use Code for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified of such. I will keep myself informed of the deadlines for submission of material and the progress of this application.

Name of Applicant (printed): _____

Signature of Applicant: _____ Date: _____

Note: The property owner's affidavit must be signed (and notarized) by each property owner, additional sheets must be submitted in cases of multiple owners. If the applicant is not an owner, the applicant must submit a notarized agent authorization form from all property owners and authorized agents.

Additional: If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership. If a Homeowner's Association (HOA) is the applicant than the representative/president must attach a notarized letter stating the request is authorized by the HOA and is in compliance with applicable provisions found in the CC&Rs, By-Laws, Articles of Incorporation, and any applicable regulations pertaining to HOAs, etc.

10-1-45: Residential Short Term Rental (STR)

A. Purpose. This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multi-family neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of North Salt Lake residents and preserving the residential character of city neighborhoods. In allowing STRs, it provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting and preserving affordable housing in the City of North Salt Lake. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long term rental housing in the market.

B. Residential Short Term Rental (STR). A STR is prohibited in all residential dwellings, residential districts, and residential P districts without first obtaining a STR land use permit as regulated in this section and issued a valid business license. The following are exempt and shall not be subject to the provisions of this section:

1. A residential lease of 30 or more consecutive days.

2. Bed and Breakfasts, RV parks, campgrounds, hotels, and motels, as described and regulated in the North Salt Lake Land Development Code shall not be subject to the provisions of this section.

C. General Standards and Requirements. A STR use may be allowed within any existing legal residential dwelling by an administrative land use permit from the Community Development Department, wherein the application demonstrates compliance with requirements found in the North Salt Lake Land Development Code and all of the following standards and requirements:

1. Application. A completed application form as provided by the city.

2. Property Description. A detailed written description and/or drawing of the property that identifies the use of each room of the dwelling and defines the portions of the dwelling to be used for a STR shall be provided. Only one (1) designated STR area is allowed for a property.

3. Owner Occupancy. The owner of the subject property shall live in the primary dwelling in which a STR is desired, and must reside therein as their primary residence.

   a. An individual shall prove ownership of the property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50% or more ownership of the proposed STR. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.

   b. To establish that the property is the owner's primary residence, the owner shall:

      (1) Present a government issued identification document listing the address of the property as the address of the owner; and

      (2) A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per calendar year.

4. Occupancy During Rental Period. The subject property shall comply with the following occupancy restrictions:

a. The applicant shall provide the maximum renter occupancy proposed and demonstrate that sufficient parking has been provided off street at a rate of one-half (1/2) space per bedroom or sleeping area.

b. The property shall not be rented to more than one renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.

c. A property shall not be exclusively rented as a STR for more than 182 nights per year.

(1) The owner may reside on the property while it is occupied by a renter.

(2) The property shall only be rented for a minimum duration of one (1) night and a maximum of forty-five (45) consecutive nights.

d. A property with a valid land use permit for an accessory dwelling unit may use the dwelling unit as a STR and have the accessory dwelling unit be rented for up to 365 nights per year.

5. Parking Plan. A detailed written description and/or a drawing of an off-street parking plan must be provided to ensure that all occupants of the home and STR can be accommodated on-site at all times. Parking shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit and may not include any on-street parking. Shared guest parking as part of a P-District or multi-family dwelling shall only be permitted upon express written approval of the HOA or property management, as applicable. Any proposed parking improvements shall also be included in the off-street parking plan, and must be completed prior to issuance of a STR business license. All elements of the parking plan must be in compliance with all other requirements of this title.

6. Conflict of Private Restrictions. The owner shall provide a signed affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.

7. Urgent Response. The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by the City of North Salt Lake, a notice of violation will be issued.

8. Property Maintenance Requirements. All short-term rentals shall adhere to all City ordinances, including, but not limited to:

a. Maintenance. Owners must adhere to the property maintenance regulations in City Code, Title 4, Health and Sanitation, as amended, including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.

b. Snow Removal. Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall in accordance with City Code section 7-1-2, as amended.

9. Noise and Nuisance Control. Owners shall ensure that renters adhere to the noise control in Title 4, Chapter 4 of the City Code, as amended. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the property by the owner.

10. Noticing and Posting Requirements. An renter informational packet must be maintained in a highly visible place within the dwelling or STR area, and must include all of the following:

    a. City issued STR business license.

    b. 24/7 owner, or a designated representative, contact information.

    c. Parking requirements, including site map of approved designated parking areas.

    d. Maximum occupancy.

    e. The noise ordinance of the City of North Salt Lake.

    f. Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.

    g. Contact information for the North Salt Lake City Police and South Davis Metro Fire District.

    h. Other contact information or information related to other regulations or conditions of a approval through the land use permit process, as required by the Community Development Department.

D. Violations. It shall be a violation for any person to operate a STR:

1. Without first obtaining a STR land use permit, as regulated in this section, and issued a valid STR business license; or

2. That does not comply with the requirements of this chapter, the Revised Ordinances of North Salt Lake, or the North Salt Lake City Land Development Code.

E. Enforcement and Fines. Upon a determination that a violation exists, the Code Enforcement Officer or Community Development Director, or designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director, or designee, may determine.

1. Each day that a violation occurs or continues is a separate violation.

2. For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner, specifying the violation and the penalty to be imposed.

    a. For the first violation within any 12-month period, the penalty shall be $500.

    b. For a second violation within any 12-month period, the penalty shall be $750.

    c. For a third violation within any 12-month period the penalty shall be $1,000 and revocation of the STR business license and land use permit. The owner shall be ineligible for a STR land use permit and a STR business license for a period of two years from the date of the third notice of violation.

d. For any violation within any 12-month period following the third violation, the penalty shall be $1,000 and the STR owner shall be banned from receiving a STR land use permit and a STR business license.

10-1-46: DEFINITIONS:

Renter - A single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

Residential Short Term Rental (STR) - Any single-family or individual multi-family dwelling or portion thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect remuneration, for a period of less than 30 consecutive days.

EST 1852
LEHI CITY
PIONEERING UTAH'S FUTURE

APPLICATION FOR SHORT TERM RENTALS

(Section 12.250 Lehi City Development Code)

For Office Use Only

Application Date:_____ Receipt #:_____ Planner:_____

Application Fee: $50

Name of Applicant or Authorized Agent(s): _____

Address:_____ City:_____ State:_____ Zip:_____

Phone #:_____ Email:_____

Parcel ID #:_____ Subdivision: _____

APPLICATION SUBMITTAL PROCEDURES

(1) _____ The applicant shall contact a member of the Planning Staff before submitting plans electronically.

(2) _____ The applicant shall create an account and submit all required information electronically through the following link https://www.lehi-ut.gov/government/public-meetings/planning/applications/ (Agency Code Leh02), including:

(a)_____the completed application and all other required information from the checklist outlined below.

(3) _____ **Staff will then review the submittal and send out an email with a link for the payment of fees.**

(4) _____ Once approved, the applicant will need to submit for a Business License.

APPLICATION REQUIREMENTS

The following information, at a minimum, shall be included with the application for a Short Term Rental (additional information may be required by Staff)

(1) _____ Aerial image of the STR with surrounding buildings at a scale sufficient to determine proximity to any schools.

(2) _____ Site plan showing number of rooms to be rented out as part of the STR

(3) _____ Parking plan demonstrating adequate parking available for potential renters

(4) _____ A copy of a building permit or County record of building completion.

(5) _____ Applicant's most recent state and federal tax returns with the property listed as the applicant's primary residence and a government issued ID with the address of the applicant listed.

(a) If the property has been purchased shortly before filing this application and state and federal taxes have not been filed, the applicant may file the Declaration of Primary Residency form at the end of this application. This Declaration will only be applicable for one year, at which time, the applicant shall provide the most recent state and federal tax returns with the property listed as the applicant's primary residence or this permit will be revoked.

(6) _____ Narrative including the following elements

(a) _____ The number of renters

(b) _____ Contact information for designated person able to respond within one hour

(c) _____ Quiet hours

(d) _____ Other information demonstrating the applicants' mitigation to possible nuisances to neighbors

REQUIREMENTS FOR APPROVAL

General Requirements:
All STRs must comply with the following requirements of the Lehi City Development Code.
Please initial to indicate compliance:

(1) _____Primary Residence. The dwelling must be owner occupied for the majority of the year and be their primary residence.
(2) _____Location. The STR shall not be located within 600 feet of an elementary, middle, or junior high school.
(3) _____Parking. Off-street parking shall be provided at a suggested rate of one stall per bedroom.
(4) _____Point of contact. Someone is designated as a point of contact that can respond to calls within 1 hour whenever the STR is rented.
(5) _____Number of Renters. No more than 10 individuals will be allowed in an STR or as limited by parking.
(6) _____Business License. STR has a current business license and applicant agrees to renew license annually.
(7) _____Curfew and Quiet Hours. Curfew and Quiet Hours are established and fit in the context of the surrounding neighborhood. The applicant agrees to make renters aware of them and enforce as necessary. At a minimum, quiet hours shall adhere to the Municipal Code noise regulations of 10:00 PM to 6:00 AM.

APPLICANT CERTIFICATION

I certify under penalty of perjury that I am the owner or authorized agent of the owner of property involved in the attached application. The statements and answers therein contained and the information provided in the attached plans or other exhibits present thoroughly, to the best of my ability, the argument in behalf of the application herewith requested and that the statements and information above referred to, are in all respects true and correct to the best of my knowledge and belief. I understand and agree to comply with all of the rules for Short Term Rentals. I also understand that if I do not comply with all of these rules, my permit may be revoked.

I agree to allow the Lehi City Zoning Administrator or representative to inspect my premises as necessary to see that my property complies with the above stated requirements.

I agree to renew my business license annually and make any necessary changes to the operation of my Short Term Rental is valid and documented complaints exist.

Applicant Signature _____ Date _____

For Office Use Only

Approved_____ Date: _____

Disapproved_____ Staff:_____

EST 1852
LEHI CITY
PIONEERING UTAH'S FUTURE

SHORT TERM RENTAL **Declaration of Primary Residency**

I/We, _____

Am/are the owner(s) of the residence located at _____

Property tax id # _____

Legal Description: _____

***Please initial to indicate compliance**:*

_____I/We own this property, and it is my/our legal residence.

_____I/We understand that providing false guarantee or failure to maintain this property as my/our primary residence shall result in code enforcement actions against the property and revocation of permits.

_____I/We agree that this document will be kept on file at the Lehi City Planning Department as proof of primary residency for one year, at which time I/we will provide the necessary documents proving the property is my/our legal residence.

I/We certify under penalty of perjury that the foregoing is true and correct:
Owner(s):

_____ _____
Signature Signature

_____ _____
Printed name Printed name

_____ _____
Date Date

State of Utah
County of Utah

Subscribed and sworn before me this____day of_____, 20____by_____.

_____
Notary Public

My commission expires_____

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 10-17-2023

SUBJECT: A presentation regarding proposed Provo-Orem City Boundary Adjustments. (23-075)

RECOMMENDATION: This work session item is to explain a request for City Council action approving three resolutions which will initiate a 60 day public comment period for boundary line adjustments between Provo City and Orem City.

BACKGROUND: There are three independent boundary adjustments that can be approved by the City Council. 1-Provo City is entertaining a development proposal from the Riverbend Subdivision adjacent to the Provo-Orem City boundary. The developer has requested that Orem give up 10 acres of property to Provo so that the entire residential portion of the development will be within Provo City. Public Works has no objections to this boundary adjustment request. 2-Orem has a sewer lift station where a portion of the property is in Provo and a portion is in Orem. Provo and Orem have unsuccessfully tried to put this preoperty completely in Orem for many years. Public Works has met with the Utah County Recorder to rectify the previous discrepancies in the current boundary line, and is now proposing to move the property into Orem City. 3-2000 S east of I-15 is a street that is split 50% in Provo and 50% in Orem. However, since no Provo properties have frontage on the street, Public Works believes it makes sense for this street to be maintained and managed by Orem City. With the approval of these three resolutions a 60-day public comment period would begin in which the public can provide comment to the City Council. The Orem City Council will follow a concurrent process. Following the public comment periods these items will be brought back before the Councils for final approval. After each Council approves the final resolutions the boundary amendment plats will be recorded with Utah County to complete the process.

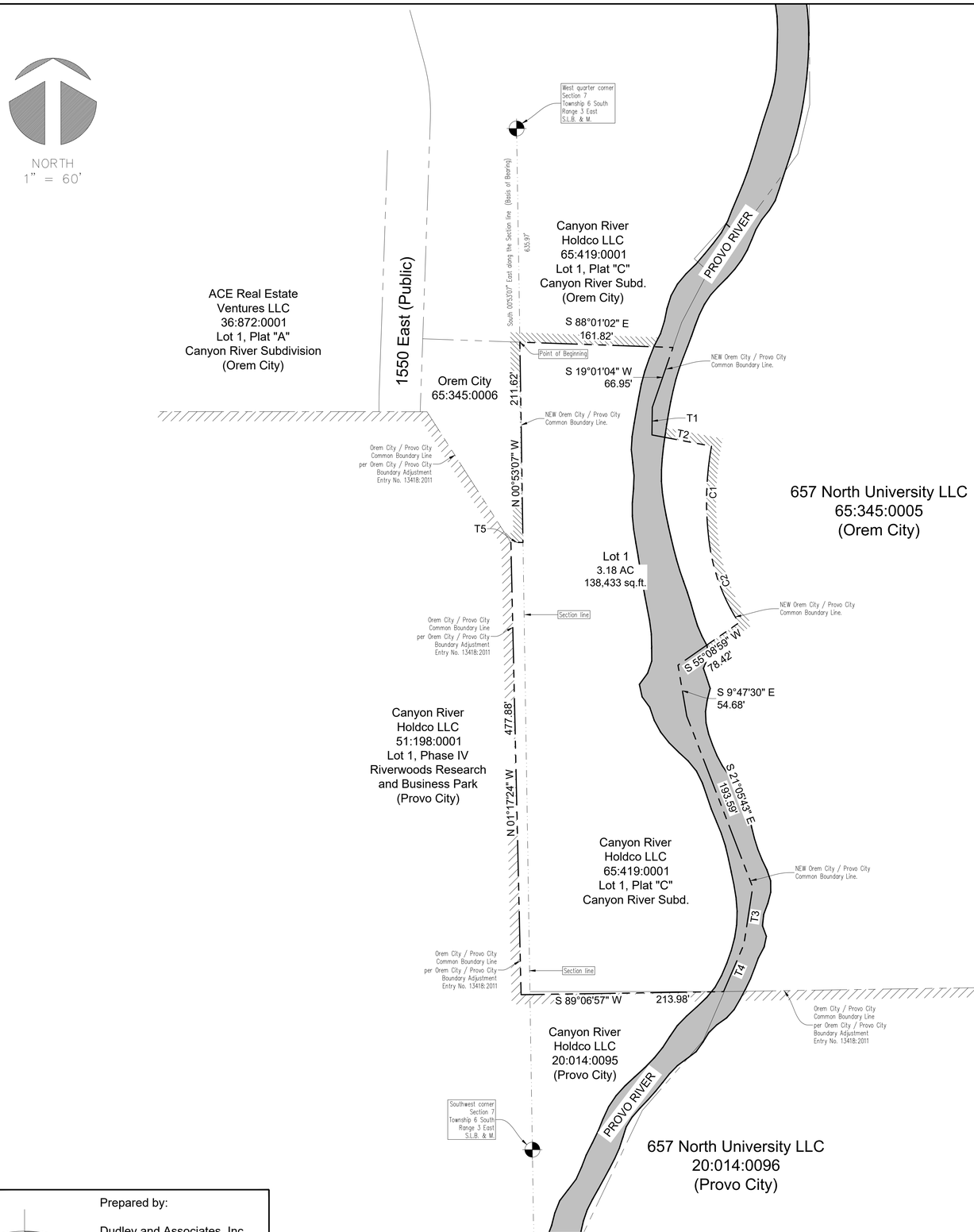
FISCAL IMPACT: Minimal

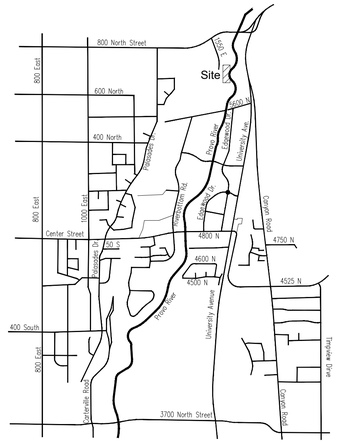
PRESENTER'S NAME: Gordon Haight/David Day

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-075





Vicinity Map

Line Table		
Line	Length	Direction
T1	29.08'	S 00°50'26" W
T2	64.05'	S 79°13'57" E
T3	61.10'	S 08°44'33" W
T4	54.37'	S 23°15'14" W
T5	12.76'	N 89°40'16" E

Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	327.56'	99.04'	98.66'	S 1°37'08" W	17°19'24"
C2	203.00'	94.31'	93.46'	S 19°50'55" E	26°37'02"

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

Prepared by:

Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
office 801-224-1252
fax 801-224-1264

Date of Preparation

January 31, 2023

Surveyor's Certificate

I, ROGER D. DUDLEY, do hereby certify that I am a Professional Land Surveyor and that I hold a license, Certificate No. 147089, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. I further certify that I have made a Survey of the Boundary Line Adjustment shown on this plat and described below and the same has been correctly surveyed and this plat is true and correct.

SURVEYOR'S SEAL

Roger D. Dudley – Professional Land Surveyor

Date

Boundary Description

Commencing on a common boundary point between Orem City and Provo City, said point being located South 00°53'07" East along the Section line 635.97 feet from the West quarter corner of Section 7, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence South 88°01'02" East 161.82 feet; thence South 19°01'04" West 66.95 feet; thence South 00°50'26" West 29.08 feet; thence South 79°13'57" East 64.05 feet; thence along the arc of a 327.56 foot radius curve to the left 99.04 feet (chord bears South 01°37'08" West 98.66 feet); thence along the arc of a 203.00 foot radius curve to the left 94.31 feet (chord bears South 19°50'55" East 93.46 feet); thence South 55°08'59" West 78.42 feet; thence South 09°47'30" East 54.68 feet; thence South 21°05'43" East 193.59 feet; thence South 08°44'33" West 61.10 feet; thence South 23°15'14" West 54.37 feet more or less to the Orem City / Provo City common boundary line as shown on the Orem City / Provo City Common Boundary Adjustment as Entry No. 13418:2011, thence South 89°06'57" West along said boundary line 213.98 feet; thence North 01°17'24" West along said boundary line 477.88 feet ; thence North 89°40'16" East 12.76 feet; thence North 00°53'07" West 211.62 feet more or less to the point of beginning.

Area = 138,433 sq.ft. or 3.18 Acres

Basis of Bearing is South 00°53'07" East along the Section line from the West quarter corner to the Southwest corner of said Section 7.

Orem City Acceptance

Approved this _____ day of _____ 20_____, as a Municipal Boundary Adjustment Plat.

RECORDER'S SEAL

_____ (Signature)

_____ (Printed Name)

_____ (Title)

Attest: _____
RECORDER

Provo City Acceptance

Approved this _____ day of _____ 20_____, as a Municipal Boundary Adjustment Plat.

RECORDER'S SEAL

_____ (Signature)

_____ (Printed Name)

_____ (Title)

Attest: _____
RECORDER

Acceptance by the County Surveyor

This Plat has been reviewed by the County Surveyor and is hereby certified as a Final Local Entity Plat, pursuant to Utah Code Annotated 17-23-20 Amended.

COUNTY SURVEYOR'S SEAL

_____
County Surveyor

_____
Date

MUNICIPAL BOUNDARY ADJUSTMENT PLAT

OREM CITY / PROVO CITY

COMMON BOUNDARY ADJUSTMENT

Provo City, _____ Utah County, Utah

Scale: 1" = 60 Feet

Recorded # _____

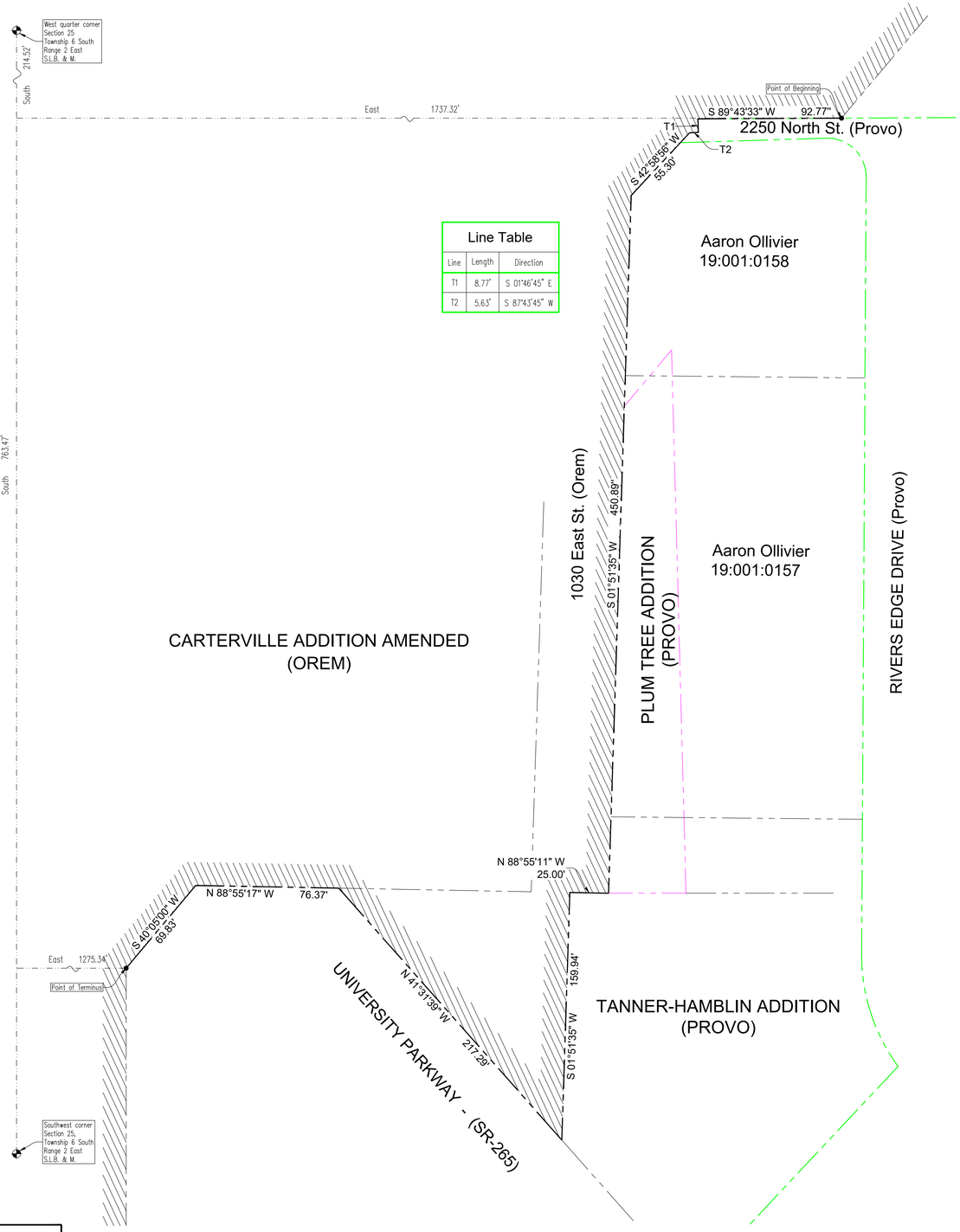
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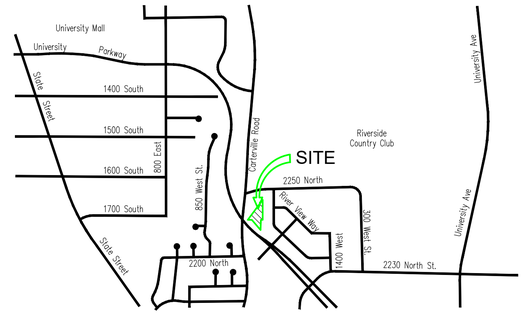
_____

Date:_____Time:_____Book:_____Page:_____

$_____ _____
FEE UTAH COUNTY RECORDER

NORTH
1" = 40'





VICINITY MAP

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

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353 East 1200 South
Orem, Utah 84058
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Date of Preparation
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SURVEYOR'S SEAL

Roger D. Dudley – Professional Land Surveyor

Date

Boundary Description

Commencing at the intersection of the Tannery-Hamblin addition and Rivers Edge on University Subdivision Plat, said point being located South 214.52 feet and East 1737.32 feet from the West quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence along Rivers Edge on University Subdivision the following three (3) courses: South 89°43'33" West 92.77 feet, South 01°46'45" East 8.77 feet, South 87°43'45" West 5.63 feet; thence South 42°58'56" West 55.30 feet; thence South 01°51'35" West partially along Plum Tree Addition and extension thereof 450.89 feet more or less to the Tanner-Hamblin Addition; thence North 88°55'11" West along Tanner-Hamblin Addition 25.00 feet; thence South 01°51'35" West 159.94 feet to the easterly boundary line of University Parkway; thence North 41°31'39" West along University Parkway 217.29 feet more or less to the Tanner-Hamblin Addition; thence North 88°55'17" West along said Tanner-Hamblin Addition 76.37 feet more or less to Orem, Amended; thence South 40°05'00" West along said Tanner-Hamblin Addition 69.83 feet more or less to the point of terminus.

Basis of Bearing is the Utah State Plane Coordinate system.

Orem City Acceptance

Approved this _____ day of _____ 20_____, as a Municipal Boundary Adjustment Plat.

_____ (Signature)

_____ (Printed Name)

_____ (Title)

Attest: _____
RECORDER

RECORDER'S SEAL

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_____ (Printed Name)

_____ (Title)

Attest: _____
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_____
County Surveyor

_____
Date

COUNTY SURVEYOR'S SEAL

MUNICIPAL BOUNDARY ADJUSTMENT PLAT

OREM CITY / PROVO CITY

COMMON BOUNDARY ADJUSTMENT

Provo City, _____ Utah County, Utah

Scale: 1" = 40 Feet

Recorded # _____

State of Utah, County of Utah, Recorded and Filed at the request of:

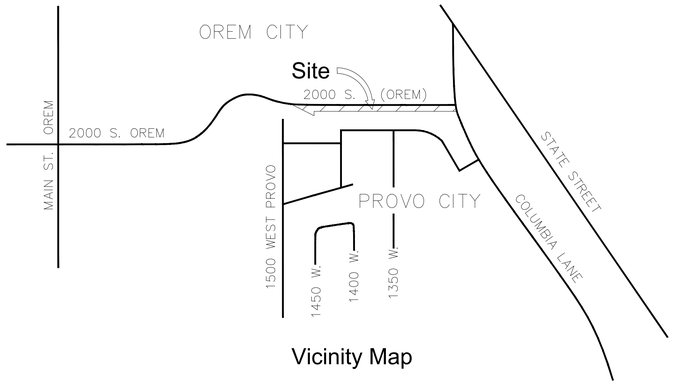
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Date:_____Time:_____Book:_____Page:_____

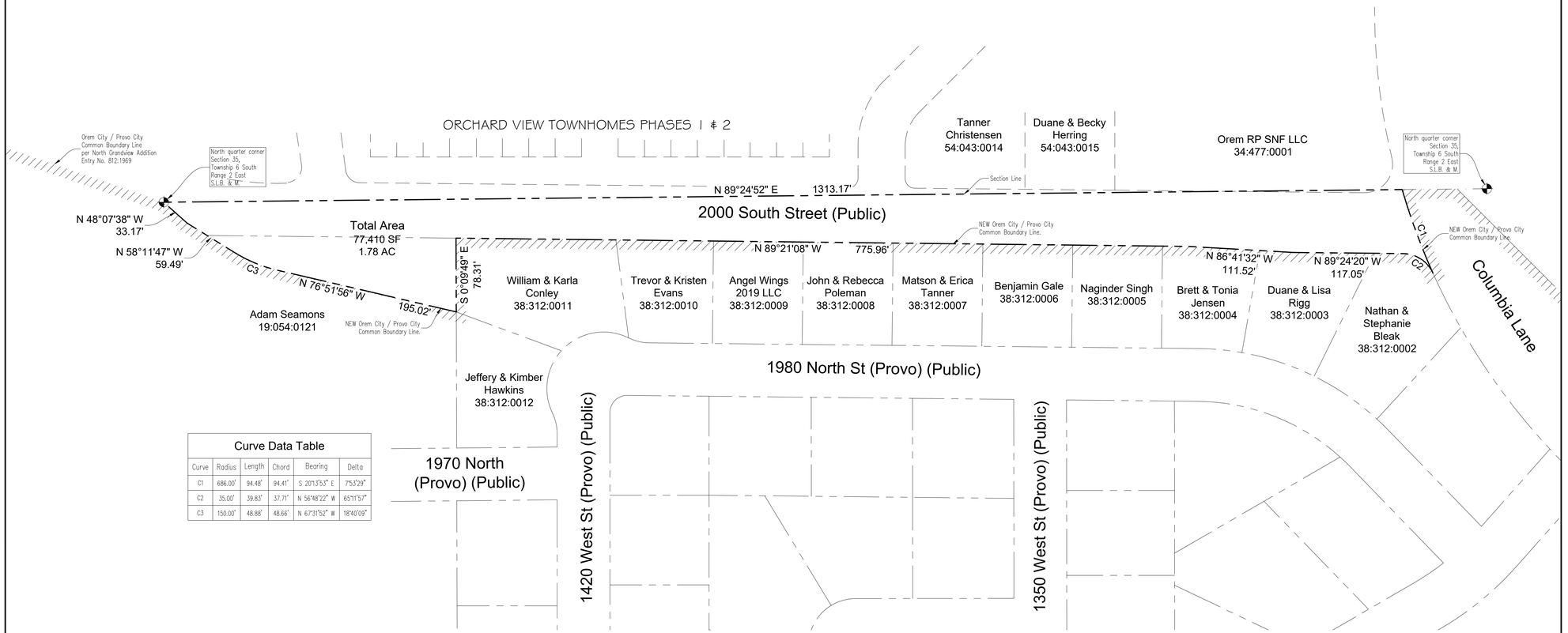
$_____
FEE

_____
UTAH COUNTY RECORDER

NORTH
1" = 60'



Vicinity Map



Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	686.00'	94.48'	94.41'	S 20°13'53" E	7°53'29"
C2	35.00'	39.83'	37.71'	N 56°48'22" W	65°11'57"
C3	150.00'	48.88'	48.66'	N 67°31'52" W	18°40'09"

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

Prepared by:

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353 East 1200 South
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SURVEYOR'S SEAL

Roger D. Dudley – Professional Land Surveyor

Date

Boundary Description

Commencing on a common boundary point between Orem City and Provo City, said point being the North quarter corner of Section 35, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 48°07'38"East 33.17 feet; thence South 58°11'47"East 59.49 feet; thence along the arc of a 150.00 foot radius curve to the left 48.88 feet (chord bears S 67°31'52"East 48.66 feet); thence South 76°51'56"East 195.02 feet; thence North 00°09'49"West 78.31 feet to the southerly boundary of 2000 South Street (Orem); thence along said 2000 South Street the following four (4) courses: South 89°21'08"East 775.96 feet, South 86°41'32"East 111.52 feet, South 89°24'20"East 117.05 feet, along the arc of a 35.00 foot radius curve to the right 39.83 feet (chord bears South 56°48'22"East 37.71 feet) more or less to Columbia Lane; thence along said Columbia lane along the arc of a 686.00 foot radius curve 94.48 feet (chord bears North 20°13'53"West 94.41 feet to a point on the North Grandview Addition, said point being located North 89°24'52"East along said Section line 1313.17 feet from the North quarter corner of said Section 35; thence South 89°24'52"West along North Grandview Addition and said Section line 1313.17 feet to the point of beginning.

Area = 77,410 sq.ft. or 1.78 Acres

Orem City Acceptance

Approved this _____ day of _____ 20_____, as a Municipal Boundary Adjustment Plat.

_____ (Signature)

_____ (Printed Name)

_____ (Title)

Attest: _____
RECORDER

RECORDER'S SEAL

Provo City Acceptance

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_____ (Signature)

_____ (Printed Name)

_____ (Title)

Attest: _____
RECORDER

RECORDER'S SEAL

Acceptance by the County Surveyor

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County Surveyor

Date

COUNTY SURVEYOR'S SEAL

MUNICIPAL BOUNDARY ADJUSTMENT PLAT

OREM CITY / PROVO CITY

COMMON BOUNDARY ADJUSTMENT

Provo City, _____ Utah County, Utah
Scale: 1" = 60 Feet

Recorded # _____
State of Utah, County of Utah, Recorded and Filed at the request of:

Date:_____Time:_____Book:_____Page:_____

$_____ _____
FEE UTAH COUNTY RECORDER

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JOHNB
Department: Administrative Services
Requested Meeting Date: 10-17-2023

SUBJECT: A presentation regarding a requested airport appropriation from excess revenues in Fiscal Year 2023. (23-006)

RECOMMENDATION: Request Council appropriation of $1,313,300 and the addition of three full-time Airport Operations/Access Control Specialists funded by Airport Fund balance due to higher than budgeted revenue in FY2023. $1,148,000 will be appropriated in the Airport capital project function and $165,300 will be appropriated in the Airport Admin operating function corresponding with the three full-time positions.

BACKGROUND: With the addition of the new Provo Airport Terminal and the phenomenal increase in operations across the entire airport, especially in commercial flight operations, the demand placed on airport personnel is increasing rapidly and the airport is struggling to meet its staffing requirements with the current staffing levels. Additionally, as our airline partners increase operations with larger aircraft, the Airport is needing to prepare for the move from an ARFF index B to index C which requires increased emergency response availability requirements. Adding these three positions will help the City get closer to meeting the requirements of TSA and the FAA without having to utilize overtime. The capital project funding will go towards a new security badging software system and office space, Airport Apron lighting, a new parking toll system, and additional vehicle gate and associated security systems, and the repaving of Taxilane 18.

FISCAL IMPACT: $1,148,000 Aiport fund balance

PRESENTER'S NAME: Brian Torgerson, Airport Director & John Borget, Adminstraive Services Director

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-006

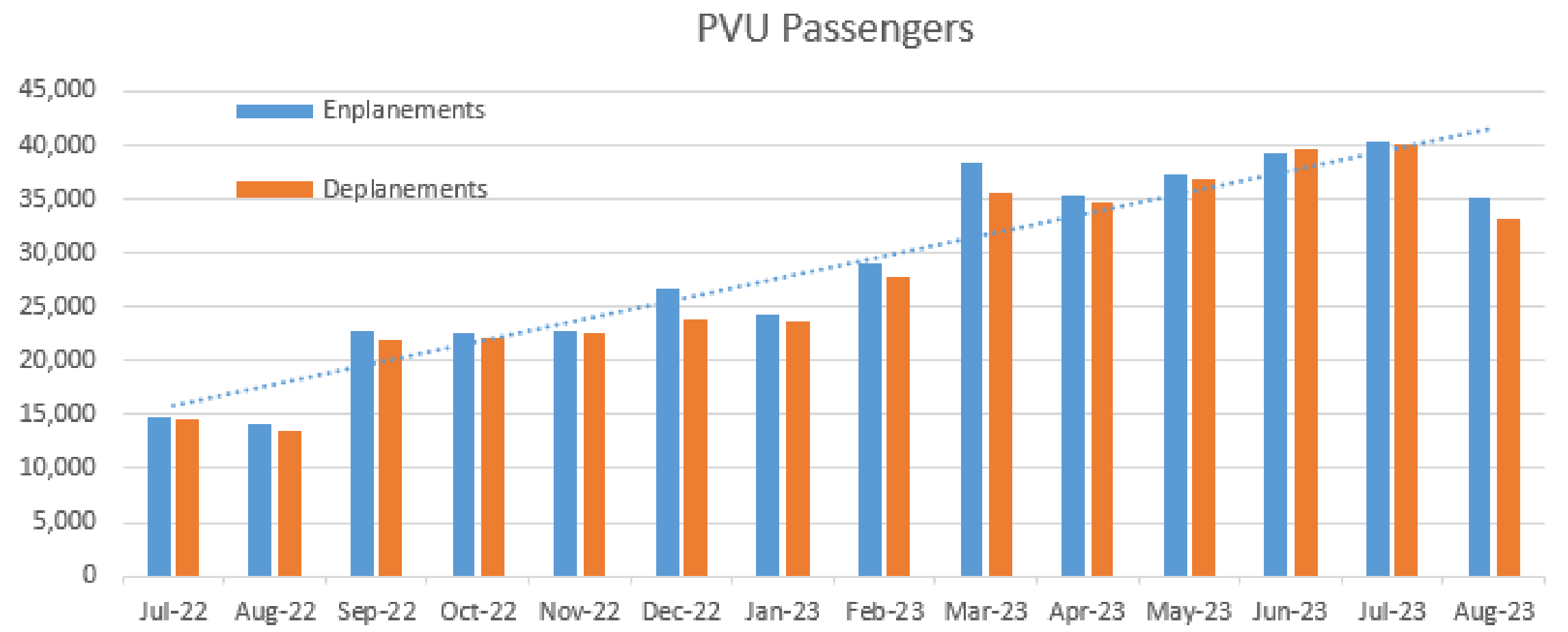
Airport Appropriation

Purpose	Amount
Security Badging Software System	$200,000
New Parking Toll System	$300,000
Security Badging Office Space	$300,000
Apron Lighting	$80,000
Taxilane 18 Repave	$168,000
Signature Gate & Security	$100,000
Airport Capital Function Subtotal	***$1,148,000***
3 Airport Operations/Access Control Specialist positions	*$165,300*
Airport Admin Operating Function Subtotal	***$165,300***
Grand Total	**$1,313,300**

AIRPORT APPROPRIATION

10/17/23

provo PUBLIC WORKS


PVU Passengers
45,000
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
Enplanements
Deplanements
Jul-22
Aug-22
Sep-22
Oct-22
Nov-22
Dec-22
Jan-23
Feb-23
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Apr-23
May-23
Jun-23
Jul-23
Aug-23

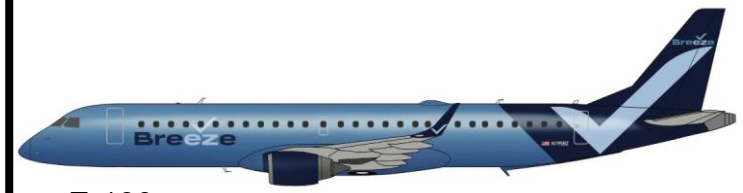
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Taxilane 18 Repave	$168,000
Signature Gate & Security	$100,000
Airport Capital Function Subtotal	***$1,148,000***
3 Airport Operations/Access Control Specialist positions	*$165,300*
Airport Admin Operating Function Subtotal	***$165,300***
Grand Total	**$1,313,300**

Airport ARFF Index

ARFF Index B Aircraft

90 ft - 126 ft



E-190



A-319 & A-320

Average Daily Departures

1

6

Total

7

ARFF Index C Aircraft

126 ft – 159 ft



A-220



B-737 Max

Average Daily Departures

2

0

Total

2

Less than 5

5 or more

ARFF Index B Requirement

FF FF



3 MINUTES



ARFF Index C Requirement

FF



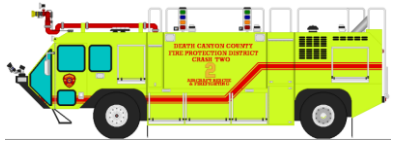
3 MINUTES



AO



4 MINUTES



AO



4 MINUTES



Taxilane 18



Taxilane 18



Apron Lighting



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: DIXONH
Department: Mayor Office
Requested Meeting Date: 09-05-2023

SUBJECT: A presentation regarding the Innovation Grant Fund Program funded projects from FY 2023. (23-066)

RECOMMENDATION: Presentation only.

BACKGROUND: The Administration has requested and the Council has funded an annual allocation of certain dollars for the Innovation Grant Fund Program. The program solicits innovative and cutting edge ideas and programs from the Provo City employees from all the departments and divisions. The submissions are made each Spring to the Administration for consideration. A review panel made up of Provo residents and/or entities located in Provo to help the Administration rank and recommend innovative ideas to be funded. Those ideas that are selected may receive up to $25,000 to implement the proposed idea or product.

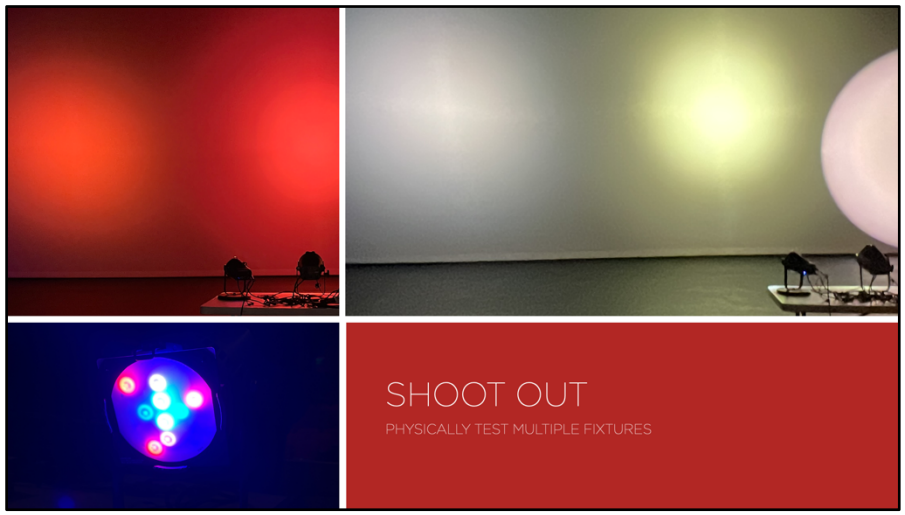
FISCAL IMPACT: N/A

PRESENTER'S NAME: Dixon Holmes, Assistant CAO

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
This programs seeks to constantly improve how Provo City provides services to our residents, businesses and visitors.

CITYVIEW OR ISSUE FILE NUMBER: 23-066



SHOOT OUT

PHYSICALLY TEST MULTIPLE FIXTURES

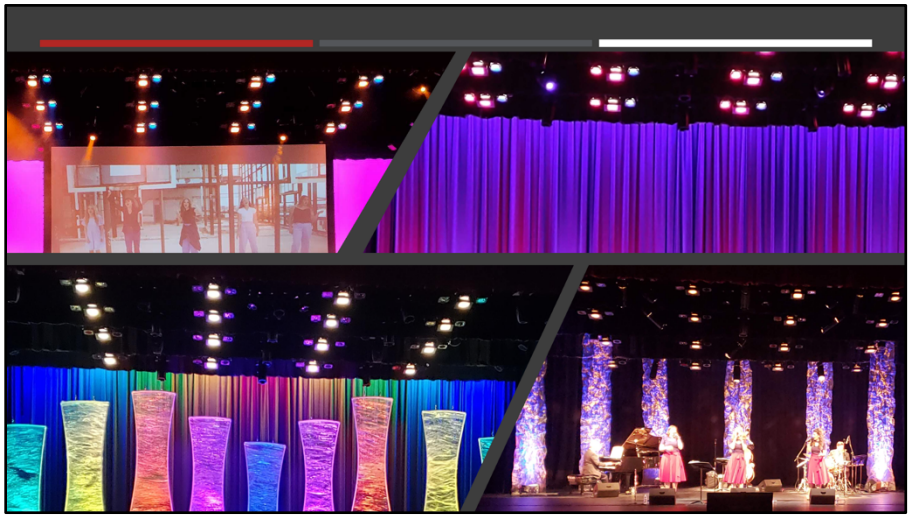
FIXTURE CHOICE

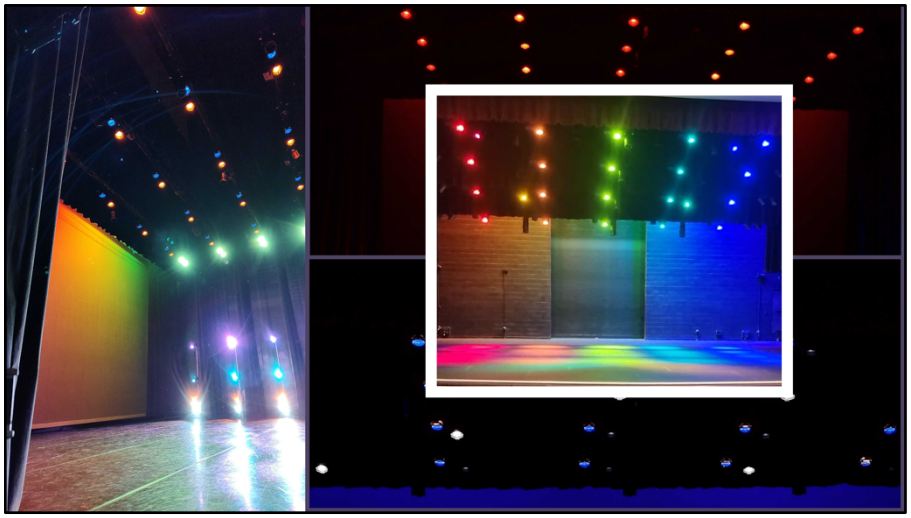
ETC Source 4 Par



ETC Colorsource Fresnel V







ELECTRICITY SAVINGS

	Operating Wattage	Number of Fixtures	Hours per Day	kWh per day	kWh per year	Current Commercial Rate	Electricity Cost per Year
Source 4 Par	575	28	8	128.8	47012	$0.0462	$2,171.95
Colorsource Fresnel V	148.4	20	8	23.744	8666.56	$0.0462	$400.40



81.57% Reduction in power usage



$1,771.56 In electricity cost per year

SPARE CIRCUITS: 34

- Electricity - $1,771.56
- Lamps - $423* per year
- Gel - $256* per year
- Total - $2459.56 per year

*ESTIMATES BASED ON APPROXIMATE USAGE AND CURRENT PRICING

GOALS OF THE GRANT

- Efficiency
- Ease of Maintenance
- Artistic Options

Covey Center stage lighting to be Fully LED by 2028.



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 10-17-2023

SUBJECT: A discussion regarding the redistricting process. (23-073)

RECOMMENDATION: Disucssion and Motions as the Council sees fit.

Staff Recommentation - Motion for Council Staff to create a redistricting summary and guidebook.

BACKGROUND: The Council Office received an issue request sponsored by Councilor Ellsworth and seconded by Vice-chair Whipple and Councilor Hoban. The request stated the desire to look at "a process written into law that sets forth how council districts will be drawn after the census is complete every ten years. For example, it could follow the law/process that dictates how compensation is increased for elected officials." Councilor Ellsworth also outlined a proposal "to see Provo citizens geographically distributed appointed by the council to an adhoc committee after the census. [It could consist of] 13 people appointed by the council from the 13 elementary school boundaries. They would provide no more than 5 district map recommendations to the Council. Or something similar. Ideally the council would be bound to select one of those maps so that we aren't in a position of totally ignoring their work like the state legislature has done. They should also provide a recommendation, non-binding, on how many districts there should be. This should be supported by the GIS department."

Council Staff looked back at both the 2012 and 2022 redistricting processes. It was found that while both processes were different, the Council's process was consistent with best pratices of transparency and citizen participation. Redistricting processes are different in every City. Staff looked at Salt Lake City, West Jordan, and Denver CO. It is very rare for cities to outline redistricting processes in their city code.

Staff will review the basics of redistricting, a summary of best practices, and possible changes for 2023.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Michael Sanders, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-073

Redistricting Postmortem

Michael Sanders – Policy Analyst

Agenda

1. Redistricting Basics
2. Best Practices
3. Process
4. What can we do for 2032?

Redistricting Basics

UCA 10-3-2 Municipal Council

- 205.5(2)(a) “may by ordinance provide for the election of some or all…Council members…by district
- 205.5(2)(b) “Each district shall be of substantially equal population”
- 205.5(2)(b) Shall make adjustments in boundaries within six months of the Legislature’s redistricting process

Redistricting Basics

UCA 20A-14-2 School Board

- 201(1)(b) “…substantially equal in population and are as contiguous and compact as practicable”
- 201(2)(a) “at least once every 10 years”
- 201(3)(a) “does not affect the right…to complete the term”
- 201(5) an accurate map is to be sent to UGRC within 10 days
- 202(1)(f) seven member boards stay at seven members
- No provision for at-large seats

Redistricting Basics

Outside the Council Office

- The Census occurs
- The Legislature conducts it’s redistricting process
- County provides precincts based on the number of registered voters and aligns them with federal and state districts
- City adds population per the most recent Census to the precincts

Best Practices

Common Criteria

- Substantially equal population
- Competitive elections
- Party advantage
- Contiguity
- Compactness
- Communities of interest
- Incumbent protection

Best Practices

U.S Election Assistance Commission

- Outreach/Notice
- Public Comment/Hearings/Town Halls
- Livestream of meetings
- Online and in-person comments
- Accommodations if asked for in advance

National League of Cities

- Local Democracy Initiative (consultant)
- GeoCivics (consultant)
- Representable.org
- Transparency
- Define what you will do though resolution

Process

2012

- Robust public outreach
- GIS online map tool
- Calander
- Redistricting Advisory Committee

2022

- Robust public outreach
- GIS online map tool
- Calander
- Committee of the Whole

Process

Redistricting Advisory Committee

- 3 Council Members
- Reviewed 33 School Board Maps and 100 Council Maps
- Identified Criteria and scored maps
- Presented recommendations to Council
- Two public hearings

Committee of the Whole

- All Council Members
- Reviewed 105 School Board Maps and 122 Council Maps
- Staff evaluated based off Council Direction
- 9 public meetings with 10 hours of discussion
- Open City Hall…209 visitors, 46 registered responses, 38 unregistered responses = to 2.8 hours of public comment
- 5 members of the public spoke during the final approval meetings

Process

SLC

- Online map creation tool
- Advisory commission reviewed submitted maps
- Council debated the final 6 maps

West Jordan

- City Recorder worked with the Legal Department and the County to create maps
- 3 maps were presented to the Council for debate

Denver

- Public Engagement to help determine criteria and create maps
- GIS created preliminary maps based off of both City Charter and Council Criteria
- Each Councilor submitted an “official map” to be debated
- Debated maps as a Committee of the whole.

2032

Things to keep in mind

- Different people
- Different technology
- Different population numbers and patterns
- Whatever this Council decides can be changed by a future Council

2032

What can we do?

- Create a Redistricting Guidebook
- Pass a resolution detailing the exact plan
- Communicate with the County ahead of time to ensure our voice is heard when the precincts are created
- Amend P.C.C to include pre-determined criteria
- Councilor Proposals?

Minutes

1/04/2022 Work Meeting

Cliff Strachan, Council Executive Director, presented. He thanked several staff members who have been involved with this effort. Mr. Strachan reviewed the timeline for the redistricting for the Council and Provo School Board districts to take place and the Council's role in that process. Mr. Strachan reviewed the requirements of the districts for each body. The 2012 maps were based on 42 precincts, whereas the 2022 maps will be based on 59 precincts. Precincts have varying populations between about 500 and 1250. Mr. Strachan shared a more detailed timeline for the redistricting process with an alternate timeline which would defer action to a later time. Mr. Strachan noted the potential for the Council districts to move from five districts and two citywide districts to a seven single-member districts composition. A memo was distributed to the Council addressing this in more detail. They have proposed a three-week period for the public to submit maps. The online mapping tool includes a feature that prevents duplicate submissions.

Phil Uhl and Stan McShinsky, GIS Analysts, presented the online mapping tool. Councilor George Handley asked how the student population was calculated and balanced within districts. Mr. Uhl explained some of the challenges of the recent census; due to BYU's closure during the pandemic and students leaving town early, students were likely undercounted in the most recent census as a result. Councilor Katrice MacKay asked about the Council map whether boundaries would need to be changed if the Council remained with the five-member districts. Mr. Strachan indicated the maps would likely need to be changed due to changes to the precincts. Mr. Uhl indicated that they gave feedback to Utah County regarding precinct areas but were somewhat limited as the precinct boundaries could not cross state legislative districts. Councilor Shannon Ellsworth asked whether the Council asked for districts to align with neighborhood boundaries. Mr. Uhl said that was not direction received from the Council. Councilor David Shipley asked how a decision on five- versus seven-member districts for the Council would play into the timeline. Mr. Strachan explained that the Council needed to move forward soon with the School Board districts. Mr. Shipley was supportive of the basic timeline and he also supported exploring seven districts. Councilor Bill Fillmore asked whether Council districts needed to align with the School Board districts. Mr. Strachan indicated it was not required but may be simpler. He noted that the School Board is required to have seven districts and may not have a citywide district.

Councilor Shannon Ellsworth indicated her support for seven districts. She felt any negative impacts of having seven districts would similarly apply to the current five districts. She also felt positively about this because so many citizens have expressed a serious desire to have more vocal representation. She thought doing so would allow better geographic distribution of Council representatives. Councilor George Handley was open to exploring the pros and cons. For a city the size of Provo, there was not strong evidence one way or another, so he was hesitant to change unless there was a compelling reason that the change would improve a problem the city desired to fix. Council Vice-chair David Shipley suggested the Council move forward with the School Board districts and continue discussing potential changes to the Council district apportionment. Mr. Strachan indicated the process for staff moving forward to accommodate these requests. ***Presentation only. This item will return to a future Council meeting.***

1/18/2022 Work Meeting

Cliff Strachan, Council Executive Director, presented. He provided background information on the discussion. The public feedback site is live for school board maps and the Council wished to further discuss the configuration of the Council districts (whether or not to have at-large seats). Mr. Strachan reviewed some of the data about the citywide Council districts. Councilor Shannon Ellsworth asked whether staff had gathered data on where mayoral candidates and elected mayors have lived. Mr. Strachan indicated the data had been limited to the Council members. Mr. Strachan shared data about voter registration rates and turnout/participation in each district.

Councilor George Handley asked about how low student voter turnout impacts those local precincts. Mr. Strachan responded to this question and shared details of staff's analysis. Part of the issue is the way that the precincts are drawn by the county makes it unavoidable to have some impact from low voter turnout in precincts with high college student populations. Mr. Strachan outlined points of the analysis regarding Council districts versus at-large seats and the pros and cons of each composition of districts and he invited questions from the Council.

Mr. Handley referenced the incumbency factor. His biggest reservation about the 7-district model is the reduction in participation and less opportunities for people to run by eliminating the citywide seats. Councilors David Shipley and Travis Hoban discussed the possibility of a west side district. Mr. Hoban indicated based on the population of the west side, the area would only meet the threshold for a district if there were 7 districts.

Ms. Ellsworth registered concern about a concentration of political power in the northeast area of the city, noting that the Council has registered concern about the imbalance in underrepresented areas of the city such as the west side. Mr. Magness responded to Ms. Ellsworth's comment about including data on mayoral candidates; he explained that the dynamics of the mayoral race are different since it is a different branch of government. Mr. Magness also indicated that 25% of the precincts in Provo control 54% of the voter turnout in Provo, which would be challenging to shift. Councilor Rachel Whipple wondered whether there was a virtuous cycle in the northeast area of the city and whether it was possible that such a cycle was amplifying the difference of voter turnout in that area. Councilor Bill Fillmore did not think the civic virtue of high voter registration and turnout should be viewed as a liability.

Mr. Handley said the Council has previously discussed greater voter participation as a goal. He noted that dealing with uneven voter participation was not just a matter of drawing lines; there are other ways to inform and enfranchise people in democracy outside of this process. Ms. Ellsworth asked if staff could evaluate what factors were correlated in voter turnout. Mr. Strachan indicated that staff could prepare a memo addressing that question. ***Presentation only. This item will return to a future Work Meeting.***

2/1/2022 Work Meeting (School District Maps)

Cliff Strachan, Council Executive Director, presented. They have received 105 maps from the public engagement process. Mr. Strachan reviewed some of the map options and how staff endeavored to narrow the selection. He reviewed the criteria that staff used based on feedback from the Council, including requirements of state code, and considerations including displacing incumbents, district core preservation, balanced number of schools per district, and creating a west side district. Mr. Strachan reviewed the methodology by which they ranked and rated the submitted maps and responded to several clarifying questions from Councilors. Mr. Strachan displayed the top 12 maps based on the rankings. Councilors supported following a similar process for obtaining school board feedback as staff did with the Council on their feedback.

Motion: George Handley moved to follow the same process with school district as they have done with the Council. Seconded by Bill Fillmore.

Substitute Motion: David Shipley moved to follow the same process with the school district as they have done with the Council, including the superintendent as well. Seconded by Bill Fillmore.

Vote: Approved 7:0.

Councilors briefly discussed plans for Open City Hall and obtaining public feedback on the top several maps.

Motion: Travis Hoban moved to wait to post on OCH until the Council has received feedback from the School Board to help narrow down the number of maps that go out. Seconded by Bill Fillmore.

Vote: Approved 7:0.

2/1/2022 Work Meeting (Council District Maps)

Cliff Strachan, Council Executive Director, presented. Mr. Strachan highlighted the past discussions on this issue and some of the factors and considerations they have looked into as staff. He reviewed some possible courses of action and possible timelines.

Councilor Shannon Ellsworth commented that there were different pros and cons to every form. She thought citizens might be better served with seven districts. She noted that whatever cons accompanied that model had never been problems with the school district. The state legislature is also operating with a one-person-per-district model. She is interested in seeing where this goes.

Motion: Shannon Ellsworth moved that the Council create seven districts and identify alternatives for seven Council districts. No second received.

Councilor George Handley has been weighing this carefully and sympathized with what Ms. Ellsworth described. He thought the current status quo of five districts and two citywide seats

was the way to go. He thought that the benefits of the citywide seat, which allows more candidates from more areas to run more frequently, was a significant benefit of the current system. Brian Jones noted that no motion was necessary as the law already exists to result in that outcome, but the Council may wish to vote on a motion in that vein to end debate.

Motion: George Handley moved to stick with five districts and two citywide seats and to move forward with that expectation of redrawing the boundaries. Seconded by Bill Fillmore.

Councilor Rachel Whipple asked if the Council moved forward with 7 districts, whether they needed to align with the school board districts. Mr. Hoban did not think this question needed consideration since the motion did not receive a second. Mr. Fillmore agreed with Mr. Handley's comments. He was hesitant to take any steps to adversely affect a district where there is more civic mindedness. Mr. Hoban addressed Ms. Whipple's comment; he noted that some of the criteria they examined for the school board, such as the number of schools in a district, were not relevant constraints for the Council maps, so they did not necessarily need to be the same.

Councilor David Shipley shared his thoughts about the merits of expanding the districts to 6 or 7 to address the needs of future growth and representation on the west side of Provo. He felt it was a critical change to address for the coming decade and he wanted to register his support for that idea, fully acknowledging that making such a change would eliminate his citywide seat.

Mr. Fillmore noted that the perceived imbalance of representation from the northeast of the City may not have been consistent historically. He agreed that the west side merited more representation. Mr. Shipley responded to Mr. Fillmore's comment and clarified that he felt that the issue was not of overrepresentation from one area, but that some areas may be underrepresented as a result of five districts and two citywide seats; the 'overrepresentation' could very well shift between different areas over time.

Ms. Whipple was considering increasing the number of districts. She noted that districts 2, 3, and 5 have the greatest proportion of the student population, which skews the number of registered voters and voter participation. She did not think this was a reflection on the civic engagement or any perceived lack from residents in those areas; she thought it was simply a reflection of the composition of the population in those areas. Mr. Strachan shared observations of some of the map proposals and how this was impacted by the way precincts were drawn.

Substitute Motion: David Shipley moved to expand to six districts with one citywide seat. Seconded by Rachel Whipple.

Mr. Handley reiterated others' comments on student population and how it impacts voter turnout. He noted that district 2 includes the precinct with the highest voter turnout, but it is skewed by the other precincts in that district. He preferred the five-district and two citywide seat-split because in every election, there are multiple choices for voters as well as multiple opportunities for candidates to run from a specific area. Six districts and one citywide seat felt imbalanced to him. Overemphasizing or underemphasizing regions was problematic and for this reason he liked having the additional citywide seat.

Vote on substitute motion: Failed 3:4, with Travis Hoban, Katrice MacKay, Bill Fillmore, and George Handley opposed.

Mr. Shipley really appreciated Mr. Handley's comments. He noted that the high expense of running a citywide campaign was high enough that it could detract grassroots campaigns from accomplishing that. In politics in general, the fact that the price tag is so high is a real problem.

Councilor Katrice MacKay commented that as someone who just did a citywide campaign, it is expensive, and it is so much work. At the same time, she and her opponent both funded their campaigns through donations (rather than their own financial resources) and a lot of hard work. The amount of work it takes to get to know the entire city and campaign in the entire city really makes it a robust race, which requires candidates who are serious and passionate about it. Part of the work that goes into the campaign is about selling your goals and work, and you don't rely on someone's own financial means to get to the end; she thought that was really relevant.

Ms. Whipple decided not to run citywide because she lives in downtown and didn't think she'd have access to the social capital to get large donations. She noted that based on voter turnout, some candidates might decide to overlook certain areas of the city as a tactical decision, but that could increase the likelihood that those people feel underrepresented. Ms. Ellsworth appreciated Ms. Whipple's comments and wondered how campaign donations were distributed throughout the city. She thought staff might also have better information on voter turnout and hoped these factors could be examined again in 10 years when going through this process again.

Vote: Approved 4:3, with Rachel Whipple, David Shipley, and Shannon Ellsworth opposed.

Mr. Strachan outlined the timeline and process moving forward, including opening the map tool online for city council maps and posting an Open City Hall topic for the school board maps.

2/15/2022 Work Meeting (School Board Maps)

Cliff Strachan, Councilor Executive Director, presented. He reviewed the process they have gone through so far and shared the final maps presented on Open City Hall and to the School Board. He highlighted elements of each of the final maps. Councilor Travis Hoban suggested using the weighted rankings that were highest from the Council and School Board. Mr. Hoban also thanked Karen Tapahe for the thorough summaries she wrote for each of the maps.

Councilor George Handley did not like that maps N and T split up Wasatch Elementary School. Councilor Shannon Ellsworth noted several maps that placed schools on the boundaries of districts. Mr. Strachan and Ms. Tapahe explained this issue was due to the school's location and precinct boundaries. The School Board's concerns were representation of schools in general; they thought having more representation from the west side for the various schools was better. They also wanted to divide the college student population more so it wasn't all grouped

with an elementary school. Councilor David Shipley asked to see a map with the precinct with a lot of BYU students. Ms. Tapahe noted it was precinct 319. Councilor Bill Fillmore seconded Mr. Handley's concern about Wasatch Elementary being split between districts. Mr. Fillmore also asked about an irregularity on the maps near Centennial Middle School; Ms. Tapahe explained this was a precinct boundary that staff could not control. Mr. Fillmore and Mr. Handley both shared comments on how different maps impacted the west side. ***Presentation only. This item was scheduled for the Council Meeting on February 15, 2022.***

2/15/2022 Council Meeting (School Maps)

Cliff Strachan gave summary of criteria used to select final maps.

Chair Hoban opened public comment.

David Wright of Provo shared thoughts about population and voters in districts. He stated he prefers Map W because it allows balance.

Terry McCabe of Provo and member of School Board shared that she disagreed with other school board members and believes the westside needs its own district.

Eric Chase of Provo shared his disappointment in discussions council had about boundaries. He expressed his concern for members of council being biased towards their own neighborhoods. He suggested council investigate the statistics of low-income schools and residents and how they relate to the district maps.

Chair Hoban closed public comment.

Councilor Ellsworth shared the difference in Maps E and W. She also shared information about District 4's map and where candidates would be from. Her recommendation is that Map E be selected to allow for more potential candidates.

Motion: Councilor Ellsworth made a motion that Map E be selected. Seconded by Councilor Handley.

Councilor Handley responded to Eric Chase's comments. He communicated his desire to align with the school board's recommendations.

Councilor Whipple shared her dissatisfaction with all the maps presented and said she feels conflicted.

Councilor Ellsworth asked Councilor Whipple about how the title one schools would be impacted.

Councilor Whipple responded that the representation of schools is not balanced.

Councilor Handley disclosed that he does not think splitting the boundaries would result in less representation of vulnerable schools.

Councilor MacKay shared her experience with her children living outside of boundary of district.

Motion: Chair Hoban made a substitute motion to adopt Map N. Seconded by Councilor Whipple.

Councilor Ellsworth shared concerns of jerrymandering in district one and two.

Chair Hoban asked for Councilor Handley's feedback.

Councilor Handley stated he is reluctant to go against school boards recommendation and asked if Jennifer could comment.

Jennifer Partridge listed the order of preference that the school board had. She also stated the school board would support any of the four that were the finalists.

Councilor Ellsworth discussed her dislike of the islands that some of the maps have created.

Councilor Fillmore suggested that the council adhere to the recommendations of the school board.

Chair Hoban called for vote on the substitute motion.

Vote: The substitute motion failed with Councilors Hoban and Whipple in favor and Councilors Ellsworth, Fillmore, Handley, MacKay, and Shipley opposed.

Councilor Shipley asked about the other differences shown in Maps E and W.

Councilor Ellsworth shared the differences between them and provided information on the population.

Karen Tapahe shared the board members favorite was Map W.

Chair Hoban asked for vote on Councilor Ellsworth's motion.

Vote: The motion was approved 5:2 with Councilors Ellsworth, Fillmore, Handley, MacKay, and Shipley in favor. Councilor Handley opposed, and Councilor Whipple abstained from voting.

Chair Hoban called for a vote on the amended Ordinance. **(2:26:00)** *(Vote was taken after staff drafted the Ordinance to include the correct precincts.)*

Vote: The Ordinance was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

3/1/2022 Work Meeting (Council Maps)

Melia Dayley, Policy Analyst, presented. Staff hoped to receive Council consensus on which maps should be placed on Open City Hall and for how long. Ms. Dayley reviewed the timeline of the redistricting process as well as pertinent deadlines. She also reviewed maps ranked by the criteria established by Councilors. Councilor Shannon Ellsworth asked about core preservation; Ms. Dayley explained it was a standard criteria in the field and means preserving the majority of a specific district as intact in the new district. Ms. Dayley shared the top map choices, noting that several maps received multiple recommendations from Councilors.

Councilor Rachel Whipple noted several aspects of a district map that were important to her, including a west side district (including the south and having a clean inclusion like on the Plan 24 map), having precincts on both sides of University Avenue for the district including the downtown area, and locating Grandview and Carterville together in a district. Mr. Handley asked Councilors to speak to any issues that weren't directly addressed in the map criteria. Councilor Shannon Ellsworth liked compactness, but another important factor to her was choosing a geographic distribution of districts to always include someone from south of Center Street and west of I-15. She also preferred maps that did not put Ironton in a district with west Provo as it was not very compact. Councilor David Shipley thought this was a helpful discussion. He echoed what has been said about map qualities he will look for—he noted he was particularly focused on the west side and wanted others' feedback for other parts of the city. He noted that most of the maps seem to show the west side carved out along with the Spring Creek area of south Provo. Mr. Shipley explained his approach was to look at areas of the city with shared values as well as similar concerns, even if the demographics were different. He also thought having a carveout of the west side would help because much of the growth in the city will happen in that area in the next 10 years. Mr. Handley preferred maps that changed some of the historic districts to try to shuffle some of the different areas to alleviate issues with precinct boundaries and voter turnout. Councilor Katrice MacKay was interested in compactness, a west side district, and spreading out district 2 to balance voter participation. Councilor Bill Fillmore supported compactness and preserving the core of old districts. Dixon Holmes, Assistant CAO, responded to a question regarding a property that was located within the City but was not city property.

John Magness, Interim Council Executive Director, suggested Councilors review the maps and submit their top 10 for an instant runoff process. This item was scheduled for a future Work Meeting. ***Presentation only.***

3/15/2022 Work Meeting (Council Maps)

Karen Tapahe, Community Relations Coordinator, presented. Of the maps that had been submitted, with the Council's feedback and grading they were able to narrow the maps to about 24. They would like to narrow the running further to the maps to be listed on Open City Hall.

Councilors shared some general comments prior to a more in-depth review of the maps. Councilor Shannon Ellsworth did not support maps which placed the Ironton area in with

the west side and she suggested the Council pull those maps out of the running. Councilor David Shipley felt he understood what some of the concerns were. He was interested in the public seeing a map that had the south with the west and getting feedback about that. Council Chair Travis Hoban suggested the process for narrowing down maps for Open City Hall and Brian Jones, Council Attorney, shared some comments on that process as well. Ms. Ellsworth suggested asking OCH respondents what they do and do not like about particular maps. Ms. Tapahe shared some additional insight into the mapping tool and the feedback process.

Councilor George Handley commented on moving BYU from district 2 to district 1. He noted that the campus precinct has a neighborhood chair, which is the University president. Mr. Handley commented on the precincts for the Joaquin neighborhood and some of the benefits of sharing that area among several districts. Councilor Bill Fillmore responded to Mr. Handley's comments; he thought the issue of voting rates versus population seemed extraneous as the Councilors represent the same number of people regardless of whether those residents vote or not. Mr. Fillmore also expressed interest in bifurcating the Joaquin area into a north and south section. He said he tended to favor the historical district boundaries.

Ms. Ellsworth asked for feedback from Mr. Handley about the central east area of Provo. She felt there were some notable differences north of Center Street versus south of Center Street. She wondered what Mr. Handley viewed as shared interests of those areas. Mr. Handley didn't think all districts needed to be exactly the same or have all things in common; homogenous districts would seem to exacerbate issues the city already experiences. He felt the eastern foothills of the city have similar issues in common with their nearby canyons as well as some comparable issues with adjacency of single-family and higher-density housing in those areas. Ms. Ellsworth asked about the history of the Joaquin area. Wayne Parker, CAO, shared some insight from his recollections—it started with moving from 4 districts to 5 districts in order to create a district that could accommodate some of the historic pioneer neighborhoods.

Ms. Tapahe indicated some concepts they could highlight to the public in the Open City Hall topic. Staff sorted the current set of maps into different themes and proposed that the Council review each theme and eliminate several maps from each to narrow the selection. The Council discussed each of the maps in turn and shared feedback on why they did or did not support each. During the process, Ms. Ellsworth voiced that she wasn't sure it was possible to balance voter turnout while also balancing populations (the latter which was required by law).

The group five maps placed the Ironton area with the west side. The Council eliminated maps Email 04 and Pretty good from the list and kept Center and Westside district, Map C, Plan 24, and Westside growth. The group four maps combined the north and northeast (Grandview) areas. The Council eliminated Counterclockwise shift2, Plan 28, Surprise, West and Central, and West Side Represent. They kept Plan 10 but made one tweak to the map to create a more even district 5. Mr. Hoban commented that this group of maps would create a large voting bloc because it combined several of the precincts with the highest voter turnout.

Mr. Hoban indicated that he did not support any of the maps in group 3 (which had a theme of an incomplete west side district). Mr. Handley shared comments on the group 3 maps as well and

commented on communities of interest. Mr. Fillmore was sensitive to the repercussions of splitting up the west side. The three maps in this group—Best, Council district, and Perfectly balanced 22 8k—were all eliminated. Ms. Ellsworth suggested the Council include on Open City Hall a map that resembles the current Council districts with the updated precinct data in order to allow respondents to compare the various new maps with one that was closest to the status quo. Councilors supported doing this.

The group 2 maps consolidated the west side (excluding Grandview) and did not place Ironton in the west side. Ms. Tapahe noted the maps handled the central and southeast areas in a variety of ways. The Council eliminated Great Idea and West side map, while keeping Better Balanced, BYU 1 Shift 2, Plan 26, and Sharing BYU. Ms. Ellsworth shared feedback about the group 2 maps; she did not like how under this theme district 3 was absorbed into the other surrounding districts. Councilor Rachel Whipple noted that these maps essentially combined two very distinct areas—downtown and the southeast. She thought it was certainly possible to represent both areas, but that it seemed to go against the idea of creating a downtown district. Councilors shared other comments to clarify which maps they preferred in this group and why.

The group 1 maps create a west side district using the Grandview area. From this group, the Council kept A Great and eliminated SE and Westside. Ms. Whipple did not like how the group 1 maps added Rivergrove to the downtown area; it doesn't seem like a natural fit to her.

Motion: George moved to adopt 11 maps (including a new map that would reflect the status quo for the districts) for open public comment in the coming weeks. Seconded by David Shipley.

Ms. Ellsworth asked if the intent of these maps was to show the public themes or to have the public rank or vote on the specific maps. She wondered whether the expectation was that one of these maps would be adopted. Ms. Tapahe indicated that those were all possibilities for the Open City Hall topic—these maps were illustrations but not necessarily the final map. She outlined the potential process and timeline for the OCH topic. Brian Jones, Council Attorney, commented and clarified the process with the selection of a map.

Vote: Approved 7:0.

3/29/2022 Work Meeting (Council Maps)

Karen Tapahe, Community Relations Coordinator, presented. Ms. Tapahe provided an update on the Open City Hall survey topic. Councilors shared comments on maps included in the final selection. Several Councilors indicated they did not support the map which resembled the status quo. The Council discussed the remaining maps to identify maps without broad support to cut those from the running. There was mixed support for map 34 so the Council moved on to discussing other maps. Maps 75 and 67 were both eliminated. Many Councilors expressed similar concerns about how both maps divided areas of the city which had common interests. Several Councilors also felt that map 75 looked gerrymandered.

Regarding Map 31, Councilor Shannon Ellsworth was concerned about grouping the southeast with the northwest, as well as the amount of growth happening in this area. Other Councilors agreed and map 31 was eliminated. Wayne Parker, CAO, commented on the process of providing feedback to the county about how they drew precinct boundaries; the County made some changes based on the City's feedback but unfortunately some of the precinct boundaries still did not fully meet the City's needs. Maps 64 and 28 were eliminated, and map 33 stayed in the running. Councilors Ellsworth and Rachel Whipple both opposed map 93, as they felt it changed the southeast area district too much. Councilor Bill Fillmore did not support map 85; he felt it bifurcated Provost and Provost South from other areas of the southeast. Map 100 was eliminated. Councilors shared further comments comparing maps 93 and 85; several preferred elements of map 93, so that stayed in the running and map 85 was eliminated.

Ms. Whipple thought that Map 113 had a strong downtown area and did not disrupt the west side. She noted one change she would make to the east side of district 5. Mr. Fillmore and Councilor Katrice MacKay also indicated support for this map. Ms. Ellsworth did not favor this map as she felt it did not preserve communities of interest. Ms. Whipple noted that with this map, there were still very distinct areas of the city in each district—the east, the north, Grandview, the west side, and a central hub. She noted that while the southeast was no longer a standalone area, this map did group the areas along Provo's eastern foothills which shared some common concerns due to the geography. Mr. Handley supported this map as well—he thought it moved the Tree Streets area into a diverse and vibrant voting body they were not previously in; he also felt it aligned that district such that the councilor in that district would be answerable to a significant population south of Center Street.

Motion: Katrice MacKay moved to approve map 113. Seconded by Bill Fillmore.

Mr. Handley noted that he was not ready to support this map unless his first choice was eliminated. He made a substitute motion to that effect to move the discussion along.

Substitute Motion: George Handley moved to approve map 34. Seconded by Shannon Ellsworth.

Mr. Handley shared the reason he preferred map 34—it was less disruptive to the southeast, it mitigated some of the issues with district 2, and it has a solid downtown district. He knew there were some Councilors with concerns about including Grandview with the west side; he was open to hearing more from Councilors with concerns about this map. Ms. Whipple noted that this map's district 1 was closest to the status quo—there were only two precincts that were different for district 1. Mr. Shipley felt that this map moved in the right direction from the status quo; it was his least favorite from the west side perspective, but it moved in the right direction. He said that he had a slight preference for map 113 over this one. With the growth and connectivity issues facing the west side, he felt it was an area that needed a Councilor who could be hyper-focused as it is built out and connected into existing city services. Mr. Fillmore did not like map 34 due to the boundaries of district 1 which felt unnatural to him.

Substitute motion: Travis made a motion to eliminate map 93. Seconded by Rachel Whipple.
Motion: Approved 7:0.

Brian Jones, Council Attorney, suggested that the Councilors might want to try ranking the maps and reviewing the rankings to help inform the discussion.

Motion: Travis Hoban moved for the Council to rank the remaining 3 maps (maps 33, 34, and 113) to bring back for discussion at Council Meeting that evening. Seconded by George Handley.

Vote: Approved 7:0.

3/29/2022 Council Meeting (Council Maps)

Brian Jones presented the 3 Maps that Council recommended be voted on during the work session. He explained how it would look if they decided to use ranked choice voting.

Councilor Handley shared his opinion of rank choice voting.

Karen Tapahe, Community Relations Coordinator, provided history of how we got to this point.

Chair Hoban expressed his opinion to get rid of Map 33 and only discuss the other two Maps after seeing the results of the initial vote.

Councilor Ellsworth pointed out the differences between Maps 34 and 113 regarding her district.

Councilor Handley asked about timeline of applicability.

Mr. Jones proposed the effective date be at the end of the year to prepare for next year's elections.

Councilor Handley asked how it affects council members after the restructuring of the districts.

Mr. Jones responded that regardless of districts, council members represent and make decisions for the city. He said the only difference it makes is who will be voting for each council member during the next election.

Councilor Ellsworth asked if that meant she is an at large council member for the duration of the next year.

Mr. Jones responded.

Councilor Handley suggested Map 34 be selected and provided reasoning to why it would benefit multiple districts.

Councilor Whipple asked about Map 113 and how the colors match the district numbers.

Mr. Jones explained that after the Map is selected, the council could determine which district is which.

Karen Tapahe added that the staff could change the numbers to reflect the correct districts.

Councilor Handley asked clarifying questions regarding his district and the area around BYU.

Councilor Whipple asked if it was possible to move one precinct from a section and move it to another.

Ms. Tapahe responded that it is something staff could look at.

Staff pulled up the Map to view how the population would become unbalanced if the precinct in question was changed to a different district.

Chair Hoban suggested the council look at a Map that was provided by Eric Chase.

Councilor Ellsworth shared that it might not be the best idea to design from the dais after the public was presented with the other Maps.

Staff brought up the Map that Mr. Chase designed.

Chair Hoban opened public comment.

Melanie McCoard asked what street the boundary for District 5 is. She stated she is in favor of seven at large council members.

Jeremy Rieske, of Provo, encouraged Map 34 since Map 113 splits the Franklin neighborhood.

Chair Hoban closed public comment.

Councilor Ellsworth stated her preference is Map 34.

Motion: A motion to remove Map 33 for consideration was made by Chair Hoban. Seconded by Councilor Ellsworth.

Vote: The motion was approved 4:3 with Councilors Ellsworth, Handley, Hoban, and Whipple in favor. Councilors Fillmore, MacKay, and Shipley opposed.

Chair Hoban said the council now has two maps to consider, Map 34 and Map 113.

Motion: A motion to adopt Map 34 was made by Councilor Ellsworth. Seconded by Councilor Whipple.

Mr. Jones clarified what the correct procedure would be as far as amended motions go and said a final vote would need to be taken.

Councilor Fillmore asked which maps are being considered and said it looks like there are three.

Chair Hoban explained how the rank choice voting affected the decision and how Map 113b would replace 113a if council decided.

Motion: A motion to adopt Map 113b was made by Councilor Fillmore. Seconded by Councilor Shipley.

Councilor Ellsworth questioned Councilor Handley's district.

Councilor Handley responded that he feels like Map 34 is a modest improvement and does not make dramatic changes to District 3.

Councilor Ellsworth echoed Councilor Handley's statements. She also addressed Councilor Fillmore's concerns.

Councilor Fillmore disclosed why he does not support Map 34. He also discussed his rationale for Map 113b.

Councilor Shipley shared his experience with living on the westside and said the westside deserves more representation and connectivity.

Councilor Ellsworth asked about the impact Grandview has in relation to the westside.

Councilor Shipley responded.

Councilor Whipple asked Councilor Shipley about the Franklin Neighborhood vs the Grandview Neighborhood.

Councilor Shipley responded.

Councilor Whipple added that any of the options will have uniquely shaped districts and hopes that the public will understand that they are due to the precincts.

Councilor Handley asked Councilor Shipley to clarify his comments regarding the westside being inconvenienced.

Councilor Shipley shared his belief of shared communities making more sense than others.

Councilor MacKay shared experience while campaigning for her seat in the Grandview Neighborhood.

Mr. Jones simplified the differences between Map 113a vs 113b and said that neither one kept Councilor Ellsworth in her district.

Councilor Fillmore asked about the effective date of these changes.

Councilor Handley asked for Chair Hoban's view of Map 34 in relation to Grandview.

Councilor Ellsworth reminded that the job at hand is to decide the boundaries of the districts and name them based on when the election will be for that district councilmember.

Chair Hoban asked Councilor Whipple which she preferred in relation to her district between Map 113a and Map 113b.

Councilor Whipple responded that she preferred Map 113b.

Motion: A substitute motion to supplant Map 113a with Map 113b was made by Chair Hoban. Seconded by Councilor Ellsworth.

Councilor Ellsworth questioned if Councilor Whipple felt like there is enough stability or permanence to facilitate candidates over time.

Councilor Whipple said that there have been many people investing in properties to stay in downtown area. She also said that there are new apartment buildings being constructed whose residents will be eligible to run for office.

Chair Hoban called for a vote on the substitute motion.

Vote: The motion was approved 5:2 with Councilors Fillmore, Hoban, Mackay, Shipley, and Whipple in favor. Councilors Ellsworth and Handley opposed.

Chair Hoban asked for Councilor Whipple's feedback on which district the Grandview Neighborhood should be part of.

Councilor Whipple answered that she did not know what was best.

Chair Hoban asked Councilor Ellsworth and Councilor Handley what they liked about each option.

Councilor Ellsworth shared thoughts on how the council should do what is best for the entire city, not necessarily what is best for their own districts.

Vote: The motion to adopt Map 113b was approved 4:3 with Councilors Fillmore, Hoban, Mackay, and Shipley in favor. Councilors Ellsworth, Handley, and Whipple opposed.

Mr. Jones discussed the need to rename the colors on the Map to reflect the correct districts.

Councilor Ellsworth asked questions regarding the elections.

Mr. Jones responded.

Motion: A motion to label the purple section on the map District 3 was made by Chair Hoban. Seconded by Councilor Fillmore.

Vote: The motion was approved 4:3 with Councilors Fillmore, Hoban, Mackay, and Shipley in favor. Councilors Ellsworth, Handley, and Whipple opposed.

Councilor Whipple asked if Councilor Handley could resign prior to his term expiring to allow for Councilor Ellsworth to run in that district.

Councilor Ellsworth asked for Councilor Handley's opinion and thoughts.

Councilor Handley shared it does not affect him much as he does not intend to run again or resign prior to his term ending.

Councilor Ellsworth added that she hopes everyone will do what is best for Provo and not what is best for her personally.

Chair Hoban shared his thoughts on why he voted for the motion.

Chair Hoban asked for those who voted for the motion to raise their hands, those that were opposed changed their vote.

Revote: The motion was approved 7:0 with Councilors Fillmore, Hoban, Mackay, and Shipley in favor. Councilors Ellsworth, Handley, and Whipple opposed.

Chair Hoban called for a five-minute recess. **(2:49:00)**

Mr. Jones reviewed the finalized Ordinance.

Councilor Fillmore suggested a press release be presented to public prior to elections for clarification.

Councilor Whipple asked to confirm the precincts.

Councilor Ellsworth shared that she hopes the council did the right thing disregarding her personal stance.

Councilor Whipple reviewed the process and echoed Councilor Ellsworth's comments of doing the right thing. She also applauded council members for their teamwork and respect for each other's opinions and viewpoints.

Councilor Handley shared that the boundary lines are less significant than the political culture that is built throughout the city.

Chair Hoban called for a vote.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, Mackay, Shipley, and Whipple in favor.

BY AUTHORITY

RESOLUTION NO. CR21-1059
SERIES OF 2021

COMMITTEE OF REFERENCE:
Finance & Governance

A RESOLUTION

A resolution establishing principles and procedures for developing a plan for redrawing the boundaries of council districts within the City and County of Denver.

WHEREAS, Section 3.1.2 of the Charter of the City and County of Denver requires the City Council to change the boundaries of the Council districts at least once every ten years based upon the most recent United States decennial census or other official population studies; and

WHEREAS, the U.S. Census Bureau has completed the 2020 decennial census and will publish the results by September 30th, 2021; and

WHEREAS, Ordinance No. 242, Series of 2012, adopted the current Council district boundaries.

NOW, BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

SECTION 1. The Council adopts the following principles and procedures for developing a redistricting plan for Council districts:

1. Redistricting will respect one-person-one-vote principles as required by the Constitution and the requirement for proportionality as contained in the Charter. The population norm for Council districts will be established by dividing the population of the entire City by eleven, the number of district seats. The sum of the percentage by which the population of the largest district exceeds the norm and the smallest district falls short of the norm will not exceed ten percent. The 2020 census will serve as the source for all population data.

2. District lines will be drawn to avoid subjecting the city to equal protection claims arising on behalf of any person in a protected class based on race, ethnicity, or national origin. Race and ethnicity will be taken into account to the extent necessary to comply with the Voting Rights Act. However, race and ethnicity will not be the predominant factor determining the location of district boundaries if to do so would subordinate the other traditional race-neutral districting principles set forth herein. District lines will be drawn with the intent to avoid subjecting the city to equal protection claims arising on behalf of any person in a protected class based on race, ethnicity, or national origin.

3. District lines will be drawn to create districts that are as compact as possible and contain contiguous territory. District lines will follow obvious geographic boundaries to the extent possible.

4. Council districts will be comprised of whole election precincts, as required by § 3.1.2 of the Charter of the City and County of Denver. Council will urge the Clerk & Recorder to draw precinct boundaries that will facilitate reasonable Council district boundaries.

5. Council will make every effort to consolidate colloquial neighborhoods within one district to avoid multiple representation and to maintain as much as possible the existing relationships between council members and their present constituents. In order to help accomplish this goal, Council will urge the Clerk & Recorder to draw the boundaries of each precinct wholly within a neighborhood.

6. Council will endeavor to preserve logical communities of interest and to preserve the core of existing constituencies traditionally represented by a particular Council district.

7. Redistricting will to the greatest extent possible not result in two incumbent district Council members legally capable of running for re-election in 2023 residing in the same district.

SECTION 2. The Council adopts the following procedures for developing a redistricting plan for Council districts:

1. The City Council President has appointed a Redistricting Committee responsible for coordinating the redistricting process and working with Denver GIS within the City's Technology Services Division to obtain the tabulations and maps of the City and County of Denver.

2. The Redistricting Committee will adopt a meeting schedule that is convenient to the public and Council members. Redistricting Committee meetings will be conducted in conformity with Denver's open meeting laws (D.R.M.C. 2-31, *et seq.*). Denver TV Channel 8 will broadcast all meetings on television and through electronic means.

3. Council members and their staff will have access to the computer equipment, software and database used to prepare the redistricting plans. Council members will have access to Council staff for research and mapping. Council will purchase software that will enhance public participation to the redistricting process with a free public-facing web-based portal that will allow members of the public to draw their own maps in compliance with the city Charter.

4. Video of the Redistricting Committee's meetings and all documents and maps will be available on the City's website at www.DenverGov.org/CityCouncil. Council staff will maintain a complete record of all meetings, hearings, reports, correspondence, exhibits, and work papers throughout the redistricting process, and any documents presented in the redistricting meetings will

be available for inspection and in print at the City Council Office. City Council will maintain a designated Redistricting webpage at www.Denvergov.org/redistricting.

5. The City Council will make every effort to communicate the redistricting process to interested constituent groups by conducting outreach through various established media and communication outlets. City Council will make language access a priority by translating written materials, offering translation services for public meetings, and acquiring software that has been translated. City Council will receive public input on communities of interest by holding a mapping drive through www.Representable.org. The Redistricting Committee will schedule no less than six public meetings during the redistricting process to receive comments from interested parties.

6. City Council will hold at least one public hearing prior to voting on the ordinance adopting a redistricting plan for City Council.

7. The Redistricting Committee will submit its proposed redistricting plan to the City Attorney's Office for review and legal assessment prior to submission to the Council. The City Attorney's Office legal assessment will become part of the record of the redistricting process.

Section 3. The Clerk of the City and County of Denver shall attest and affix the seal of the City and County of Denver to this resolution.

COMMITTEE APPROVAL DATE:

MAYOR-COUNCIL DATE:

PASSED BY THE COUNCIL: _____

_____ - PRESIDENT

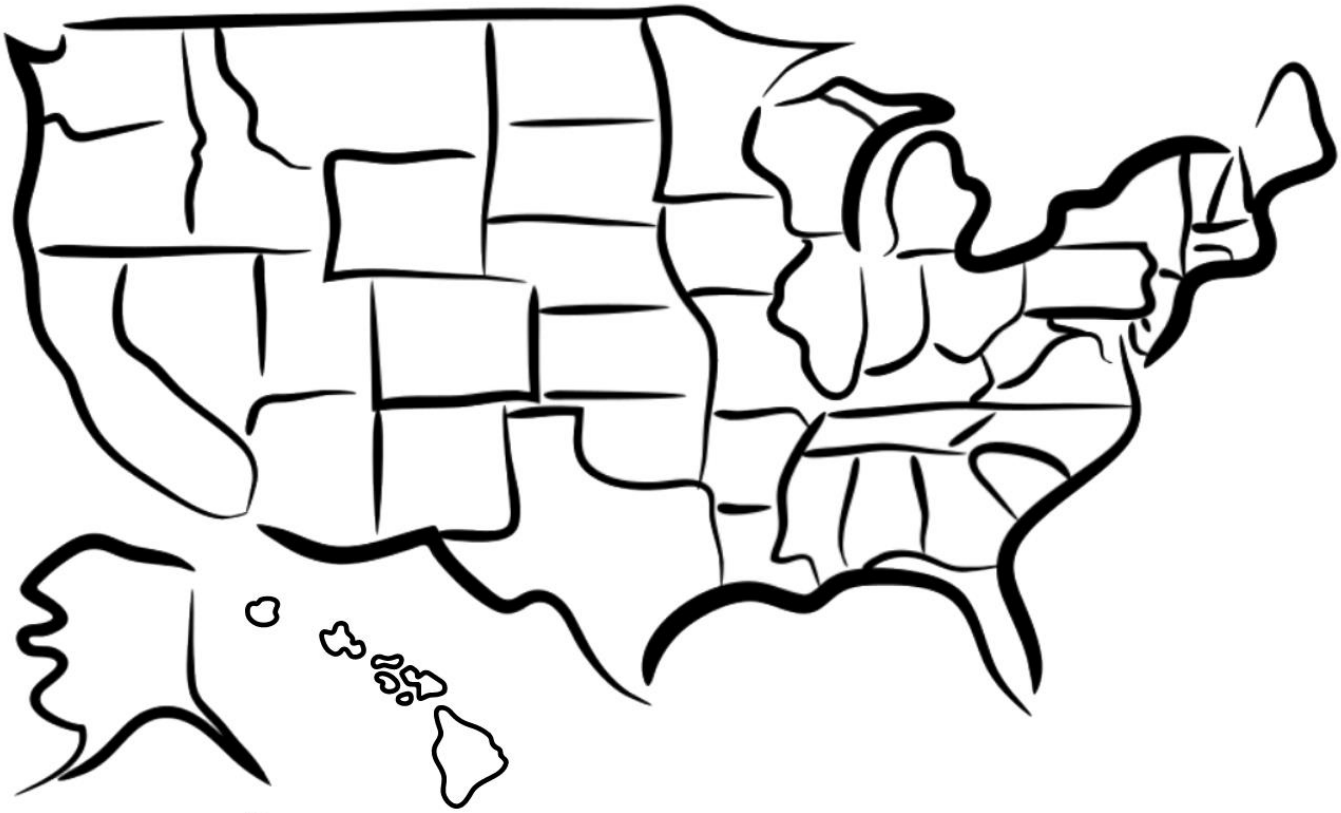
ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PREPARED BY: Emily Lapel, Legislative Policy Analyst DATE: 9-8-21

Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the Office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed resolution. The proposed resolution **is not** submitted to the City Council for approval pursuant to §3.2.6 of the Charter.

Kristin M. Bronson, City Attorney

BY: _____, Assistant City Attorney DATE: _____





Local Election Officials'

Guide to Redistricting

U.S. Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001
www.eac.gov

August 25, 2021 V 1.0

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Introduction

Federal, state, and local laws require certain elected offices, such as the U.S. Congress, state legislators, and County Commissioners, represent about the same number of people. Every 10 years, the United States is constitutionally required to conduct a count of the general population, known as the U.S. Census. Redistricting is the process of re-examining and making changes to political boundaries, to account for changes in population. For election officials, this process includes preparing and analyzing electoral data, developing maps, and updating district boundary information in election records. In some jurisdictions, soliciting public input is also delegated to the local election official. Redistricting laws, and the officials responsible for each step in the process, vary by jurisdiction.

Purpose

Redistricting applies to all levels of government where district elections are held, although not all jurisdictions will be subject to or require new boundaries to be redrawn. Although election officials share basic responsibilities for updating newly redrawn political districts in their records, there are variations among the size of their offices, technical abilities, budgets, and the resources available to update and audit precinct and district boundaries. In addition, because redistricting usually only occurs once every 10 years, it is possible the officials responsible for managing redistricting have only overseen the process one or fewer times. The purpose of this document is to provide general guidance to assist election officials when making technical changes to precinct and district information in election systems.

For election officials to certify every vote is counted correctly, they must first make certain that every voter receives the correct ballot. This is a complicated procedure of analyzing voter addresses, and then determining which addresses are located within a voting district. Federal, state, local, and district boundaries rarely coincide with each other and often have overlapping dividing lines. Boundary lines are defined in a variety of ways including metes and bounds, voting precincts, census blocks, public maps, and other methods.

Prior to the advent of computer databases, election officials kept track of which voters resided in which districts using a combination of paper maps, lists of addresses, and paper records of voter registration information. Today, many election officials use computerized election management systems (EMS), geographic information systems (GIS), electronic voter registration systems, and other technology tools to help maintain voter and associated district boundary information. Although technology has allowed election officials to refine the accuracy of voting data, the process of redistricting still requires meticulous data entry and careful manual oversight.

Many jurisdictions will solicit public input when drafting new political boundaries. Gathering public comments can be a function assigned to local election officials in some jurisdictions. This document also provides a broad overview of items to consider when planning public hearings during the redistricting process.

Preparation

There is a limited amount of time for election officials to make changes to election systems after census data is released and before subsequent elections occur. Preparation for redistricting can begin months before updated district boundaries are finalized. This section lists areas jurisdictions can focus on early in the redistricting process.

Create a Calendar

Creating a calendar of events can help ensure that all legal requirements and deadlines are met, even if some dates are not yet finalized. Beginning with the last possible date and working backwards, a plan can be developed in advance to prepare for contingencies when more time may be needed for a specific task. The following examples are not intended to be a comprehensive list and may not apply in every jurisdiction.

Items that should be considered for inclusion in a redistricting calendar include:

- Auditing existing street files
- Auditing existing precinct boundaries
- Auditing existing district boundaries
- Meeting with other departments to support redistricting changes (e.g., IT or GIS)
- Obtaining training materials from the EMS vendor
- Outreach to local districts to coordinate redistricting plans and communicate deadlines and requirements
- Release date of census data
- Public hearing outreach dates
- Public hearing notice deadlines
- Publishing draft maps
- Adoption of final boundary maps
- Possible legal challenges to final maps
- Making changes to precinct and district boundaries in the EMS
- Auditing changes to data in the EMS to ensure accuracy
- Required legal notifications after changes are made
- Candidate filing periods for new district boundaries

Forward planning is the key to solving organizational challenges, especially with shortened timelines. Having a plan with key dates and deadlines identified early in the process of redistricting can help reduce errors or omissions of legal requirements and make the process of updating boundary changes more manageable.

Assess Current Boundaries

Understanding and reviewing current district boundaries is essential when preparing for redistricting. This review should include locating the latest set of district legal descriptions, which are written geographical descriptions identifying districts' precise locations and boundaries for legal purposes. Once located, familiarize yourself with the types of descriptions districts use to define their boundaries. Some districts are contained wholly within a single jurisdiction, while others cross jurisdiction lines. It is a best practice to identify officials responsible for the redistricting process for shared districts and to collaborate where appropriate.

For districts that are defined with metes and bounds descriptions—which are detailed and very specialized descriptions using specific geographic features, street directions, intersections of roads, distance between points, and other land surveying methods—it is helpful to identify professionals who can help read and interpret land survey data. Many agencies have surveying departments that may be able to assist election officials who are unfamiliar with these types of descriptions. Metes and bounds legal descriptions often refer to property records, like subdivision maps, so it is a good idea to know where to find property records in a jurisdiction, in case they will need to be referenced when reviewing these types of legal descriptions.

For districts that are defined with census tracts, which are small areas similar to neighborhoods established by the U.S. Census Bureau for analyzing populations, it is helpful to review the latest census tract maps located on the U.S. Census Bureau website: https://www.census.gov/. These maps show and label federal and state American Indian reservations, Alaska Native Regional Corporations, states (or state equivalents), counties, county subdivisions, consolidated cities, and places. Additionally, these maps display a base feature network including roads, railroads, and water bodies.

For districts that are defined using voting precincts (or precincts for short), which is a term election officials use to describe a geographic area that determines where a voter resides for election purposes, locate the latest set of precinct boundary definitions, which may themselves be metes and bounds or rely on census data.

Election officials should locate and find any current legal descriptions not in their possession. Without the underlying data, it will be difficult or impossible to verify the accuracy of current boundaries.

Take Inventory of District Maps

Districts maps may be filed with election officials in regular intervals prior to elections, or they may be held in archival map vaults. Boundary maps may be displayed and maintained in GIS systems, or they may be on file with another department within a local organization. It is a best practice to verify with district representatives that current maps in your custody, or displayed within GIS systems, are accurate prior to beginning the redistricting process.

Historically at-large districts, where their members are elected by all voters within a political subdivision, may have changed to voting by districts in recent years. Reach out to all local jurisdictions to ensure their boundaries are up to date and that all annexation data is on file.

Gather current district maps not in your possession, and request GIS shape files, if available. Congressional and state legislative districts may be available from state redistricting organizations. The U.S. Census Bureau also maintains a repository of states' congressional and state legislative district boundaries. Examples of departments that keep and maintain local shape files are information technology, building and safety, planning, Assessors, or dedicated GIS departments.

A shapefile is a vector data storage format for storing the geometric location and attribute information of geographic features. Geographic features in a shapefile can be represented by points, lines, or polygons (areas). Precinct and district shape files will contain polygons that can be overlayed with topography maps, roads, parcels of land, aerial photography, and other useful features to visualize boundaries in a map format.

Document the Process

It is best practice to obtain signatures, dates, and names of the district representatives who confirmed the boundary data to document all information provided by districts. Jurisdictions should also keep a detailed inventory of where every record is stored, who is responsible for maintaining the records, and where to find the documentation of who provided the boundary information. The inventory should also include who created boundary information in an election management system or GIS database and when the last update was made to these systems.

Street Name	Former	Revised	Reason	Updates in EMS
Pine Street	100-198 even District 1	100-198 even District 2	Boundary change adopted by Commission on October 12, 2021, resolution #2021-68	Update was completed by K. Smith on 12/01/21

Know in advance what information should be kept for archival purposes. Identify who the custodian of the current and new boundary information is, and where documents should be stored. Save copies of all existing boundaries to archive historical precinct and district level election results, clearly marked with the date. Precinct and district level election results are only useful if they can be compared to the boundary lines associated with specific elections.

Know your record retention laws, and ensure no data is destroyed before allowable by law.

Addresses and Street Files

The most common way election officials determine which district a voter resides in are by maintaining lists of addresses and street segments, which are portions of a street located between a range of addresses. This is done by associating a numerical range of addresses with each precinct. Precincts are then associated with districts. In practice, implementing changes to district boundaries from the redistricting process is accomplished by updating the precinct and districts associated with addresses and street segments. The database of addresses and associated districts is often referred to as a street file or street index.

Pine Street	**Precinct**
100-198 even	41
101-199 odd	42
200-300	43

District 2
Precincts 41,42 & 43

District 3
Precincts 44 & 45

Street File Audits

Auditing street file accuracy will save time when boundary changes are made. Correcting the street file will require updating addresses, so it is recommended that jurisdictions identify other departments and agencies that maintain addresses to coordinate corrections. Examples of agencies that maintain addressing records are the U.S. Postal System, U.S. Census Bureau, public safety offices, health departments, Assessors or property tax departments, land records agencies, building and safety, or any departments that file property maps, assign addresses, or are responsible to maintain road signs.

Items to review when examining a street file:

- Even and odd sides of the streets
- Incomplete addresses
- Incorrect road types (e.g., Street vs. Lane)
- Missing prefix or suffix (e.g., apartment or space numbers)
- Incomplete or missing compass directions (e.g., North vs. Northwest)
- Overly long address ranges (e.g., 1-10,000)

All street segments should be reviewed to make sure addressing standards are consistent and duplicate street segments should be removed or combined. For example, *Ocean View Ave*. vs. *Oceanview Ave.*, *HWY 95* vs. *Highway 95*, *2nd St.* vs. *Second St.* should be examined to determine if they are the same street. To verify which version of the street name should be used, it is helpful to review property records, postal service addresses, and voter registration applications which often reflect what is on street signs. If there are inconsistencies in street names, efforts should be made to create standardized, complete,[1] and uniform addresses among agencies. This may require updating databases or installing new street signs to correct for errors.

Auditing street files includes identifying proper address unit abbreviations. States or jurisdictions may have their own specific guidelines for address standardization, so it is a best practice to review all state and local address rules, prior to making changes to street addresses. Listed below are the most common U.S. Postal Service abbreviations, but a complete list can be found at www.usps.com.

Apartment	APT
Building	BLDG
Floor	FL
Suite	STE
Unit	UNIT
Room	RM
Department	DEPT

[1] The Postal Service defines a *complete address* as one that has all the address elements necessary to allow an exact match with the current Postal Service ZIP+4 and City State files to obtain the finest level of ZIP+4 and delivery point codes for the delivery address. A *standardized address* is one that includes all required address elements and that uses the Postal Service standard abbreviations (as shown in this publication or in the current Postal Service ZIP+4 file), per USPS Publication 28, Postal Addressing Standards June 2020

Validating street lists against postal service data can streamline the process of identifying non-conforming addresses. Other items to consider are eliminating the use of # signs and looking for addresses with an unusually high number of voters. It is a best practice to identify all business and private mail collection facilities in your jurisdictions, to make sure voters are not registering to vote using these locations.

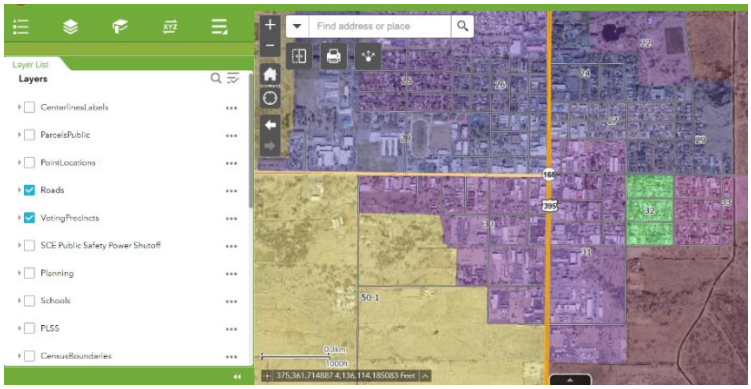
Another common mistake is when multiple streets have the same or similar name in different cities or towns within a jurisdiction, and voters accidentally get assigned to the wrong street segment. Common examples are Park, Main, Oak, Pine, Maple, Cedar, Elm, View, Washington, Lake Hill, and numerical streets First-Ninth.[2] When auditing the street file, identify voters with the same last name and numerical address who are assigned to different cities or towns with the same street names.

Once changes are made, there should be a comprehensive review process to make sure changes made are accurate. It is a best practice for a different person to conduct the review than the person who made the initial changes. Auditing street files can be a time-consuming process, but the more accurate a street file is prior to redistricting, the easier it will be to update databases once new boundaries are finalized. In addition, jurisdictions who regularly audit their street file will have greater confidence that their elections are accurately configured.

Geocoding

Using GIS, addresses, precincts, and districts in an election management database can be compared with GIS shape files to review for discrepancies. If an elections office does not have familiarity with using GIS, it is a best practice to identify other qualified individuals within their organization or hire a private contractor who may be able to assist with creating a voting precinct layer, if one does not already exist. Once the voting precinct shape files are created, it may require additional periodic assistance to audit street lists, but usually once shape files are created, they only need to be updated when boundary changes are made.

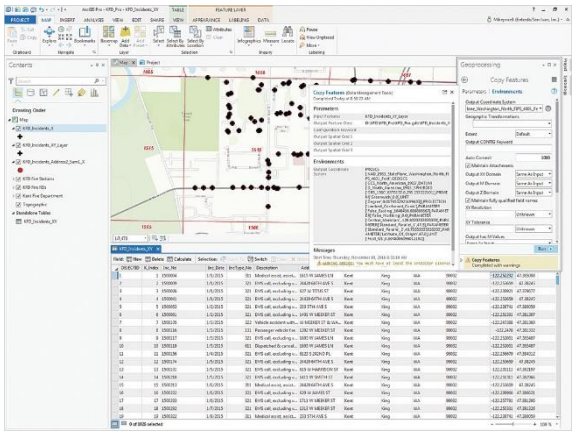
Using GIS, streets, addresses, parcels, districts, precincts, township/range lines, and aerial photos can be overlayed in a single database to interactively examine addresses, precincts, and districts for accuracy.



This is an example of a shapefile layer with voting precincts in a GIS workspace

[2]See: https://www.nlc.org/resource/most-common-u-s-street-names/ (accessed July 29, 2021)

It is recommended that election officials use a process known as geocoding to audit voting records in GIS. This will assign a point on the map for every address in a street file. These points can be compared to other information contained in the GIS workspace. For instance, you can compare the associated districts of address points on the map, to the districts for those same addresses in the GIS shape file to test whether there are any conflicts.



This is an example of geocoding in a GIS workspace[3]

The first step in the geocoding process involves extracting a tab-delimited file from the EMS and uploading the file into an existing GIS database with address point data. Steps should be taken to protect all personal identifying voter information when creating this extract. The only fields necessary are residential address, precinct, and district data.

Sources of address point data for comparison within the GIS workspace can include the U.S. Census Bureau's Topologically Integrated Geographic Encoding and Referencing (TIGER/Line) data and the U.S. Postal Service. Parcel data from Assessor or property records offices can be used to create an address point data set by creating centroids (geometric centers) of the parcel polygons (a sequence of individual lines forming a closed loop to define a polygon) and assigning the parcel addresses to the address point.

Next, the EMS addresses are compared with other address points in the GIS workspace. An EMS address is successfully geocoded where both the address and town match (to account for duplicate addresses in different towns). If there are EMS addresses that do not match an address within the GIS workspace, those addresses have to be geocoded with a different dataset.

The U.S. Census Bureau has a robust address dataset, and easy-to-use online geocoding application, but there are other commercially available geocoding solutions. Unmatched addresses can be run through additional geocoding applications, or they can be layered into a single database to resolve the remaining addresses. There might be a small number that are unable to be geocoded. A manual review of the un-geocoded addresses can be accomplished by visually locating where the address should be, given known address ranges for streets and aerial imagery that shows unaddressed buildings. Any internet mapping tool (e.g., Google) can be used for the manual review by entering an address directly into the search engine.

[3] See: https://www.esri.com/about/newsroom/arcuser/efficient-geocoding-with-arcgis-pro/ (accessed July 29, 2021)

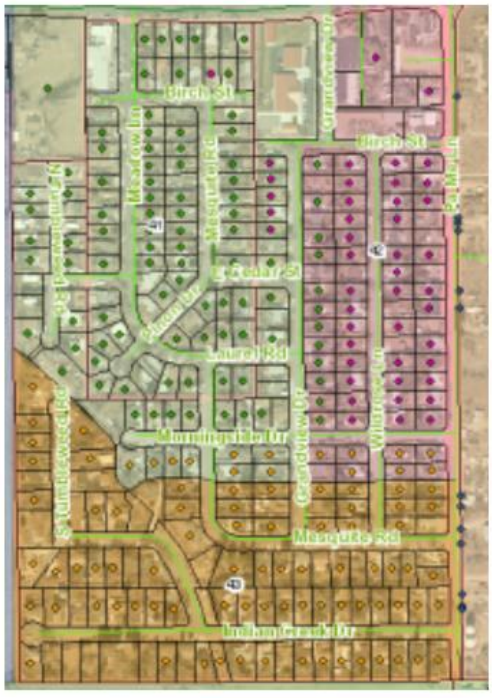
Once all the addresses are converted to coordinates and GIS point data (i.e., geocoded), then the geocoded addresses can be used to audit the precincts and districts in the GIS workspace. Using GIS analysis tools, you can export a table that lists the addresses and each address' associated voting precincts and districts into two tables - one produced by the EMS, and one produced by GIS.

The final step compares the two tables for discrepancies. With thousands of address points, it is not recommended that this process be done manually. A program can be written to perform several tests designed to expose any discrepancies. The only test that can reasonably be performed without writing code is to compare the total number of addresses in each table. If the totals do not match, the reason for the difference will be discovered in further tests.

Examples of coded tests can include, but are not limited to:

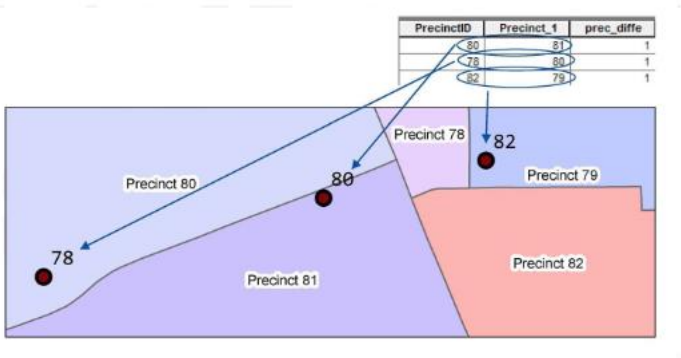
- Counting the number of addresses in each precinct according to each table.
- Making sure that the addresses of each precinct in a table match the addresses in that precinct in the other table. In other words, one table may show that a given precinct has 400 addresses, which is what the other table also shows, but the specific addresses have to be compared to make sure that it's the same 400 addresses in each table.
- Double-checking every address to make sure the assigned precincts and districts match in each table. If the previous tests have been run and discrepancies resolved there should be no problems found in this test.

Outputs for each test can be text lists of problematic addresses, precincts, or districts. Resolving these issues will require looking closely at each discrepancy and determining the possible problem. It could be an error in data in the EMS or it could be an error with the address, precinct or district polygons in the GIS workspace. The only way to tell is with close scrutiny of both systems. When conducting a visual inspection, it is helpful to color code the address points and voting precincts. If a portion of a street segment is assigned the wrong precinct, it will be more obvious to discover. For example, in the adjacent image you can see there were discrepancies between the EMS address points and GIS precinct shape files, based on the mis-matched color coding. This could be an error in either dataset. By reading the written description of where the precinct boundaries are supposed to be, and then visually inspecting the GIS workspace, it can be determined if the GIS precinct boundaries are correct or not. If they are correct, then the problem is with the EMS precinct assignment.



In this example, the pink, green and gold dots should match the pink, green and gold polygons

Once the erroneous data has been repaired at the source, it is advisable to go through the testing process again to make sure all discrepancies have been resolved.



This is an example of discrepancies in precinct data found with geocoding

Once a GIS workspace is created, it can be used to geocode EMS data after making changes due to redistricting. The workspace can also be used to create other tools that GIS can facilitate, such as polling place look-up and election night reporting tools.

List Maintenance

After the street file has been audited and all address data verified, efforts should be made to maintain the accuracy of the database in the EMS. It will be easier to succeed with address list maintenance if the number of people who are responsible for adding, changing, removing, or combining street addresses or segments is limited. It is a best practice to develop a written plan with standards and steps taken when making changes to a street file. A written plan should include at a minimum:

- A log of who updated the data, what data was updated, the date the change was made, and the reason for the change
- The steps required to verify the address is a valid residence address for voting purposes (e.g., the address is recognized by the U.S. Postal Service and is not a business address)
- The steps taken to verify the associated precinct with the address or street segment
- Requirements to notify other agencies of changes made - if applicable
- Steps taken to verify that the address or street segment does not already exist, under another spelling or name (e.g., 2nd Street vs. Second Street) when adding new street segments

Outreach and Public Hearings

Elected representatives make decisions important to the lives of everyone who lives in their districts. Involving the public in the process of redrawing political boundary lines, helps to ensure the diversity of populations are represented within new district boundaries.

Many jurisdictions require the local election official to collect public input, prior to adoption of final maps. This usually applies when making changes to smaller local districts like counties, cities, towns,

schools, and hospitals that are elected by district. This section will focus on gathering public input generally but is not meant to be a comprehensive guide for every scenario.

Public hearings benefit from broad community participation. This can be challenging during times of natural disasters or public health emergencies, when they limit in-person gatherings. Determining how public comments will be adequately recorded, when to hold public hearings, whether they should be conducted in-person or electronically, and how to ensure adequate notice is given to invite participation are all part of the planning process to gather public input.

Public Notice and Outreach

Adequate notice can be challenging to achieve in a crowded news or social media environment. There is the basic legal threshold of meeting a requirement which might be publishing notice in an adjudicated newspaper, but there are additional steps that can be taken to assure meaningful public engagement.

Additional outreach programs, including language interpretations, drafting promotional materials for use on social media, radio, television, and direct mail are strongly encouraged to invite public participation. Before the meeting, solicit constituents' questions via social media, or host digital town hall sessions. During official hearings, make a livestream video available, and provide contact information for individuals who still have questions afterwards.

Public notice for hearings held online should include instructions for public access and how comments can be formally submitted for consideration. Remote meeting platforms should be accessible and comply with the American Disabilities Act (ADA) and Section 508 of the Rehabilitation Act. Participants should be able to accessibly communicate and submit comments. Press releases and legal notices should direct the public to websites where they can find more information about the redistricting process. Redistricting information should be posted conspicuously on websites, along with a timeline of events related to the redistricting process and clear guidance on how hearings will be conducted. All notices should include a phone number where citizens may request to receive information and provide comments, outside of public hearings.

To the extent possible, governing bodies should seek to provide more than one platform to submit public input. In some areas, limited access to computers (e.g., disadvantaged and economically stressed communities) or limited internet infrastructure (e.g., in rural areas) could hinder public notification of and participation in public hearings. In-person hearings are still an important way to conduct outreach to communities. In person locations should be accessible and in compliance with ADA requirements. Assistive listening devices should be made available along with ASL interpreters, real-time captioning, or other accommodations that are requested in advance. Large print agendas and other alternative forms should be made available. If video streaming is available, consider partnering with local news media to broadcast hearings live and make a recording available for later viewing. It is a best practice to engage local community leaders to explore solutions to potential barriers, such as designating a satellite location (e.g., a public library or community center) where the public can gather to participate remotely. The greater access to public hearings, the more likely it will be to receive meaningful engagement.

Public Comment

Jurisdictions should have detailed written procedures on how public input will be collected, stored, made available, and considered for inclusion in final decisions. A written plan should include at least the following:

- How members of the public can submit comments, such as via email, online forum, teleconference, or in-person
- Whether members of the public will be required to pre-register to directly participate or show visual aids
- Any constraints on the length of content or comments, such as a maximum word count or limit of oral testimony length
- When the public comment portion of the hearing will take place, such as the beginning of a meeting or at a certain time
- How public comments will be captured and how the public can access the information
- How the comments will be evaluated for inclusion in the final redistricting plan

Commentors may wish to share visual aids that were not shared with the governing body in advance, to help communicate or demonstrate their message. For meetings held electronically, there should be established protocols to make visuals aids provided by commenters available for viewing, similar to in-person meetings. If the electronic platform only provides a record of written or oral testimony, there should be written procedures on how visual aids can be submitted via alternative method. Written procedures should include whether additional documents submitted will be made publicly available prior to the close of the comment period, where they can be located, or how they can be requested.

If multiple hearings are conducted, the public should be notified of the entire schedule in advance. There should also be clear detailed information if there will be comment periods or if hearings will be conducted before or after draft redistricting maps are published.

Making Changes to Boundaries

After district boundaries are finalized, and all legal challenges (if any) are resolved, the process of making changes to boundaries in election management systems will begin. If election officials planned ahead, they will already be familiar with the current boundaries. If reviewing precinct and district boundaries for the first time, it is advisable to revisit the section of this document titled ***Planning Ahead.***

The process of making changes to election management databases will vary considerably, depending on the software and design of the program. Contact your EMS vendor and request training materials or manuals on how to make changes like splitting, merging, or adding new street segments and the proper order of making changes to precincts and districts. Know which reports should be run to audit the database, after changes are made.

Plan ahead to ensure adequate staffing is available to assist with making changes after redistricting maps are finalized. Be sure to coordinate with other supporting departments, such as information technology and GIS departments, well in advance so they can also plan to allot staff time to assist.

This section will cover general best practices and is an overview of the types of changes that need to be made to update newly drawn boundaries. A more comprehensive summary can be found in the section of this document titled ***Planning Ahead.***

Precinct Boundary Changes

With district boundaries changing, it may be appropriate to evaluate whether precinct boundaries should be updated, if legally permissible. Precincts are usually established at the local level and are used to organize voters into groups that share geography and political commonality. From a practical perspective, precincts are used to provide an orderly way to issue correct ballots to voters. If new district boundaries cut through precincts, it may require splitting or changing precinct boundaries.

To begin the review process, look for areas where precincts have been spilt by district boundaries lines or where they cut through parcels, dwellings, or developments. School districts and other special districts can have overlapping electoral boundaries that require election officials to split precincts when creating unique ballot styles for voters. These "precinct splits" (subsets of an established voting precinct) can create privacy concerns if district boundaries overlap in particular ways. For example, if a special district extends into just one parcel of a voting precinct, only voters living at that address will receive that particular ballot style. When election results are reported by precinct, it may be possible to discover how these voters voted in an election. In these scenarios, it may make sense to move the household or sub-sets of households into neighboring precincts to protect voter privacy.

Renumbering precincts may also be a consideration, if the current numbering system is illogical or missing consecutive numbers. However, changing the numbering sequence may make it difficult to track trends over time. If changes to numbering schemes are made, keep a detailed log of the changes and why the changes were made.

Making the changes in EMSs will be dependent on the specific software and design. Some things to keep in mind when making changes include:

- What is the proper order of tasks to make changes?
- Do any street segments need to be split, merged, or added in the EMS?
- Have any voters been disassociated from precincts or districts from changes made in the EMS?
- Have all addresses associated with precincts been updated in the EMS?
- Have all districts associated with precincts been updated in the EMS?
- Have all districts that use precincts in their legal descriptions been informed and updated?
- Have new maps been drawn to reflect changes?
- Have your website, GIS, or other public documents been updated to reflect the changes?
- Have all appropriate agencies been notified of the changes? (e.g., state election directors)

Any changes to precincts should meet all legal requirements and be adopted by the appropriate governing bodies. Precincts should not cross district boundaries as a rule, and in some cases by law. Identify who needs to be involved in the adoption of new precincts early on and keep them informed of any changes.

District Boundary Changes

The process for updating district boundaries is similar to the process for updating precinct boundaries outlined in the section titled ***Precinct Boundary Changes***.

For congressional and state legislative districts, ensure that you have enough information to make all needed changes. If the address or boundary information is unclear, contact the agency providing the files and request clarification. If the new boundaries overlap with neighboring jurisdictions, coordinate street files at the intersection, to confirm they line up with each other.

When coordinating with school, hospital, community services and other local districts, communicate with district representatives early on in the process. Be specific when requesting items needed to make changes to boundaries and the deadlines for submitting maps, legal descriptions, and shape files. As documentation is received from districts requiring boundary changes, review each jurisdiction's submissions to determine if the information is complete enough for changes to be made in the EMS. Legal descriptions should be carefully proofread for errors or omissions. If a new map is submitted, determine if there is enough information to clearly identify all addresses within the new boundary. If not, contact the district representative and request clarifying documentation.

Make a list of precincts, streets, and addresses that will be affected by the boundary changes for each district. Carefully follow the written materials provided by the EMS vendor to make changes. Be sure updates are made in the proper order in the EMS. Run reports to verify the accuracy of all adjustments.

After changes are finalized, send lists of addresses associated with the new boundaries to the local district representative to review for accuracy. Incumbent office holder addresses should be reviewed to determine if their residence addresses are within the new district boundary lines. Since incumbent office holders may be required to live in their district, notify the local district governing body if an elected representative no longer resides within the new boundary lines.

Review laws to familiarize yourself with all legal notification requirements, such as informing affected voters of boundary changes. Send updated maps and associated data to persons and agencies outlined in statute, such as other departments in an organization or state redistricting agencies.

Review for Accuracy

Having complete and updated boundaries, carefully reviewed, and implemented, will provide reassurances to election officials, candidates, and voters that elections are properly configured, and outcomes are reliable. All of the same steps outlined in the sections of this document titled ***Street File Audits*** and ***Geocoding*** should be completed again after any changes are made to EMS data.

Because redistricting takes place infrequently, precinct and district boundaries may not be reviewed on regular intervals. It is important that once precinct and district boundaries are adjusted, they are carefully reviewed for accuracy. Every effort should be made to procure adequate training, staffing, and resources to oversee the process. The fewer the errors in election administration, the greater public confidence in the integrity of elections.

Checklists

This section has example checklists of tasks related to preparing for redistricting, soliciting public input, and making changes to district and precinct boundaries in election records and systems.

Preparation	**Date Completed**
Will there be adequate staffing for the time period changes will be made to addresses in election management systems and/or GIS?	
Have other departments that need to be involved in making changes due to redistricting been contacted? (e.g., Information technology or GIS departments)	
Is there budget to cover over-time, third-party contracts, or additional temporary staffing if needed to make changes due to redistricting?	
Have all cities, towns and districts been contacted to assess their plans for redistricting?	
Has a complete calendar of all legal requirements and deadlines been created?	
Have public hearing dates been scheduled, if required?	
Has a public outreach plan been drafted?	
Has a copy of the latest election management system manual for updating addresses, precinct and district boundaries been obtained?	

Assess Current Boundaries	**Date Completed**
Have precinct legal descriptions been located?	
Have precinct maps been located?	
Have precinct shape files obtained, if applicable?	
Have district legal descriptions been located?	
Have district maps been located?	
Have district shape files been obtained, if applicable?	
If election staff is unable to read and interpret the legal descriptions, has additional personnel been identified with this skillset?	
Has a detailed inventory of items been recorded?	

Address and List Maintenance	Date Completed
Has an assessment of current street file been made, and addresses corrected if needed? ☐ Even and odd sides of the streets ☐ Incomplete addresses ☐ Incorrect road types (e.g., Street vs. Lane) ☐ Missing prefix or suffix (e.g., apartment or space numbers) ☐ Incomplete or missing compass directions (e.g., North vs. Northwest) ☐ Overly long address ranges (e.g., 1-10,000) ☐ Abbreviations	
Has the street index been compared against other databases for accuracy?	
Have precinct boundaries been audited for accuracy in the election management system?	
Have district boundaries been audited for accuracy in the election management system?	
Have all changes been documented and a detailed record created?	
Has a list maintenance plan been written?	

Outreach and Public Hearings (if applicable)	Date Completed
Have websites been updated with all relevant information?	
Have legal requirements for holding public hearings been identified?	
Have all promotional materials for the public outreach plan been written, drafted, or produced?	
Have public hearing dates been set?	
Have all legal publication requirements been met?	
Are public hearings accessible?	
Has a written plan to capture and respond to public comment been written?	

Making Changes to Boundaries	Date Completed
Have new precinct legal descriptions been drawn?	
Have new precinct maps been created?	
Have new precinct shape files been created and obtained, if applicable?	
Have new district legal descriptions been obtained from all districts that adopted new boundaries, and are they complete?	
Have new district maps been obtained from all districts that adopted new boundaries, and is there enough information to act on?	
Have new district shape files been created and obtained, if applicable?	
Have all required changes been made in the election management system? ☐ Do any street segments need to be split, merged, or added in the EMS? ☐ Have any voters been disassociated from precincts or districts from changes made in the EMS? ☐ Have all addresses associated with precincts been updated in the EMS? ☐ Have all districts associated with precincts been updated in the EMS?	
Has a detailed inventory of changes made been recorded?	
Have changes been audited for accuracy?	
Have all required legal notices been sent and/or published (e.g., voters who have either been added or removed from districts or other agencies that rely on district boundary information)	
Have websites, GIS, or other public documents been updated with new boundary information?	

Redistricting Glossary

Apportion - the process of dividing membership or voters.

Boundary - the line that divides a precinct, city, or other political unit from another.

Census - a complete count or enumeration of the population; the federal census is mandated by the U.S. Constitution in Article 1, section 2.

Census block - the smallest and lowest level of geography defined for decennial census tabulations.

Census tract - a small area similar to neighborhoods established by the United States Census Bureau for analyzing populations. Generally, census tracts have between 2,500 and 8,000 residents and boundaries that follow visible features.

District - a political subdivision established within a specific geographic area.

Geocode - the process of taking a text-based description of a location, such as an address or the name of a place, and returning geographic coordinates, frequently latitude/longitude pair, to identify a location on a map.

GIS - abbreviation for a geographic information system that creates, manages, analyzes, and maps all types of data.

Legal Description - a written geographical description identifying a district's precise location and boundaries for legal purposes.

Metes and Bounds - a detailed and very specialized description using specific geographic features, street directions, intersections of roads, distance between points and other physical descriptors.

Precinct - election administration division corresponding to a contiguous geographic area that is the basis for determining which contests and issues the voters legally residing in that area are eligible to vote on.

Public Notice - A notice issued by a government agency or legislative body to make the public aware of the various government activities, hearings, public bids or other actions.

Redistricting - the process by which seats in a legislative body are distributed among administrative divisions based on changes in population.

Shapefile - a vector data storage format for storing the geometric location and attribute information of geographic features. Geographic features in a shapefile can be represented by points, lines, or polygons (areas). Precinct and district shape files will contain polygons that can be overlayed with topography maps, roads, parcels of land, ariel photography and other useful features to visualize boundaries in a map format.

Additional Resources

- QGIS – A free and open-source Geographic Information System (GIS): https://qgis.org/en/site/
- National Conference of State Legislatures (NCSL) resource page for redistricting: https://www.ncsl.org/research/redistricting.aspx
- National Conference of State Legislatures (NCSL) Redistricting Starter Kit: https://www.ncsl.org/PORTALS/1/DOCUMENTS/ELECTIONS/REDISTRICTING-STARTER-KIT.PDF
- RedistrictingOnline.org - https://redistrictingonline.org/
- U.S. Census Bureau geocoding tool: https://geocoding.geo.census.gov/
- NSGIC's Geo-Enabled Elections project: https://elections.nsgic.org
- National Institute of Standards and Technology (NIST) process diagrams: https://pages.nist.gov/ElectionModeling/diagrams.html

Municipal-Led, Community-Engaged Local Redistricting

- **Dr. Rebecca Theobald**, Univ. of Colorado, Colorado Springs
- **Jerry Vattamala**, Director, Democracy Program, Asian American Legal Defense and Education Fund (AALDEF)
- **Emily Lapel**, Legislative Policy Analyst, City of Denver, CO
- **Spencer Wagner,** Cities Count, National League of Cities

March 25th, 2021

NLC NATIONAL LEAGUE OF CITIES
CITIES STRONG TOGETHER

Roadmap for today's session

- **Welcome**
  - **Municipal-Led, Community-Engaged Local Redistricting webinar series: Mapping & Data, Community-Engagement, Differential Privacy**
- **Presentations**
  - **Dr. Rebecca Theobald, Assistant Professor Research, University of Colorado Colorado Springs**
  - **Jerry Vattamala, Director, Democracy Program, Asian American Legal Defense and Education Fund**
  - **Emily Lapel, Legislative Policy Analyst, City of Denver, CO**
- **Q&A**
- **Closing**

LDI Technical Assistance

2021 Cities Count program key issues (100% nonpartisan):

- Municipal-led, community-engaged redistricting
- Final census data accuracy & undercount remediation
- Federal funding allocations
- Peer-to-peer network for municipal leaders
- Local Democracy Webinar series (census + voting & elections)
  - *Register for 2021 webinar sessions here*
  - *Find our past Census webinars here*

Cities Count

censusrapidresponse@nlc.org

https://www.nlc.org/census

Cities Vote

citiesvote@nlc.org

https://www.nlc.org/initiative/cities-vote/

Local Democracy is a Critical Piece to Racial Equity in Systems

- The Census determines congressional representation
  - Cities need to achieve a full and complete census count so they receive the federal/state representation they need to accurately support their needs through 2030
- Census data is used in the elections' redistricting process in every state AND city
- Census data determines trillions of dollars in federal spending for state & local governments

Electoral Redistricting in the Era of Geospatial Technology

Asking geographic questions to address political issues

National League of Cities
Municipal-Led, Community-Engaged Local Redistricting
March 25, 2021

Rebecca Theobald, Assistant Research Professor
Department of Geography and Environmental Studies
University of Colorado Colorado Springs

BRENNAN CENTER FOR JUSTICE

- increasingly sophisticated software
- ever more robust data about voters
- maps that lock in a comfortable majority of seats for one side, even when voters are split evenly between the two parties



- election outcomes that don't reflect what voters want
- uncompetitive races that encourage politicians to cater to the extremes
- too often, under-representation of communities of color

ANALYZE POPULATION CHANGE DURING THREE TIME PERIODS USING INTERACTIVE MAPS

REVIEW THE PROCESS FOR APPORTIONMENT AND REDISTRICTING

DISCUSS KEY CRITERIA FOR DRAWING ELECTORAL DISTRICTS

PRACTICE CREATING ELECTORAL DISTRICTS WITH AN EASILY-ACCESSIBLE ONLINE MAPPING APPLICATION

CONSIDER THE AUDIENCES YOU NEED TO INFORM AND EDUCATION – WHICH MATERIALS ARE APPROPRIATE?

GeoCivics

Use interactive maps to support community organizations and geography, civics, and government classes

ENUMERATION

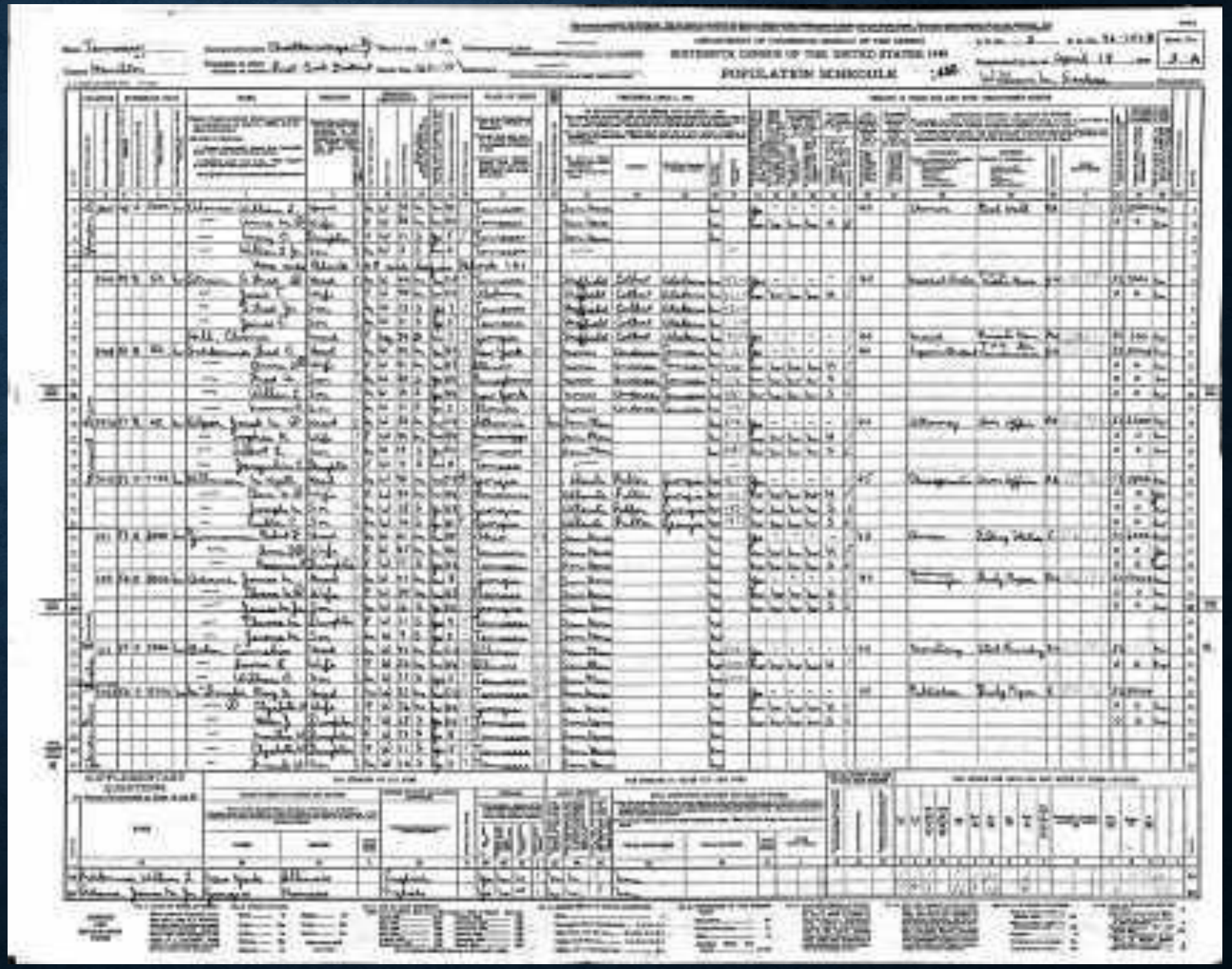
Responsibility of the United States Census Bureau

Counting is completed, now we wait for the report in April 2021 and the redistricting information in September 2021

Multiple controversies surrounding the 2020 Census

- Who should be counted
- COVID-19 interruptions
- Questions about accuracy

For updates, choose a reliable news source such as National Public Radio (https://www.npr.org/tags/534942946/2020-census).





ON THE MOVE

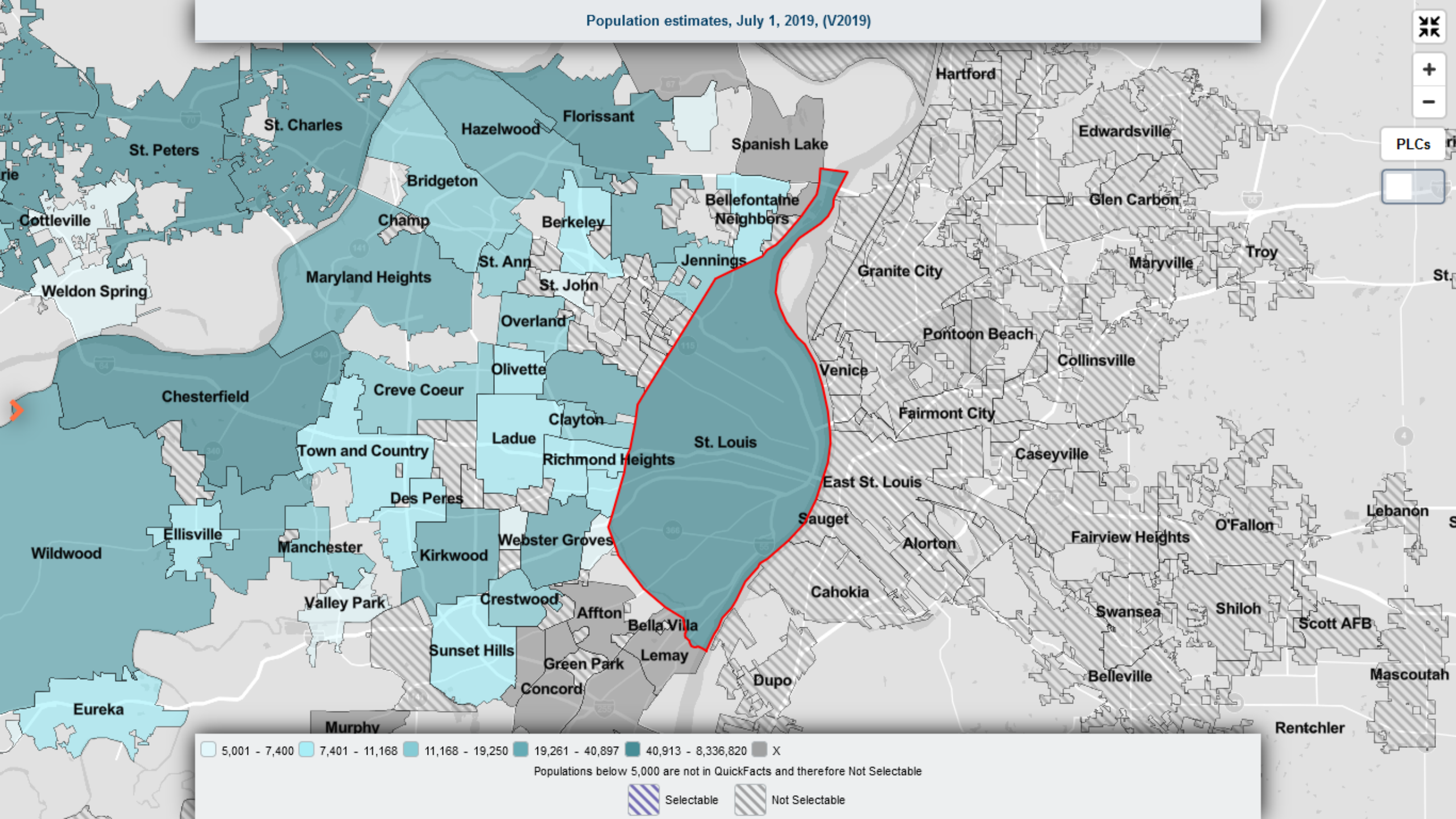
Where do most people live in your state?

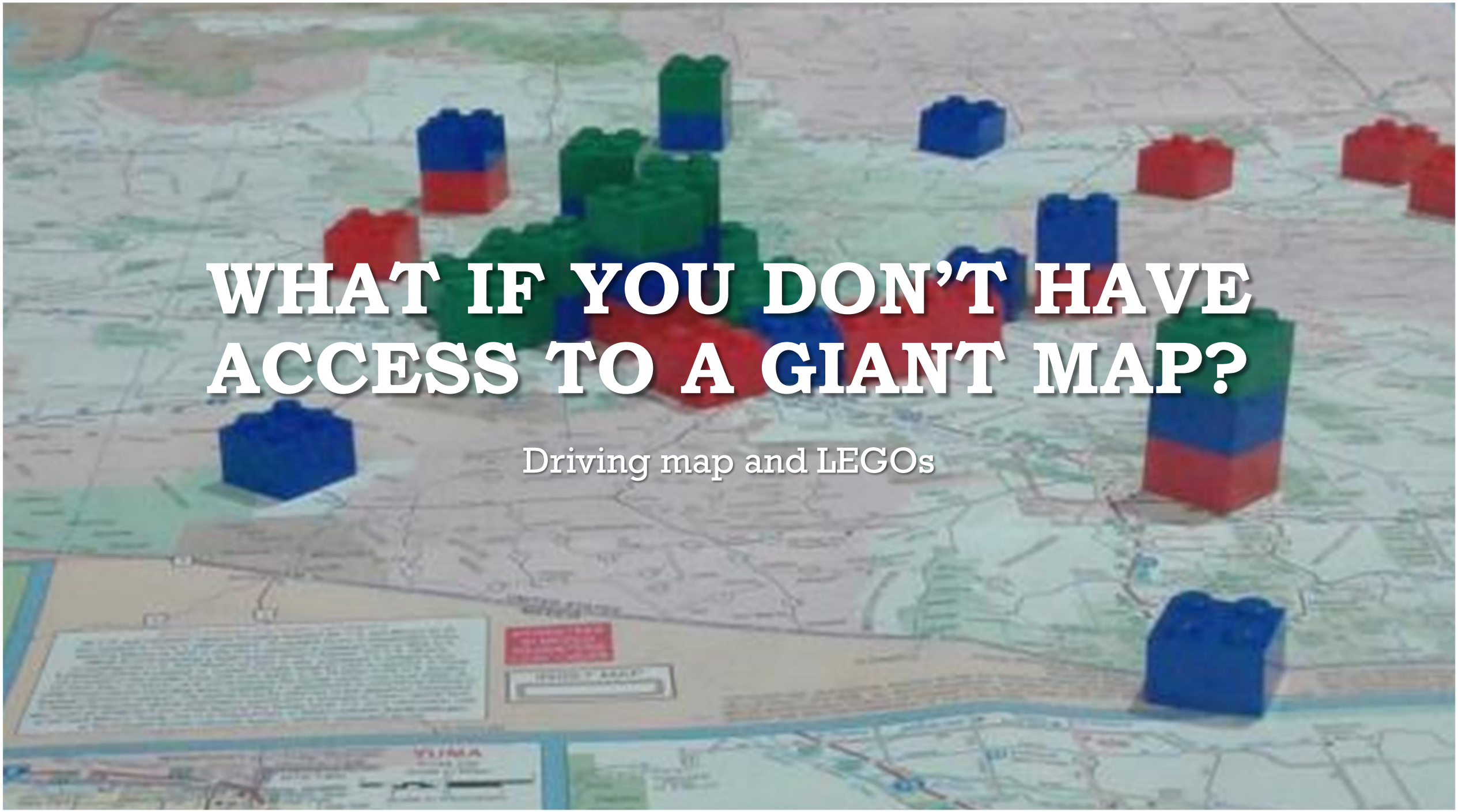
Why?

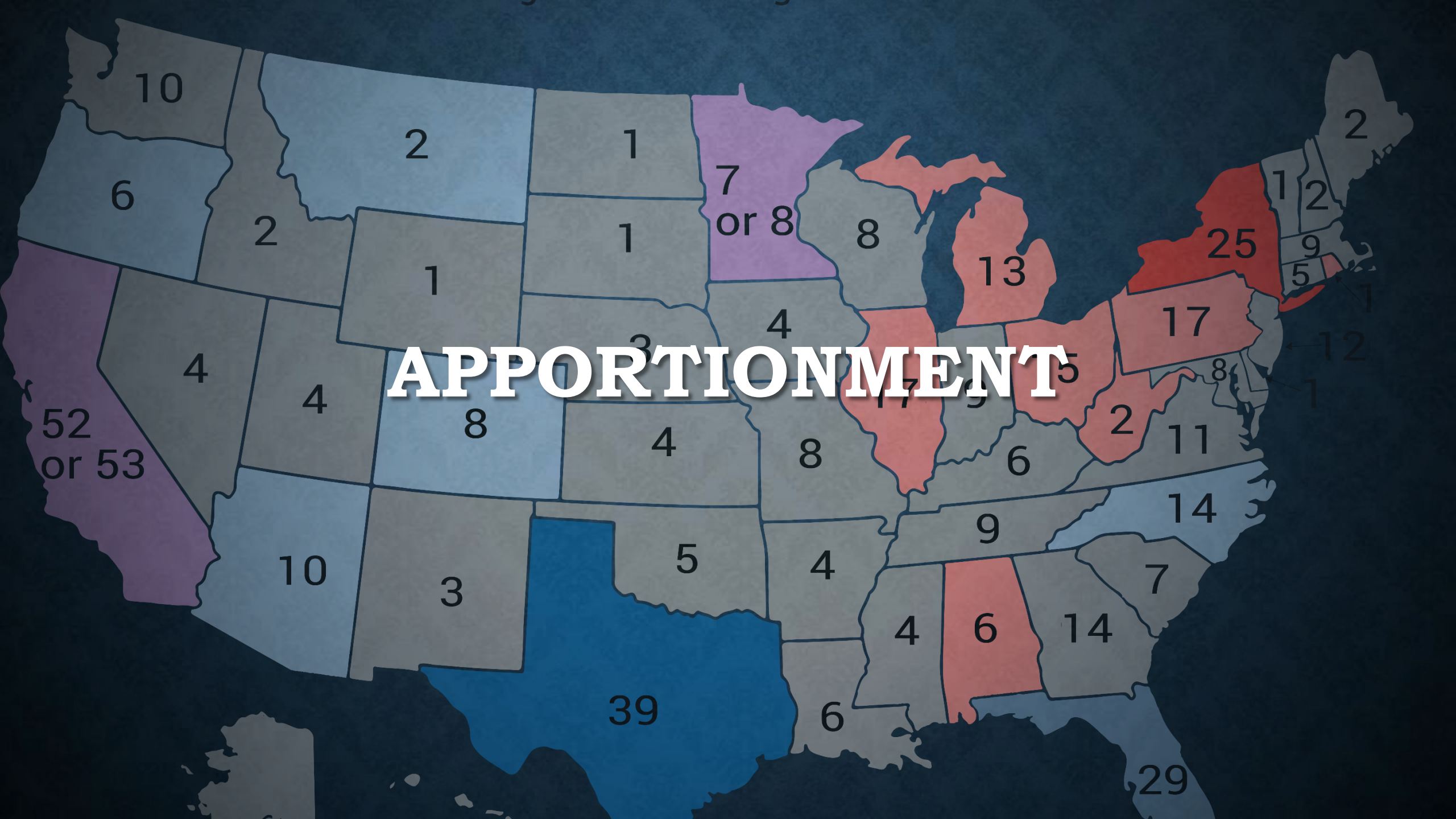
Did they always live in those places?

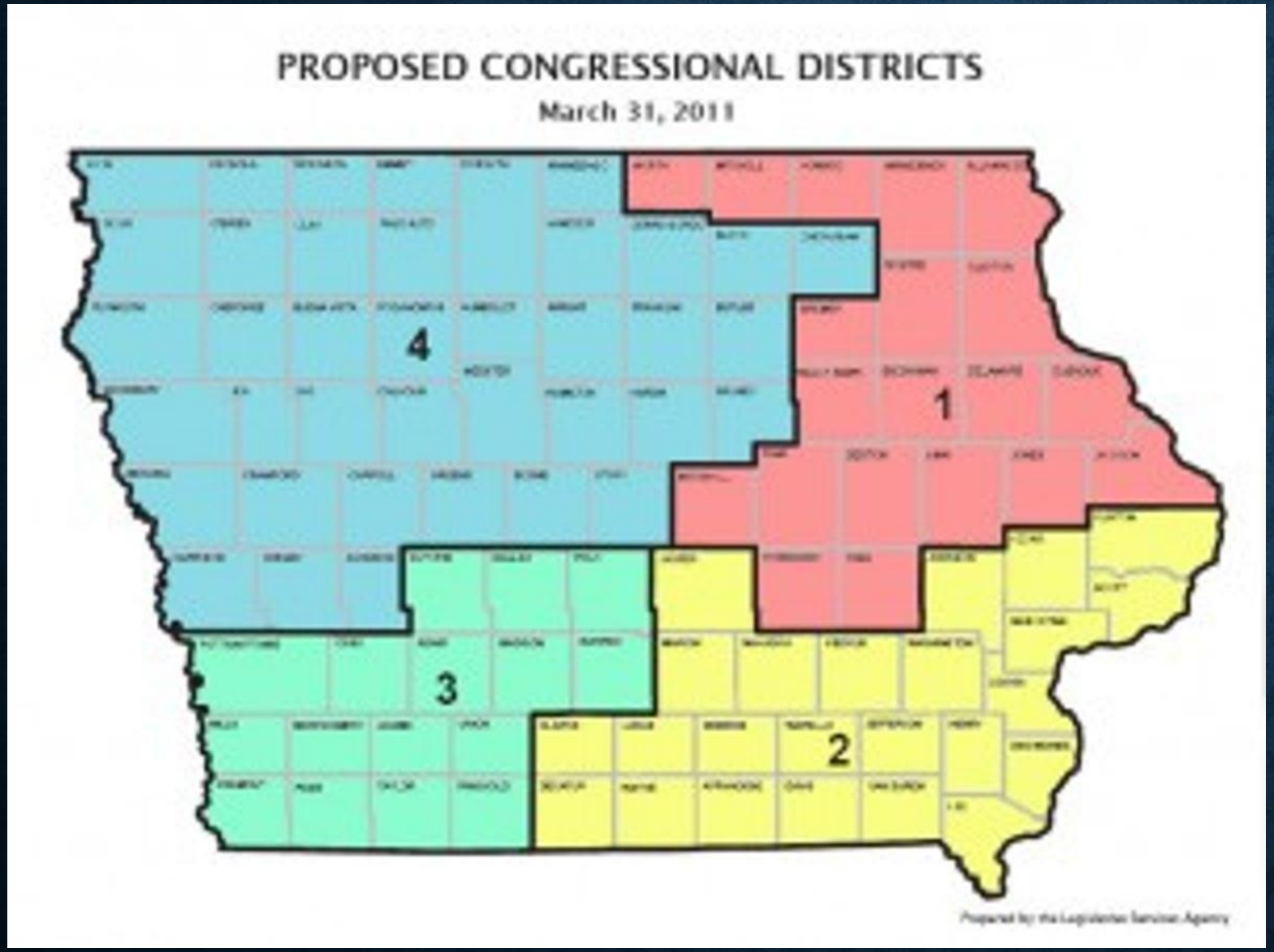
If not, what prompted people to move from or to those regions?

How does population migration inform redistricting in your city?


Population estimates, July 1, 2019, (V2019)
PLCs
St. Charles
St. Peters
Cottleville
Weldon Spring
Hazelwood
Florissant
Spanish Lake
Bridgeton
Champ
Berkeley
Bellefontaine Neighbors
Jennings
St. Ann
St. John
Maryland Heights
Overland
Olivette
Creve Coeur
Chesterfield
Clayton
Ladue
Town and Country
Richmond Heights
St. Louis
Des Peres
Ellisville
Wildwood
Manchester
Kirkwood
Webster Groves
Valley Park
Crestwood
Affton
Bella Villa
Sunset Hills
Green Park
Lemay
Concord
Eureka
Murphy
Hartford
Edwardsville
Glen Carbon
Granite City
Maryville
Troy
Pontoon Beach
Collinsville
Venice
Fairmont City
Caseyville
East St. Louis
Sauget
Alorton
Cahokia
Fairview Heights
O'Fallon
Lebanon
Swansea
Shiloh
Scott AFB
Belleville
Mascoutah
Dupo
Rentchler
5,001 - 7,400
7,401 - 11,168
11,168 - 19,250
19,261 - 40,897
40,913 - 8,336,820
X
Populations below 5,000 are not in QuickFacts and therefore Not Selectable
Selectable
Not Selectable


WHAT IF YOU DON'T HAVE ACCESS TO A GIANT MAP?
Driving map and LEGOs
YUMA


APPORTIONMENT
10
2
1
7
or 8
8
13
2
25
1
2
9
5
1
6
2
1
1
4
17
12
1
4
4
3
8
4
8
6
2
11
52
or 53
14
9
10
3
5
4
7
4
6
14
39
6
29



Who decides how and where the lines are drawn?

REDISTRICTING

- Redrawing of the boundaries of the districts within each state based on census results
- Follows the process of reapportionment
- States gaining or losing significant population in comparison to other states will have more changes than those that are stable
- District boundaries may also change due to population migration within a state
- Congressional district lines define other political and economic regions, such as for state university regents and state school board members

- https://bloximages.chicago2.vip.townnews.com/qctimes.com/content/tncms/assets/v3/editorial/0/f4/0f4d1fbe-5b9c-11e0-a95f-001cc4c002e0/4d948b9f112e5.preview-300.jpg?crop=300%2C225%2C0%2C3&resize=1200%2C900&order=crop%2Cresize



https://drawthelinespa.org/about-us/flashes-of-insight-exercise

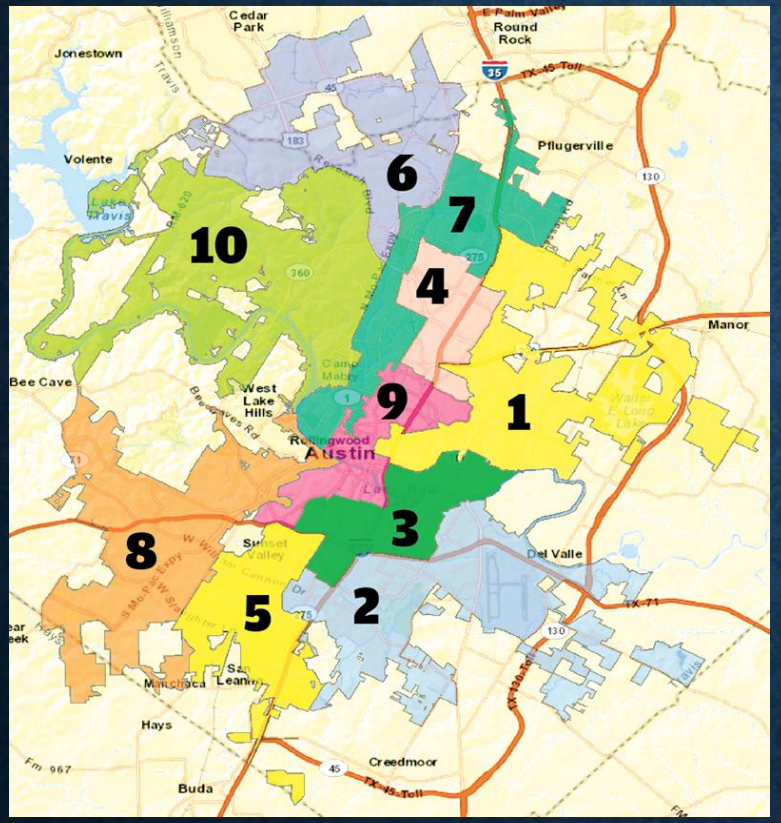
VOTING RIGHTS ACT OF 1965

- offered a way to get around barriers at the state and local levels preventing exercising 15th Amendment right to vote
- coverage formula designed to encompass jurisdictions that were the most discriminatory and hold them liable to special provisions
- pre-clearance requirement meant that jurisdictions falling under coverage areas – with a long history of racial discrimination - had to get federal approval to any changes they attempted to make in their election laws – no longer applicable due to *Shelby v. Holder* in 2013
- Supreme Court currently considering constitutionality of Section 2 which prevents states from enacting laws which disproportionally result in the denial of the right to vote for minorities *(Brnovich v. Democratic National Committee)*

IS CREATING MAJORITY-MINORITY DISTRICTS TO COMPLY WITH THE VOTING RIGHTS ACT INHERENTLY AT ODDS WITH THE GOAL OF PARTISAN FAIRNESS?

- Erroneous to imagine creation of majority-minority districts resulted in biased maps
- Partisan bias: manipulation of district lines to give the party drawing the map a share of seats grossly at odds with statewide election results
- Analysis: efficiency gap / seats-to-votes curve / mean-median district vote share
- Electoral volatility: responding to changes in voter preferences in contrast to durable partisan bias
- Decreasing racial gerrymandering can lead to improved partisan fairness levels

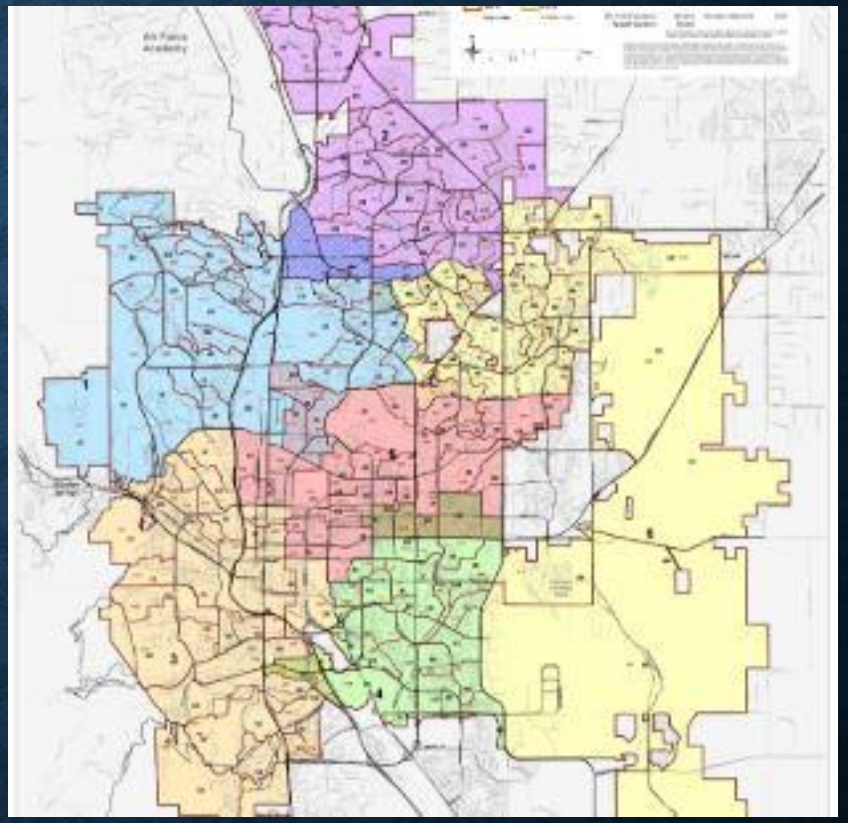
IMPORTANCE OF FAIR REPRESENTATION AND TRANSPARENCY



Austin, Texas

Population 950,807 (2019)

271.8 square miles



Colorado Springs, Colorado

Population 464,871 (2019)

195.4 square miles

NESTING DISTRICTS IN CALIFORNIA

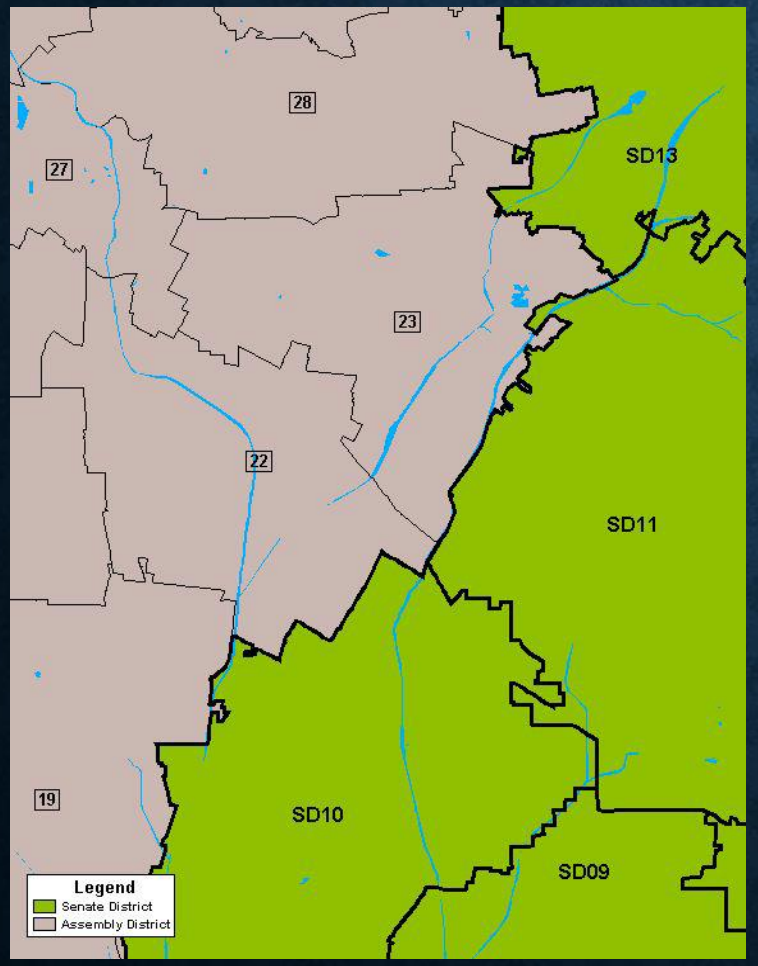


Figure 1a

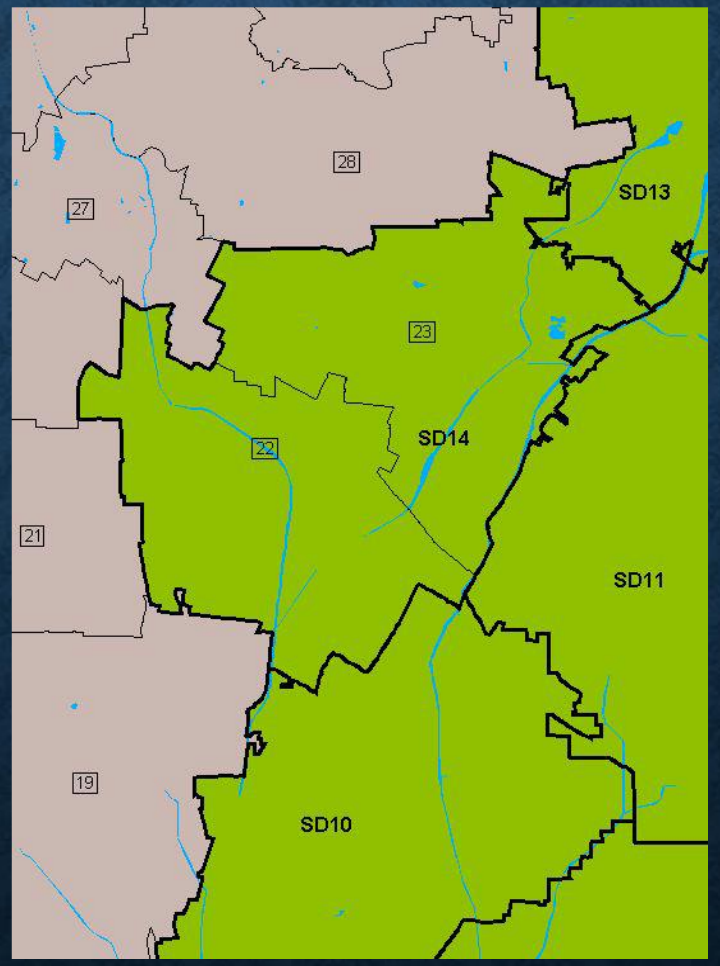


Figure 1b

The maps in figures 1a and 1b illustrate nesting by the method of aggregating two Assembly Districts into Senate seats. Specifically, these maps illustrate the aggregation of the (hypothetical) 22nd and 23rd Assembly Districts in figure 1a into the 14th Senate district in figure 1b.

The Implications of Nesting in California Redistricting, 2007

HOW POWERFUL ARE MAPMAKERS?

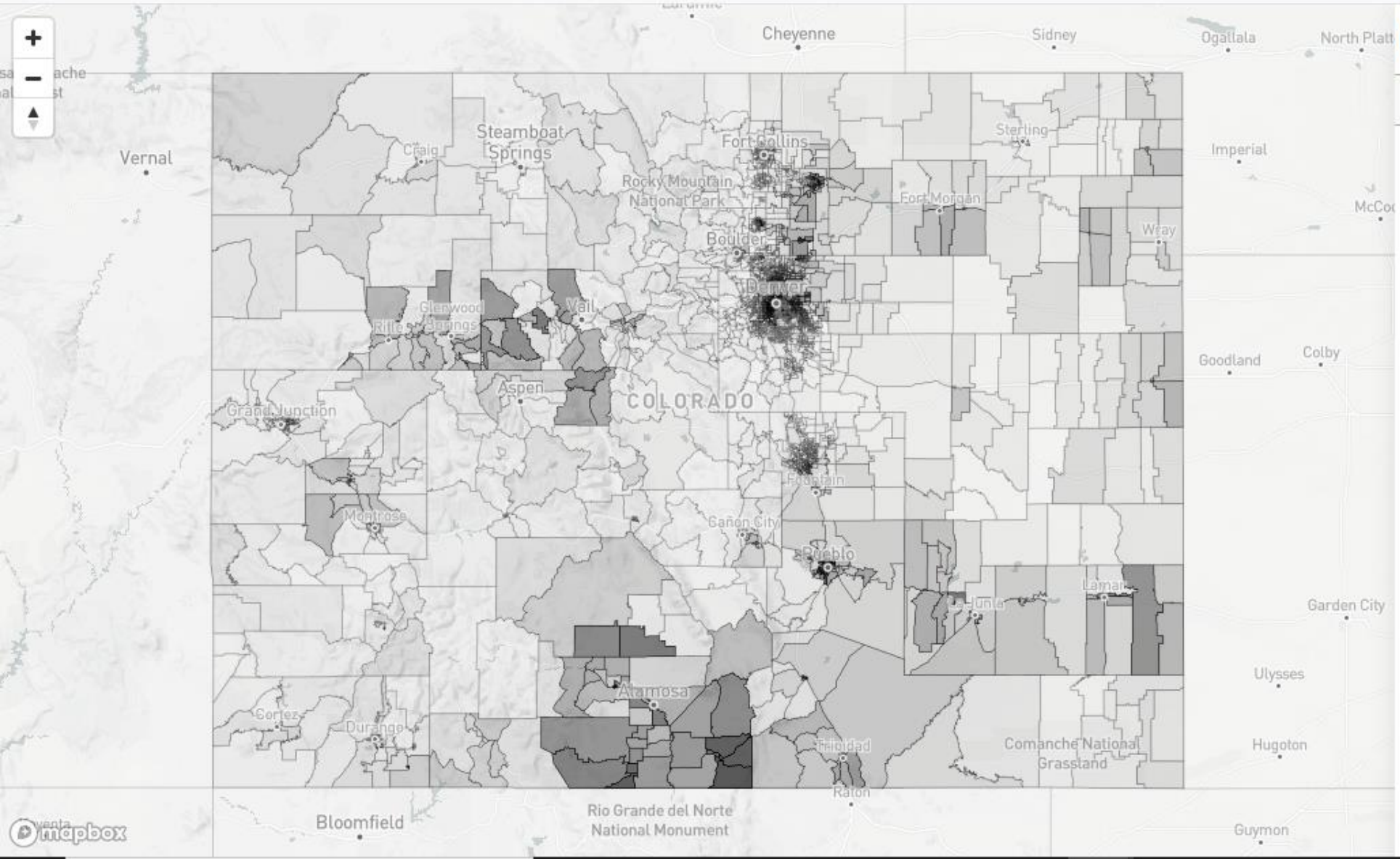
- Files of racial makeup, voting patterns, and residences
- Knowledge of voter identification laws and information about who might not have valid IDs
- Geocoded information leads to crafting of districts with specific characteristics

https://www.newyorker.com/news/news-desk/the-secret-files-of-the-master-of-modern-republican-gerrymandering

Districtr

https://districtr.org/edit

Getting Started | Colorado History | Colorado | GeoCivics



Share

Population | **Data Layers** | Evaluation

Districts

- [x] Show districts
- [ ] Show district numbers
- [ ] Show County Boundaries
- [ ] Show Tribes

Demographics

Race

- [x] **Show population**

VARIABLE: Hispanic population

DISPLAY AS shaded regions

0% 20% 40% 60% 80% 100%

- [ ] **Show voting age population (VAP)**

VARIABLE: Voting age population

Type here to search

10:52 PM
11/1/2020

BE PREPARED FOR REDISTRICTING

- Acknowledge your power as someone who is familiar with your community to help engage the public, nonprofit leaders, and educators.
- Examine how your state and municipality handle redistricting.
- Consider whether the federal, state, or local districts where you live or work are gerrymandered.
- Describe a community of interest using the *representable.org* tool.
- Try drawing local electoral districts.
- Devise a plan of action to engage in the redistricting process.

Find additional resources on the GeoCivics website.
geocivics.uccs.edu/
Contact us with any inquiries.
Rebecca Theobald, geocivics50@gmail.com
Explore the TEDxMashpeeED talk on redistricting.
https://www.youtube.com/watch?v=mx9uDXsesg8
Explore the GeoCivics overview video.
https://tinyurl.com/URedist

QUESTIONS?

Mapping Resources – *Mapping & Data webinar coming soon!*

NATIONAL LEAGUE OF CITIES

Online Mapping Tools

- **Representable.org** – free, community-friendly https://representable.org/
- **DistrictR.org** – free, community-friendly https://districtr.org/
- **Dave's Redistricting** – free https://davesredistricting.org/maps#home
- **Maptitude** – paid, allows for multiple languages https://www.caliper.com/maptovu.htm
- **Esri** – paid https://www.esri.com/en-us/arcgis/products/esri-redistricting/overview

- **Redistricting Data Hub** (fuller list of mapping tools) https://redistrictingdatahub.org/about/partners/mapping-tools/

Redistricting 101 Websites

- **RedistrictingOnline.org** https://redistrictingonline.org/redistrictingbasics/
- **NCSL Redistricting Page** https://www.ncsl.org/research/redistricting/national-redistricting-seminar-agend-sept-2010.aspx
- **All About Redistricting** https://redistricting.lls.edu/
- **Redistricting and You** https://www.redistrictingandyou.org/#map=3.5/38.5/-103
- **Princeton Gerrymandering Project** https://gerrymander.princeton.edu/ and their **Redistricting Timeline Map** https://gerrymander.princeton.edu/redistricting-timeline-alert-map/

ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
99 HUDSON STREET, 12th FL • NEW YORK, NY 10013 • TEL 212.966.5932
www.aaldef.org • info@aaldef.org

ASIAN AMERICAN NEIGHBORHOOD BOUNDARIES

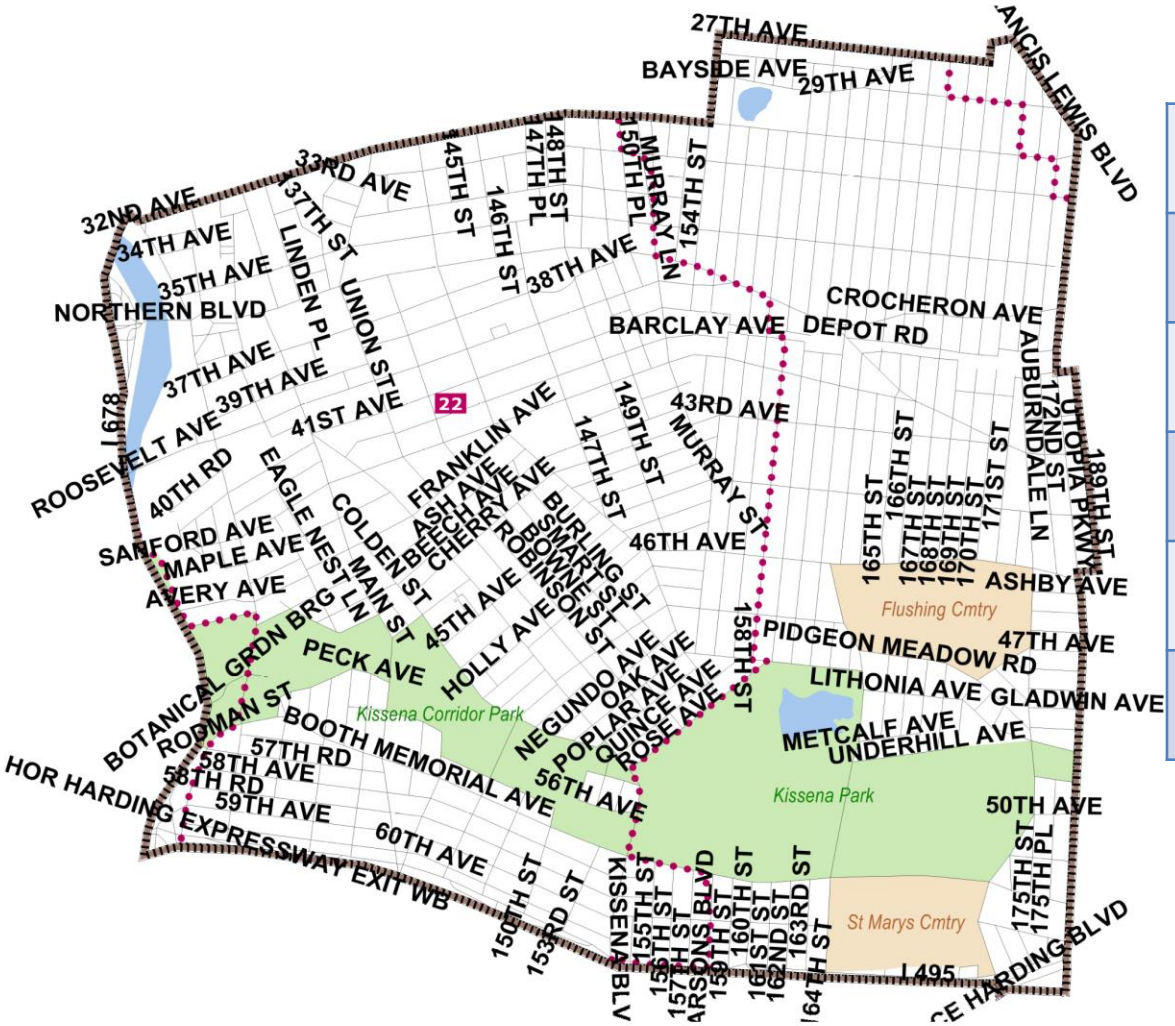
LATFOR Public Hearing
September 7, 2011
Queens, New York

Asian American Legal Defense and Education Fund

QUEENS

Asian American
Legal Defense
and Education Fund

Flushing



POPULATION	152,078
DEVIATION FROM IDEAL ASSEMBLY SIZE	+22,891 (+17.7%)
% HISPANIC	16.3%
% NH WHITE	14.8%
% NH BLACK	2.8%
% NH ASIAN	63.8%

Asian American Legal Defense and Education Fund



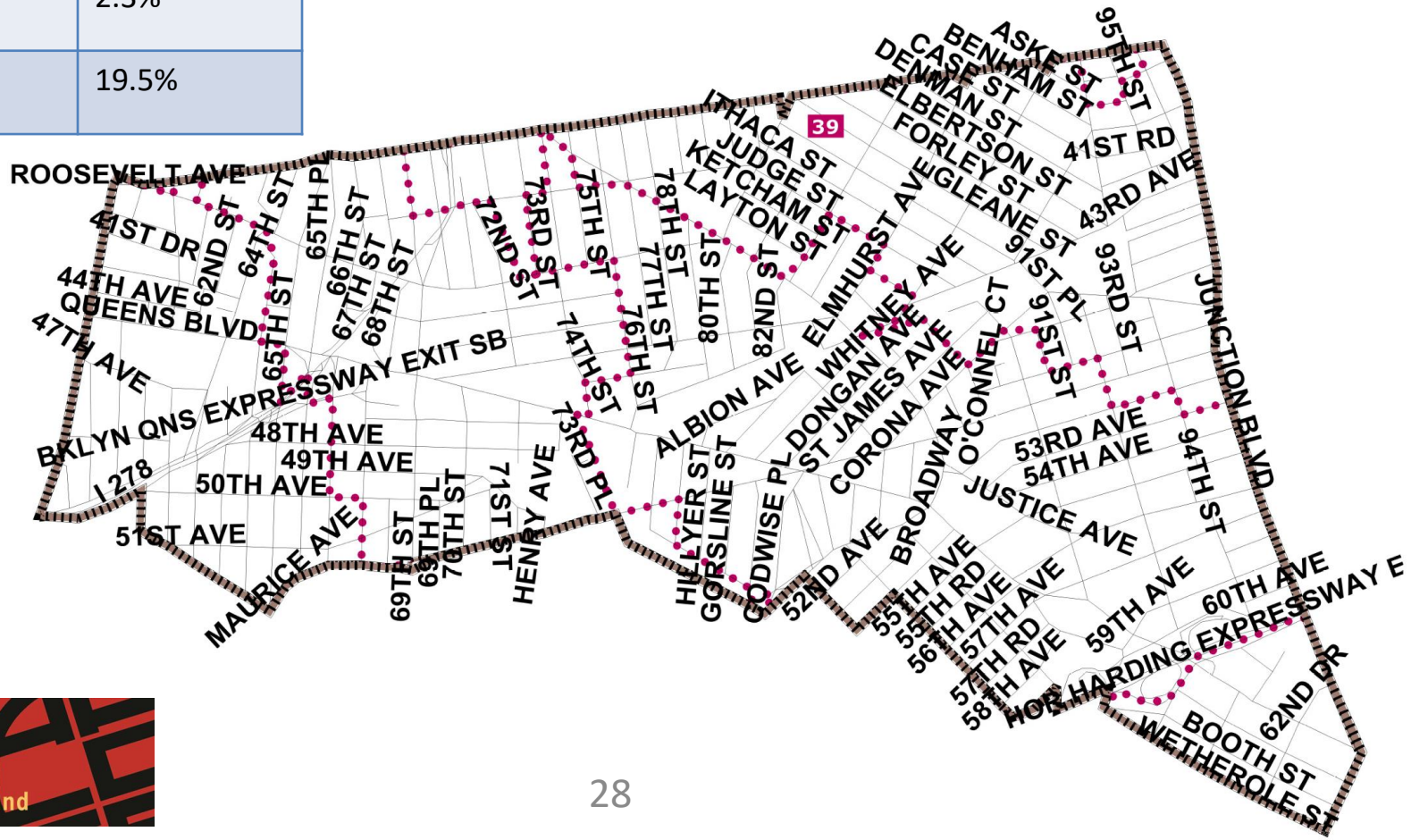
Bayside

POPULATION	**43,588**
DEVIATION FROM IDEAL ASSEMBLY SIZE	-85,599 (-66.3%)
% HISPANIC	9.7%
% NH WHITE	39.0%
% NH BLACK	2.8%
% NH ASIAN	46.7%

Asian American Legal Defense and Education Fund

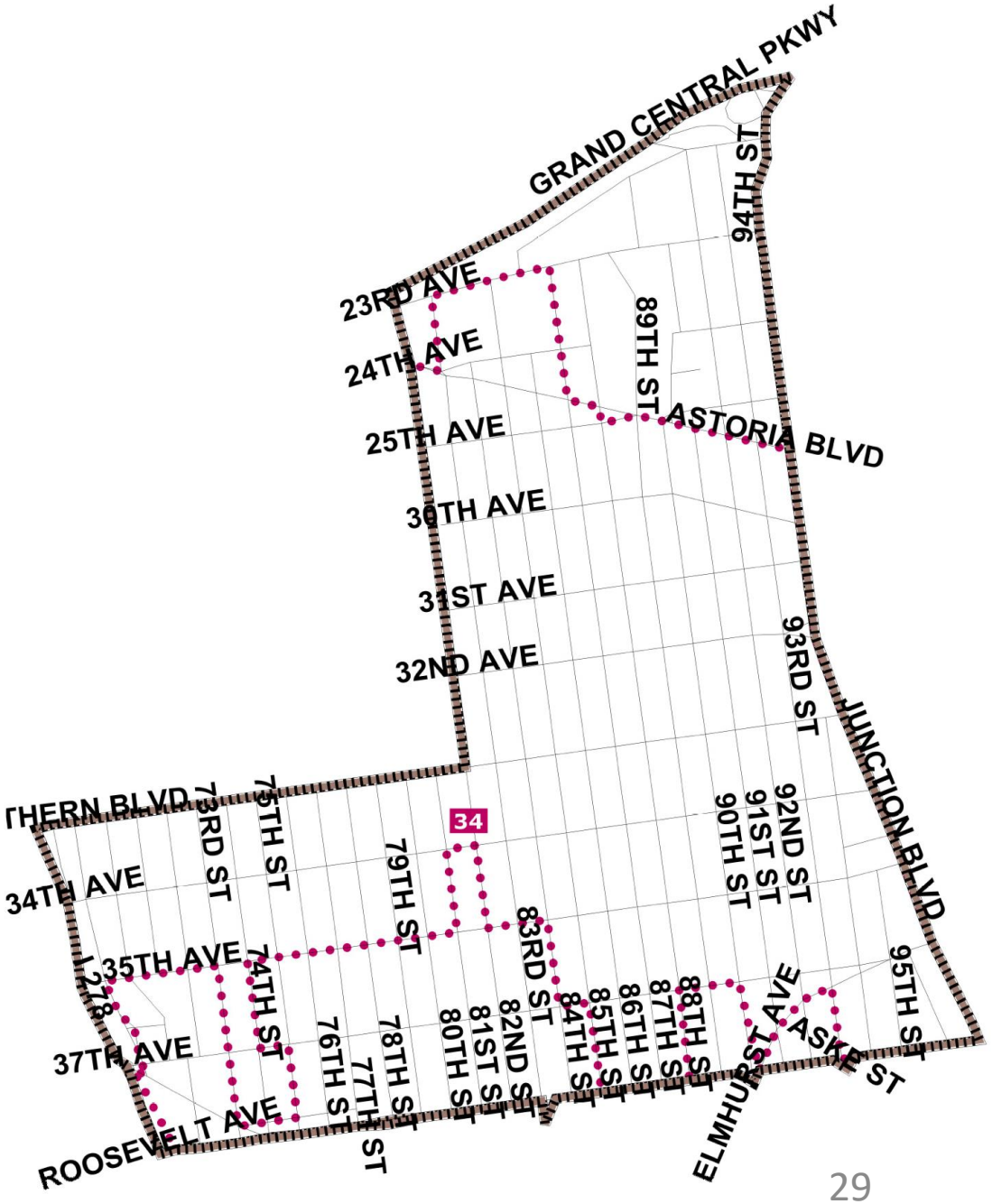
Elmhurst

POPULATION	89,132
DEVIATION FROM IDEAL ASSEMBLY SIZE	-40,055 (-31.0%)
% HISPANIC	59.5%
% NH WHITE	16.6%
% NH BLACK	2.3%
% NH ASIAN	19.5%



Asian American Legal Defense and Education Fund

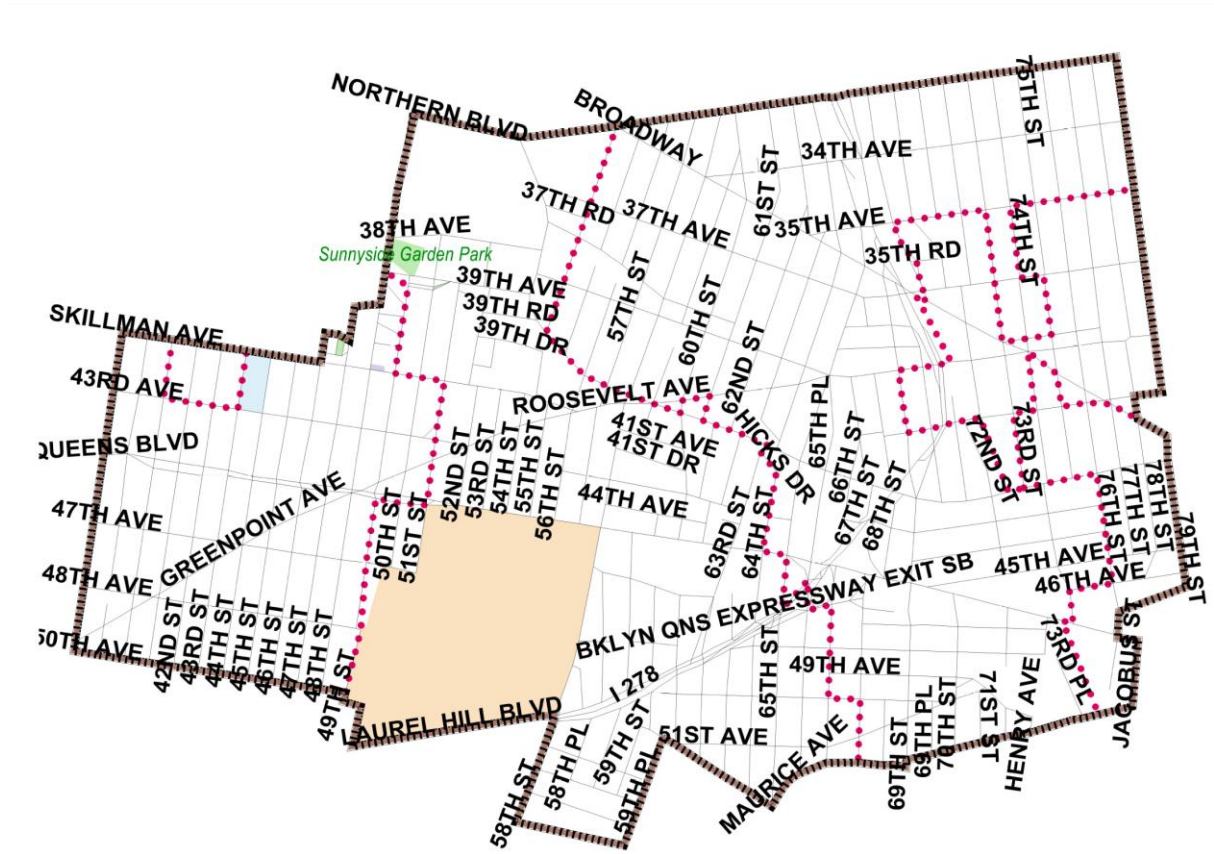
Jackson Heights



POPULATION	127,654
DEVIATION FROM IDEAL ASSEMBLY SIZE	-1,533 (-1.2%)
% HISPANIC	40.9%
% NH WHITE	10.6%
% NH BLACK	1.3%
% NH ASIAN	44.8%

Asian American Legal Defense and Education Fund

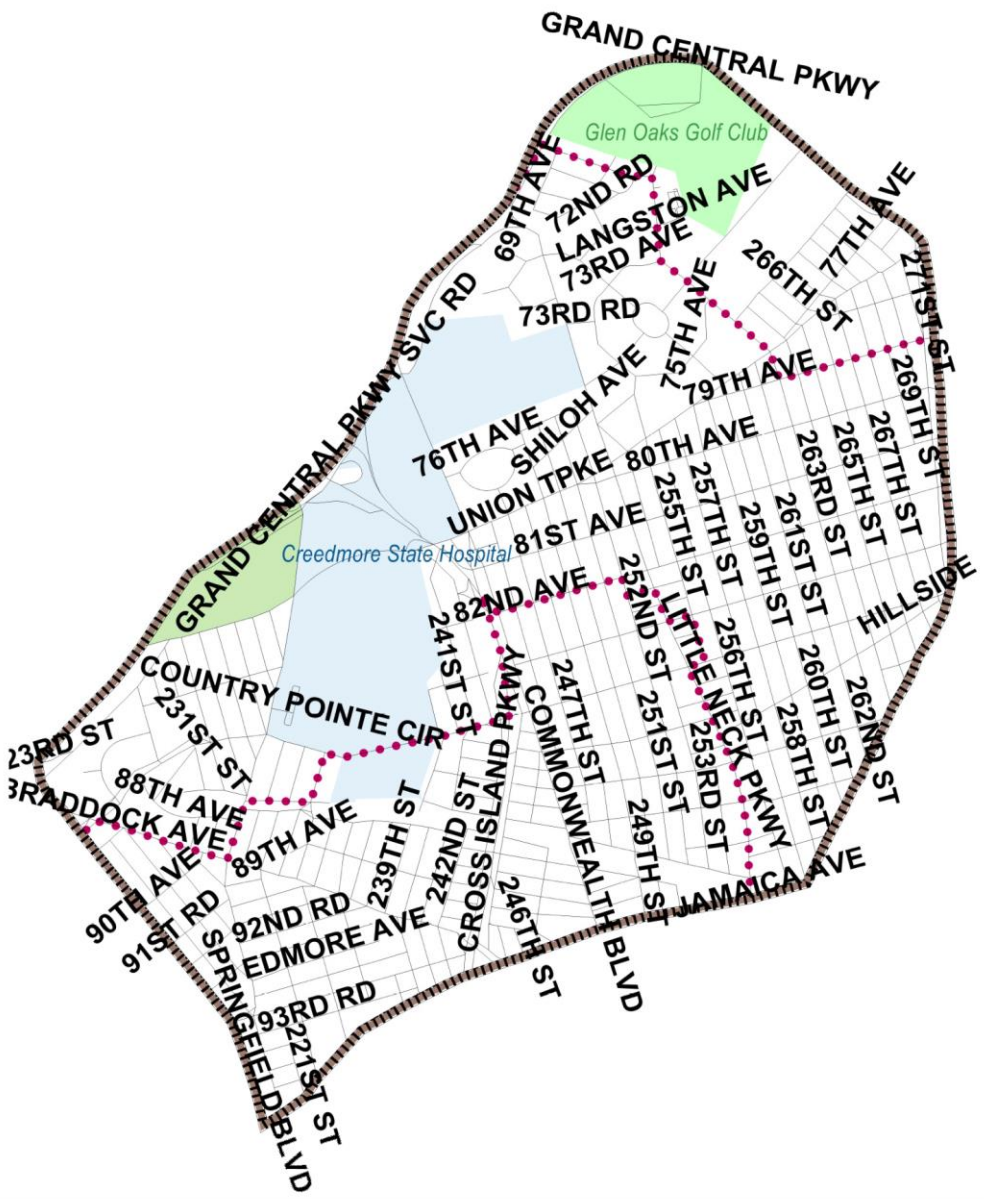
Woodside



POPULATION	124,024
DEVIATION FROM IDEAL ASSEMBLY SIZE	-5,163 (-4.0%)
% HISPANIC	34.8%
% NH WHITE	23.6%
% NH BLACK	1.3%
% NH ASIAN	37.7%

Asian American Legal Defense and Education Fund

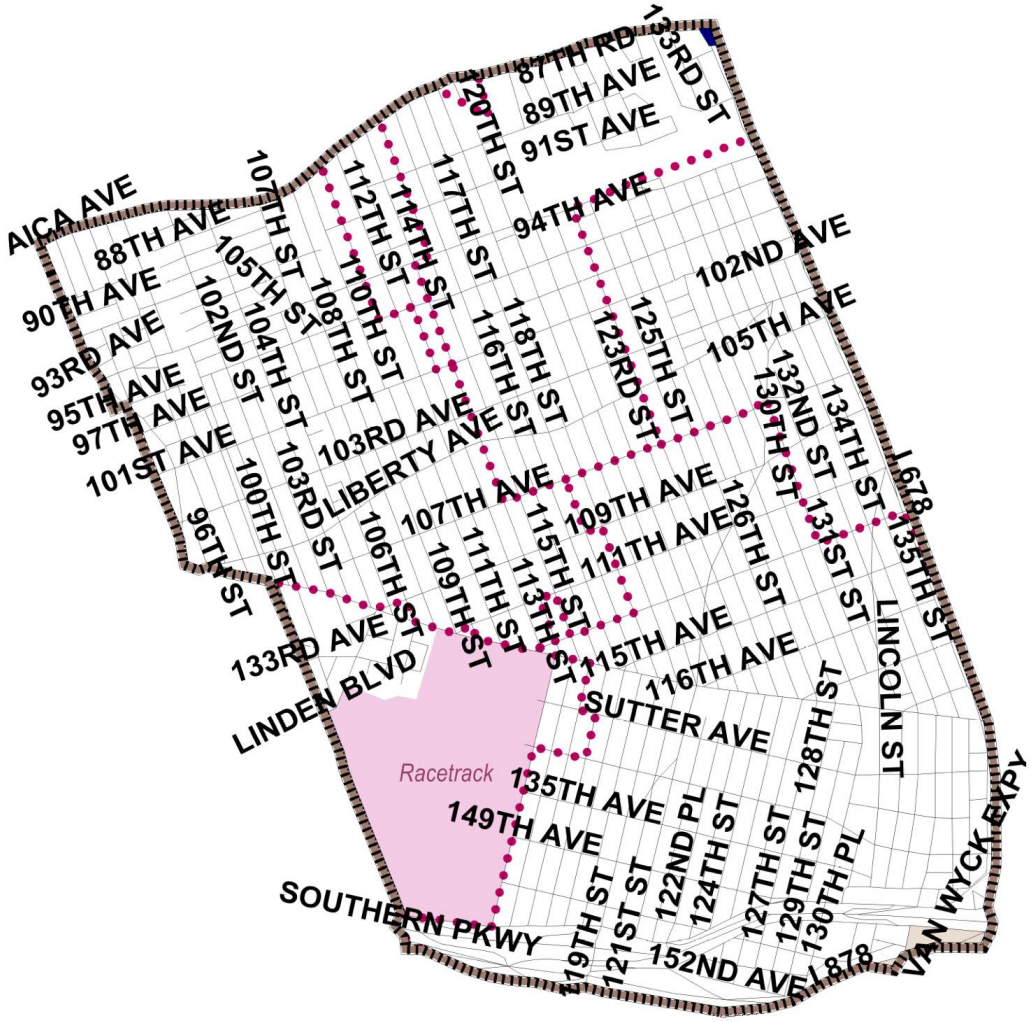
Floral Park-Queens Village-Bellerose-Glen Oaks



POPULATION	54,324
DEVIATION FROM IDEAL ASSEMBLY SIZE	-74,863 (-57.9%)
% HISPANIC	14.9%
% NH WHITE	36.9%
% NH BLACK	7.0%
% NH ASIAN	35.5%

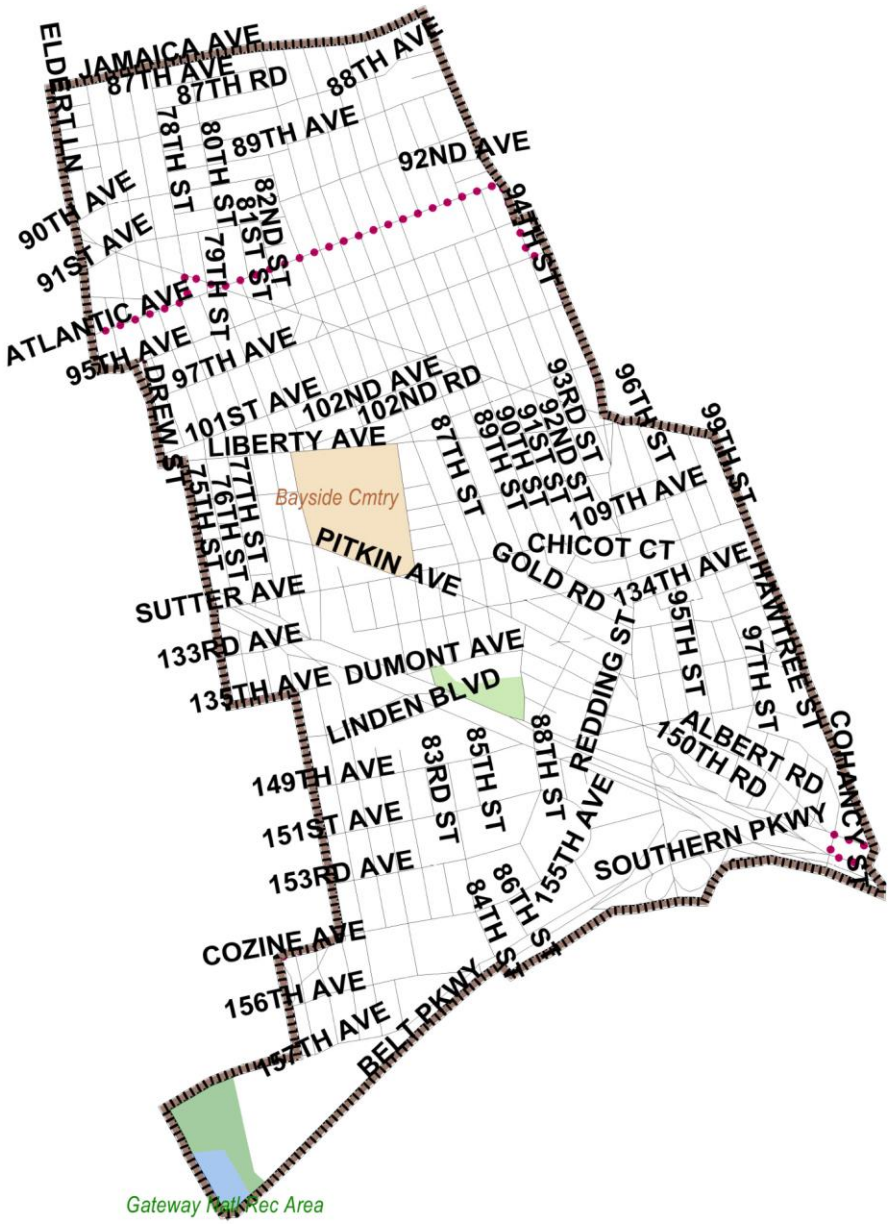
Asian American Legal Defense and Education Fund

Richmond Hill-South Ozone Park



POPULATION	133,260
DEVIATION FROM IDEAL ASSEMBLY SIZE	+4,073 (+3.2%)
% HISPANIC	27.6%
% NH WHITE	7.9%
% NH BLACK	19.4%
% NH ASIAN	25.5%

Asian American Legal Defense and Education Fund

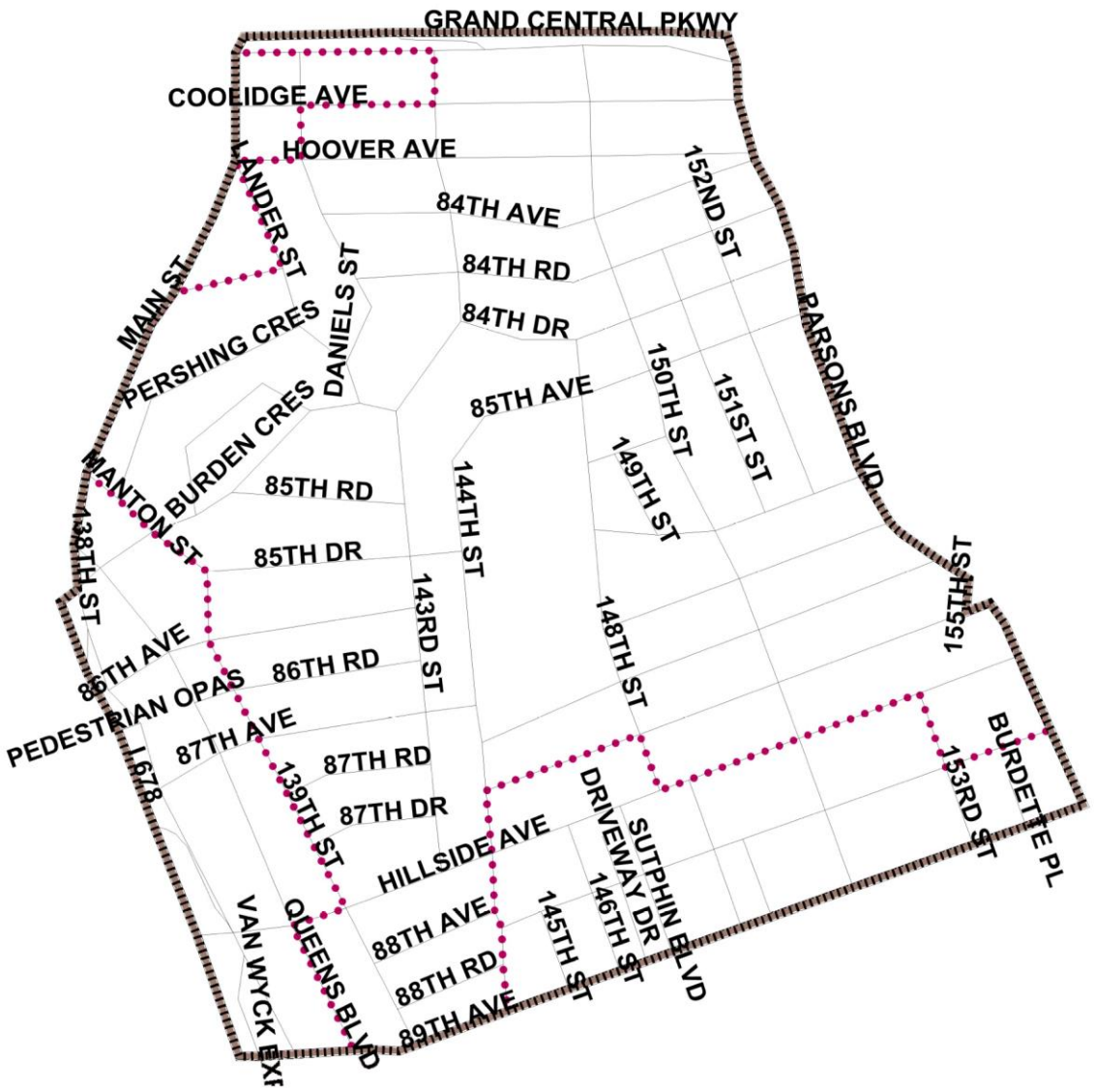


Ozone Park

POPULATION	**68,070**
DEVIATION FROM IDEAL ASSEMBLY SIZE	-61,117 (-47.3%)
% HISPANIC	45.1%
% NH WHITE	26.9%
% NH BLACK	5.9%
% NH ASIAN	16.3%

Asian American Legal Defense and Education Fund

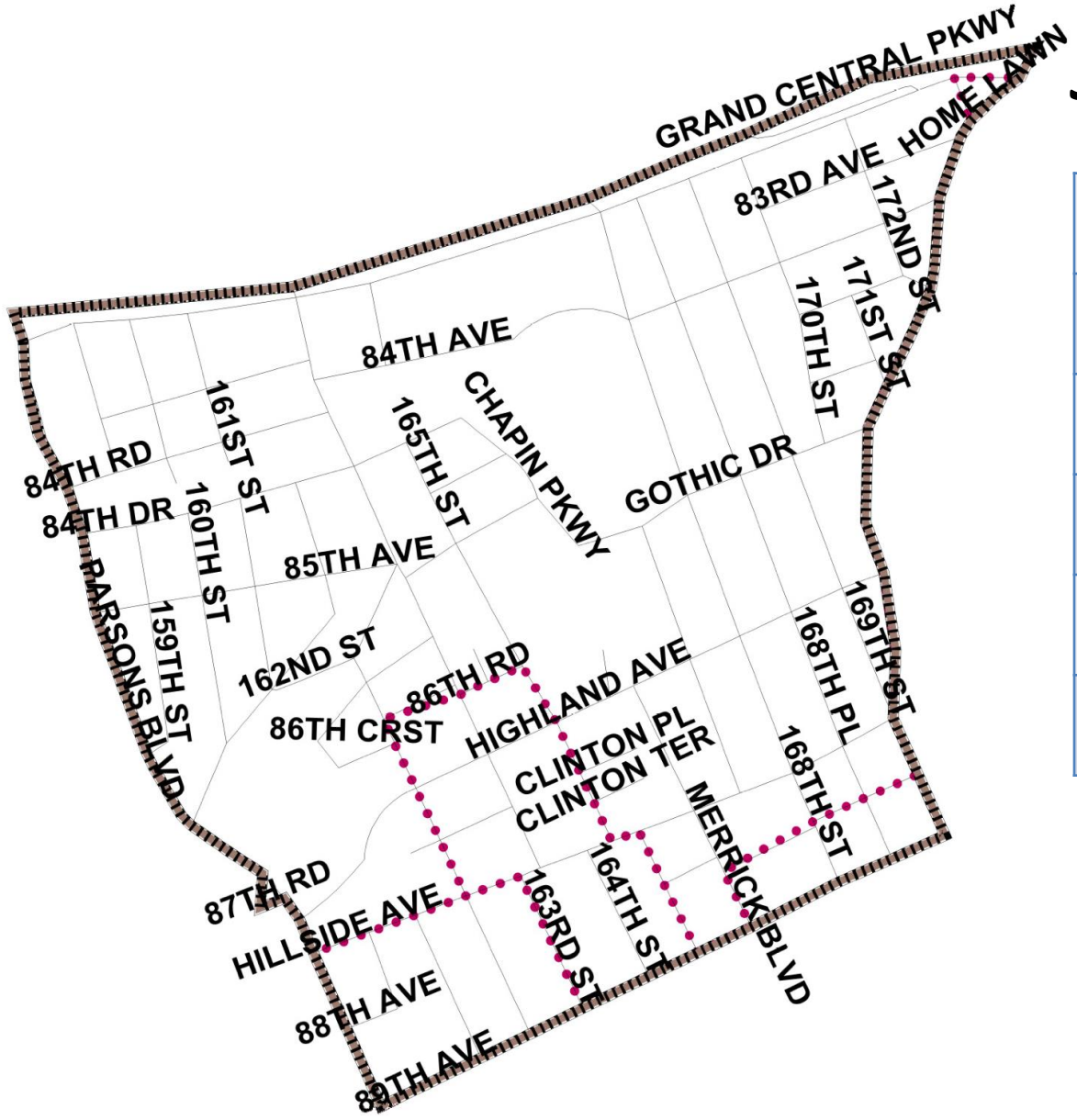
Briarwood



POPULATION	26,239
DEVIATION FROM IDEAL ASSEMBLY SIZE	-102,948 (-79.7%)
% HISPANIC	32.8%
% NH WHITE	18.8%
% NH BLACK	11.2%
% NH ASIAN	30.3%

Asian American Legal Defense and Education Fund

Jamaica Hills



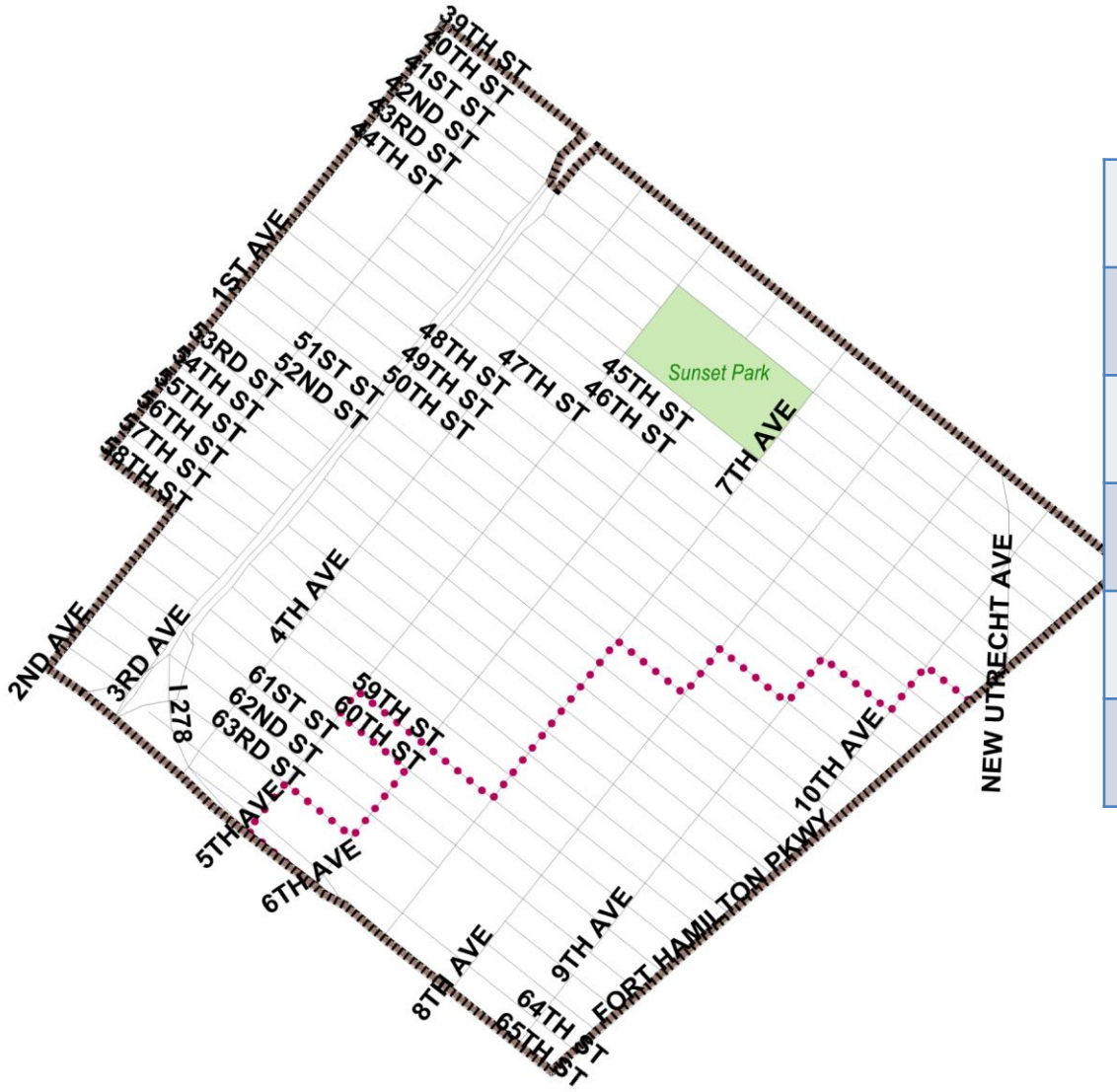
POPULATION	19,379
DEVIATION FROM IDEAL ASSEMBLY SIZE	-109,808 (-85.0%)
% HISPANIC	21.2%
% NH WHITE	8.4%
% NH BLACK	17.4%
% NH ASIAN	46.0%

Asian American Legal Defense and Education Fund

BROOKLYN

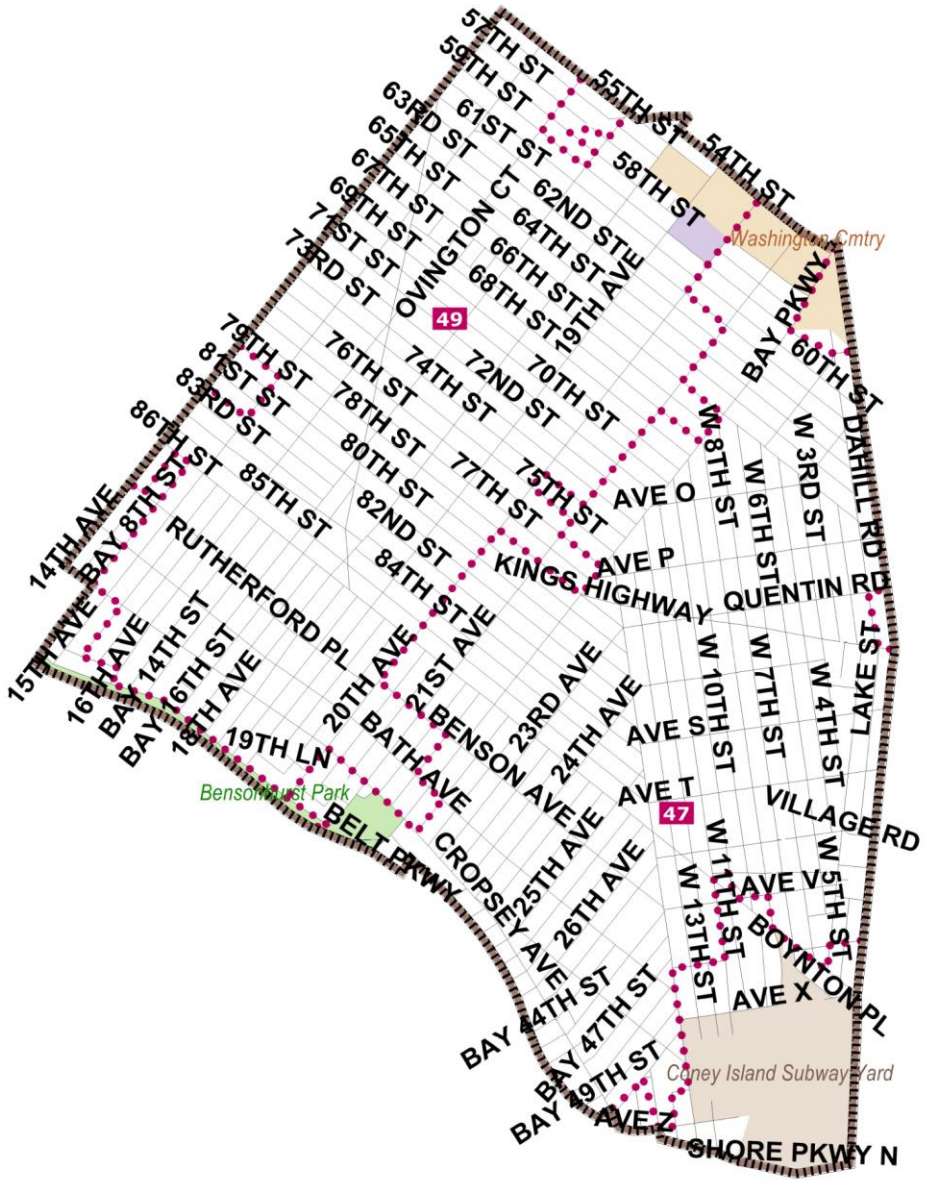
Asian American
Legal Defense
and Education Fund

Sunset Park



POPULATION	118,834
DEVIATION FROM IDEAL ASSEMBLY SIZE	-10,803 (-8.4%)
% HISPANIC	42.6%
% NH WHITE	13.7%
% NH BLACK	1.6%
% NH ASIAN	40.5%

Asian American Legal Defense and Education Fund

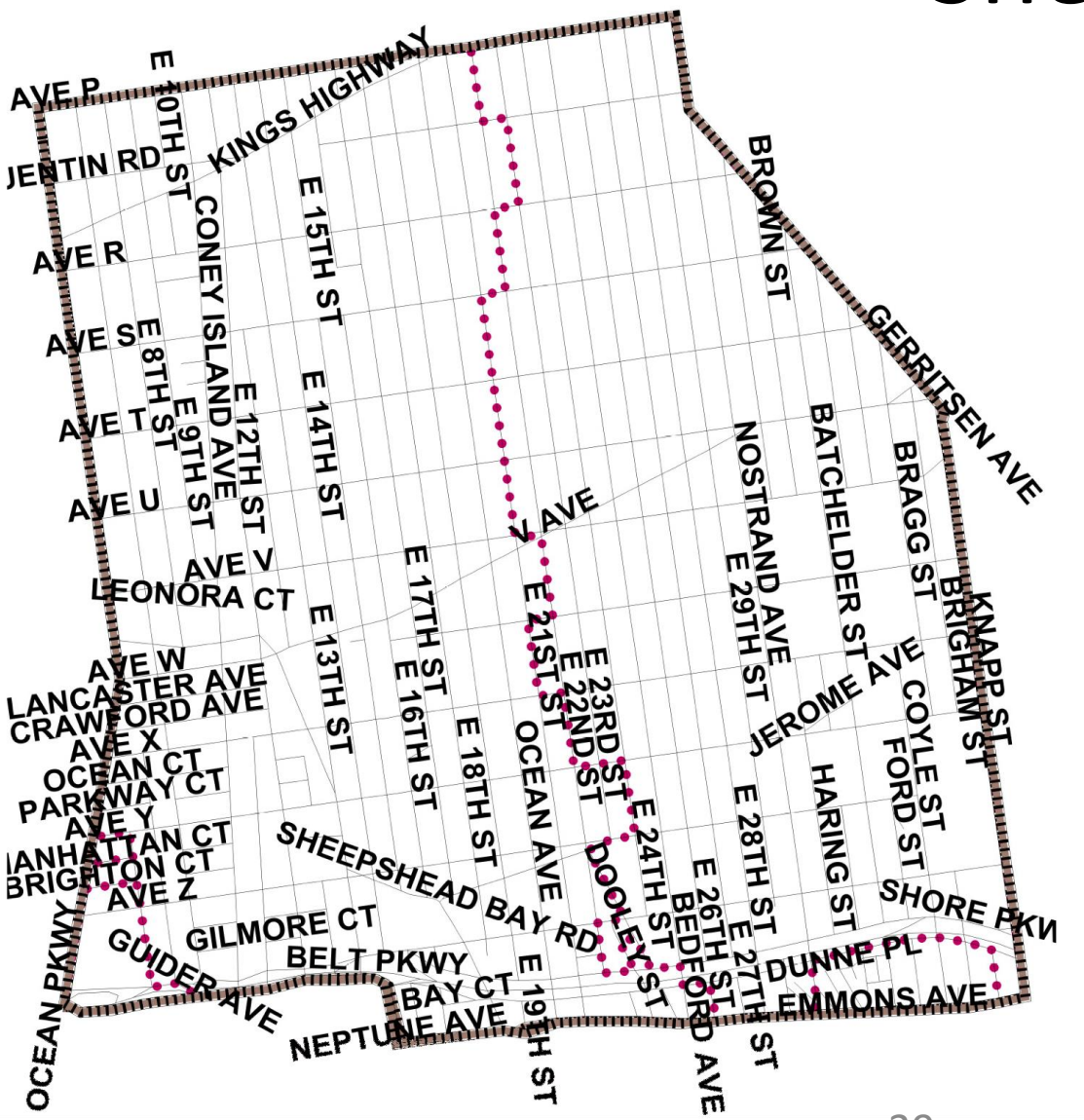


Bensonhurst

POPULATION	219,897
DEVIATION FROM IDEAL ASSEMBLY SIZE	+90,710 (+70.2%)
% HISPANIC	13.4%
% NH WHITE	51.5%
% NH BLACK	1.7%
% NH ASIAN	32.0%

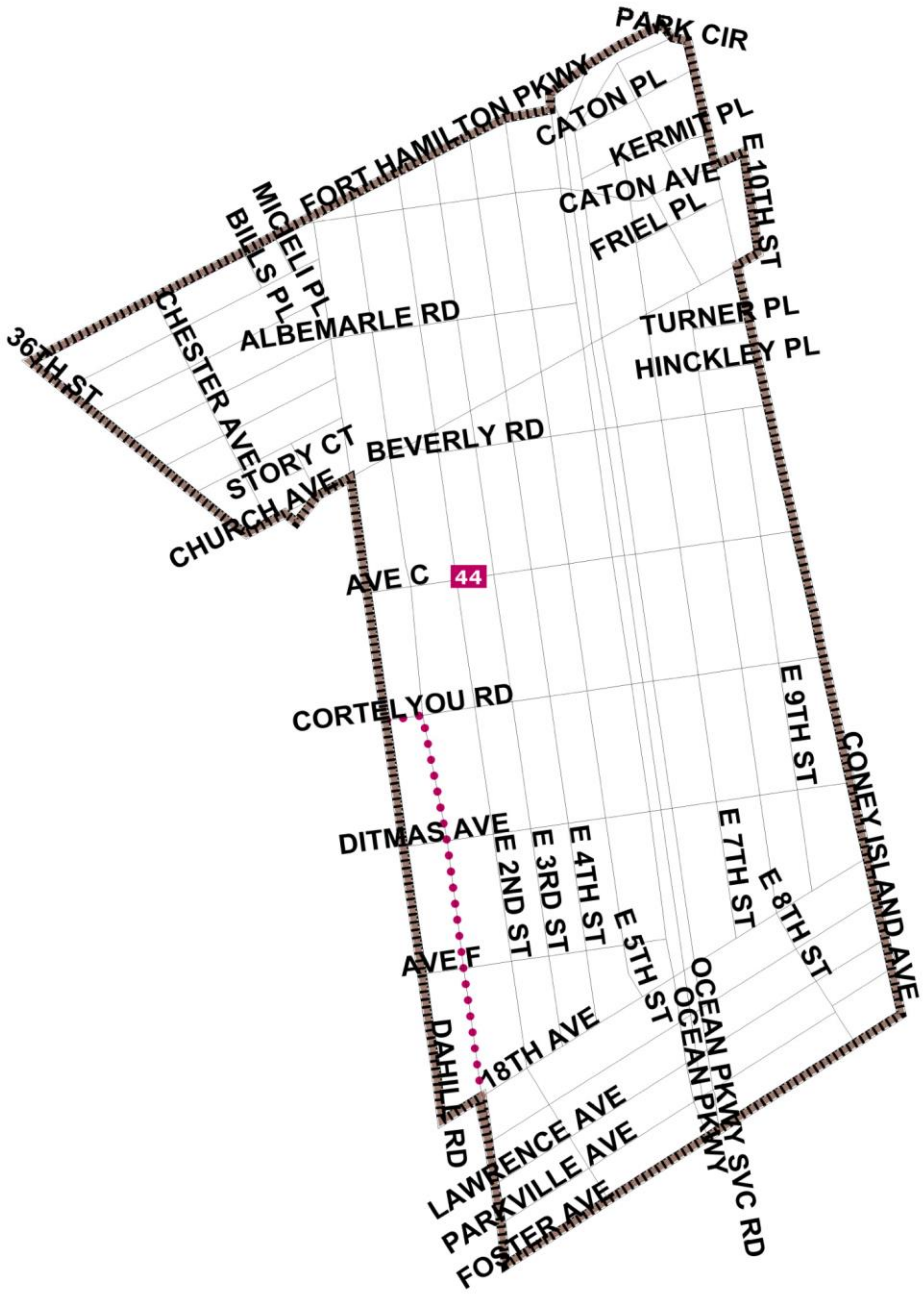
Asian American Legal Defense and Education Fund

Sheepshead Bay



POPULATION	117,891
DEVIATION FROM IDEAL ASSEMBLY SIZE	-11,296 (-8.7%)
% HISPANIC	7.8%
% NH WHITE	68.6%
% NH BLACK	4.1%
% NH ASIAN	17.8%

Asian American Legal Defense and Education Fund



Kensington

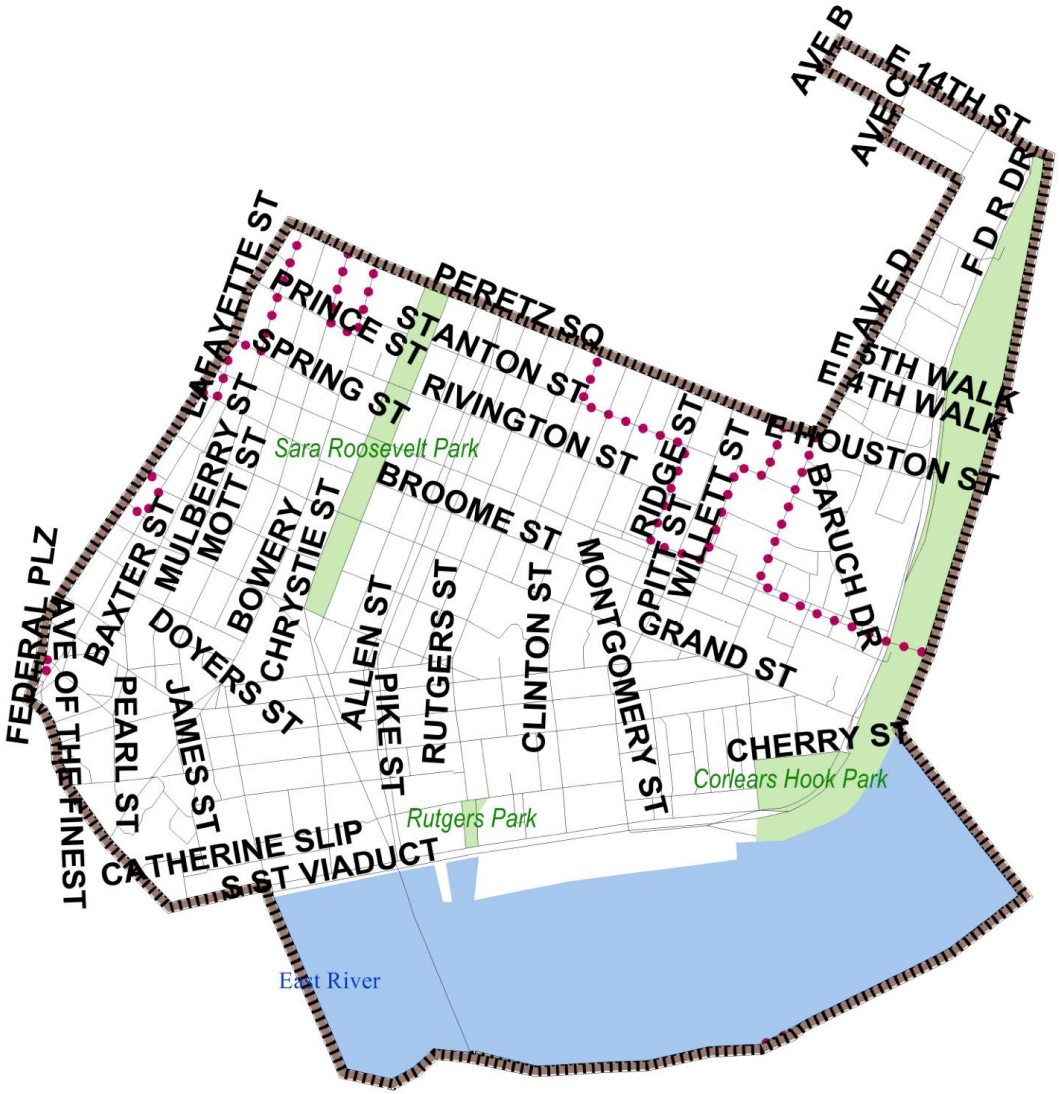
POPULATION	53,700
DEVIATION FROM IDEAL ASSEMBLY SIZE	-75,487 (-58.4%)
% HISPANIC	17.5%
% NH WHITE	49.8%
% NH BLACK	7.3%
% NH ASIAN	22.0%

Asian American Legal Defense and Education Fund

MANHATTAN

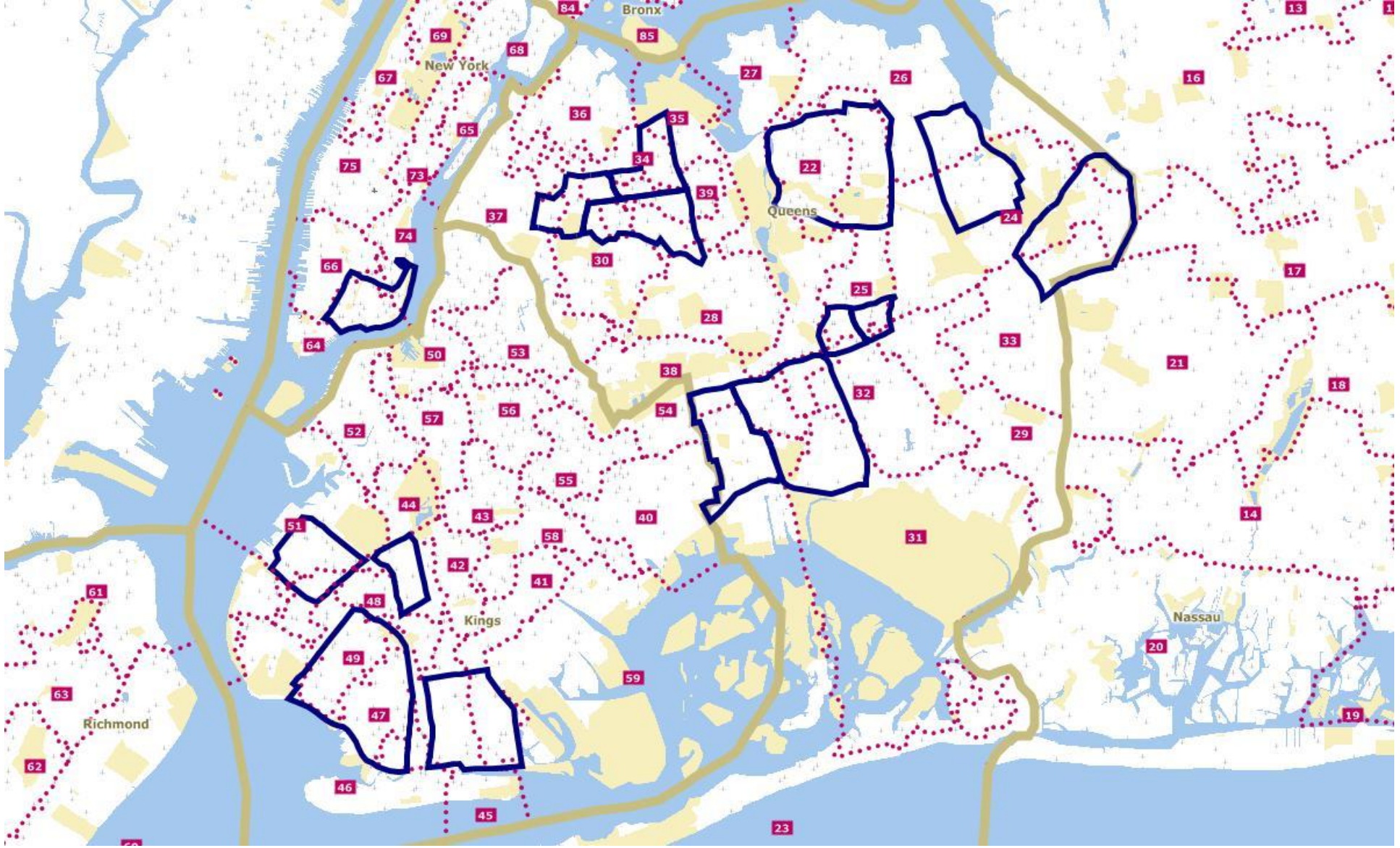
Asian American
Legal Defense
and Education Fund

Chinatown-Lower East Side

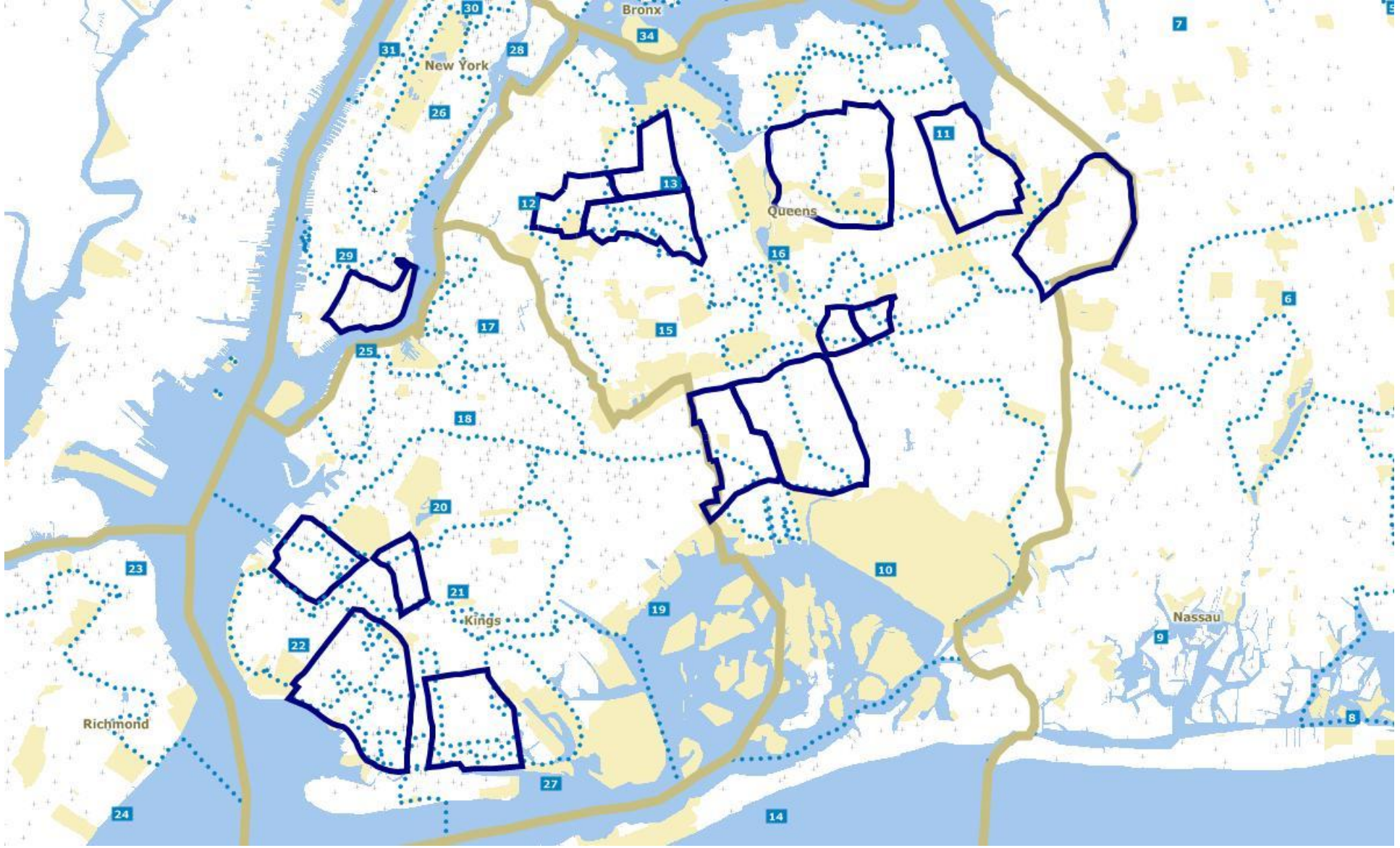


POPULATION	117,057
DEVIATION FROM IDEAL ASSEMBLY SIZE	-12,130 (-9.4%)
% HISPANIC	26.5%
% NH WHITE	19.4%
% NH BLACK	7.4%
% NH ASIAN	44.9%

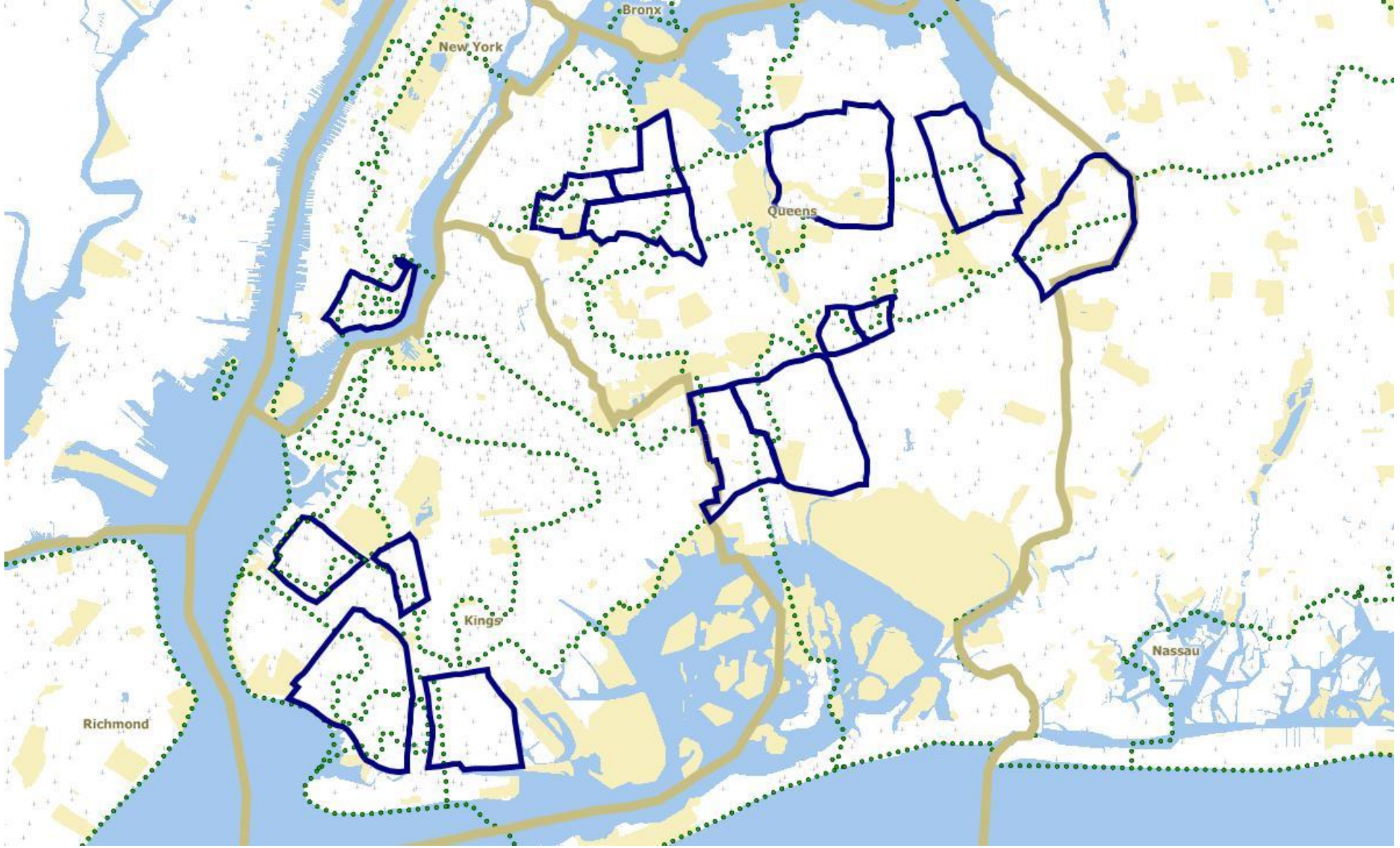
Asian American Legal Defense and Education Fund



Asian American communities with current NY State Assembly boundaries



Asian American communities with current NY State Senate boundaries



Asian American communities with current NY Congressional boundaries



Denver Redistricting 2022: Focus on equity and inclusion

Charter Requirements

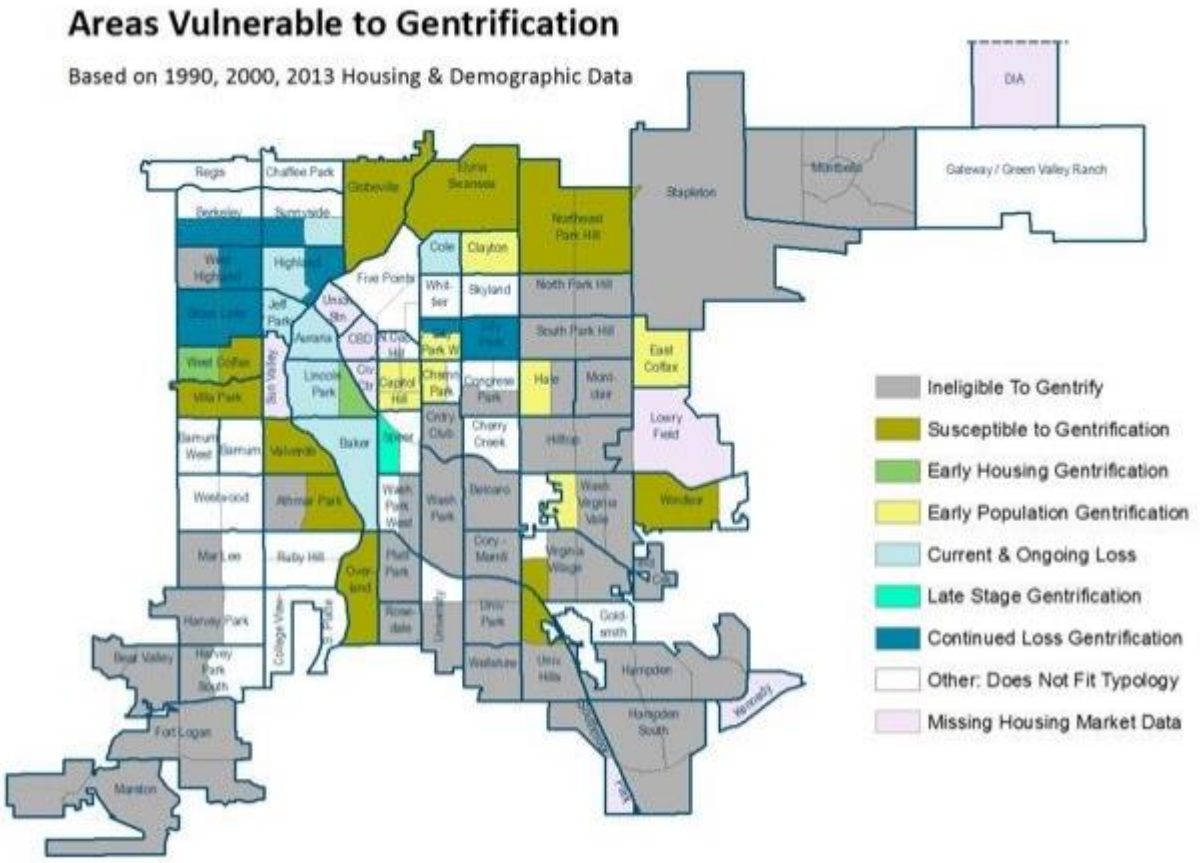
- Denver shall have 11 districts that are:
  - Compact as possible
  - Contain contiguous territory
  - Contain as equal a population as possible
  - Be based on the most recent United States decennial census, or other official population studies or report
  - Consist of whole voting precincts
  - Boundaries that change at least once every 10 years

Critiques of 2012

- The process was rushed
- Lacked sincere community engagement
- We experienced issues with accessing the redistricting software



Changes in Denver



- Population boom
- Rapid increase in cost of living
- Gentrification and displacement of BIPOC neighborhoods

Public Engagement Weaknesses

- Public hearings, comment, and listening sessions are not helpful ways to obtain community opinion on policies
- One-way street of communication
- Lacks comprehensive and sincere community input



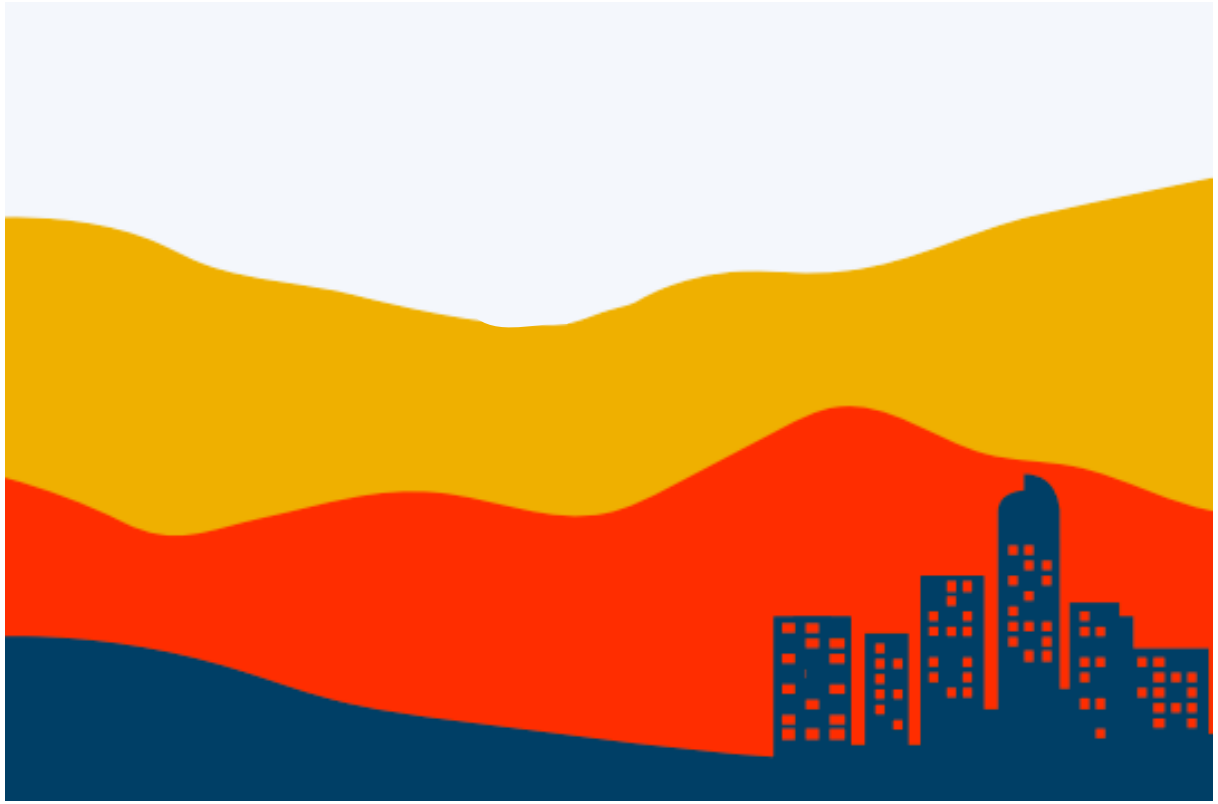
Moving Forward



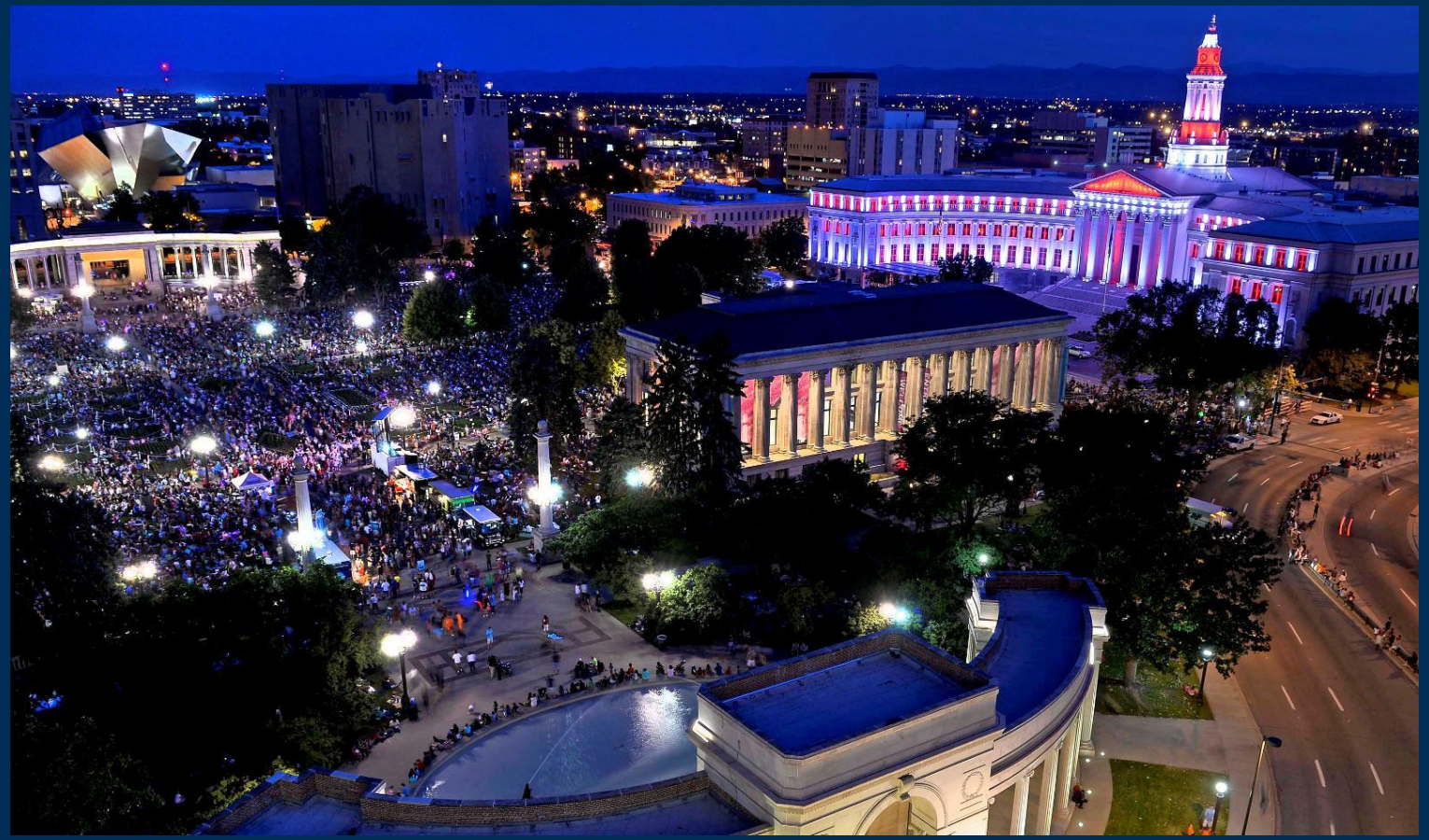
- Addressing common barriers to community engagement in our outreach strategies
- Culturally competent and inclusive meetings
- Being mindful of our legacy

Moving Forward

- Long-term planning to address unpreparedness



THANK YOU!



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 10-17-2023

SUBJECT: A presentation regarding an update from Downtown Provo Inc. (23-074)

RECOMMENDATION: Presentation only.

BACKGROUND: This is an update from Downtown Provo Inc on the work they have done over the past year and future projects and plans.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Quinn Peterson, Downtown Provo Inc

REQUESTED DURATION OF PRESENTATION: 25 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-074



DOWNTOWN

Provo

1

RESIDENTIAL AWARENESS

2

TOURISM AWARENESS

3

CREATING A SPACE

4

BUSINESS SERVICES

5

ADVOCACY

Residential Awareness

Weekly Email

- 13K emails of local residents.
- 23.1% open rate which is above average.

WEEKLY EMAIL

Car Show & More This Weekend!

important downtown update.

View this email in your browser

DOWNTOWN Provo



Instagram

- Growing quickly and very high engagement.
- 17.2K in 2022 to 21.4K today.
- This is our most regularly used tool to engage with the public.

INSTAGRAM


Professional dashboard
Insights
Sep 9 - Oct 8
Accounts reached
48.7K
+25.5%
Accounts engaged
3,350
-22.9%
Total followers
21.4K
+1.9%
Content you shared
139

Media

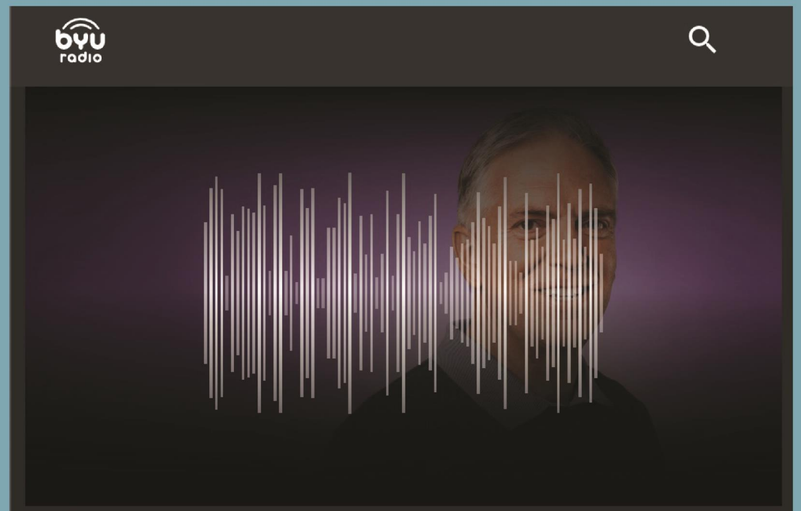
- News, podcasts, and regular work with newspapers and magazines.

MEDIA

WASATCH FRONT NEWS

Provo improves roadway on Center Street; adding first-ever raised crosswalks

by: Tyson Romero
Posted: Aug 17, 2023 / 04:21 PM MDT
Updated: Aug 17, 2023 / 04:21 PM MDT



NEWS & INFORMATION

Quinn Peterson: Community Ties

Constant Wonder

Quinn Peterson, craftsman and executive director at Downtown Provo, Inc., joins the show to discuss his experiences creating ties, literally and figuratively, in his community.



GTU FEATURED GUEST

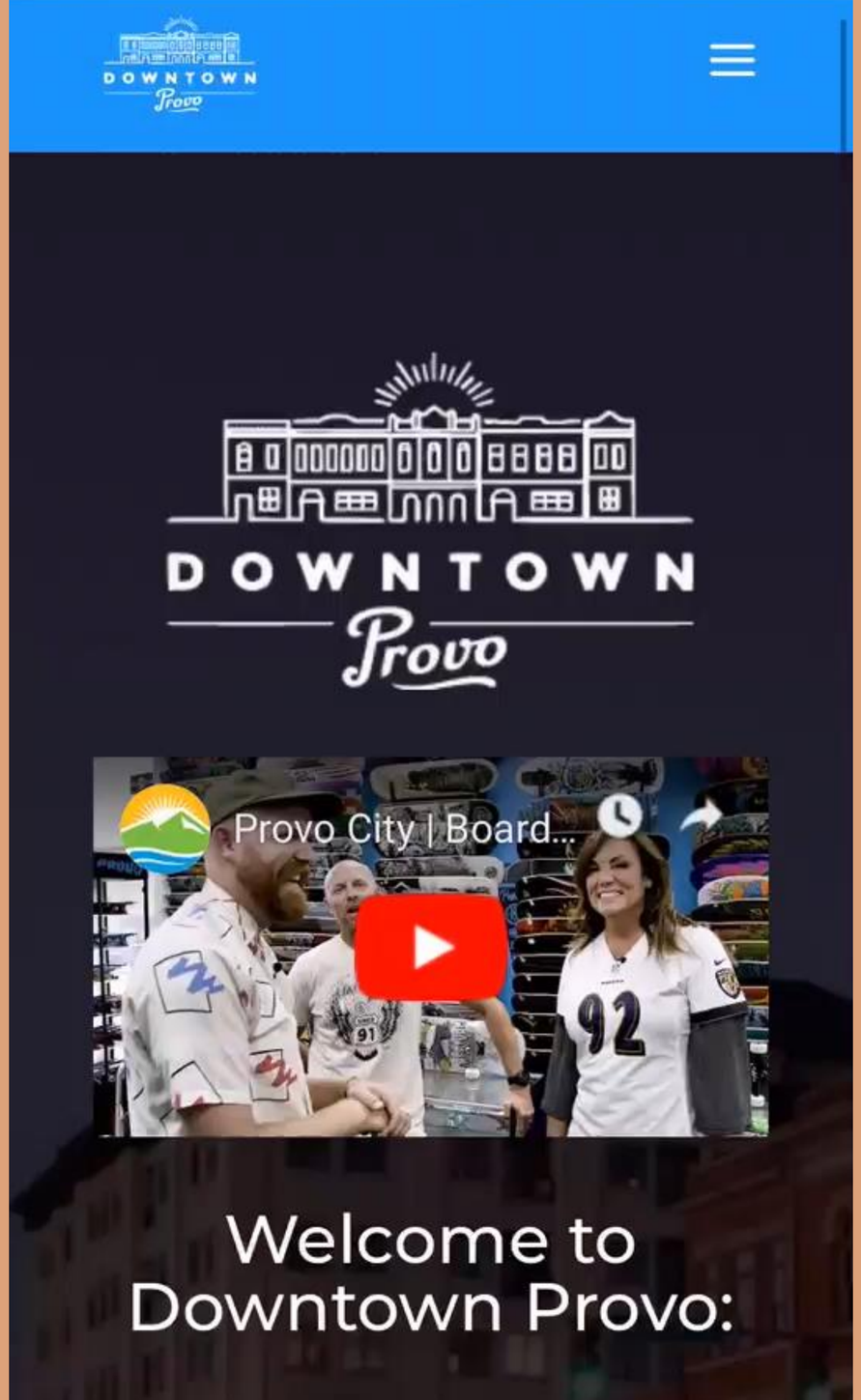
New Things Happening in Downtown Provo

Tourism Awareness

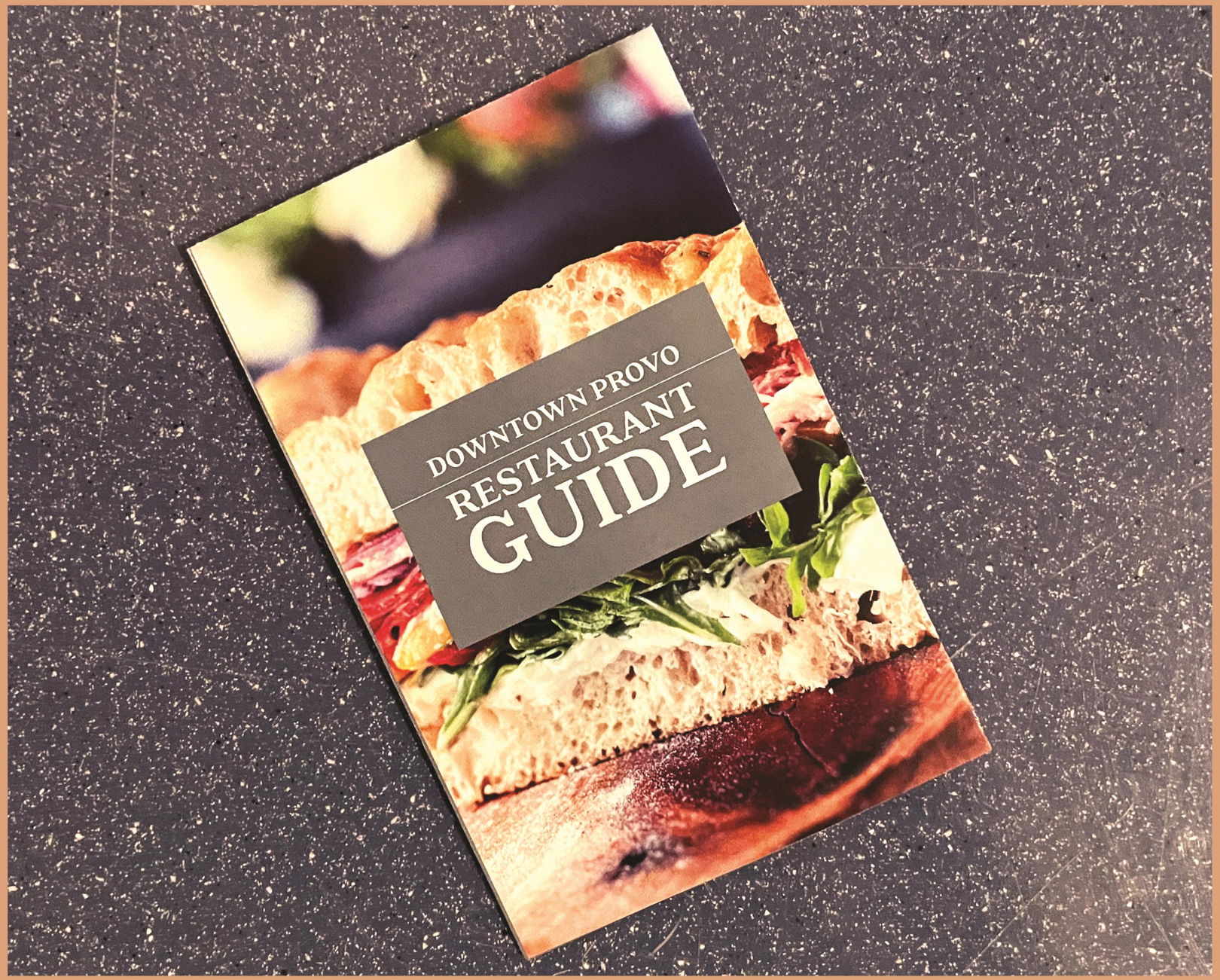
Guides

- Mural Maps
- Restaurant Guides
- Retail/Entertainment

ONLINE GUIDES



RESTAURANT GUIDE



Other Tools

- Governor’s Office of Tourism.
- Finished working on second article published.

OTHER TOOLS

LIFE UTAH ELEVATED

Cultural Cuisines Find New Homes in Provo

Families share their heritage and culture in charming downtown Provo where restaurants showcase food from around the globe.

Written By Annie Hartvigsen





Whether it's perfectly seared gyozas as an appetizer or the shiobutadon (salted pork), at K's Kitchen you won't be disappointed.

Photo: Nicole Morgenthau



Creating a Space

Holiday Lights

- This year we decided to pivot our holiday light investment.
- Lights usually last a couple years, and they are only usable during the holiday season.

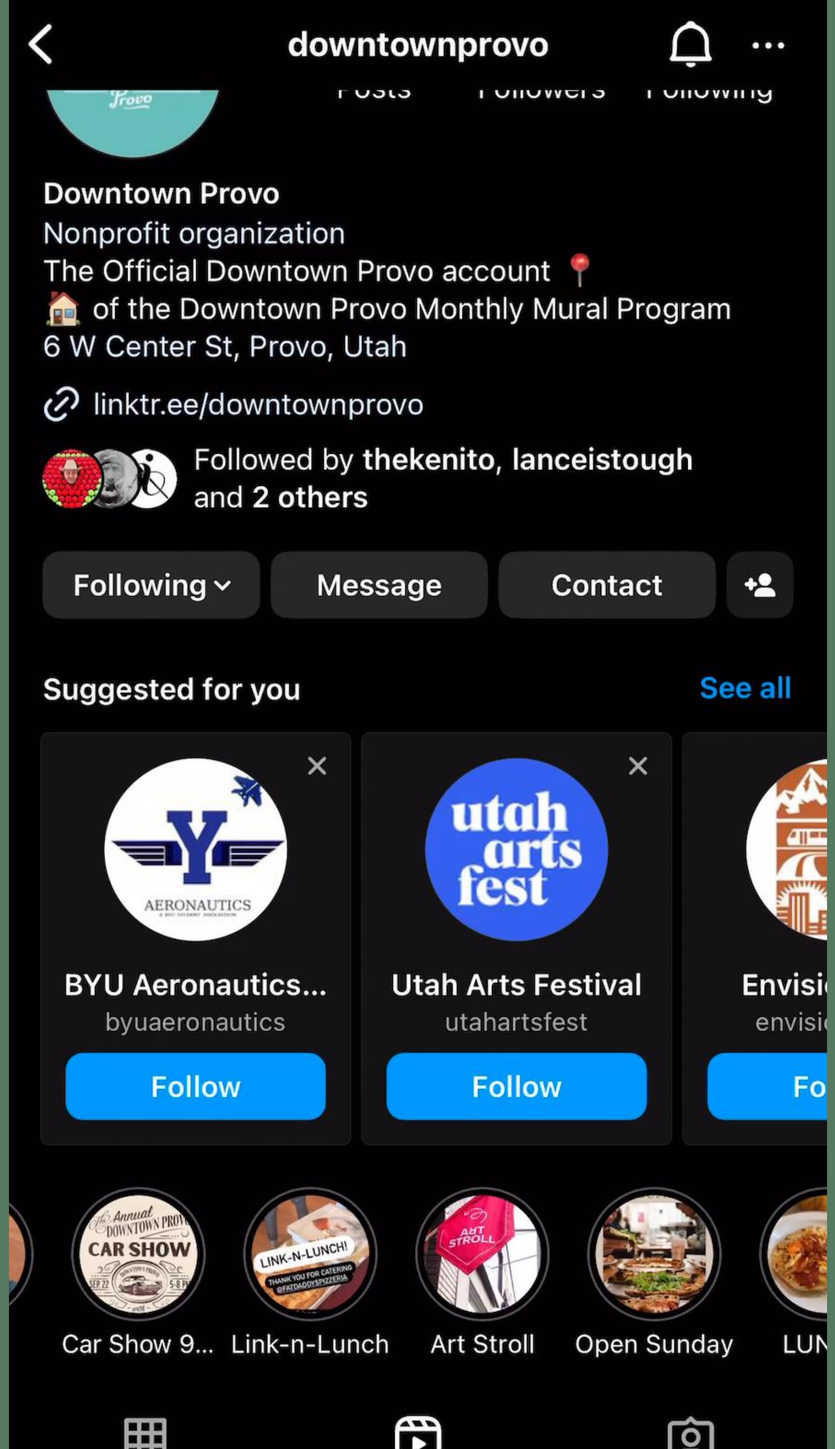
This year we added programmable LED uprights downtown.



Art Stroll

- 1,000–3,000 people each month
- 15–20 businesses

ART STROLL

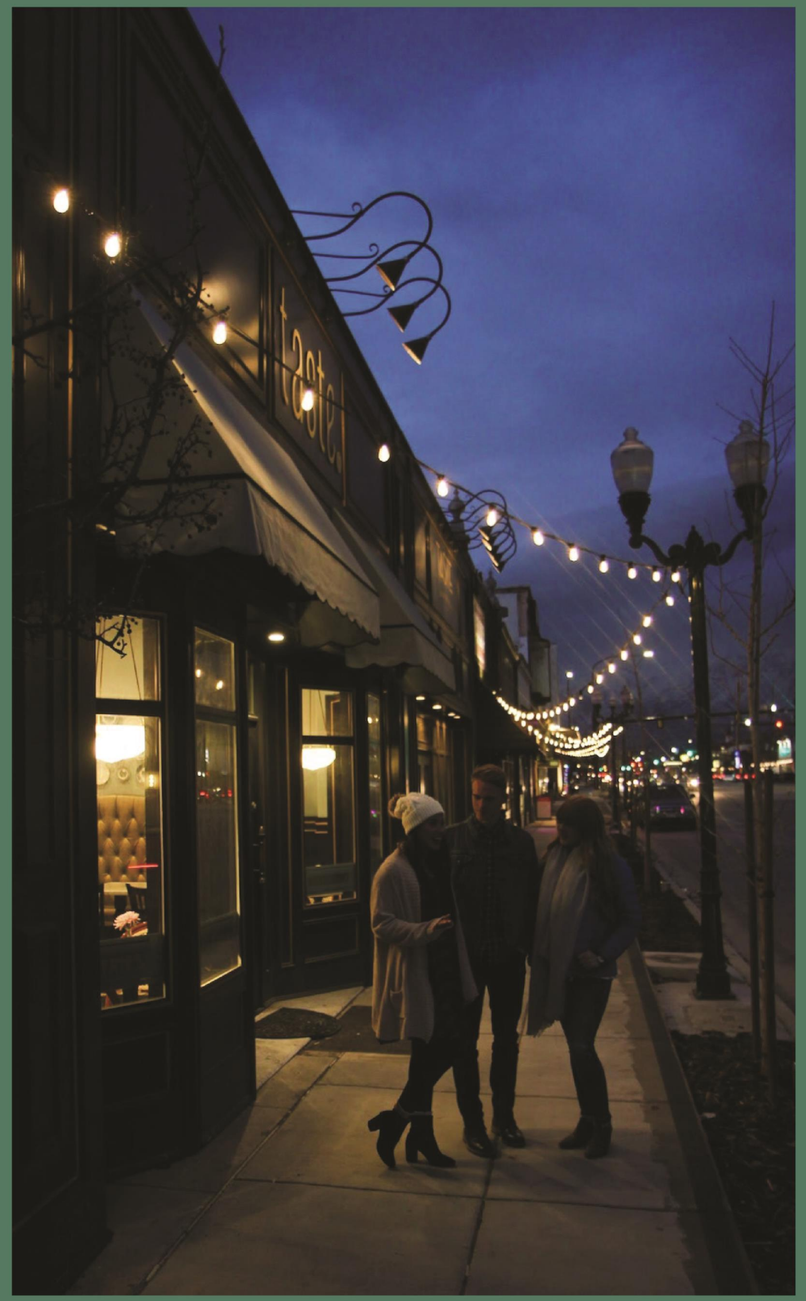

downtownprovo
Posts
Followers
Following
Downtown Provo
Nonprofit organization
The Official Downtown Provo account 📍
🏠 of the Downtown Provo Monthly Mural Program
6 W Center St, Provo, Utah
linktr.ee/downtownprovo
Followed by thekenito, lanceistough and 2 others
Following
Message
Contact
Suggested for you
See all
BYU Aeronautics...
byuaeronautics
Follow
Utah Arts Festival
utahartsfest
Follow
Car Show 9...
Link-n-Lunch
Art Stroll
Open Sunday

Light Strings

- Regular maintenance.
- Spans 6 blocks on Center St, 2 blocks on University Ave.

LIGHT STRINGS





Public Art

- We have done a few murals this year but most of our resources have shifted into the monthly vinyl wraps on utility boxes.
- The new vinyl wrap program.

PUBLIC ART



CAR SHOW



HALLOWEEN

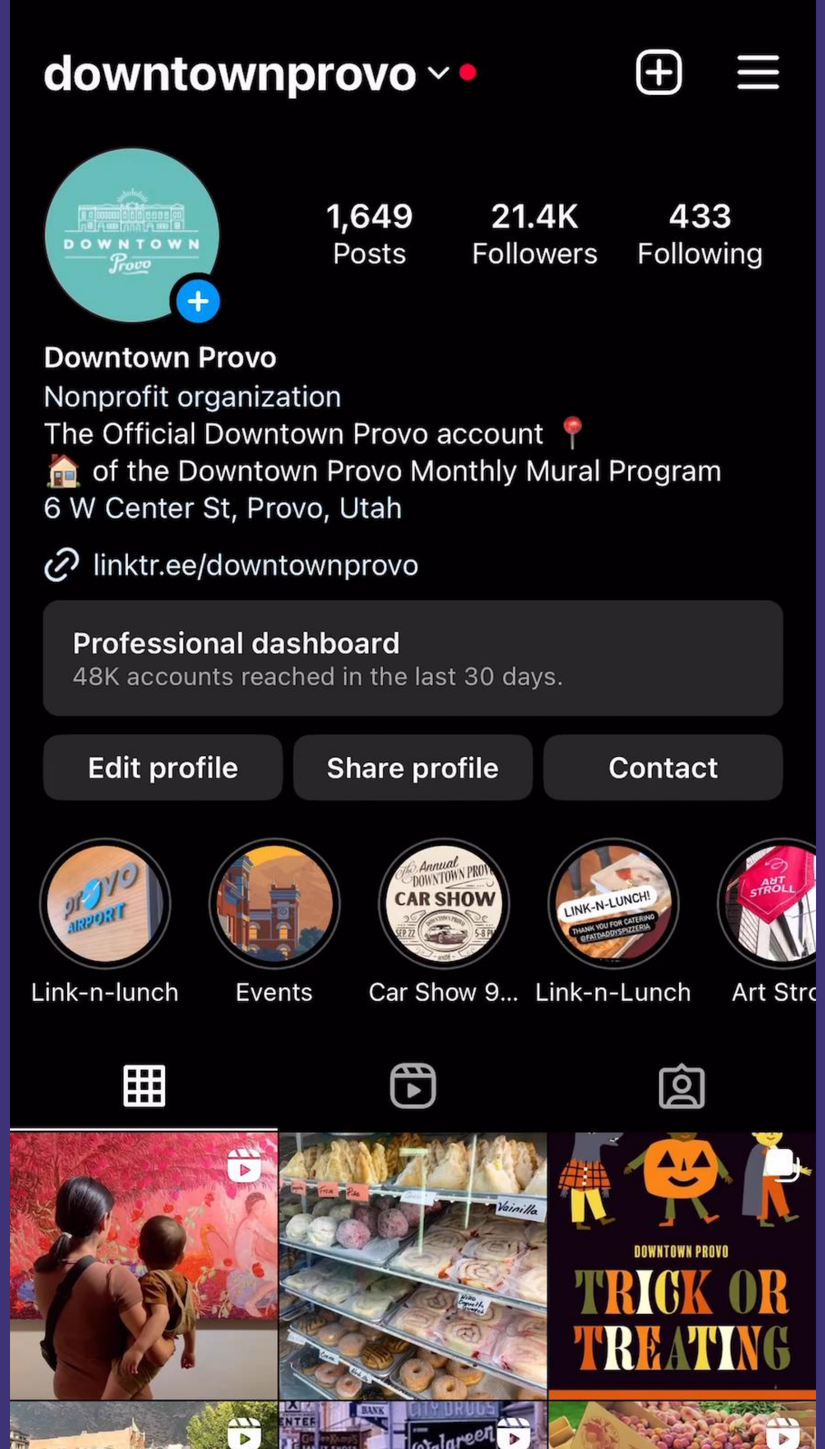


Business Services

Link ’n Lunch

- Different food
- Different locations
- Downtown updates
- City connection

LINK ’N LUNCH


downtownprovo
1,649
Posts
21.4K
Followers
433
Following
Downtown Provo
Nonprofit organization
The Official Downtown Provo account 📍
🏠 of the Downtown Provo Monthly Mural Program
6 W Center St, Provo, Utah
linktr.ee/downtownprovo
Professional dashboard
48K accounts reached in the last 30 days.
Edit profile
Share profile
Contact
Link-n-lunch
Events
Car Show 9...
Link-n-Lunch
Art Stro
DOWNTOWN PROVO
TRICK OR TREATING

Filling The Gap

- Downtown is not all managed by one owner.
- Tracking availability and trends.

Advocacy

2022 Projects

- Downtown walkability
- Gateway
- Building codes

2022 Projects

- Downtown walkability ✓
- Gateway
- Building codes

2022 Projects

- Downtown walkability ✓
- Gateway ✓
- Building codes

2022 Projects

- Downtown walkability ✓
- Gateway ✓
- Building codes . . .

RAISED CROSSWALKS

2019

To the City of Provo:
Re: Downtown Pedestrian Plan

The business community gathered on January 16th 2019 to discuss Provo city's transportation master plan and how that applies to the downtown area. Downtown Provo Inc. created the following statement.

We agree with and support the designation of Center Street from 500 W to 200 E as a pedestrian mall, allowing pedestrians to receive priority in this area. We feel that this plan has not been fully implemented and is not being enforced effectively. We request that as decisions about parking, light patterns, traffic flow, and future projects are made, that they keep pedestrian friendly environments as the top priority. Additionally, we value pedestrian connectivity throughout our entire downtown and we support the intention to give additional attention to pedestrian needs throughout the whole downtown area.

We believe this can be done in a variety of ways including the following:

- Enforcement of the 15 mph limit on Center, and all speed limits in high traffic pedestrian areas.
- Synchronization of light patterns and implementation of green arrows encouraging cars to use 100 N for freeway access.
- Additional signage including new pedestrian way-finding signs.
- Additional kiosks in public spaces allowing for way-finding that will also act as designated public announcement areas.
- Physical changes and additions to road surfaces, signage, and signaling that allow a driver to recognize a difference as they enter the "historic downtown" corridor, such as:
  - Raised crosswalks
  - Grade-level crosswalk lights
  - Above grade crosswalk lights
  - Additional, dynamic speed signage
  - Or other physical changes





Rex Facer
Public Information Program

BUSINESS	SIGNATURE	DATE
Fillings & Dissolutions		4-24-19
Ks Kitchen		4/24/2019
Crisp		4/24/19
Bett Pharmacy		4/24/19
Peace on earth Coffee		4/24/19
Modern shoe		4/24/19
India Palace		04/24/19
Blaine's La Petite		4/24/19
Deluxe		4/24/19
Pho Plus		4/24/19
Lotus garden	Chen He	04/24/19
The Soap Factory		04/24/19
Heart And Seoul		04/24/19
Vizi Social		04/24/19
Black Sheep		4/24/19
Station 22		4/24/19
David Meitz		4/24/19
Lulu's Crafty Corner		4/24/19
Sophie Bros		4/24/19
Mullett Hoover		4/24/19
Mozz		4/30/19
Rockwell Ice Cream		4/30/19
Pioneer Book		5/16/19

RAISED CROSSWALKS

2020

Mayor Kaufusi and Provo City Council,

Center Street needs your help now.

In January of this year, KSL News shared a Provo Police video of a man on crutches trying to cross the crosswalk at 400 West and Center. As he tried to cross the street, drivers did not stop but maintained their speed. The man desperately raised his arms and crutches in the air as drivers narrowly missed him.

Such near misses are not a rare occurrence on Center Street; they happen every day. You may have experienced one yourself. That's because the street is designed for speeds higher than 15mph (the 85th percentile speed is 24 mph). Because of this design problem, no amount of police enforcement will stop the recurring issue of drivers speeding and failing to stop for pedestrians. We need to change the design of Center Street to bring speeds down to 15 mph. This is a reasonable request. These speeds are in place because the city adopted a transportation master plan indicating that this is a pedestrian mall; we intend to get everyone on the same page and treat it as such.

In support of improving safety and the economic health of downtown Center Street, BikeWalk Provo, Downtown Provo Inc., and the undersigned Provo residents and members of our business community call on Provo City to take action to make Center Street safer and more welcoming to cyclists and pedestrians. We look forward to working together with the city to evaluate the costs, feasibility, and effectiveness of various tactics. Here are some of the suggested tactics we would like to explore and prioritize:

1. **Install raised crosswalks at every mid-block crossing between 200 East and 500 West.** This will slow cars and enhance pedestrian visibility. Raised crosswalks are about six inches above grade and cost $20k to $40k per installation. They can be found across Utah and the United States; on nearby BYU campus and in snowy Anchorage, Alaska.
2. **Replace the missing 15MPH speed limit sign at the northwest corner of Center and 300 West.**
3. **Paint sharrows (shared lane markings) on the right (outside) lane of eastbound and westbound Center Street from 200 East to 500 West.** This will make people on bikes and scooters feel comfortable to ride on the 15 mph street and not on the sidewalk.
4. **Adjust light signal timing on Center Street to discourage through-traffic.** This will encourage faster drivers to use 100 North or 300 South instead of Center Street.
5. **Adjust light signal timing on 100 North to encourage through-traffic.** This will encourage faster drivers to use 100 North instead of Center Street.
6. **Install a left-turn lane and arrow westbound on 100 North at 500 West.** This will give quicker freeway access from 100 North, again incentivizing its use for faster drivers.

Making these small, cost-effective changes will turn Center Street into a safe, appealing, people-friendly destination that Provo residents and the downtown business people desire. These changes should be made as soon as possible to coincide with the reopening of the 100 N intersection as the 500 West project comes to an end.

Let's get to work,

Mary Wade, Director, BikeWalk Provo
Quinn Peterson, Director, Downtown Provo Inc.



Rendering of raised crosswalk and sharrow on Center Street at 450 West

Sarah Ashby, Provo resident and pediatrician
Parker Howell, Rivergrove neighborhood, employee of downtown business
Zeke Peters, Provo Resident & BYU student
K. Joel Roop-Eckart, Qualtrics employee, bike commuter, regular at local businesses in downtown
Bly Wallentine, Joaquin neighborhood resident, Studio Studio Dada owner
Christine Frandsen, Maeser Neighborhood
Todd Greener, Provo Resident
Serena Raymond, Provo resident
Carlee Reber, Maeser neighborhood
Alicia McIntire, Timp Neighborhood
Richard West, Provo resident and BYU faculty
Stephanie West, Provost neighborhood
David Keller, Joaquin neighborhood
Heather Skabelund, Franklin Neighborhood
Andrew Jenkins, Franklin Neighborhood, employee of downtown government agency

RAISED CROSSWALKS



TMAC List

- We worked to help TMAC quantify their list of downtown priorities which Council adopted in January of 2022.

TMAC LIST

Adopted January 2022.

List Order	Improvement	Prioritizes pedestrian safety and comfort while supporting multiple modes of transportation. 35%	Maintains and supports convenient access to businesses and services. 30%	Contributes to the aesthetics of the destination and enhances the Downtown Experience. 25%	Uses interim design strategies to demonstrate potential outcomes and incorporates phased design. 10%	Total Score	Cost	Potential Timing (Note: this was an initial estimate, there are no specific time constraints on any project)
10	Install entry arch	1.5	1	2	0	133	$$	1 - 5 Years
24	Install raised crosswalks at mid-block crossings and 500 W.	2	0	2	1	130	$$$$	5+ Years
28	Raise intersections at 100 W, 300 W, and 400 W.	2	0	2	0.5	125	$$$$	5+ Years
33	Realign Center St to 100 N @ 500 w and back to Center @ 200 E.	2	1	1	0	125	$$$$$+	5+ Years
15	Improve lighting at mid-block crosswalks.	2	0	2	0	120	$$	1 - 5 Years
23	Construct median walkway for center-parking access to crosswalks.	2	0	1.5	1	118	$$$$	5+ Years
14	Install protected left turns along detour route (i.e., 500 W/100 N & 200 E/Center)	2	1	0	1	110	$$	1 - 5 Years
35	Block traffic from entering and exiting Center St from 100 W and 400 W extending median along middle and create plaza area.	2	-1	2	2	110	$$$	5+ Years
18	Install parklets, sidewalk widenings with planters in existing parking spots.	1	0	2	2	105	$$	1 - 5 Years
36	Events Process Improvements (More Events Downtown)	1	1	1	1	100	$	1 Year
11	Install high-visibility crosswalks	2	0	1	0	95	$	1 - 5 Years
26	Convert all angle parking to parallel for more dining/pedestrian/ recreation space.	2	-1.5	2	2	95	$$$$	5+ Years
9	Install pedestrian mall signage	1	1	1	0	90	$$	1 Year
8	Install flashing "15 MPH AHEAD" signs at 600 W and 200 E	2	0	0	1	80	$$	1 Year
	Remove median parking to construct median plaza/linear park for dining.							

Being The Voice

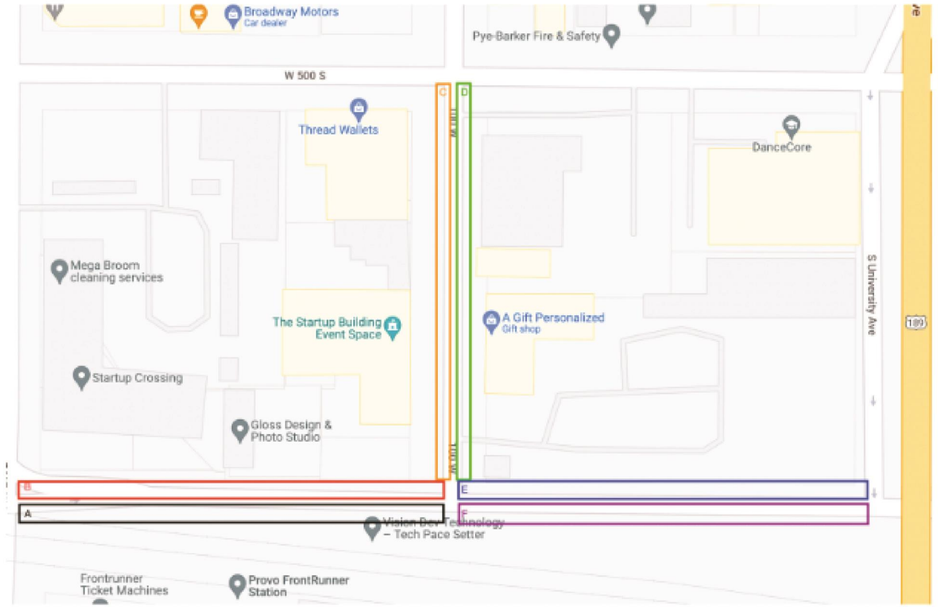
- Challenging the status quo.
- DPI is here to help push, stretch, and change.

STARTUP PARKING

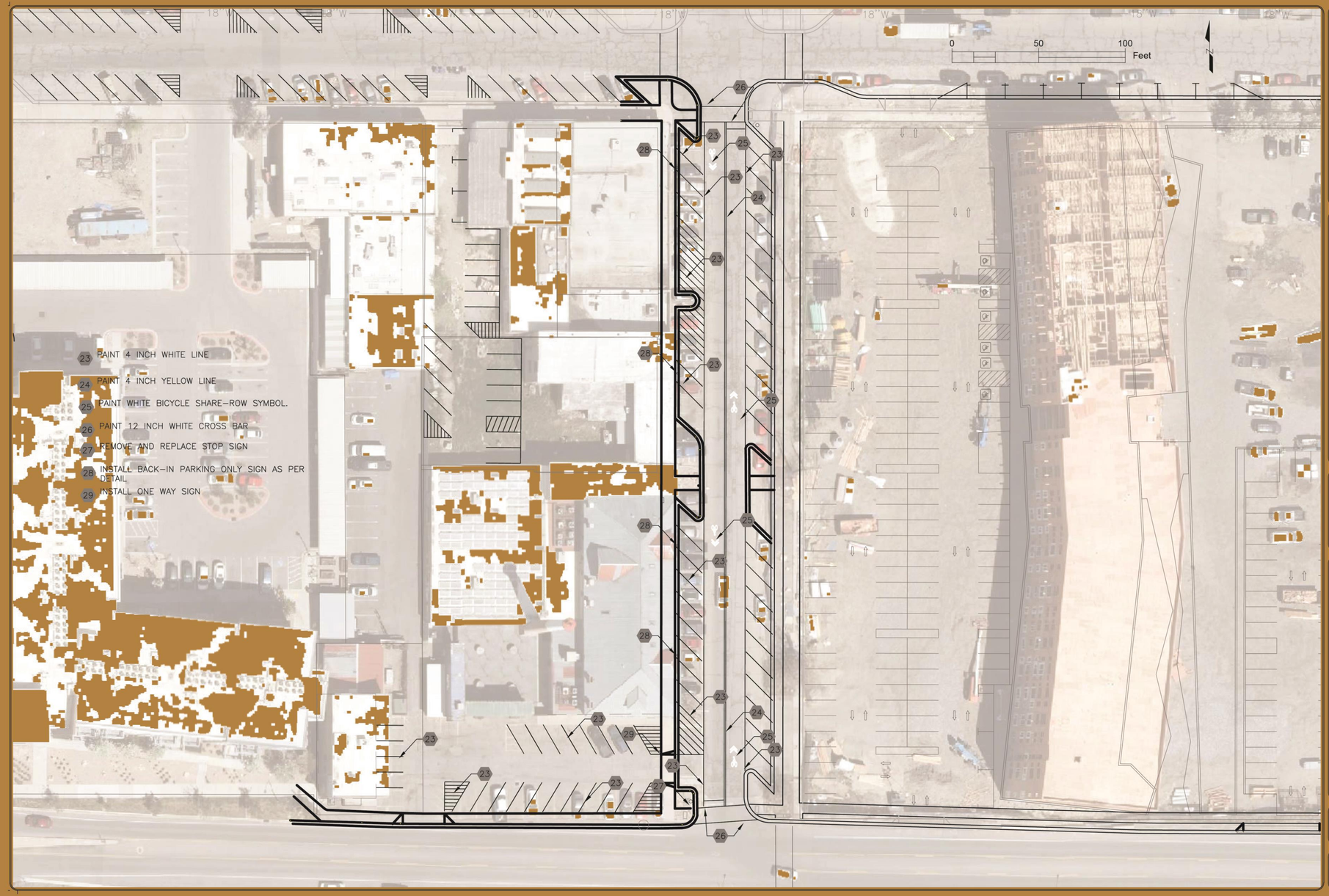
Public parking stats:

Public parking spots within 400ft of intersection at 600s 100w

Street Area	2015	2021	2022	Proposed
A	18	13	13	0
B	15	5	5	0
C	35	32	32	15
D	33	33	0	29
E	16	16	0	0
F	17	0	0	0
Total Spots	134	99	50	44
	100%	74%	37%	33%



STARTUP PARKING



provo PUBLIC WORKS ENGINEERING

1. THESE PLANS ARE FOR BIDDING PURPOSES ONLY.

100 W 600 S IMPROVEMENTS
100 W 600 S PROVO, UT
AUGUST 2023

Drawing: SIGN
Sheet: 7 OF 8

What's Next

- Downtown zoning.
- Integrated historic walking tour.
- More vinyl wraps.
- More of the TMAC checklist.

Thank You