



PROVO MUNICIPAL COUNCIL

Work Meeting

2:30 PM, Tuesday, February 20, 2024

Council Chambers (Room 100)

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

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

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

To listen to the meeting by phone: February 20 Work Meeting: Dial 346-248-7799. Enter Meeting ID 859 1999 6765 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

December 12, 2023 Council Meeting

Business

- 1 A discussion regarding an Ordinance Text Amendment for the adoption of a Transferable Development Rights (TDR) Overlay Zone. Citywide Application. PLOTA20230219
- 2 A discussion regarding an ordinance to amend the Zone Map classification of property located at 301 N. Lakeshore Dr. from the Agricultural (A1.10) Zone to the Open Space, Preservation, and Recreation (OSPR) Zone. Fort Utah Neighborhood. PLRZ20220282
- 3 A discussion regarding a resolution approving the transfer of \$90,658 from the Legacy CIP to the General Fund and the appropriation of those funds. (24-006)
- 4 A discussion regarding electric vehicle infrastructure requirements (24-025)
- 5 A discussion regarding the Fiscal Year 2024-2025 Budget Calendar (24-007)
- 6 A discussion regarding FY25 General Fund Revenue Estimates and City Debt (24-007)
- 7 A discussion regarding workforce retention and pay grades (24-007)

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, March 5, 2024. 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 rcaron@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 APPROVAL - DRAFT MINUTES

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

5:30 PM, Tuesday, December 12, 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

Chief Administrative Officer Scott Henderson

City Attorney Brian Jones

Council Executive Director Justin Harrison

Conducting: Chair Katrice MacKay

Prayer – David Lewis

Pledge of Allegiance – Councilor Shipley

Presentations, Proclamations, and Awards

1. Recognition of retiring Council Members (23-011) [0:09:30](#)

Justin Harrison, Council Executive Director, presented. He recognized Councilors Shannon Ellsworth, Bill Fillmore, and David Shipley for their last 4 years of service to Provo City. After a few photos were taken, Mr. Harrison invited each departing Council member to share some parting words.

Councilor Shipley expressed gratitude to those who supported him in the election. He conveyed that serving the residents of Provo has been an honor and extended his thanks to those he had the opportunity to work with. He assured everyone that the city is in capable hands, citing his decision not to seek re-election as a testament to his confidence in the Finance Department and Mayor, highlighting their careful management of funds.

Councilor Ellsworth expressed appreciation for the individuals who contribute to the functioning of Provo, emphasizing their daily service to the citizens. She extended thanks for their commitment to dedicating their lives and careers to enhancing the city's services. She also conveyed gratitude for the relationships formed during her term. In addition, she encouraged individuals to actively engage in city matters and become more involved in the community.

Councilor Fillmore reflected on the shared experiences of the council over the last four years, including navigating challenges such as the Covid-19 pandemic, Provo's redistricting, and the numerous debates surrounding ADUs. He expressed gratitude for the camaraderie among council members, particularly in

PENDING APPROVAL - DRAFT MINUTES

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.

moments of differing opinions. He emphasized the commitment and dedication of every council member to serving the residents of Provo, expressing the honor of being part of this joint endeavor. Furthermore, he noted the pleasure derived from working collaboratively with the exceptional administration.

2. Employee of the Month - December 2023 [0:23:20](#)

Mayor Kaufusi and Chief Headman presented.

Chief Headman read the following statement, “We would like to award the employee of the month to Chase Kanzee. Chase has been in the department for just shy of 3 years. Chase came to us with 9 years of experience with South Jordan Fire Department. Chase is a Firefighter/Paramedic at Station 25. Chase meshed with our department and became one of us very quickly. Chase has proven to be a calm responder on both EMS and Fire responses. Chase is often used as the acting Captain when there is a need on his shift. Over the past summer Chase helped get our mass casualty trailer updated and equipped with better medical gear. Chase was also the lead instructor at our last new fire fighter recruit camp. The Recruit camp is an eight-week training program that is very intense and involved for the recruits and the instructors. Chase is a great person and a pleasure to work with. We are thrilled to give Chase Kanzee the employee of the month award for December!”

Chief Headman also mentioned that Mr. Kanzee won the Firefighter of the year award from the Fire Department.

Mr. Kanzee expressed disbelief at being chosen and conveyed heartfelt gratitude to everyone.

3. Provo City Receives 2023 Utah IT Excellence Award (23-011) [0:29:45](#)

John Borget, Director of Administrative Services, presented. He read, “Provo City’s Information Systems Division is delighted to share the exciting news of being honored with the 2023 Utah IT Excellence Award for the Best Use of GIS. The prestigious award was presented by Alan Fuller, the Chief Information Officer of the State of Utah, and Government Technology (govtech.com) during the Utah Digital Government Summit held in June. The award was based on the Provo City Maps portal project where the community can see over 16 detailed maps covering parcels, trails, zoning, things to do, projects...even chicken counts. The portal was recognized for its overall composition, user friendly design, breadth of services, utility to citizens, and creative applications. The Utah IT Excellence awards honor emerging leaders and innovative projects in government IT that enable Utah to better meet constituent expectations for services and information, improve operating efficiency, and conserve tax dollars. The awards also provide an opportunity for state and local government in Utah to learn about IT leaders and projects that are changing the way government does business.” He introduced Stan McShinsky as the GIS Coordinator, Grace Tueller as the GIS Analyst, and Josh Ihrig as the IS Division Director.

Chair MacKay thanked the GIS staff on behalf of the council and mentioned how often the council has used the maps provided.

4. Provology Graduation (23-011) [0:32:55](#)

PENDING APPROVAL - DRAFT MINUTES

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.

Scott Henderson, Chief Administrative Officer, presented. He explained that every Provology class undergoes a three-month training program covering City Departments. He emphasized that these students emerge as the most knowledgeable residents in the city and deserve acknowledgment for their dedication. He highlighted the dual benefits of Provology – citizens gain insights from departments and departments gain an understanding of citizens' perspectives. He noted that this marks the graduation of the thirteenth Provology class. Mr. Henderson, along with Mayor Kaufusi and Chair MacKay, recognized the following graduates: Rachel Breen, Ruth Evelyn Chapman, Camryn Cindrich, Dylan Cindrich, Ashlee Despain, Celestia Frei, Sarah Frei, David Lewis, Joni McIntire, Kim McIntire, Joseph Shelton, Andrew Tate, George Tate, Karen Tate, Natalie Tate, Grace Tueller, and Emily Weatherhead.

Chair MacKay shared her love of the Provology program.

5. Provo School District Center for Advanced Professional Studies (CAPS) Public Service Announcement on pet waste (23-011) [0:39:00](#)

Brett Borget, Media Services Manager, presented. He shared this is the third year that Provo City has been involved with the CAPS program. He said this year's theme was "To help inform the public on the importance of cleaning up pet waste on public trails."

Kara Miller and Elijah Frandsen shared their favorite parts of the project. They showed the two infographics and video they created and said they would be shared on social media platforms.

6. A presentation of the Annual Comprehensive Financial Report. (23-086) [0:45:00](#)

Mr. Borget presented. He discussed the different sections of the report and highlighted a few of those sections. He thanked the staff that worked hard to prepare this report.

Jeff Mines, of HBME, read the opinions found in the Independent Auditor's Report, on page 21. He stated the Finance Department does a wonderful job overseeing the funds of the city.

Councilor Whipple asked about net position.

Mr. Mines mentioned that the positive net position is essentially stating that things are looking good. He said it is not necessarily about an increase, but rather that the numbers are positive. This means there is no overall negative balance or unrestricted funds. He added that it is important to note that the state requirement is to avoid negative net positions or fund balances.

Public Comment [1:05:15](#)

Chair MacKay read the public comment preamble. After which she opened public comment.

Meredith Reed, of Provo, shared concerns about the recent zero-tolerance policy for unleashed dogs in the city. Acknowledging the issues with unleashed dogs and dog waste, she expressed frustration as a responsible dog owner. Meredith highlighted the challenge for dog owners in high-density housing without fenced yards and emphasized the importance of training and exercise for well-socialized dogs.

PENDING APPROVAL - DRAFT MINUTES

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.

She questioned the effectiveness of the policy, suggesting that the existing dog park in Provo is inadequate due to its small size, sandy surface, and lack of separation between small and large dogs, leading to potential injuries. Meredith cited examples of other cities with larger, cleaner, and safer dog parks, proposing similar improvements for Provo. Additionally, she suggested compromises, such as requiring dogs to pass behavior tests or allowing off-leash activities at specific times or less-utilized parks to accommodate responsible dog owners. Meredith expressed concern about dog owners being ticketed when their dogs are not causing any issues and raised the possibility of allowing off-leash activities during times when parks are less occupied.

Karina Hague, of Provo, expressed frustration with uncleared waste in the city. As a responsible dog owner, she highlighted the challenges of constantly cleaning up after others, especially during the COVID period when many people acquired dogs without fully understanding the responsibilities involved. She noted the inadequate facilities for dog owners in Provo, criticizing the existing dog park for its small size, poor grass quality, and unsuitable gravel and sand surfaces that led to health concerns for dogs. She suggested making exceptions to the leash policy, particularly during low-traffic times like winter mornings when parks are less crowded. She proposed a program where dog owners could demonstrate their dogs' obedience through a test and purchase a special pass to have them off-leash. Additionally, she identified vacant land at the top of Bicentennial Park as a potential site for an improved dog park.

Gabby Sabalones addressed the need for a larger and better grass dog park in Provo. She highlighted the increasing dog population, especially among townhome and apartment residents, emphasizing the rise in pet ownership during COVID and the positive mental health benefits pets bring. Gabby expressed concern about the new zero tolerance policy and increased fines, particularly for single parents like Karina, who might face financial strain with the raised fees. She criticized the current dog park for its small size, causing agitation and reactivity in small dogs, and mentioned sanitary issues with the presence of kitty litter. She suggested integrating a dog park into the new Sports Park under construction or utilizing the vacant space in Bicentennial Park for this purpose.

Brett Fossum, of Provo, raised concerns about the dangerous crosswalk over 900 East by 560 North. He mentioned witnessing multiple near misses and emphasized the need for urgent attention to the issue. While acknowledging the flag setup from years ago, Brett suggested a safer solution, citing the effectiveness of the lighted crosswalk near Pioneer Park on another five-lane road. He expressed worry about the frequency of near misses and urged prompt action on addressing the problem.

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

Action Agenda

7. A resolution consenting to the appointment of individuals to various boards and commissions. (23-005) [1:14:50](#)

Motion: An implied motion to approve Resolution 2023-54, as currently constituted, has been made by council rule.

Mayor Kaufusi presented. She recommended the following for reappointment:

Ned Hill Energy Board

PENDING APPROVAL - DRAFT MINUTES

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.

Cheryl Taylor Energy Board
William Toutai Parks and Recreation Board

Councilor Ellsworth said both Ned Hill and Cheryl Taylor have been a pleasure to work with on the Energy Board. She said they truly want what is best for 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.

8. A resolution consenting to the Mayor's appointment of the Justice Court Judge for Provo City (23-072) [1:17:00](#)

Motion: An implied motion to approve Resolution 2023-55, as currently constituted, has been made by council rule.

Mayor Kaufusi presented. She recommended Steven Schreiner to be appointed as the Justice Court Judge. She also explained the next steps for this recruitment process.

Chair MacKay said the council was able to meet with Mr. Schreiner earlier today and they are excited about this appointment. With no 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.

9. A resolution consenting to the Mayor's appointment of the Parks and Recreation Director for Provo City (23-088) [1:21:50](#)

Motion: An implied motion to approve Resolution 2023-56, as currently constituted, has been made by council rule.

Mayor Kaufusi presented. She recommended Doug Robins to be appointed as the Director of Parks and Recreation.

Chair MacKay said the council is fully supportive of this appointment. She then called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

Mr. Robins expressed gratitude for the opportunity to work with an exceptional Parks and Recreation team. He highlighted their collective efforts to improve and emphasized their commitment to a positive future. Doug extended appreciation to the council and Mayor Kaufusi for their support.

Heidi Allman, City Recorder, administered the Oath of Office.

PENDING APPROVAL - DRAFT MINUTES

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.

10. A resolution approving the appropriation of \$28,000 in the General Fund (23-006) [1:27:40](#)

Motion: An implied motion to approve Resolution 2023-57, as currently constituted, has been made by council rule.

Tara Riddle, Real Property Administrator, presented. She provided an update on the myHometown Initiative, mentioning Provo's involvement as the second city in Utah to participate. She announced the replacement for the community liaison in the South Freedom neighborhood, introducing Kendra Herbert, a code enforcement officer. She highlighted the initial \$100,000 appropriation approved by the council for the initiative and noted that, with private donations, they have been able to operate for nearly 20 months. She said this request for an additional \$28,000 would sustain the initiative until June of the following year, with plans to seek funding through the regular budget process thereafter. She emphasized the initiatives' responsible stewardship of the funds. Ms. Riddle proudly reported the success of Provo's myHometown Initiative, being recognized as an effective program and serving as an example for other cities seeking advice on policy and procedure. She also mentioned plans to expand the initiative into other neighborhoods, working with partners from the Church of Jesus Christ of Latter-Day Saints to identify potential candidate neighborhoods, with a report on progress expected in the coming months.

With no public comment, Chair MacKay asked for council discussion.

Councilor Ellsworth said she visited during the summertime and invited colleagues on tours. She commended the terrific work being done, expressing enthusiasm for the momentum and energy present. She noted the collaboration among numerous agencies and organizations, emphasizing the project's significance in parts of town that truly appreciate it. She found the requested funding to be a relatively small amount and expressed excitement about supporting this worthy cause.

Councilor Fillmore said this is a terrific program. He shared that when he visited the headquarters, he noticed how many people were there to learn computer skills, learn to play the piano, and learn English. He added that there is a big return on the investment. He shared that he is looking forward to expanding the initiative to more neighborhoods.

Chair MacKay called for a vote on the implied motion.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

11. A resolution approving an interlocal agreement regarding funding for the 820 North bridge construction (23-051) [1:39:25](#)

Motion: An implied motion to approve Resolution 2023-58, as currently constituted, has been made by council rule.

Gordon Haight, City Engineer, presented. He said this item allows Provo to enter into an interlocal agreement with Salt Lake County to initiate design, public outreach, and studies in 2024, with reimbursement planned for 2025 for the funds spent on bridge reconstruction. Mr. Haight highlighted

PENDING APPROVAL - DRAFT MINUTES

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.

the deficiencies of the current bridge, emphasizing safety concerns with unsafe sidewalks and poor lighting. He noted the urgency of improvements, especially after a recent fatality.

Councilor Hoban asked if there is a concept design that has already been submitted. He asked Mr. Haight to speak to expand on the potential of widening the roadway and if the design of the bridge would be indicative of that.

Mr. Haight said there is not a set design or a selected concept. He added there was a design that was submitted to MAG to obtain the funding, but it was just an example, not an actual rendering of the new bridge. He said the dimensions of the bridge had not been determined and would not be determined until future studies have been completed.

Councilor Hoban confirmed that the resolution tonight is to enter into an agreement to be reimbursed for any city funds that are used in 2024.

Mr. Haight said immediately after the resolution is passed, the city will engage in an RFP process, will select consultants, select design options, and schedule meetings to gather resident feedback.

Councilor Handley shared his concerns and asked for reassurance that this would not set in motion a plan that widens the road.

Mr. Haight said there is not enough data to recommend a width. He added that the decision is not whether to replace the bridge, but the surrounding issues that come with it. He said regardless, something needs to be done with the bridge.

Councilor Handley asked if the decision will be brought back to council after the studies have been conducted.

Mr. Haight said he did not see coming back to the council as part of the plan. He said the council is over policies and funding and the administration uses those guidelines to move forward. He added that if this resolution did not pass, the city would focus on other projects. He said the bridge would be revisited next year to start the same process. He emphasized the need for the bridge to be replaced as it is a major safety concern.

Councilor Fillmore recounted that the purpose of the resolution was to accept outside funding to replace an unsafe bridge.

Chair MacKay opened public comment.

Kat Linford, of Provo, read statements from the Transportation Master Plan that spoke about the importance of public input. She added that while 69% of the comments were not in favor of the Transportation Master Plan, the plan was still approved.

Dylan Cindrich, of Provo, thanked the council for taking this process carefully and listening to residents. He shared his support for replacing the bridge. He added that safer roads do not always mean straighter

PENDING APPROVAL - DRAFT MINUTES

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.

and wider roads. He said the bridge design should include safety measures for all who use the bridge, including pedestrians and cyclists.

Jordan Thurston, of Provo, said he is supportive of bridge replacement but not widening the road. He urged council to remove the option of widening the road out of the Transportation Master Plan. He added that he and other concerned neighbors do not want to lose their homes.

Van Linford, of Provo, said safety is the number one issue. He shared a recent experience where a neighbor was hit by a vehicle traveling at high speeds while exiting his own vehicle. He reminded the council of comments made by Councilor Whipple regarding 300 South and stated straight roads are not always safer. He mentioned that the bridge serves as a speed check for cars traveling too fast. He stated the road should fit the community and be safe.

Aaron Skabelund, of Provo, shared he is in favor of replacing bridge but not if the width and design enables the road to be widened. He said the widening of the road will not only impact residents who live on 820 North but that it will affect surrounding neighborhoods. He emphasized the necessity for intelligent urban development, emphasizing growth prioritizing the quality of life and safety over convenience.

With no other public comments, Chair MacKay opened council discussion.

Motion: Councilor Hoban made a motion to postpone the item until bridge design and costs associated are determined. Councilor Ellsworth seconded.

Councilor Whipple asked if the point of allocating this money was to start the design of the bridge.

Mr. Haight said it is not currently in the budget. He added that any money that is spent on the design could not be reimbursed without the resolution being passed.

Chair MacKay asked if the study would help determine the best design of the bridge.

Mr. Haight responded that it would, and the cost of the study could be reimbursed as well.

Councilor Whipple asked how much it would cost for the design and public discussion.

Mr. Haight estimated \$750,000 for the design and consulting services. He said the total project estimate is about 13 million dollars.

Councilor Handley asked how the reimbursement amount could be determined before the bridge design is selected. He also asked if there was anything in the agreement that relates to the widening of the road.

Mr. Haight said the 13 million dollars had been awarded. He added that he is not aware of anywhere in the agreement that specifies the width of the road.

Councilor Fillmore asked if the funds would be unavailable in the future if the resolution did not pass.

PENDING APPROVAL - DRAFT MINUTES

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.

Mr. Haight said a year from today, the opportunity to collect money from MAG will be lost. If we decline the funds at that point, we will need to reapply in the future, as this agreement only facilitates reimbursement for expenditures made within the current timeframe. He explained the challenges that come with designing a bridge that is anticipated to last 70 years and emphasized the need to get it right.

Motion: Councilor Fillmore made a substitute motion to approve the interlocal agreement to allow consideration of various bridge designs. Councilor Whipple seconded.

Councilor Hoban suggested the council wait since they have one year to obtain the funds from MAG. He added that he is supportive of looking into funding the project in next year's budget and apply for reimbursement once money has been spent.

Councilor Shipley confirmed that anything that is spent out of pocket prior to the resolution being passed is not refundable.

Mr. Haight confirmed Councilor Shipley's question and stated that while the resolution could be brought back to another meeting, they are hopeful to get started on the design studies. He added that the department felt that the reimbursement was in the best interest of the city's finances.

Councilor Handley agreed that the urgency of the current state of the bridge and the ability to be reimbursed merit moving forward. He restated his preference not to commit to expanding the road.

Councilor Whipple emphasized that safe movement of people through communities should be a high priority on the list of considerations for this project instead of moving cars more efficiently. She added that a new recommendation could be different from that of 3 years ago. She expressed her wish for assurance that road improvement options presented would not necessarily involve widening the road in all cases. She added that she does not want to be faced with illusions.

Mr. Haight said he is sensitive to the residents. He promised to have several diverse options to allow for good public feedback and engagement. He urged the council to approve the resolution to start the process.

Councilor Hoban asked if the city could apply for the MAG money to be used to cover the cost of another worthy project.

Mr. Haight replied, stating that the funds would return to a shared pool accessible to all cities for application. He emphasized that Provo does not have a guaranteed selection for the funds if another project is pursued.

Councilor Ellsworth asked when this would come back to the council and when the public input would likely be held.

Mr. Haight reminded the council that they are not responsible for approving the design of the bridge, but the funding of it. He said they would see an item related to the bridge during budget presentations.

PENDING APPROVAL - DRAFT MINUTES

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.

He shared the tentative timeline and stated they plan to start meeting with residents in February. He anticipates the formal public hearings to be held in the spring or early summer.

Councilor Ellsworth suggested to residents who feel passionate about this item to put a reminder in their calendars to check back in in early spring.

Councilor Whipple shared her support for moving forward due to the momentum of the engaged residents.

Chair MacKay called for a vote on Councilor Fillmore's motion.

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

12. A resolution approving the appropriation of \$3,659,000 in the Engineering CIP Fund and a \$3,134,000 interfund loan from the Energy Fund to the Engineering CIP Fund (23-006) [2:24:50](#)

Motion: An implied motion to approve Resolution 2023-59, as currently constituted, has been made by council rule.

Mr. Borget presented. He discussed the proposal and the other funding sources included in the proposal.

Councilor Fillmore asked what the variable rate would be.

Mr. Borget responded that with the rise in interest rates, the current rate is 5%. He added that the rate could fluctuate month to month. He stated that they wanted to ensure the Energy Department was protected to ensure they do not suffer financially by extending this loan.

Chair MacKay asked why the decision to use Energy Funds as opposed to the General Fund.

Mr. Borget said the Energy Fund has more available funding and resources. He said it would be more concerning to withhold this money from the General Fund for potentially 10 years.

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

Councilor Whipple said she is excited for this project to be completed and the park to be operational. She also thanked Finance for determining this is the most fiscally prudent option.

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

13. A resolution adopting: (1) A Sewer System Management Plan (SSMP), (2) A System Evaluation and Capacity Assurance Plan (SECAP), and (3) A Provo Water Reclamation Facility Local Limits Evaluation (23-080) [2:35:50](#)

PENDING APPROVAL - DRAFT MINUTES

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.

Motion: An implied motion to approve Resolution 2023-60, as currently constituted, has been made by council rule.

Dave Torgersen, Water Reclamation Manager, presented. He reminded the council that these plans were discussed during the work session and are required by the state. He discussed the updates made to the plans since the last adoption.

Councilor Whipple asked how complete and accurate the maps are regarding sewer pipelines. Shared her disbelief that 70% of the system was constructed 30 or more years ago. She asked what the lifespan is for those pipes and what replacements will be needed in the future.

Mr. Torgersen said the life expectancy of a pipe, depending on material, is between 50 to 100 years.

Councilor Whipple added a public service announcement that residents should not be flushing flushable wipes.

Mr. Torgersen shared 90-95 percent of calls made regarding backups are caused by flushable wipes. He said they do not break down and get caught on anything in the pipes and cause a backup.

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

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

14. An ordinance amending Provo City Code to correct and update Title 10 Chapter 10.04 Pretreatment Program (23-081) [2:42:35](#)

Motion: An implied motion to approve Ordinance 2023-49, as currently constituted, has been made by council rule.

Mr. Torgersen presented. He said the State Environmental Quality Division requested the updates. He said there was a laboratory reference change and a provision for a bypass to be included during emergencies.

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

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

15. An ordinance amending the General Plan to adopt the Provo Hillside and Canyons Plan. Citywide Application. PLGPA20230270 [2:44:25](#)

PENDING APPROVAL - DRAFT MINUTES

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.

Motion: An implied motion to approve Ordinance 2023-50, as currently constituted, has been made by council rule.

Hannah Salzl, City Planner, presented. She acknowledged the members of Design Workshop who were present in the meeting and online. She invited Becky Zimmerman to speak.

Becky Zimmerman, the CEO of Design Workshop, thanked staff and community for their participation in this plan.

Ms. Salzl provided a summary of the plan. She reminded the council that this was discussed more thoroughly in the work session.

Chair MacKay opened the item for public comment.

Steve Turley, of Provo, stated he is a property owner of roughly 30 acres that are included in these areas. He questioned the accuracy of this plan due to his conversations with other owners who had not been contacted about this plan. He said that he contacted city staff and requested to be part of the process, in which he did not get a response.

Councilor Fillmore asked if Ms. Salzl could respond to the concerns raised by Mr. Turley.

Ms. Salzl said that while there are hundreds of owners in the area, there were several stakeholders involved in the process and apologized that Mr. Turley was not one invited to participate.

Councilor Ellsworth sympathized with Mr. Turley. She added that it would be impossible to capture feedback from every impacted property owner. She added that the plan referenced the stakeholders desire to work together. She commended the staff for doing their best to capture the many varied interests of property owners, organizations, agencies, and interested parties involved.

Councilor Handley noted that there are several references of property owner involvement. He discussed the desire to include South Fork Canyon properties that are within the city.

Motion: Councilor Handley made a motion that the suggested changes presented by Hannah be incorporated in the final plan; Council staff be directed to come back as soon as possible with proposed language stating the Council's intent and desires with regards to City-owned properties in Provo Canyon that lie outside of Provo City boundaries; space be reserved in an appendix to the plan for the inclusion of such language once approved by the Council; and the plan be approved as written except as amended by this motion. Councilor Ellsworth seconded.

Councilor Fillmore acknowledged that these are plans and are not binding but are statements of aspirations.

Chair MacKay called for a vote on Councilor Handley's motion.

PENDING APPROVAL - DRAFT MINUTES

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.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

16. An ordinance amending the General Plan to adopt the Provo River and Lakeshore Plan. Citywide application. PLGPA20230273 [3:00:40](#)

Motion: An implied motion to approve Ordinance 2023-51, as currently constituted, has been made by council rule.

Jantsen Teuscher, City Planner, presented. He highlighted the three themes of the plan; natural environment, social environment, and built environment. He also discussed the four goals of the plan which include long-term water quality and management, improved safety and recreational assets, embracing economic opportunities, and coordinating partnerships for implementation.

Councilor Fillmore thanked the staff. He said they struck a good balance between protecting, preserving, and enhancing natural resources while leaving open the possibility for good economic development.

Councilor Whipple asked if the changes she suggested were in the final draft. After Mr. Teuscher said he would ensure they were, she commended him on his efforts. She expressed appreciation for the work on the plans. She noted that the comments from counselors resulted in relatively few changes or clarifications, indicating an excellent job in preparing and presenting the information.

Chair MacKay opened the item for public comment.

Steve Turley, who owns property along the river's westernmost area, expressed appreciation for the suggested plan but highlighted an oversight. He brought attention to the fact that ordinances do not effectively apply to the lower section of the river, which the state's water resources now consider as a part of Utah Lake, not the river. This reclassification creates confusion and affects private property owners like himself. Mr. Turley requested clarity in the plan regarding this issue and urged against abandoning the lower stretch of the river, emphasizing the need for meaningful action as part of the city's legacy.

With no other public comments, Chair Mackay brought the discussion back to the council.

Councilors Handley and Fillmore questioned what options are available and who is responsible for that area of the river.

Mayor Kaufusi added that the county owns the trail.

Scott Henderson addressed the complicated question regarding the management of the riverbed area. He mentioned various factors, including ownership, maintenance responsibilities, and stormwater delivery. Highlighting the complexity of the issue, he acknowledged the need to explore solutions by collaborating with other jurisdictions and considering different management elements associated with the area.

PENDING APPROVAL - DRAFT MINUTES

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.

Councilor Fillmore suggested a committee be put together to address this area. He added that the city cannot turn its back on the area as it is part of Provo's history and legacy.

Mayor Kaufusi said as the Vice Chair of the Utah Lake Authority, she would confirm the piece of the river that is said to be considered a finger of the lake now.

Councilor Fillmore inquired whether the administration could return in a subsequent meeting to present the council with an update on the determinations and decisions made.

Councilor Handley emphasized the ongoing river delta restoration process, noting potential delays in mitigation efforts. He suggested staying in close contact with restoration authorities and mentioned the possibility of adjusting the plan as more information becomes available, recognizing the dynamic nature of the restoration process.

Councilor Fillmore asked if there was a mitigation effort going forward in the area being discussed. He expressed his wish for a presentation from a group of city employees responsible for studying the area, intending for them to share their findings and report back to the council.

Chair MacKay said this might not be the place to discuss this, but that she would bring it up in their next leadership meeting.

Councilor Whipple acknowledged that the Delta diversion project had a significant impact on a portion of the river, which was originally a canalized version altered for farmland reclamation. She described it as a human-constructed environment supporting wildlife and recreation but noted that environments like this are subject to change due to water dynamics. Councilor Whipple emphasized the benefits of the amazing Delta created by the diversion project, outweighing the loss to the man-made environment. She expressed optimism about the opening of trails in the Provo River Delta area, enhancing the amenity. Despite limited responsibility due to lack of ownership, agency, or power, she stressed the importance of providing information and urging decision-makers to act. She highlighted the collaborative efforts of a larger committee with multiple agencies to bring about positive changes.

Ms. Salzl clarified that anything underwater at the state's founding is considered state sovereign land and is owned by the state. She suggested the recently formed Utah Lake Watershed Council, which includes members of Public Works Water Resources, as a starting point for inquiries about the riverbed and lakebed. The Utah Lake Watershed Council also includes representatives from the Central Utah Water Conservancy District, Utah Lake Authority, and others involved in watershed management.

Councilor MacKay said there is a lot more discussion to be had and she would make sure it is included in their leadership discussions starting in the new year. With no other questions or council discussion, she called for a vote on the implied motion.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

17. An ordinance amending the Zone Map of approx 0.46 Acres, generally located at 963 W 500 N, from R1.6 to LDR and authorizing a related development agreement. Dixon

PENDING APPROVAL - DRAFT MINUTES

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.

Neighborhood (PLRZ20220319) [3:18:50](#)

Motion: An implied motion to approve Ordinance 2023-52, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He explained the property has a single-family home and a large backyard, where the owner is proposing two additional homes under the low-density residential zone. The applicant suggests using ADUs for owner occupancy in the back units, aiming to enhance housing attainability. While acknowledging this is not a complete solution, it is seen as a strategy to provide more housing that aligns with neighborhood characteristics and preserves open space. The request for low-density residential with a development agreement is presented as one option, while very low-density residential, with or without an agreement, is another. He said that staff would be comfortable with either option, as they lead to the same end product.

Councilor Shipley asked if the development agreement is only in effect if the current owner stays.

Mr. Ardmore responded that the development agreement is recorded on the property and runs with the land. He said the items in the agreement would be found in a title report for future owners.

Councilor Hoban confirmed it could be enforced after the first owner.

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

Councilor Ellsworth discussed some of the concerns that have been raised. She emphasized that this would be a net positive and is a smart infill that creates more housing.

Chair MacKay shared her liking for the project. She inquired why the rezone was not presented in a second neighborhood meeting after changes were made.

Mr. Ardmore stated the neighborhood meeting requirement was met and they were not required to go back.

Chair MacKay said she is concerned that long term residents will not be on board with the project.

Councilor Whipple shared her excitement for the project. She shared that this project gradually welcomes more people to the neighborhood without knocking down homes and building apartment complexes. She reminded the council that an accessory dwelling unit is permitted use and allows for flexibility for future owners.

Councilor Shipley asked how we ensure this is owner occupied. He expressed that there is no guarantee that the property will remain owner occupied, and the city cannot mandate it down the road.

Mr. Ardmore said there is a permit process for accessory dwelling units and during that process, it is verified that the owner is living at the property. He discussed the advantages of including owner occupancy as a requirement in the development agreement.

PENDING APPROVAL - DRAFT MINUTES

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.

Councilor Shipley asked Mr. Ardmore and applicant if there would be any advantages of making a substitute motion to make the zone VLDR.

Mr. Ardmore restated that staff is comfortable with either zone. He mentioned that if they decided to change it to VLDR, they would need to take it back to the planning commission since it is a lower density zone.

The applicant shared he has no reservations on changing the zone to VLDR.

Chair MacKay said the only way to guarantee owner occupancy is if the HOA implemented CCNRs. She added that even then, a future owner could potentially change the CCNRs down the road.

Councilor Fillmore said while he appreciates the infill idea, he worries about parking. He expressed concern about the idea that it is the city's responsibility to provide housing for everyone wanting to reside here. He emphasized that there are capacity limits within the city. Councilor Fillmore asserted that the city has a responsibility to uphold the quality of life within its boundaries.

Councilor Handley expressed his support for this project. He shared that through extensive studies, the population that is most vulnerable to finding housing is the lower income middle class.

Councilor Fillmore responded that while he fully supports multiplying home ownership possibilities for startup and move up homes, but shared his concern that others will capitalize and take advantage of these situations. He asked what legal mechanisms could be used to ensure young couples are the ones who move here.

Councilor Handley responded that one way is to provide homes at a price they can afford.

Chair MacKay asked if the applicant could speak about the pricing of the homes.

The applicant said he is hopeful that they will be in the mid \$400,000 range. He added that the proposed density is meeting and exceeding the underlying zone if the three homes were on their own lots. He also discussed the square footage of the homes he plans to build.

Councilor Handley suggested the council take a vote.

Motion: Councilor Shipley made a substitute motion to change the zone in the implied motion to VLDR. Councilor Ellsworth seconded.

Councilor Hoban shared his opinion that this project is too much and will likely cause problems for enforcement later.

Councilor Whipple shared an example of another lot similar to this project that has been very successful.

Chair MacKay called for a vote on the substitute motion.

PENDING APPROVAL - DRAFT MINUTES

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.

Vote: The motion was approved 4:3 with Councilors Ellsworth, Handley, Shipley, and Whipple in favor. Councilors Hoban, Fillmore, MacKay opposed.

****MOVED TO ITEM 20****

18. An ordinance amending Provo City Code Chapter 14.30 (Accessory Dwelling Units) to update and clarify regulations (PLOT202301312) [3:47:00](#)

Motion: An implied motion to approve Ordinance 2023-53, as currently constituted, has been made by council rule.

Melia Dayley, Council Policy Analyst, presented. She discussed the amendments proposed including adding a definition of accessory dwelling units and defining the zones where ADUs are permitted and prohibited.

Councilor Hoban asked if the Westside areas that already include higher density could be excluded. He asked for clarity from Mr. Peperone.

Brian Jones shared his recollection of the conversations regarding the Westside and the feasibility of them having ADUs. He confirmed the way the code is written right now, those areas allow ADUs.

Bill Peperone, Director of Development Services, clarified that the lot sizes make it very difficult to approve an ADU due to parking limitations. He also stated that there are developments that have HOAs with CCNRs that prohibit ADUs, which would trump the code's allowances.

Councilor Ellsworth asked for clarification on the language in the proposed changes.

Motion: Councilor Hoban made a motion to continue the item until the next meeting so the Westside representative can weigh in. Seconded by Chair MacKay.

19. An ordinance enacting the Agritourism Overlay Zone. Citywide application. PLOT20230221 [4:01:30](#)

Motion: An implied motion to approve Ordinance 2023-54, as currently constituted, has been made by council rule.

Mr. Ardmore presented. He discussed the items that staff was directed to bring back to council; definition of non-architectural metals, examples of parking surface requirements on agritourism event halls, and distance requirements on agritourism event halls regarding animals and residences.

Chair MacKay shared her appreciation for the time spent on this overlay zone.

Councilor Handley also thanked Mr. Ardmore for his hard work and dedication to getting this zone right.

Chair MacKay opened item for public comment.

PENDING APPROVAL - DRAFT MINUTES

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.

Andrew Finch, son of applicant and resident of Provo, reminded the council that the farm is a living family farm, and the event hall will be supplemental income but will not replace it. He said the examples provided were farms that are no longer used as farms. He requested that their farm be viewed as a functional horse ranch that has an event barn on it. He also discussed the problems with paving the parking areas as it would not be safe for horses.

Becky Bogdin, of Provo, said if the parking area is not paved, it will create mud that will be transported to sidewalks and roads which create a stormwater violation. She also mentioned how sensitive people are to noise.

Adam Finch, son of applicant, responded to issue raised for firetruck and said he does not believe there would be a problem with a firetruck getting in and out of the parking lot. He shared that he has driven 10 tons of pumpkins in and out of the farm numerous times without problems. He added that the gravel is compacted and is not loose.

With no other public comments, Chair MacKay brought discussion back to the council.

Councilor Handley asked about a concrete road base and requested Mr. Ardmore to respond.

Mr. Ardmore did not feel comfortable answering and said he wished there were someone from Engineering present to respond.

Mr. Andrew Finch explained that it is compacted gravel that does not get muddy because it allows water to drain through. He also emphasized that it is not loose and is not tracked around. He said it is made of crushed concrete.

Councilor Fillmore asked if the option of concrete road base was discussed as an option.

Mr. Ardmore said he was not certain that the specific concrete road base was discussed but confirmed that asphalt or concrete were the preferred options.

Keith Morey, Assistant Director of Development Services, said it is not a drivable surface for heavy equipment unless something underneath was constructed first.

Chair Mackay shared the importance of thinking long term for this zone instead of this specific project.

Councilor Hoban suggested they take a vote on the implied motion.

Chair McKay agreed and called for a vote.

Vote: The motion was approved 5:2 with Councilors Ellsworth, Fillmore, Hoban, MacKay, and Shipley in favor. Councilors Handley and Whipple opposed.

20. An ordinance amending Provo City Code regarding fire plan review fee updates (23-037)
[3:45:20](#)

PENDING APPROVAL - DRAFT MINUTES

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.

Motion: An implied motion to approve Ordinance 2023-55, as currently constituted, has been made by council rule.

Lynn Schofield, Fire Battalion Chief, presented. He reminded the council that this was discussed in a previous meeting and that the rate increase is due to the third-party reviewers increasing their fees. He explained that the goal is not to increase revenues for the department but would keep their costs neutral.

Chair MacKay opened the item for public comment. With no public comments or council 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.

21. *CONTINUED*** A resolution to place a 0.366 acre parcel of ground located generally in the southwest corner of the vacated right-of-way of Temple Hill Drive on the surplus property list and sell it to the adjoining property owner. (23-040)**

22. *CONTINUED*** An ordinance vacating the public street known as Temple Hill Drive (between North Temple Drive and Temple View Drive). (23-040)**

Adjournment

The meeting was adjourned by unanimous consent at approximately 9:40 PM.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding an Ordinance Text Amendment for the adoption of a Transferable Development Rights (TDR) Overlay Zone. Citywide Application. PLOTA20230219

RECOMMENDATION: To be heard at the February 20, 2024 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Development Services and Engineering departments are proposing that a new Transfer of Development Rights (TDR) Overlay Zone be adopted so that it may be applied to specific lots with geological risks or other natural hazards. The purpose of the overlay is to discourage development in hazardous areas and allow property owners to retain value in lots that have been found to have inherent risks on or near their properties.

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore, Planning Supervisor

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20230219

***ITEM 3** Development Services requests approval of an Ordinance Text Amendment for the adoption of a Transferable Development Rights (TDR) Overlay Zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230219

Applicant: Development Services

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is February 14, 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: In June 2023 staff began to study problematic lots on the east bench of the city. As Public Works identified lots with a variety of geological hazards, Planning staff began to create an ordinance to allow the transfer of development rights from these lots to elsewhere in the city. A draft of this ordinance and overview of its goals was presented to a combined Planning Commission and City Council on October 11th, 2023; and had a positive response. A refined proposal was taken through staff review and is now up for adoption.

Neighborhood Issues: This is a citywide application; no feedback has been gathered from the Neighborhood District Program.

Summary of Key Issues:

- The city has an interest in protecting the public from problematic lots on the east bench.
- To give property owners value on their subdivided lots, development rights could be sold to another property owner or and/or transferred to other property.
- Sending sites have been identified by Provo Engineering.
- This code will give the authority and define the process to protect the health, safety, and welfare of current and future residents, while also preserving hillside open space through a TDR program.

Staff Recommendation: That the Planning Commission recommend approval of the proposed ordinance to the City Council.

OVERVIEW

Development Services and Engineering departments are proposing that a new Transfer of Development Rights (TDR) Overlay Zone be adopted so that it may be applied to specific lots with geological risks or other natural hazards. The purpose of the overlay is to discourage development in hazardous areas and allow property owners to retain value in lots that have been found to have inherent risks on or near their properties.

The zone language was written by planning staff in conjunction with engineering staff to incorporate specific lots on the east bench of Provo, which were originally platted back in the 1970s when there was significantly less review for geological conditions. These lots have been found to be in danger associated with debris flow, landslide, rockfall, and/or fault rupture through zone area studies. It is in the interest of Provo, and future homeowners, to discourage building homes on the identified lots and allow the property owners to sell or transfer their right to develop to a safer property.

The provisions of the proposed ordinance are somewhat self-explanatory, but in summary provide the framework to preserve the identified hazardous lots as open space and allow the same or greater number of housing units to be built in other areas of the city.

Adoption of this overlay is the first step to protecting these properties from development. If approved, staff would return with a zone map amendment to apply the TDR-S (sending site) to the identified lots. It would be up to private property owners to request a TDR-R (receiving site) overlay when in talks with an owner of a TDR-S lot to purchase their development rights.

STAFF ANALYSIS

Staff believe that this proposal will help to meet the goals of the city and the objectives listed in the General Plan; and provide a good solution for property owners that own a problematic lot. To illustrate this, staff have reviewed the proposed overlay zone against the standards for code amendments in Section 14.02.020, Provo City Code, 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 public purpose for the amendment is to protect the general health, safety and welfare of the public by discouraging development of lots in hazardous areas.

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

Staff response: Staff believe that this amendment is the most fair and reasonable way to discourage development of residences in areas with known hazards, while still allowing the property owners to have value in their land.

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

Staff response: This proposal is compatible with, and directly addresses, the following goals:

- **General Plan Chapter 3, goal 2a “encourage development in areas that are less prone to natural hazards”.**
- **General Plan Chapter 7, goal 5 “continue to plan and work to mitigate the impacts of emergencies and hazards”.**
- **General Plan Chapter 8, goal 2a “create a strategic plan that includes tools and funding opportunities in order to conserve, connect, and protect vulnerable lands and open space”.**
- **Hillside and Canyons Plan goal 3b “limit development in environmentally sensitive areas”.**

(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:

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

Staff response: Does not apply.

(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: Does not apply.

CONCLUSIONS

Staff have taken this proposed amendment through the Coordinator Review Committee (CRC) and worked closely with Provo Engineering to ensure best practices are followed. This report should show that the TDR Overlay Zone is not only a good idea for Provo but is critical to protect our citizens.

ATTACHMENTS

1. Proposed Language
2. Rockfall Hazard Map
3. Debris Flow Hazard Map
4. Landslide Hazard Map
5. Fault Line Hazard Map

ATTACHMENT 1 – PROPOSED LANGUAGE

CHAPTER 14.33B TDR – TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE

14.33B.010	Purpose and Objectives
14.33B.020	Definitions
14.33B.030	Use in Combination
14.33B.040	Permitted Uses
14.33B.050	Development Standards
14.33B.060	Provision of Facilities
14.33B.070	Establishment of Sending and Receiving Areas
14.33B.080	Application Requirements
14.33B.090	Sending Site Requirements
14.33B.100	Receiving Site Requirements
14.33B.110	Development Approval Process
14.33B.120	Conservation Easement Required
14.33B.130	Development Credit Determination

14.33B.010 Purposes and Objectives.

The purposes of this TDR overlay zone are to:

1. Protect the general health, safety, and welfare of current and future residents;
2. Preserve open space, scenic views, and natural features on hillside areas;
3. Discourage development in sensitive and natural hazard areas;
4. Allow property owners of sensitive lands development rights in other areas of the city, and;
5. Provide a method whereby development rights may be transferred from sending sites to receiving sites to meet the above purposes.

14.33B.020 Definitions.

For the purposes of this Chapter, the following words and terms shall be defined, as follows:

“Base Zone Density” means the maximum number of dwelling units permitted by the zoning classification of a sending or receiving site and not including any density increase from the overlay zone.

“Development Rights” means the potential for the improvement of a legally established parcel of land, measured in dwelling units, existing as a result of the underlying zone of the parcel.

“Receiving Area” means a geographic area designated by the Provo City Zoning Map within which one or more receiving sites may be located.

“Receiving Site” means a legally created parcel of land which has been zoned TDR-R and to which development rights are transferred in accordance with the requirements of this chapter.

“Sending Area” means a geographic area designated by the Provo City Zoning Map within which one or more sending sites may be located.

“Sending Site” means a legally created parcel of land which has been zoned TDR-S and from which development rights are transferred in accordance with the requirements of this chapter.

“Transfer of Development Rights” means the conveyance of one or more development rights by deed, easement, or other legal instrument to another parcel of land in accordance with the requirements of this chapter.

14.33B.030 Use in Combination.

The TDR Zone shall overlay and be used in combination with existing conventional zones. If there is a conflict between the provisions of this Chapter and the requirements of Title 14 or 15, Provo City Code, the requirements of this Chapter shall take precedence. Property to which the TDR Zone has been applied shall be developed only in conformance with the applicable, approved project plan, subdivision, or other approved development plans. Written references to a zone that is overlain by the TDR Zone shall include the underlying zone along with the acronym of the overlay zone, e.g., R1.10TDR-R or R1.10TDR-S.

14.33B.040 Permitted Uses.

Uses permitted in the TDR Zone shall be limited to those listed as permitted uses by the provisions of the underlying zone with which the TDR Zone has been combined.

14.33B.050 Development Standards.

Development in the TDR Zone shall conform to the development standards required by the provisions of the underlying zone with which the TDR Zone is combined, except in cases where a density bonus has been granted.

14.33B.060 Provision of Facilities.

The requirements of the Adequate Public Facilities section of Chapter 15.03, Provo City Code, shall be met.

14.33B.070 Establishment of Sending and Receiving Areas.

(1) The City Council may establish sending and receiving areas as TDR Zoning within the official zoning map in accordance with Section 14.02.020, Provo City Code. The designation "TDR-S" shall be the prefix for the overlay zone for sending sites, the designation "TDR-R" shall be the prefix for the overlay zone for receiving sites.

(2) Sending areas shall be limited to property that has been found to have natural hazards within or adjacent to property boundaries, verified by the City Engineer.

(3) Receiving areas shall be limited to vacant properties in the RA, R1, VLDR, or LDR zones.

(4) The City Council may authorize the use of a TDR-R in conjunction with a rezone request to a RA, R1, VLDR, or LDR Zone if the request is consistent with the General Plan and this Chapter.

14.33B.080 Application Requirements.

In addition to submittal requirements in Section 14.02.020, Provo City Code, an eligible landowner or authorized representative for a sending site (TDR-S) must provide the following:

- (1) A written description of the physical characteristics of the property that constitutes a hazard;
- (2) A geological study or other evidence of the stated hazard, stamped by a licensed engineer, and;
- (3) A conservation easement document, or
- (4) The property or parcel has been designated by the Provo City Engineer as hazardous.

14.33B.090 Sending Site Requirements.

(1) Development rights shall be created and transferred only by means of documentation, including a conservation easement, and a TDR-S credit certificate, which meet the requirements of this Chapter.

(2) In order to be eligible to transfer one or more development rights from a parcel of land, such parcel shall be located within a sending area, designated in Section 14.33B.130 and as shown on the official zoning map.

14.33B.100 Receiving Site Requirements.

(1) Development rights shall be received only by means of documentation, including a TDR-R credit certificate, and a development plan, which meet the requirements of this Chapter.

- (2) In order to transfer one or more development rights to a parcel of land, such parcel shall be located within a receiving area, designated on the official zoning map.

14.33B.110 Development Approval Process.

- (1) The following is the Sending Site approval process that must be followed to send development right (TDR-S) credits:
- (a) TDR-S property owners may choose to develop their property as platted and in accordance with city engineering requirements, or they may choose to sell, transfer, or joint venture their development rights.
 - (b) TDR-S property owners may request a TDR-S credit certificate from the Provo City Development Services Director. The TDR-S certificate shall list the density or number of units for the TDR-S site.
 - (c) A TDR-S credit certificate may only be sold, conveyed, or otherwise transferred by the owner(s) or their legal representative.
 - (d) The sale, conveyance, or transfer shall occur upon surrender of the TDR-S credit certificate which authorizes the Development Services Director, or designee, to transfer the development credits to the stated transferee by reissuing the TDR-S credit certificate in the transferee's name, and recording a TDR-S certificate with the County Recorder's Office.
 - (e) With each transfer or sale, a Conservation Easement and/or deed restriction shall be recorded covering the entire parcel.
 - (f) When all available TDR-S credits on a sending site have been purchased, no uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title owner.
 - (g) The final transfer of TDR-S credits will be completed upon development approval on a receiving site and the recording of a deed restriction and/or Conservation Easement against the sending site or if the owner of the TDR-S credits chooses to forfeit development rights and records a deed restriction and/or Conservation Easement on the entire sending site.
 - (h) TDR-S property owners shall notify any lien or mortgage holders of the sale of the TDR-S credits, and such notification shall be demonstrated by written approval submitted to the City prior to transfer.
 - (i) TDR-S property owners shall be responsible for notification to the county tax assessor regarding possible changes in property value.

(2) The following is the Receiving Site approval process that must be followed to receive TDR credits:

- (a) All regulations in Title 14 and 15, Provo City Code, regarding zoning, subdividing, and approval processes are in effect on a receiving site. If any development within the TDR-R Zone requests an increase in density from the base zone density, it must be realized through TDR-S credits.
- (b) Any development requesting a higher density than the base zone density shall be reviewed by the City Council.
- (c) Any development requesting higher density than the base zone density shall bring evidence of TDR-S credits in the form of options to purchase, ownership, or joint ventures at the time of development review and evidence of ownership prior to final approval.
 - i. Areas may develop at the base zone density without purchasing TDR-S credits.
 - ii. Any development approval process using TDR-S credits shall adhere to all other underlying zoning requirements.
- (d) A request to utilize development rights on a receiving site shall be in the form of a preliminary subdivision application or a concept plan application in accordance with Provo City Code.
- (e) The Planning Commission shall approve a request to utilize development rights on a receiving site if the request:
 - i. Does not exceed the density limitations permitted in the underlying zone, unless density is provided with evidence of TDR-S credits;
 - ii. Is in accordance with the provisions of this chapter;
 - iii. Is in accordance with the subdivision and site plan regulations;
 - iv. Is consistent with other policies and goals of the General Plan; and
 - v. Achieves a compatible development with surrounding uses.
- (f) A certificate of receiving credits shall be issued to the property owner upon final approval by the Development Services Director indicating the total number of development rights which may be transferred to the property in accordance with this Chapter.

14.33B.120 Conservation Easement Required

This section shall apply only to properties where the development rights have been transferred from the property, but the ownership of the property remains private.

- (1) A conservation easement shall be established on each sending site from which development rights are transferred.
- (2) If only a portion of the development rights attached to a sending site are transferred, the area of the easement shall be the same as the total area of all the lots which could be otherwise established on the site but for the transfer of development rights.
- (3) The conservation easement required by this chapter shall be in a recordable form approved by Development Services and shall meet the requirements of section 57-18-1 et. seq., of the Utah Code. The conservation easement shall also include the following terms:
 - (a) The holder of the easement shall be Provo City, another government entity, or a charitable organization which:
 - (i) Qualifies as being tax exempt under section 501(c)(3) of the Internal Revenue Code; and
 - (ii) Is organized in whole or in part for the purpose of accepting and managing conservation easements.
 - (b) The easement shall require that the easement area shall be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources.
 - (c) The easement shall include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter.
 - (d) All parties who have a declared interest in the property, recorded at Utah County, must consent to the granting of a conservation easement.
- (4) If the holder of a conservation easement proposes to transfer the easement to another entity, the recipient of any transferred interest shall meet the requirements of this section.
- (5) Any instrument purporting to convey a conservation easement pursuant to this section, but that the City has not indicated its approval on the instrument is void and shall not be recorded or accepted by the City Recorder for recording at the County Recorder's Office.

14.33B.130 Development Credit Determination

(1) The total number of development credits available to a sending site shall be determined as follows and as shown on the official zone map of Provo City and in the maps below:

(a) *Extreme Risk*. For every one (1) lot within a TDR-S overlay zone shown as an extreme risk site for development a total of three (3) development credits shall be available, as defined in this Chapter.

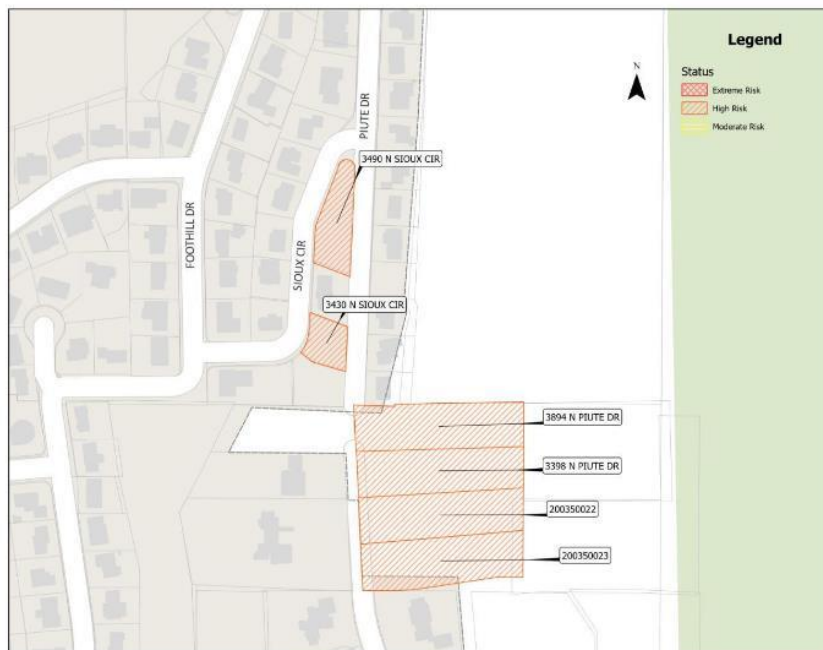
(i) Extreme risk lots shall be indicated by a red overlay on the official zone map.

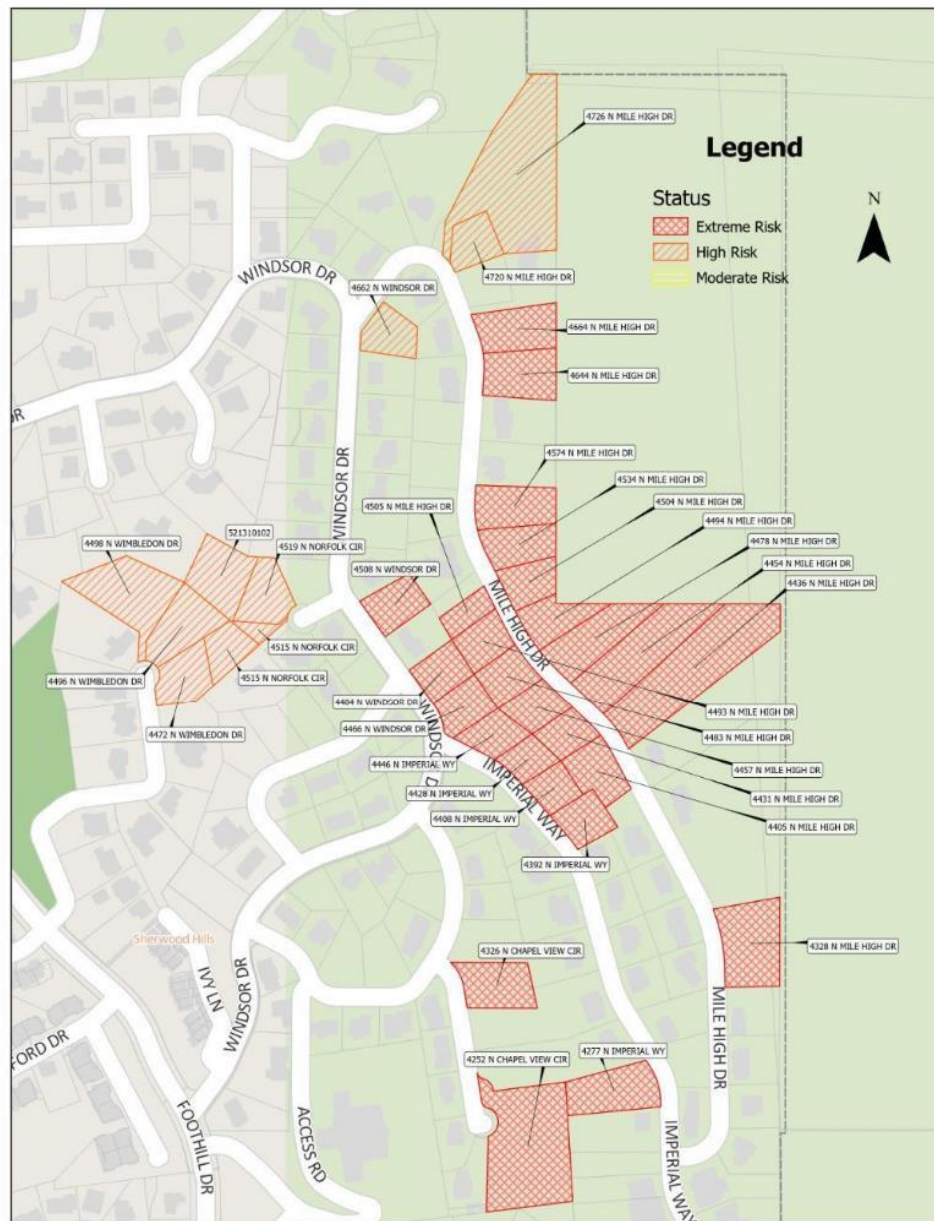
(b) *High Risk*. For every one (1) lot within a TDR-S overlay zone shown as a high risk site for development a total of two (2) development credits shall be available, as defined in this Chapter.

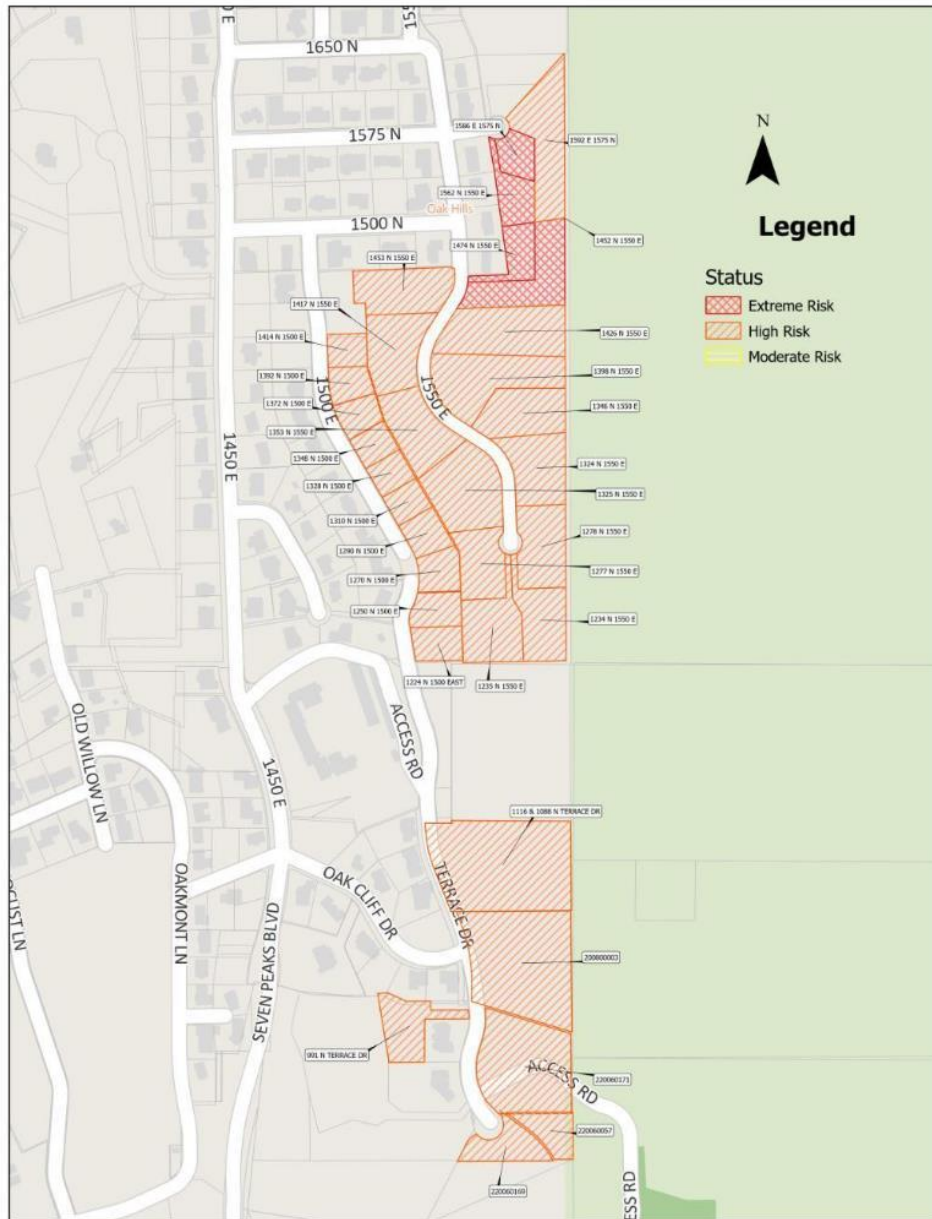
(i) High risk lots shall be indicated by an orange overlay on the official zone map.

(c) *Moderate Risk*. For every one (1) lot within a TDR-S overlay zone shown as a moderate risk site for development a total of one and a half (1.5) development credits shall be available, as defined in this Chapter.

(i) Moderate risk lots shall be indicated by a yellow overlay on the official zone map.



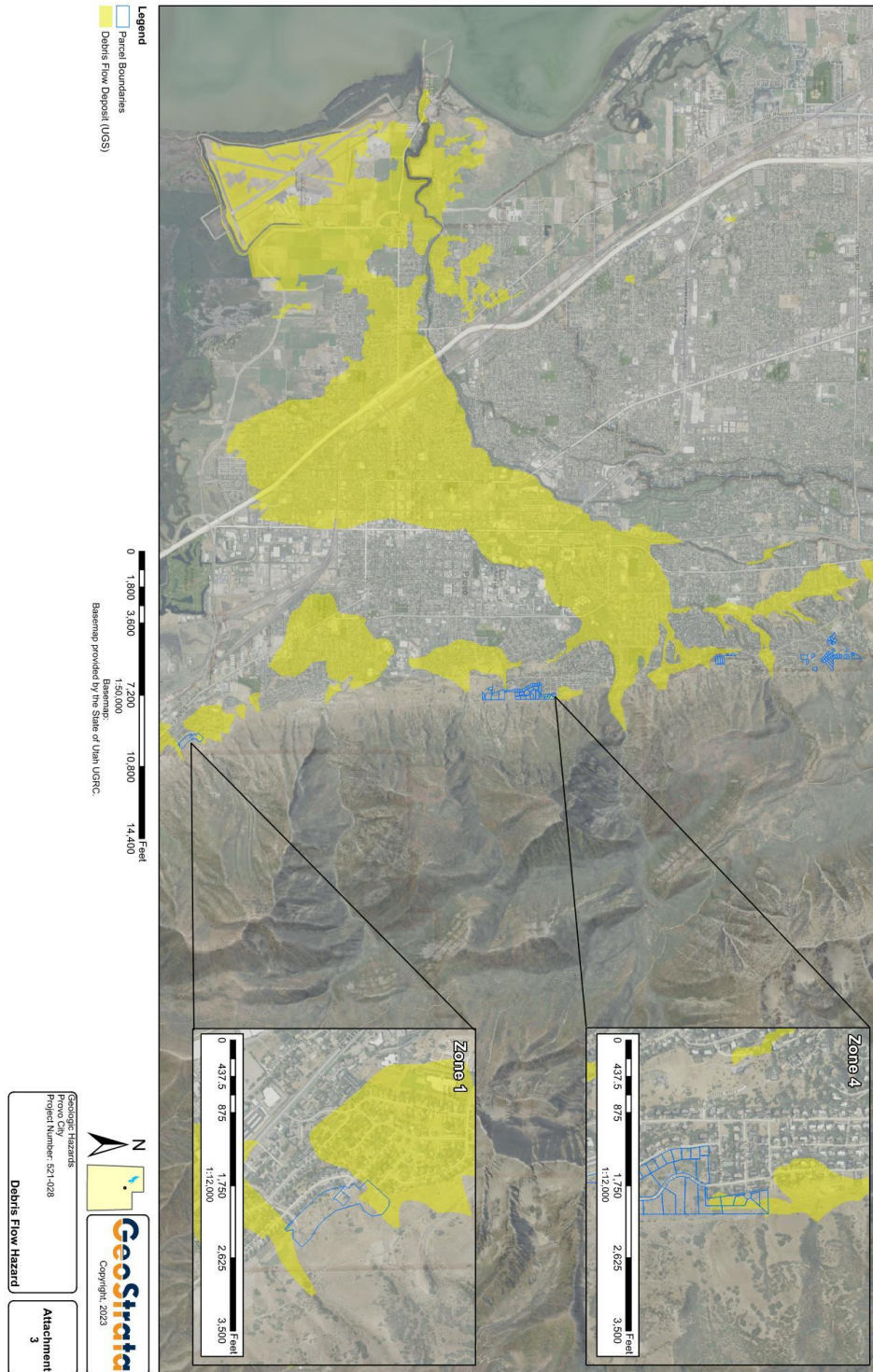




ATTACHMENT 2 – ROCKFALL HAZARD MAP



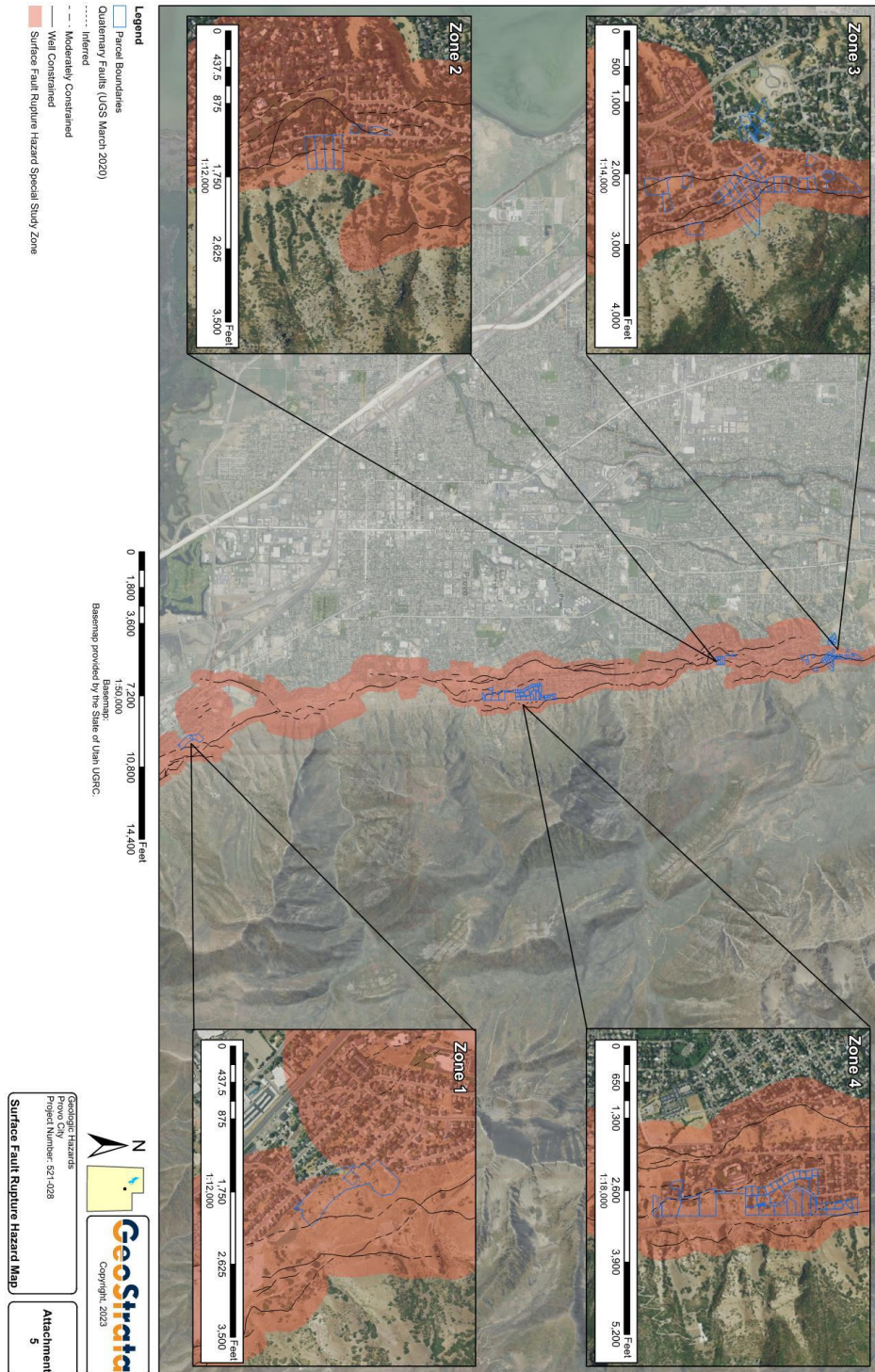
ATTACHMENT 3 – DEBRIS FLOW HAZARDS MAP

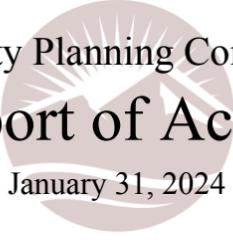


ATTACHMENT 4 – LANDSLIDE HAZARD MAP



ATTACHMENT 5 – FAULT LINE HAZARD MAP





Provo City Planning Commission

Report of Action

January 31, 2024

*ITEM 3 Development Services requests approval of an Ordinance Text Amendment for the adoption of a Transferable Development Rights (TDR) Overlay Zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230219

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 31, 2024:

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen

Second By: Daniel Gonzales

Votes in Favor of Motion: Robert Knudsen, Daniel Gonzales, Jonathon Hill, Raleen Wahlin, Lisa Jensen, Andrew South, Barbara DeSoto, 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

- A neighborhood meeting was held on 01/31/2024.
- The Neighborhood District Chair determined that a neighborhood meeting would not be required.
- No information was received from the Neighborhood District Chair.
- Citywide Application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was Citywide 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: None.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following: Planning staff responded to questions from the Planning Commission.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission asked questions about the proposed ordinance, specifically, regarding public input, Council review, and ability to establish TDR-S and TDR-R Zones.
- The suggestion was made to remove Subsection 14.33B.120(2), staff agreed to strike that line.
- The Commission discussed the proposal and thought it would be a good solution that can benefit both parties of the transaction and they are interested in seeing how the receiving areas are implemented.



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

CHAPTER 14.33B TDR – TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE

14.33B.010	Purpose and Objectives
14.33B.020	Definitions
14.33B.030	Use in Combination
14.33B.040	Permitted Uses
14.33B.050	Development Standards
14.33B.060	Provision of Facilities
14.33B.070	Establishment of Sending and Receiving Areas
14.33B.080	Application Requirements
14.33B.090	Sending Site Requirements
14.33B.100	Receiving Site Requirements
14.33B.110	Development Approval Process
14.33B.120	Conservation Easement Required
14.33B.130	Development Credit Determination

14.33B.010 Purposes and Objectives.

The purposes of this TDR overlay zone are to:

1. Protect the general health, safety, and welfare of current and future residents;
2. Preserve open space, scenic views, and natural features on hillside areas;
3. Discourage development in sensitive and natural hazard areas;
4. Allow property owners of sensitive lands development rights in other areas of the city, and;
5. Provide a method whereby development rights may be transferred from sending sites to receiving sites to meet the above purposes.

14.33B.020 Definitions.

For the purposes of this Chapter, the following words and terms shall be defined, as follows:

“Base Zone Density” means the maximum number of dwelling units permitted by the zoning classification of a sending or receiving site and not including any density increase from the overlay zone.

“Development Rights” means the potential for the improvement of a legally established parcel of land, measured in dwelling units, existing as a result of the underlying zone of the parcel.

“Receiving Area” means a geographic area designated by the Provo City Zoning Map within which one or more receiving sites may be located.

“Receiving Site” means a legally created parcel of land which has been zoned TDR-R and to which development rights are transferred in accordance with the requirements of this chapter.

“Sending Area” means a geographic area designated by the Provo City Zoning Map within which one or more sending sites may be located.

“Sending Site” means a legally created parcel of land which has been zoned TDR-S and from which development rights are transferred in accordance with the requirements of this chapter.

“Transfer of Development Rights” means the conveyance of one or more development rights by deed, easement, or other legal instrument to another parcel of land in accordance with the requirements of this chapter.

14.33B.030 Use in Combination.

The TDR Zone shall overlay and be used in combination with existing conventional zones. If there is a conflict between the provisions of this Chapter and the requirements of Title 14 or 15, Provo City Code, the requirements of this Chapter shall take precedence. Property to which the TDR Zone has been applied shall be developed only in conformance with the applicable, approved project plan, subdivision, or other approved development plans. Written references to a zone that is overlain by the TDR Zone shall include the underlying zone along with the acronym of the overlay zone, e.g., R1.10TDR-R or R1.10TDR-S.

14.33B.040 Permitted Uses.

Uses permitted in the TDR Zone shall be limited to those listed as permitted uses by the provisions of the underlying zone with which the TDR Zone has been combined.

14.33B.050 Development Standards.

Development in the TDR Zone shall conform to the development standards required by the provisions of the underlying zone with which the TDR Zone is combined, except in cases where a density bonus has been granted.

14.33B.060 Provision of Facilities.

The requirements of the Adequate Public Facilities section of Chapter 15.03, Provo City Code, shall be met.

14.33B.070 Establishment of Sending and Receiving Areas.

(1) The City Council may establish sending and receiving areas as TDR Zoning within the official zoning map in accordance with Section 14.02.020, Provo City Code. The designation “TDR-S” shall be the prefix for the overlay zone for sending sites, the designation “TDR-R” shall be the prefix for the overlay zone for receiving sites.

(2) Sending areas shall be limited to property that has been found to have natural hazards within or adjacent to property boundaries, verified by the City Engineer.

(3) Receiving areas shall be limited to vacant properties in the RA, R1, VLDR, or LDR zones.

(4) The City Council may authorize the use of a TDR-R in conjunction with a rezone request to a RA, R1, VLDR, or LDR Zone if the request is consistent with the General Plan and this Chapter.

14.33B.080 Application Requirements.

In addition to submittal requirements in Section 14.02.020, Provo City Code, an eligible landowner or authorized representative for a sending site (TDR-S) must provide the following:

- (1) A written description of the physical characteristics of the property that constitutes a hazard;
- (2) A geological study or other evidence of the stated hazard, stamped by a licensed engineer, and;
- (3) A conservation easement document, or
- (4) The property or parcel has been designated by the Provo City Engineer as hazardous.

14.33B.090 Sending Site Requirements.

- (1) Development rights shall be created and transferred only by means of documentation, including a conservation easement, and a TDR-S credit certificate, which meet the requirements of this Chapter.
- (2) In order to be eligible to transfer one or more development rights from a parcel of land, such parcel shall be located within a sending area, designated in Section 14.33B.130 and as shown on the official zoning map.

14.33B.100 Receiving Site Requirements.

- (1) Development rights shall be received only by means of documentation, including a TDR-R credit certificate, and a development plan, which meet the requirements of this Chapter.
- (2) In order to transfer one or more development rights to a parcel of land, such parcel shall be located within a receiving area, designated on the official zoning map.

14.33B.110 Development Approval Process.

- (1) The following is the Sending Site approval process that must be followed to send development right (TDR-S) credits:
 - (a) TDR-S property owners may choose to develop their property as platted and in accordance with city engineering requirements, or they may choose to sell, transfer, or joint venture their development rights.
 - (b) TDR-S property owners may request a TDR-S credit certificate from the Provo City Development Services Director. The TDR-S certificate shall list the density or number of units for the TDR-S site.
 - (c) A TDR-S credit certificate may only be sold, conveyed, or otherwise transferred by the owner(s) or their legal representative.

- (d) The sale, conveyance, or transfer shall occur upon surrender of the TDR-S credit certificate which authorizes the Development Services Director, or designee, to transfer the development credits to the stated transferee by reissuing the TDR-S credit certificate in the transferee's name, and recording a TDR-S certificate with the County Recorder's Office.
- (e) With each transfer or sale, a Conservation Easement and/or deed restriction shall be recorded covering the entire parcel.
- (f) When all available TDR-S credits on a sending site have been purchased, no uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title owner.
- (g) The final transfer of TDR-S credits will be completed upon development approval on a receiving site and the recording of a deed restriction and/or Conservation Easement against the sending site or if the owner of the TDR-S credits chooses to forfeit development rights and records a deed restriction and/or Conservation Easement on the entire sending site.
- (h) TDR-S property owners shall notify any lien or mortgage holders of the sale of the TDR-S credits, and such notification shall be demonstrated by written approval submitted to the City prior to transfer.
- (i) TDR-S property owners shall be responsible for notification to the county tax assessor regarding possible changes in property value.

(2) The following is the Receiving Site approval process that must be followed to receive TDR credits:

- (a) All regulations in Title 14 and 15, Provo City Code, regarding zoning, subdividing, and approval processes are in effect on a receiving site. If any development within the TDR-R Zone requests an increase in density from the base zone density, it must be realized through TDR-S credits.
- (b) Any development requesting a higher density than the base zone density shall be reviewed by the City Council.
- (c) Any development requesting higher density than the base zone density shall bring evidence of TDR-S credits in the form of options to purchase, ownership, or joint ventures at the time of development review and evidence of ownership prior to final approval.
 - i. Areas may develop at the base zone density without purchasing TDR-S credits.
 - ii. Any development approval process using TDR-S credits shall adhere to all other underlying zoning requirements.

- (d) A request to utilize development rights on a receiving site shall be in the form of a preliminary subdivision application or a concept plan application in accordance with Provo City Code.
- (e) The Planning Commission shall approve a request to utilize development rights on a receiving site if the request:
 - i. Does not exceed the density limitations permitted in the underlying zone, unless density is provided with evidence of TDR-S credits;
 - ii. Is in accordance with the provisions of this chapter;
 - iii. Is in accordance with the subdivision and site plan regulations;
 - iv. Is consistent with other policies and goals of the General Plan; and
 - v. Achieves a compatible development with surrounding uses.
- (f) A certificate of receiving credits shall be issued to the property owner upon final approval by the Development Services Director indicating the total number of development rights which may be transferred to the property in accordance with this Chapter.

14.33B.120 Conservation Easement Required

This section shall apply only to properties where the development rights have been transferred from the property, but the ownership of the property remains private.

- (1) A conservation easement shall be established on each sending site from which development rights are transferred.
- (2) The conservation easement required by this chapter shall be in a recordable form approved by Development Services and shall meet the requirements of section 57-18-1 et. seq., of the Utah Code. The conservation easement shall also include the following terms:
 - (a) The holder of the easement shall be Provo City, another government entity, or a charitable organization which:
 - (i) Qualifies as being tax exempt under section 501(c)(3) of the Internal Revenue Code; and
 - (ii) Is organized in whole or in part for the purpose of accepting and managing conservation easements.
 - (b) The easement shall require that the easement area shall be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources.
 - (c) The easement shall include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter.

(d) All parties who have a declared interest in the property, recorded at Utah County, must consent to the granting of a conservation easement.

(3) If the holder of a conservation easement proposes to transfer the easement to another entity, the recipient of any transferred interest shall meet the requirements of this section.

(4) Any instrument purporting to convey a conservation easement pursuant to this section, but that the City has not indicated its approval on the instrument is void and shall not be recorded or accepted by the City Recorder for recording at the County Recorder's Office.

14.33B.130 Development Credit Determination

(1) The total number of development credits available to a sending site shall be determined as follows and as shown on the official zone map of Provo City and in the maps below:

(a) *Extreme Risk*. For every one (1) lot within a TDR-S overlay zone shown as an extreme risk site for development a total of three (3) development credits shall be available, as defined in this Chapter.

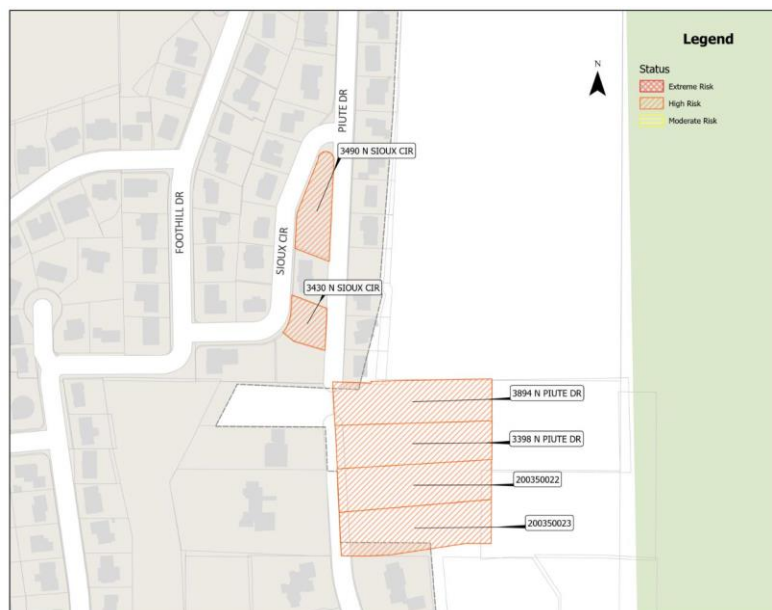
(i) Extreme risk lots shall be indicated by a red overlay on the official zone map.

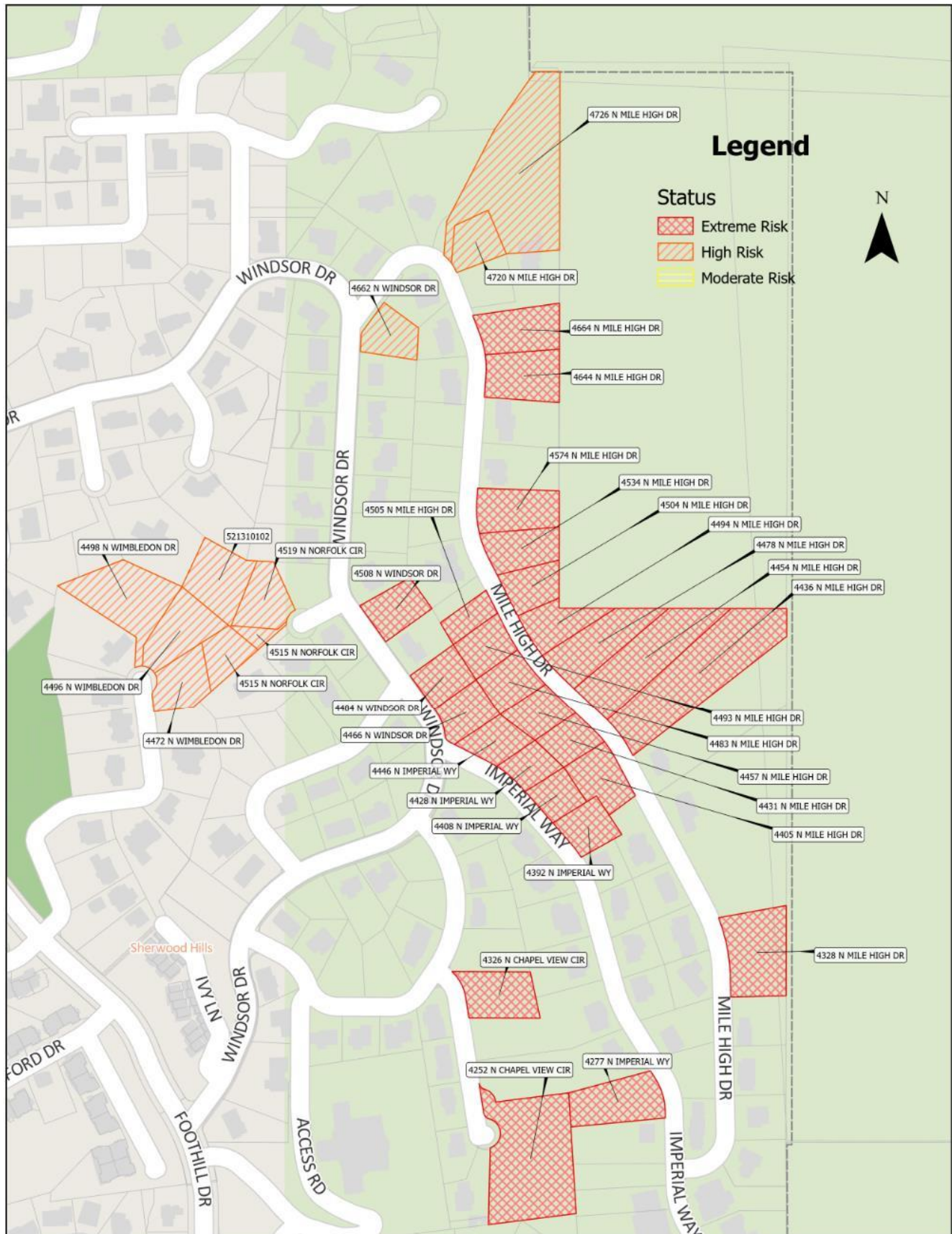
(b) *High Risk*. For every one (1) lot within a TDR-S overlay zone shown as a high risk site for development a total of two (2) development credits shall be available, as defined in this Chapter.

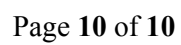
(i) High risk lots shall be indicated by an orange overlay on the official zone map.

(c) *Moderate Risk*. For every one (1) lot within a TDR-S overlay zone shown as a moderate risk site for development a total of one and a half (1.5) development credits shall be available, as defined in this Chapter.

(i) Moderate risk lots shall be indicated by a yellow overlay on the official zone map.







ORDINANCE 2023-.

AN ORDINANCE ENACTING THE TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE. CITYWIDE APPLICATION. (PLOT20230219)

RECITALS:

~~WHEREAS, it~~ is proposed that Provo City Code Title 14 be amended to enact a new Transferable Development Rights Overlay Zone; and

~~WHEREAS, on~~ January 31, 2024, the Planning Commission held a ~~duly noticed~~ public hearing to consider the proposed amendment, and after ~~the hearing~~such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 8:0; and

~~WHEREAS, on February~~January 20, 2024, 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 set forth below~~described herein~~ and (ii) such action~~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, ordains as follows:

PART I:

Provo City Code Chapter 14.33B is ~~hereby~~ enacted as set forth in Exhibit A.

PART II:

A. A.—If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.

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

C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

47 ~~If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this~~
48 ~~ordinance shall prevail.~~

49
50 ~~B.—— This ordinance and its various sections, clauses and paragraphs are hereby declared to be~~
51 ~~severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the~~
52 ~~remainder of the ordinance shall not be affected thereby.~~

53
54 ~~C.—— The Municipal Council hereby directs that the official copy of the Provo City Code be~~
55 ~~updated to reflect the provisions enacted by this ordinance.~~

56
57 ~~D.—— This ordinance shall take effect immediately after it has been posted or published in~~
58 ~~accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-~~
59 ~~3b-204, and recorded in accordance with Utah Code 10-3-713.~~

60
61
62 END OF ORDINANCE.

Exhibit A

CHAPTER 14.33B TDR – TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE

14.33B.010	Purpose and Objectives
14.33B.020	Definitions
14.33B.030	Use in Combination
14.33B.040	Permitted Uses
14.33B.050	Development Standards
14.33B.060	Provision of Facilities
14.33B.070	Establishment of Sending and Receiving Areas
14.33B.080	Application Requirements
14.33B.090	Sending Site Requirements
14.33B.100	Receiving Site Requirements
14.33B.110	Development Approval Process
14.33B.120	Conservation Easement Required
14.33B.130	Development Credit Determination

14.33B.010 Purposes and Objectives.

The purposes of this TDR overlay zone are to:

1. Protect the general health, safety, and welfare of current and future residents;
2. Preserve open space, scenic views, and natural features on hillside areas;
3. Discourage development in sensitive and natural hazard areas;
4. Allow owners of sensitive lands development rights in other areas of the city, and;
5. Provide a method whereby development rights may be transferred from sending sites to receiving sites to meet the above purposes.

14.33B.020 Definitions.

For the purposes of this Chapter, the following words and terms are defined as follows:

“Base Zone Density” means the maximum number of dwelling units permitted by the zoning classification of a sending or receiving site and not including any density increase from the overlay zone.

“Development Rights” means the potential for the improvement of a legally established parcel of land, measured in dwelling units, existing as a result of the underlying zone of the parcel.

“Receiving Area” means a geographic area designated by the Provo City Zoning Map within which one or more receiving sites may be located.

“Receiving Site” means a legally created parcel of land that has been zoned TDR-R and to which development rights are transferred in accordance with the requirements of this chapter.

“Sending Area” means a geographic area designated by the Provo City Zoning Map within which one or more sending sites may be located.

“Sending Site” means a legally created parcel of land that has been zoned TDR-S and from which development rights are transferred in accordance with the requirements of this chapter.

“Transfer of Development Rights” means the conveyance of one or more development rights by deed, easement, or other legal instrument to another parcel of land in accordance with the requirements of this chapter.

14.33B.030 Use in Combination.

The TDR Zone will overlay and be used in combination with existing conventional zones. If there is a conflict between the provisions of this Chapter and the requirements of Provo City Code Title 14 or 15, the requirements of this Chapter take precedence. Property to which the TDR Zone has been applied may only be developed in conformance with the applicable, approved project plan, subdivision, or other approved development plans. Written references to a zone that is overlain by the TDR Zone will include the underlying zone along with the acronym of the overlay zone, e.g., R1.10TDR-R or R1.10TDR-S.

14.33B.040 Permitted Uses.

Uses permitted in the TDR Zone are limited to those listed as permitted uses by the provisions of the underlying zone with which the TDR Zone has been combined.

14.33B.050 Development Standards.

Development in the TDR Zone must conform to the development standards required by the provisions of the underlying zone with which the TDR Zone is combined, except in cases where a density bonus has been granted.

14.33B.060 Provision of Facilities.

The requirements of the Adequate Public Facilities section of Provo City Code Chapter 15.03 must be met.

14.33B.070 Establishment of Sending and Receiving Areas.

(1) The City Council may establish sending and receiving areas with the TDR Overlay designation on the official zoning map in accordance with Provo City Code Section 14.02.020. The designation “TDR-S” will be the prefix for the overlay zone for sending sites, the designation “TDR-R” will be the prefix for the overlay zone for receiving sites.

(2) Sending areas are limited to property that has been found to have natural hazards within or adjacent to property boundaries, as verified by the City Engineer.

(3) Receiving areas are limited to vacant properties in the RA, R1, VLDR, or LDR zones.

(4) The City Council may apply the TDR-R Overlay designation in conjunction with a rezone request to a RA, R1, VLDR, or LDR Zone if the request is consistent with the General Plan and this Chapter.

14.33B.080 Application Requirements.

In addition to submittal requirements in Provo City Code Section 14.02.020, an eligible landowner or authorized representative for a sending site (TDR-S) must provide the following:

- (1) A written description of the physical characteristics of the property that constitutes a hazard;
- (2) A geological study or other evidence of the stated hazard, stamped by a licensed engineer, and:
- (3)
 - a. A conservation easement document, or
 - b. Proof that the property or parcel has been designated hazardous by the Provo City Engineer.

14.33B.090 Sending Site Requirements.

(1) Development rights may only be created and transferred by means of a conservation easement and a TDR-S credit certificate that meet the requirements of this Chapter.

(2) In order to be eligible to transfer one or more development rights from a parcel of land, the parcel must be located within a sending area designated pursuant to this ordinance and shown on the official zoning map.

14.33B.100 Receiving Site Requirements.

(1) Development rights may only be received by means of a TDR-R credit certificate and a development plan that meet the requirements of this Chapter.

(2) In order to transfer one or more development rights to a parcel of land, the parcel must be located within a receiving area designated on the official zoning map.

14.33B.110 Development Approval Process.

(1) The following is the Sending Site approval process that must be followed to send development right (TDR-S) credits:

- (a) TDR-S property owners may choose to develop their property as platted and in accordance with city engineering requirements, or they may choose to sell, transfer, or joint venture their development rights.
- (b) TDR-S property owners may request a TDR-S credit certificate from the Provo City Development Services Director. The TDR-S certificate must list the density or number of units available to be transferred from the TDR-S site.
- (c) A TDR-S credit certificate may only be sold, conveyed, or otherwise transferred by the owner(s) or their legal representative.
- (d) The sale, conveyance, or transfer must include the surrender of the TDR-S credit certificate, which authorizes the Development Services Director, or designee, to transfer the development credits to the stated transferee by reissuing the TDR-S credit certificate in the transferee's name, and recording a TDR-S certificate with the County Recorder's Office.
- (e) With each transfer or sale, a conservation easement must be recorded covering the entire parcel.
- (f) When all available TDR-S credits on a sending site have been purchased, no uses other than those enumerated in the conservation easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title owner.
- (g) TDR-S credits expire and are terminated upon development approval on a receiving site and the recording of a conservation easement against the sending site, or if the owner of the TDR-S credits chooses to forfeit development rights and records a conservation easement on the entire sending site.
- (h) TDR-S property owners must notify any lien or mortgage holders of the sale of TDR-S credits, and the notification must be demonstrated by written approval submitted to the City prior to transfer.
- (i) It is the responsibility of TDR-S property owners to notify the county tax assessor regarding possible changes in property value.

- (2) The following is the Receiving Site approval process that must be followed to receive TDR credits:
- (a) All regulations in Provo City Code Title 14 and 15 regarding zoning, subdividing, and approval processes are in effect on a receiving site. If any development within the TDR-R Zone requests an increase in density from the base zone density, it must be realized through TDR-S credits.
 - (b) Application of the TDR Overlay is a zone map amendment and is therefore subject to the approval of the City Council.
 - (c) Any development requesting higher density than the base zone density shall bring evidence of TDR-S credits in the form of options to purchase, ownership, or joint ventures at the time of development review, as well as evidence of ownership prior to final approval.
 - i. Areas may develop at the base zone density without purchasing TDR-S credits.
 - ii. Any development approval process using TDR-S credits must adhere to all other underlying zoning requirements.
 - (d) A request to utilize development rights on a receiving site must be in the form of a preliminary subdivision application or a concept plan application in accordance with Provo City Code.
 - (e) The Planning Commission will recommend approval of a request to utilize development rights on a receiving site if the request:
 - i. Does not exceed the density limitations permitted in the underlying zone, except insofar as additional density is provided through TDR-S credits;
 - ii. Is in accordance with the provisions of this chapter;
 - iii. Is in accordance with the subdivision and site plan regulations;
 - iv. Is consistent with other policies and goals of the General Plan; and
 - v. Achieves a compatible development with surrounding uses.
 - (f) A receiving credits certificate will be issued to the property owner upon final approval by the Development Services Director indicating the total number of development rights that may be transferred to the property in accordance with this Chapter.

14.33B.120 Conservation Easement Required

This section applies only to properties where the development rights have been transferred from the property, but the ownership of the property remains private.

(1) A conservation easement must be established on each sending site from which development rights are transferred.

(2) The conservation easement required by this chapter must be in a recordable form approved by Development Services and must meet the requirements of Utah Code Section 57-18-1 et. seq. The conservation easement must also include the following terms:

(a) The holder of the easement must be:

- a. Provo City,
- b. another government entity, or
- c. a charitable organization that:

(A) Qualifies as being tax exempt under section 501(c)(3) of the Internal Revenue Code; and

(B) Is organized in whole or in part for the purpose of accepting and managing conservation easements.

(b) The easement must require that the easement area be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources.

(c) The easement must include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement must be amended to reflect the extinguishment of those additional rights and must be recorded thereafter.

(d) All parties who have a declared interest in the property, recorded at Utah County, must consent to the granting of a conservation easement.

(4) If the holder of a conservation easement granted pursuant to this Chapter desires to transfer the easement to another entity, the recipient of any transferred interest must meet the requirements of this section.

(5) It is unlawful to convey a conservation easement granted pursuant to this section unless the City has indicated its approval. Any instrument purporting to make such a conveyance in violation of this Subsection is void and may not be recorded or accepted by the City Recorder for recording at the County Recorder's Office.

14.33B.130 Development Credit Determination

(1) For the purposes of this Chapter development credit is defined as either a sending credit or receiving credit and shall be equivalent to one dwelling unit per credit.

(2) The total number of development credits available to a sending site will be determined as follows and as shown on the official Provo City Zoning Map, with the criteria for the different risk levels to be determined by the City Engineer:

(a) *Extreme Risk*. For each lot within a TDR-S overlay zone shown as an extreme risk site for development, a total of three (3) development credits will be available, as provided in this Chapter.

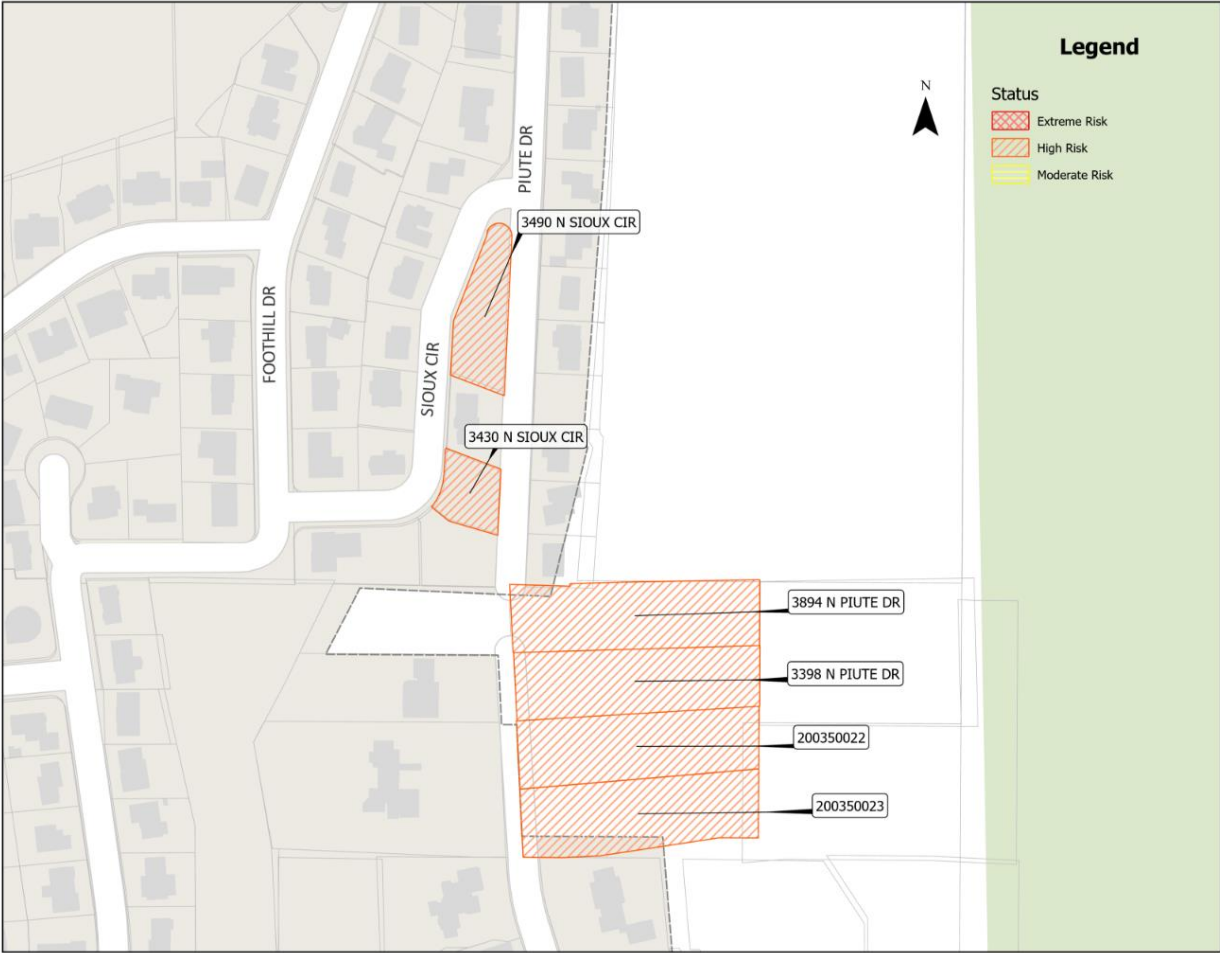
(i) Extreme risk lots are indicated by a red overlay on the zoning map.

(b) *High Risk*. For each lot within a TDR-S overlay zone shown as a high risk site for development, a total of two (2) development credits will be available, as provided in this Chapter.

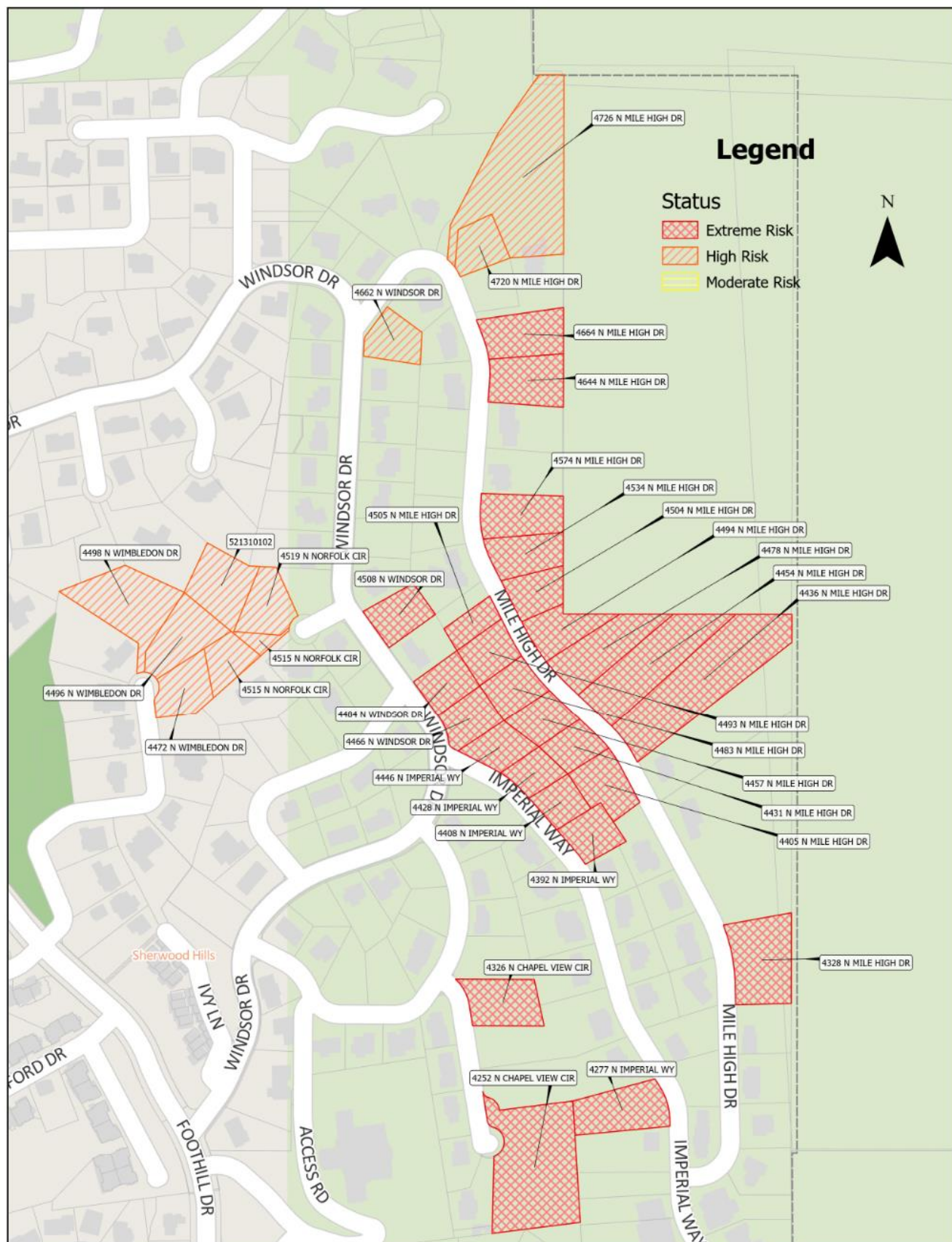
(i) High risk lots are be indicated by an orange overlay on the zoning map.

(c) *Moderate Risk*. For each lot within a TDR-S overlay zone shown as a moderate risk site for development, a total of one and a half (1.5) development credits will be available, as provided in this Chapter.

(i) Moderate risk lots are indicated by a yellow overlay on the zoning map.



357
358
359







WELCOME HOME

City Council

February 20, 2024

Development Services requests approval of an Ordinance Text Amendment for the adoption of a Transferable Development Rights (TDR) Overlay Zone.

A faint, circular logo in the background of the slide. It features a stylized mountain range with a sun rising behind it, with rays emanating from the sun. The logo is light beige and serves as a background element.

Citywide Application

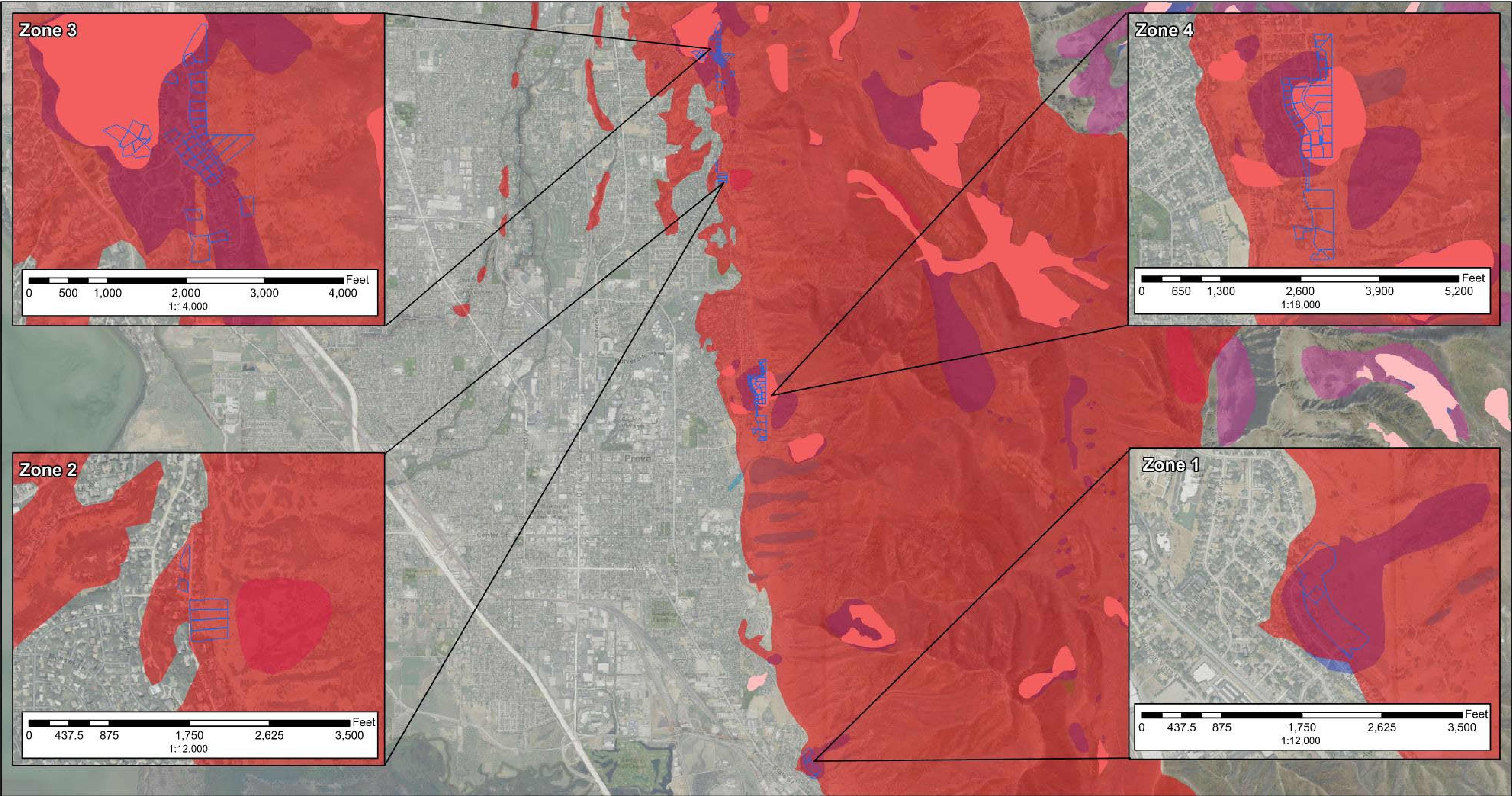
PLOTA20230219

TDR (Transfer of Development Rights)

The Problem

- There are a several subdivided lots on the east bench with associated hazards.
- Allowing homes to be built on these lots puts everyone at risk.
- The city does not currently have the tools to restrict building on zoned, subdivided lots.

TDR (Transfer of Development Rights)



- Legend**
- Parcel Boundaries
 - Mapped Landslide & Greater than 30% Slope
 - Landslide Map of Utah (Elliot and Harty 2010)
 - deep or unclassified landslide
 - landslide and/or landslide undifferentiated from talus, colluvial, rock-fall, glacial, and soil-creep deposits
 - landslide undifferentiated from talus and/or colluvial deposits
 - lateral spread and/or flow failure
 - shallow landslide
 - Mapped Landslide (UGS)

0 1,800 3,600 7,200 10,800 14,400 Feet
1:50,000
Basemap:
Basemap provided by the State of Utah UGRC.

N



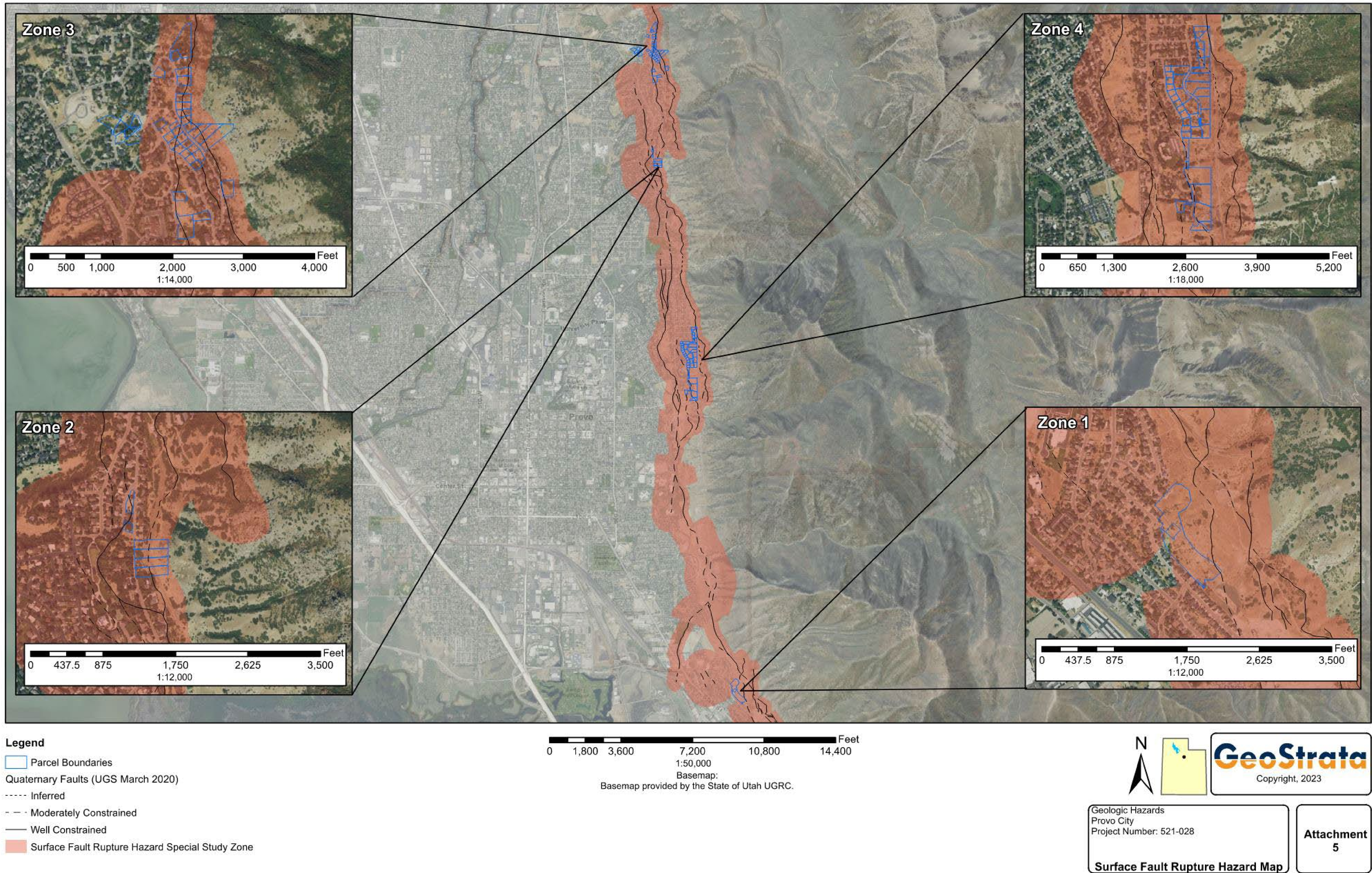
GeoStrata
Copyright, 2023

Geologic Hazards
Provo City
Project Number: 521-028

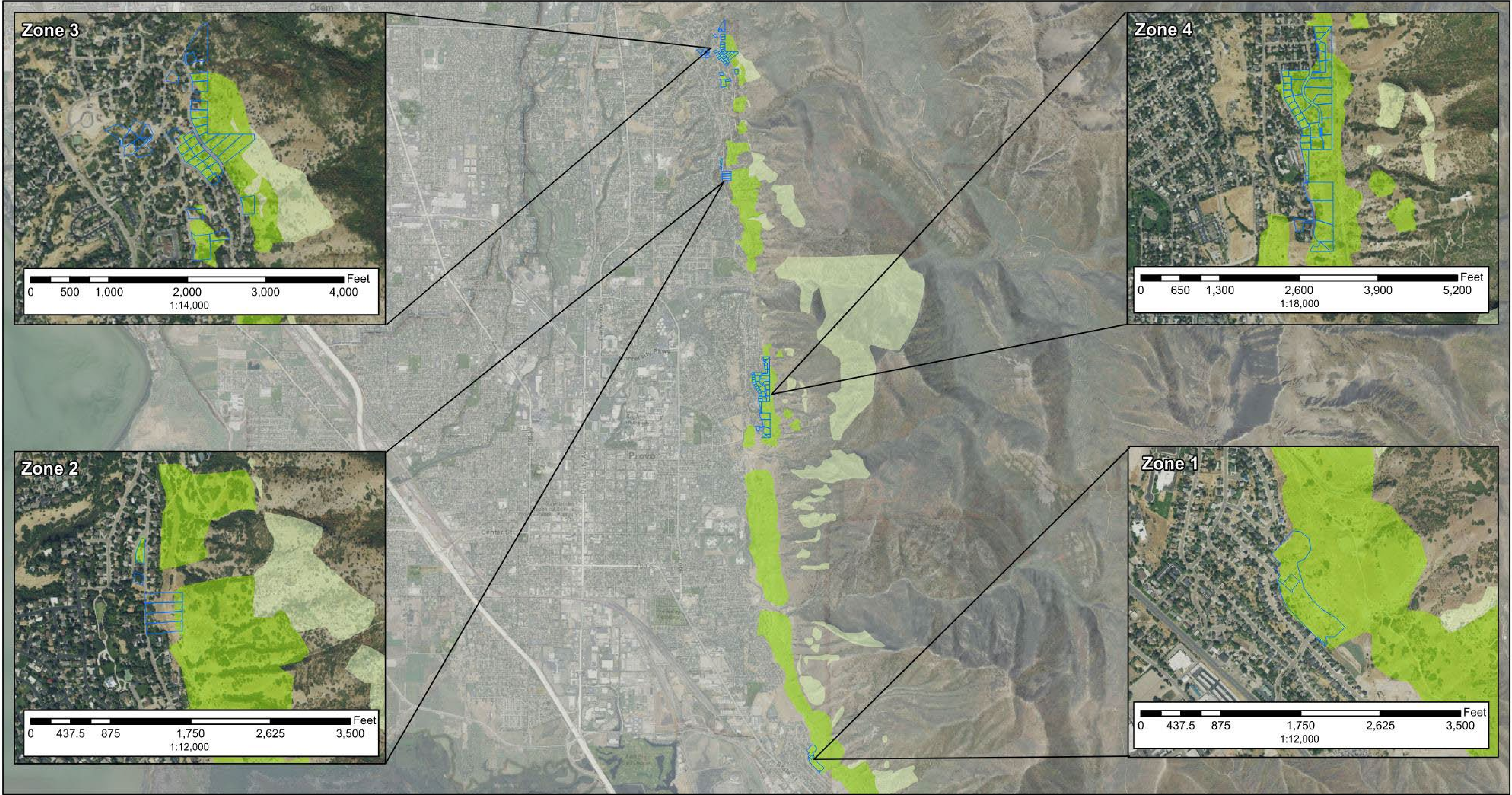
**Attachment
4**

Landslide Hazard

TDR (Transfer of Development Rights)



TDR (Transfer of Development Rights)



Legend

- Parcel Boundaries
- Boulders
- Bedrock Outcrop

0 1,800 3,600 7,200 10,800 14,400 Feet
1:50,000
Basemap:
Basemap provided by the State of Utah UGRC.

N



GeoStrata
Copyright, 2023

Geologic Hazards
Provo City
Project Number: 521-028

Attachment 2

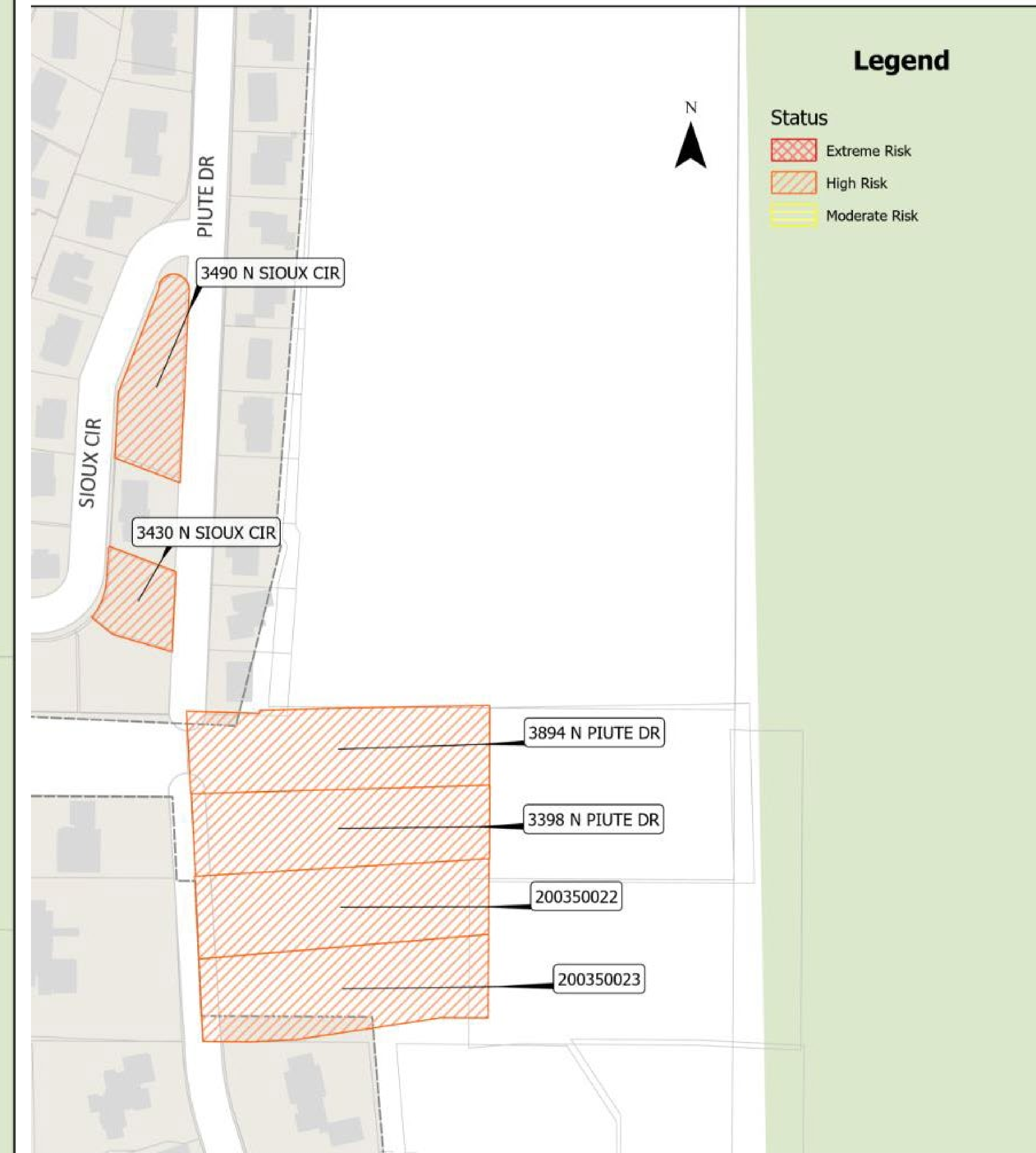
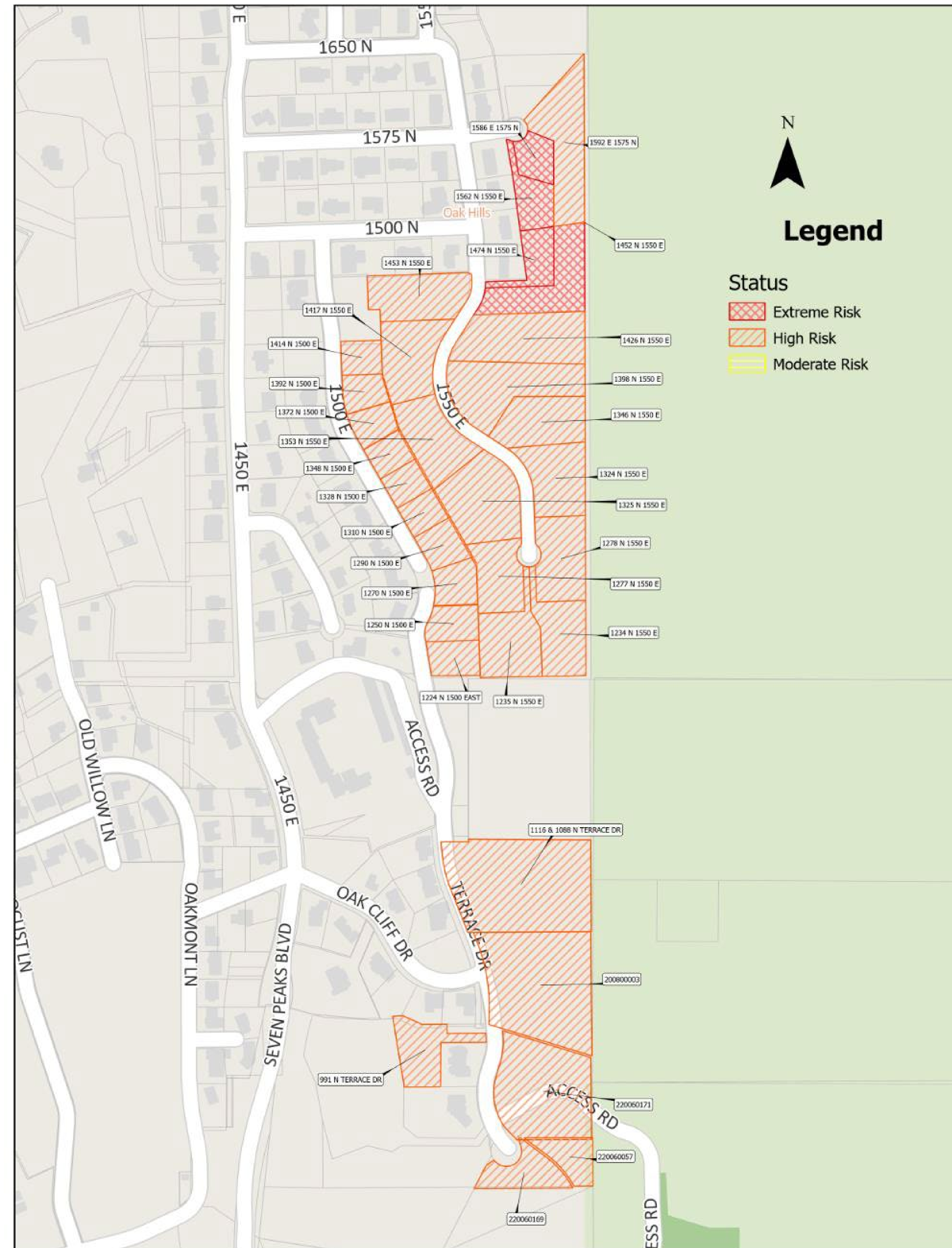
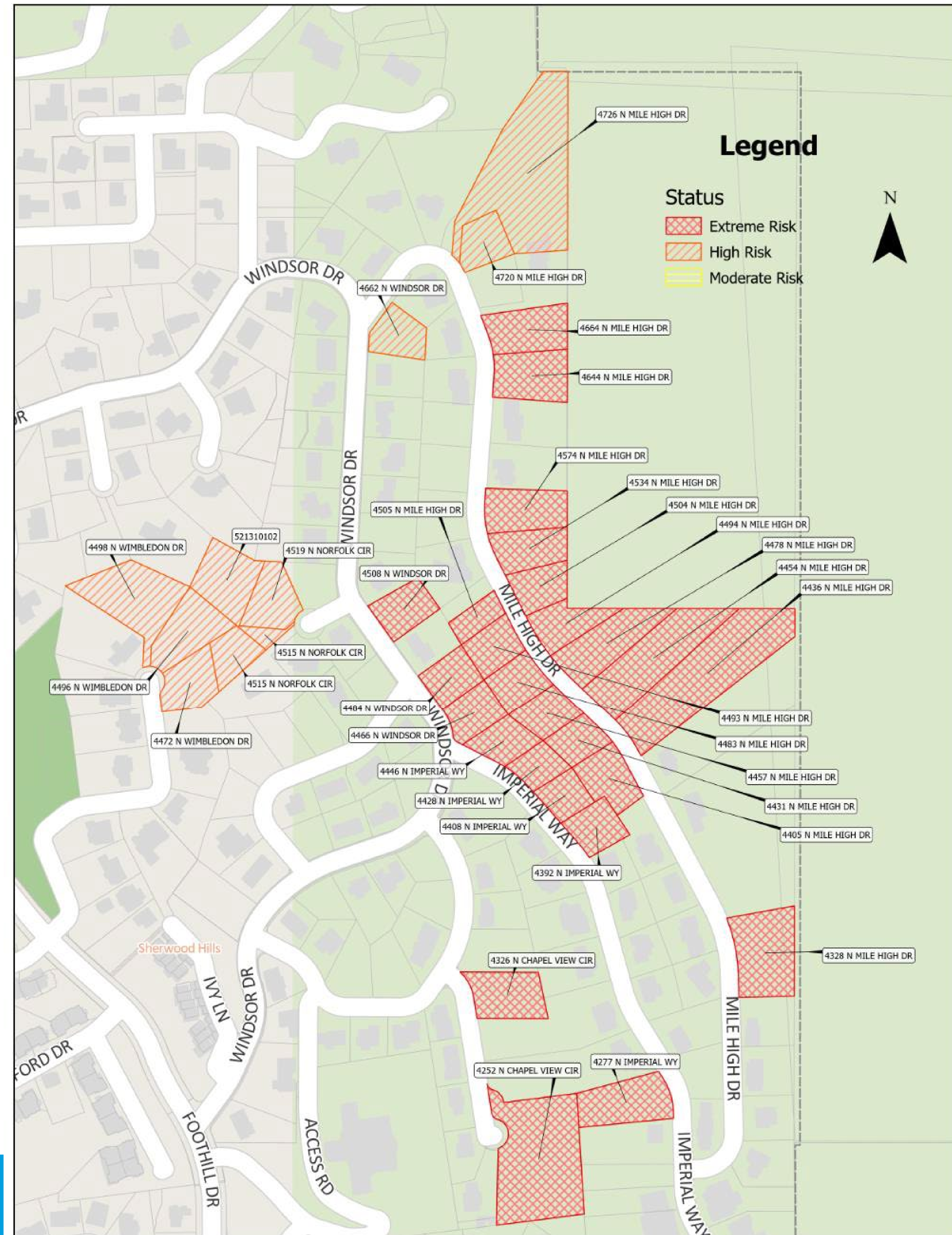
Rockfall Hazard

TDR (Transfer of Development Rights)

The Solution

- Create an ordinance and process to transfer the development rights of these high-risk, vacant lots to buildable areas of the city.
 - This preserves the hillsides, removes potentially dangerous building lots, and allows property owners to retain value for their land.

TDR (Transfer of Development Rights)



TDR (Transfer of Development Rights)

CHAPTER 14.33B TDR – TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY ZONE

14.33B.010	Purpose and Objectives
14.33B.020	Definitions
14.33B.030	Use in Combination
14.33B.040	Permitted Uses
14.33B.050	Development Standards
14.33B.060	Provision of Facilities
14.33B.070	Establishment of Sending and Receiving Areas
14.33B.080	Application Requirements
14.33B.090	Sending Site Requirements
14.33B.100	Receiving Site Requirements
14.33B.110	Development Approval Process
14.33B.120	Conservation Easement Required
14.33B.130	Development Credit Determination

14.33B.010 Purposes and Objectives.

The purposes of this TDR overlay zone are to:

1. Protect the general health, safety, and welfare of current and future residents;
2. Preserve open space, scenic views, and natural features on hillside areas;
3. Discourage development in sensitive and natural hazard areas;
4. Allow property owners of sensitive lands development rights in other areas of the city, and;
5. Provide a method whereby development rights may be transferred from sending sites to receiving sites to meet the above purposes.

14.33B.020 Definitions.

For the purposes of this Chapter, the following words and terms shall be defined, as follows:

“Base Zone Density” means the maximum number of dwelling units permitted by the zoning classification of a sending or receiving site and not including any density increase from the overlay zone.

“Development Rights” means the potential for the improvement of a legally established parcel of land, measured in dwelling units, existing as a result of the underlying zone of the parcel.

“Receiving Area” means a geographic area designated by the Provo City Zoning Map within which one or more receiving sites may be located.

“Receiving Site” means a legally created parcel of land which has been zoned TDR-R and to which development rights are transferred in accordance with the requirements of this chapter.

“Sending Area” means a geographic area designated by the Provo City Zoning Map within which one or more sending sites may be located.

“Sending Site” means a legally created parcel of land which has been zoned TDR-S and from which development rights are transferred in accordance with the requirements of this chapter.

“Transfer of Development Rights” means the conveyance of one or more development rights by deed, easement, or other legal instrument to another parcel of land in accordance with the requirements of this chapter.

14.33B.030 Use in Combination.

The TDR Zone shall overlay and be used in combination with existing conventional zones. If there is a conflict between the provisions of this Chapter and the requirements of Title 14 or 15, Provo City Code, the requirements of this Chapter shall take precedence. Property to which the TDR Zone has been applied shall be developed only in conformance with the applicable, approved project plan, subdivision, or other approved development plans. Written references to a zone that is overlain by the TDR Zone shall include the underlying zone along with the acronym of the overlay zone, e.g., R1.10TDR-R or R1.10TDR-S.

14.33B.040 Permitted Uses.

Uses permitted in the TDR Zone shall be limited to those listed as permitted uses by the provisions of the underlying zone with which the TDR Zone has been combined.

14.33B.050 Development Standards.

Development in the TDR Zone shall conform to the development standards required by the provisions of the underlying zone with which the TDR Zone is combined, except in cases where a density bonus has been granted.

14.33B.060 Provision of Facilities.

The requirements of the Adequate Public Facilities section of Chapter 15.03, Provo City Code, shall be met.

14.33B.070 Establishment of Sending and Receiving Areas.

(1) The City Council may establish sending and receiving areas as TDR Zoning within the official zoning map in accordance with Section 14.02.020, Provo City Code. The designation “TDR-S” shall be the prefix for the overlay zone for sending sites, the designation “TDR-R” shall be the prefix for the overlay zone for receiving sites.

(2) Sending areas shall be limited to property that has been found to have natural hazards within or adjacent to property boundaries, verified by the City Engineer.

(3) Receiving areas shall be limited to vacant properties in the RA, R1, VLDR, or LDR zones.

(4) The City Council may authorize the use of a TDR-R in conjunction with a rezone request to a RA, R1, VLDR, or LDR Zone if the request is consistent with the General Plan and this Chapter.

14.33B.080 Application Requirements.

In addition to submittal requirements in Section 14.02.020, Provo City Code, an eligible landowner or authorized representative for a sending site (TDR-S) must provide the following:

- (1) A written description of the physical characteristics of the property that constitutes a hazard;
- (2) A geological study or other evidence of the stated hazard, stamped by a licensed engineer, and;
- (3) A conservation easement document, or
- (4) The property or parcel has been designated by the Provo City Engineer as hazardous.

14.33B.090 Sending Site Requirements.

(1) Development rights shall be created and transferred only by means of documentation, including a conservation easement, and a TDR-S credit certificate, which meet the requirements of this Chapter.

(2) In order to be eligible to transfer one or more development rights from a parcel of land, such parcel shall be located within a sending area, designated in Section 14.33B.130 and as shown on the official zoning map.

14.33B.100 Receiving Site Requirements.

(1) Development rights shall be received only by means of documentation, including a TDR-R credit certificate, and a development plan, which meet the requirements of this Chapter.

TDR (Transfer of Development Rights)

(2) In order to transfer one or more development rights to a parcel of land, such parcel shall be located within a receiving area, designated on the official zoning map.

14.33B.110 Development Approval Process.

(1) The following is the Sending Site approval process that must be followed to send development right (TDR-S) credits:

- (a) TDR-S property owners may choose to develop their property as platted and in accordance with city engineering requirements, or they may choose to sell, transfer, or joint venture their development rights.
- (b) TDR-S property owners may request a TDR-S credit certificate from the Provo City Development Services Director. The TDR-S certificate shall list the density or number of units for the TDR-S site.
- (c) A TDR-S credit certificate may only be sold, conveyed, or otherwise transferred by the owner(s) or their legal representative.
- (d) The sale, conveyance, or transfer shall occur upon surrender of the TDR-S credit certificate which authorizes the Development Services Director, or designee, to transfer the development credits to the stated transferee by reissuing the TDR-S credit certificate in the transferee's name, and recording a TDR-S certificate with the County Recorder's Office.
- (e) With each transfer or sale, a Conservation Easement and/or deed restriction shall be recorded covering the entire parcel.
- (f) When all available TDR-S credits on a sending site have been purchased, no uses other than those enumerated in the Conservation Easement are allowed. Responsibility for any required maintenance or abatement remains with the fee title owner.
- (g) The final transfer of TDR-S credits will be completed upon development approval on a receiving site and the recording of a deed restriction and/or Conservation Easement against the sending site or if the owner of the TDR-S credits chooses to forfeit development rights and records a deed restriction and/or Conservation Easement on the entire sending site.
- (h) TDR-S property owners shall notify any lien or mortgage holders of the sale of the TDR-S credits, and such notification shall be demonstrated by written approval submitted to the City prior to transfer.
- (i) TDR-S property owners shall be responsible for notification to the county tax assessor regarding possible changes in property value.

(2) The following is the Receiving Site approval process that must be followed to receive TDR credits:

- (a) All regulations in Title 14 and 15, Provo City Code, regarding zoning, subdividing, and approval processes are in effect on a receiving site. If any development within the TDR-R Zone requests an increase in density from the base zone density, it must be realized through TDR-S credits.
- (b) Any development requesting a higher density than the base zone density shall be reviewed by the City Council.
- (c) Any development requesting higher density than the base zone density shall bring evidence of TDR-S credits in the form of options to purchase, ownership, or joint ventures at the time of development review and evidence of ownership prior to final approval.
 - i. Areas may develop at the base zone density without purchasing TDR-S credits.
 - ii. Any development approval process using TDR-S credits shall adhere to all other underlying zoning requirements.
- (d) A request to utilize development rights on a receiving site shall be in the form of a preliminary subdivision application or a concept plan application in accordance with Provo City Code.
- (e) The Planning Commission shall approve a request to utilize development rights on a receiving site if the request:
 - i. Does not exceed the density limitations permitted in the underlying zone, unless density is provided with evidence of TDR-S credits;
 - ii. Is in accordance with the provisions of this chapter;
 - iii. Is in accordance with the subdivision and site plan regulations;
 - iv. Is consistent with other policies and goals of the General Plan; and
 - v. Achieves a compatible development with surrounding uses.
- (f) A certificate of receiving credits shall be issued to the property owner upon final approval by the Development Services Director indicating the total number of development rights which may be transferred to the property in accordance with this Chapter.

14.33B.120 Conservation Easement Required

This section shall apply only to properties where the development rights have been transferred from the property, but the ownership of the property remains private.

(1) A conservation easement shall be established on each sending site from which development rights are transferred.

(2) If only a portion of the development rights attached to a sending site are transferred, the area of the easement shall be the same as the total area of all the lots which could be otherwise established on the site but for the transfer of development rights.

(3) The conservation easement required by this chapter shall be in a recordable form approved by Development Services and shall meet the requirements of section 57-18-1 et. seq., of the Utah Code. The conservation easement shall also include the following terms:

- (a) The holder of the easement shall be Provo City, another government entity, or a charitable organization which:
 - (i) Qualifies as being tax exempt under section 501(c)(3) of the Internal Revenue Code; and
 - (ii) Is organized in whole or in part for the purpose of accepting and managing conservation easements.
- (b) The easement shall require that the easement area shall be maintained as it exists when the easement is created, including natural areas, wildlife preserves, trails, or other identified environmental or open land resources.
- (c) The easement shall include a reference to the extinguishment of the development rights transferred from the sending site. If additional rights are transferred after the recordation of a conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and shall be recorded thereafter.
- (d) All parties who have a declared interest in the property, recorded at Utah County, must consent to the granting of a conservation easement.

(4) If the holder of a conservation easement proposes to transfer the easement to another entity, the recipient of any transferred interest shall meet the requirements of this section.

(5) Any instrument purporting to convey a conservation easement pursuant to this section, but that the City has not indicated its approval on the instrument is void and shall not be recorded or accepted by the City Recorder for recording at the County Recorder's Office.

14.33B.130 Development Credit Determination

Development Rights

(1) The total number of development credits available to a sending site shall be determined as follows and as shown on the official zone map of Provo City and in the maps below:

(a) *Extreme Risk.* For every one (1) lot within a TDR-S overlay zone shown as an extreme risk site for development a total of three (3) development credits shall be available, as defined in this Chapter.

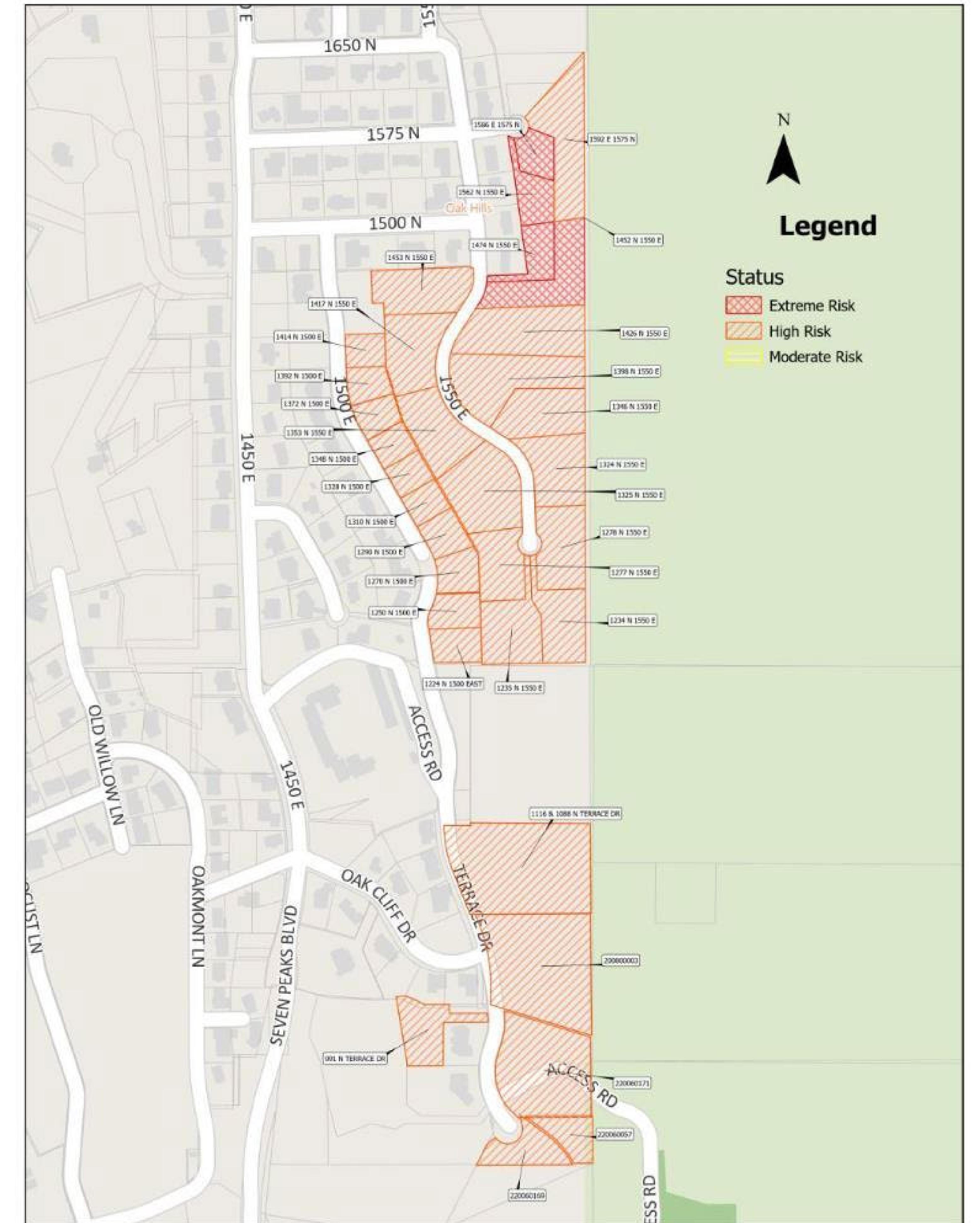
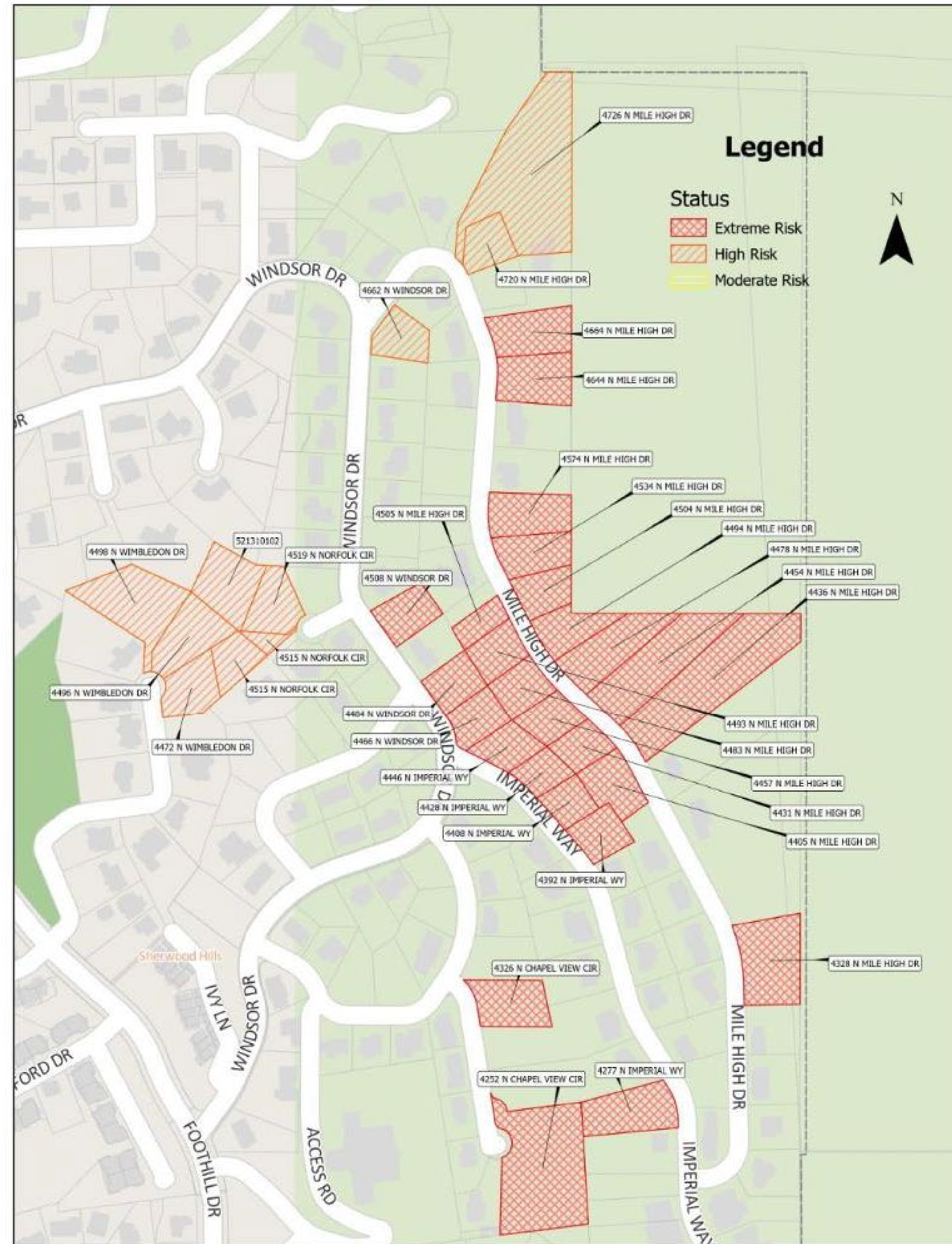
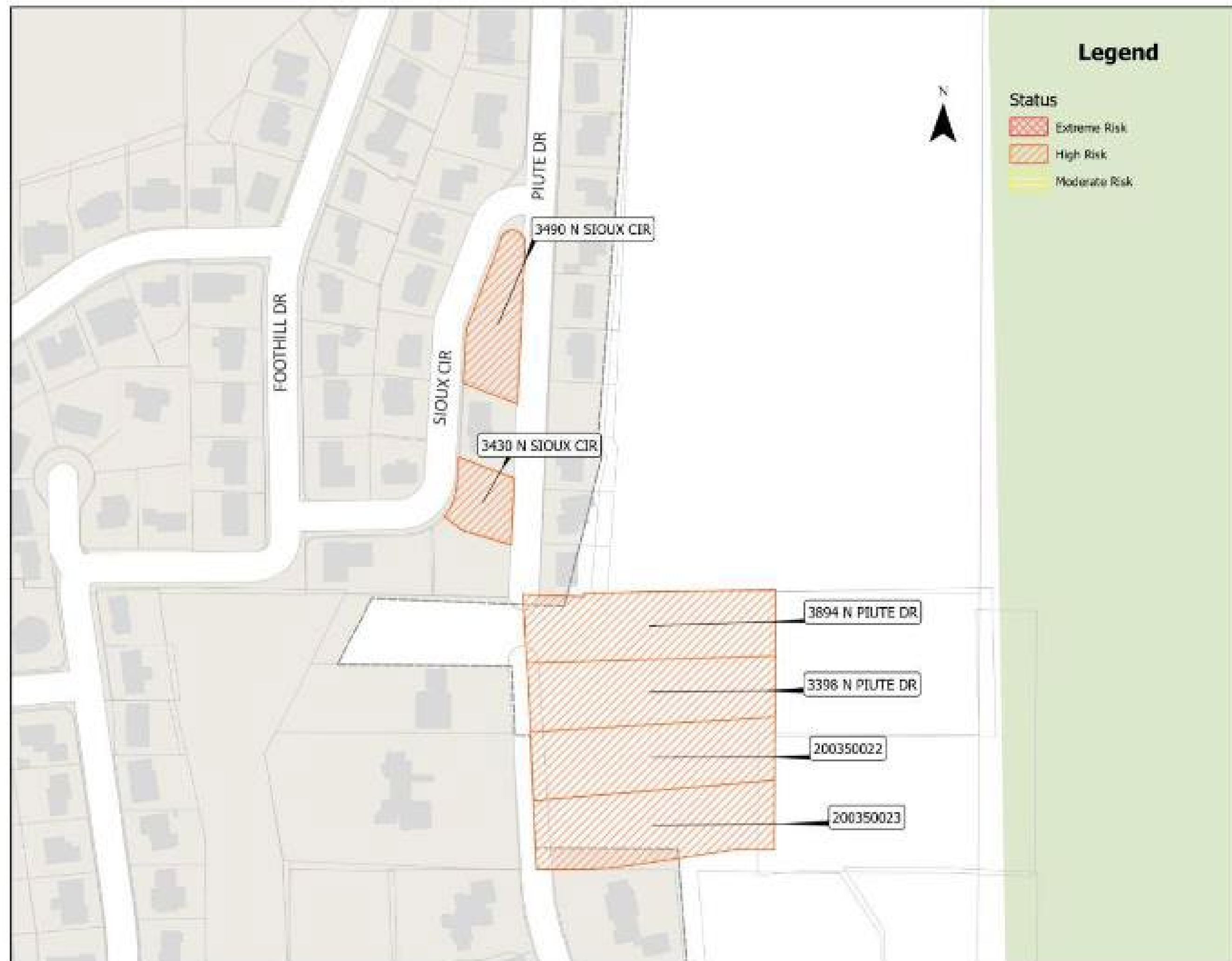
(i) Extreme risk lots shall be indicated by a red overlay on the official zone map.

(b) *High Risk.* For every one (1) lot within a TDR-S overlay zone shown as a high risk site for development a total of two (2) development credits shall be available, as defined in this Chapter.

(i) High risk lots shall be indicated by an orange overlay on the official zone map.

(c) *Moderate Risk.* For every one (1) lot within a TDR-S overlay zone shown as a moderate risk site for development a total of one and a half (1.5) development credits shall be available, as defined in this Chapter.

(i) Moderate risk lots shall be indicated by a yellow overlay on the official zone map.



PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding an ordinance to amend the Zone Map classification of property located at 301 N. Lakeshore Dr. from the Agricultural (A1.10) Zone to the Open Space, Preservation, and Recreation (OSPR) Zone. Fort Utah Neighborhood. PLRZ20220282

RECOMMENDATION: To be heard at the February 20, 2024 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Provo City Parks Department is requesting approval for a new 4.86-acre park to be located at 301 N Lakeshore Drive. As part of this process, they are requesting to have the property rezoned to the Open Space, Preservation, and Recreation Zone (OSPR) where parks are a permitted use. This new park will be located at the gateway to the new Provo River Delta that was recently completed. The two parcels are owned by Provo City and are currently zoned A1.10 like some of the property to the north. The other property to the north is already zoned Open Space, Preservation, and Recreation Zone (OSPR) where an existing park is located. The property to the west is in unincorporated Utah County where the Provo River Delta is located. Residential R1.8 zone is located to the south and east. Along with this rezone request, there is a project plan application to have the vacant land converted into a city park. Staff has reviewed the submitted plans with the code requirements for the OSPR zone and finds that they comply with the code if this property is rezoned.

FISCAL IMPACT:

PRESENTER'S NAME: Dustin Wright, Planner

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20220282

ORDINANCE 2024-____.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 301 N. LAKESHORE DRIVE, FROM THE AGRICULTURAL (A1.10) ZONE TO THE OPEN SPACE, PRESERVATION, AND RECREATION (OSPR) ZONE. FORT UTAH NEIGHBORHOOD. PLRZ20220282

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 4.86 acres of real property, generally located at 301 N. Lakeshore Drive (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached as Exhibit B after the Zone Map has been updated), be amended from the Agricultural (A1.10) Zone to the Open Space, Preservation, and Recreation (OSPR) Zone; and

On January 31, 2024, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended **approval** of the proposal to the Municipal Council by a 8:0 vote; and

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

On February 20, 2024, the Municipal Council met to determine 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

After considering the Planning Commission's recommendation and the facts presented to the Municipal Council, the Council finds that (i) the Provo Zoning Map should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

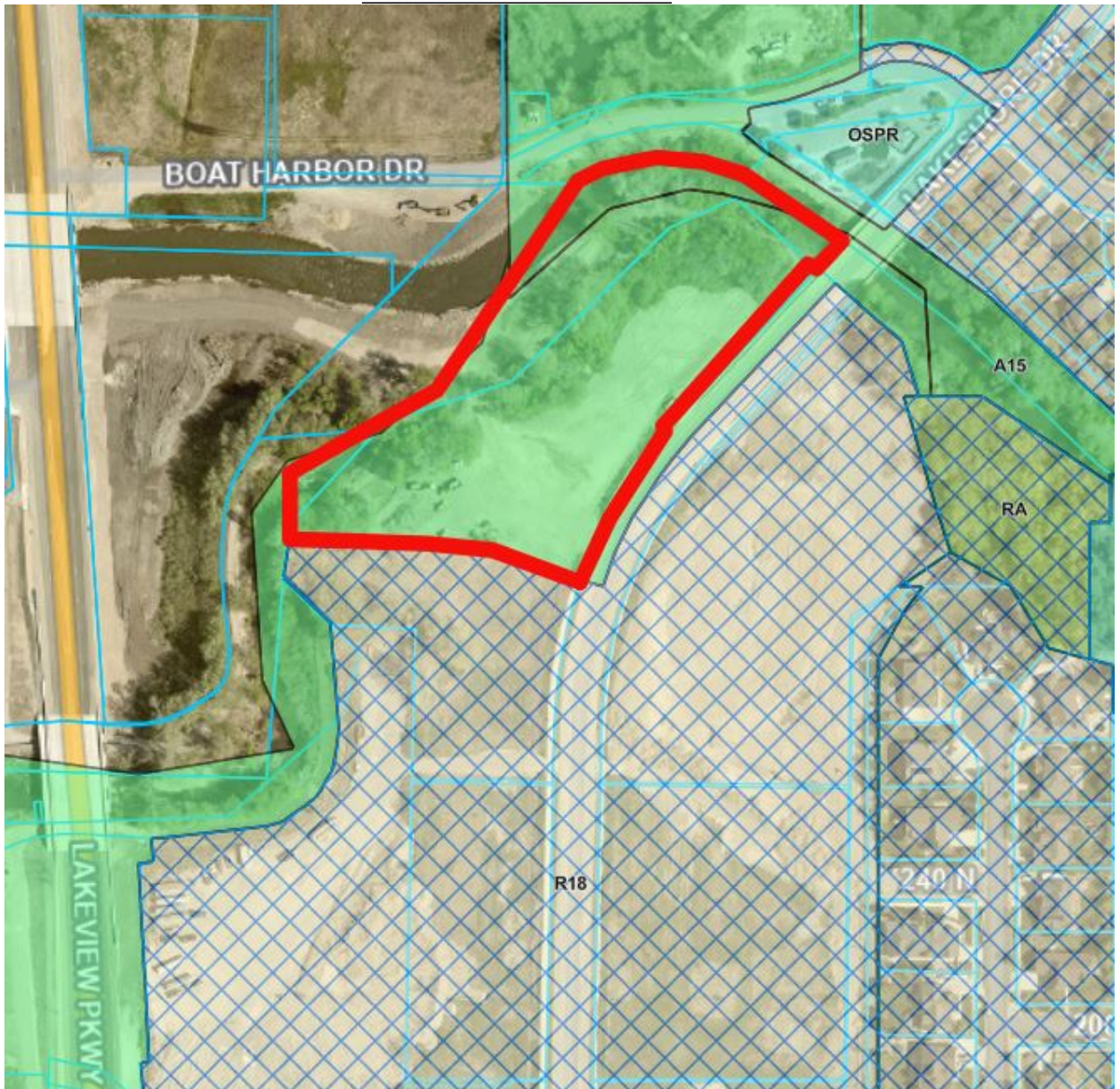
The classification on the Provo Zoning Map is amended from the Agricultural (A1.10) Zone to the Open Space, Preservation, and Recreation (OSPR) Zone for the real property described in this ordinance.

PART II:

41
42
43
44
45
46
47
48
49
50
51
52
53
54

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

EXHIBIT A - ZONE MAP



***ITEM 2** Provo Parks and Recreation requests approval of a Zone Map Amendment from the A1.10 (Agricultural) zone to the OSPR (Open Space, Preservation, and Recreation) zone in order to build a new park, located at 301 N Lakeshore Drive. Fort Utah Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20220282

Applicant: John Bunderson

Staff Coordinator: Dustin Wright

Property Owner: Provo City

Parcel ID#: 21:029:0079 and 21:023:0172

Acreage: Approximately 4.86 acres

Number of Properties: 2

Current Zone: A1.10 Agricultural Zone (to be rezoned OSPR Open Space, Preservation, and Recreation Zone)

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 February 14, 2024, at 6:00 p.m.*
2. **Recommend denial** of the requested rezone. 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 A1.10 zone.

Relevant History:

There is a Project Plan Application (PLPPA20210131) for a new park to be built at this location.

Neighborhood Issues:

A Fort Utah Neighborhood meeting was held on March 25, 2021. Staff is not aware of any neighborhood issues for this park.

Summary of Key Issues:

- This rezone request consists of two parcels of land that are owned by Provo City and are in the A1.10 zone currently.
- A new park development is being proposed by our City Parks Department for this location and needs to have the property rezoned to the OSPR zone where parks are a permitted use.
- The rezone application has been approved by the Coordinators Review Committee (CRC).

Staff Recommendation:

Recommend approval to the City Council for requested rezone from A1.10 to the OSPR zone.

BACKGROUND

Provo City Parks Department is requesting approval for a new 4.86-acre park to be located at 301 N Lakeshore Drive. As part of this process, they are requesting to have the property rezoned to the Open Space, Preservation, and Recreation Zone (OSPR) where parks are a permitted use. This new park will be located at the gateway to the new Provo River Delta that was recently completed.

The two parcels are owned by Provo City and are currently zoned A1.10 like some of the property to the north. The other property to the north is already zoned Open Space, Preservation, and Recreation Zone (OSPR) where an existing park is located. The property to the west is in unincorporated Utah County where the Provo River Delta is located. Residential R1.8 zone is located to the south and east.

Along with this rezone request, there is a project plan application to have the vacant land converted into a city park. Staff has reviewed the submitted plans with the code requirements for the OSPR zone and finds that they comply with the code if this property is rezoned.

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 purpose of the rezone is to provide a zone that allows parks as a permitted use. The OSPR zone is the preferable zone for city parks.

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

Staff response: The proposed rezone will allow a new city park that can be enjoyed by the public.

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

Staff response: The General Plan Open Space and Recreation chapter has several goals that this rezone would help accomplish. Connecting the lake to the mountains via the lake and river, increase opportunities for recreation, facilitate walkable and bikeable connectivity and infrastructure along the river to name a few. This rezone is also aligned with the river and lakeshore chapter goals of the

General Plan by restoring riverbanks and expanding opportunities for outdoor gatherings and relaxing along the river. Improve and expand trailheads and connections.

(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: No adverse impacts to adjacent landowners are anticipated.

(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

City staff is supportive of this rezone as it will help in attaining some of the goals in the General Plan related to open space, recreation, and the natural and social environment. The General Plan calls for parks and open space along the river and this rezone will help facilitate the proper zone where parks are a permitted land use.

STAFF RECOMMENDATION

Recommend approval to the City Council for requested rezone from A1.10 to the OSPR zone.

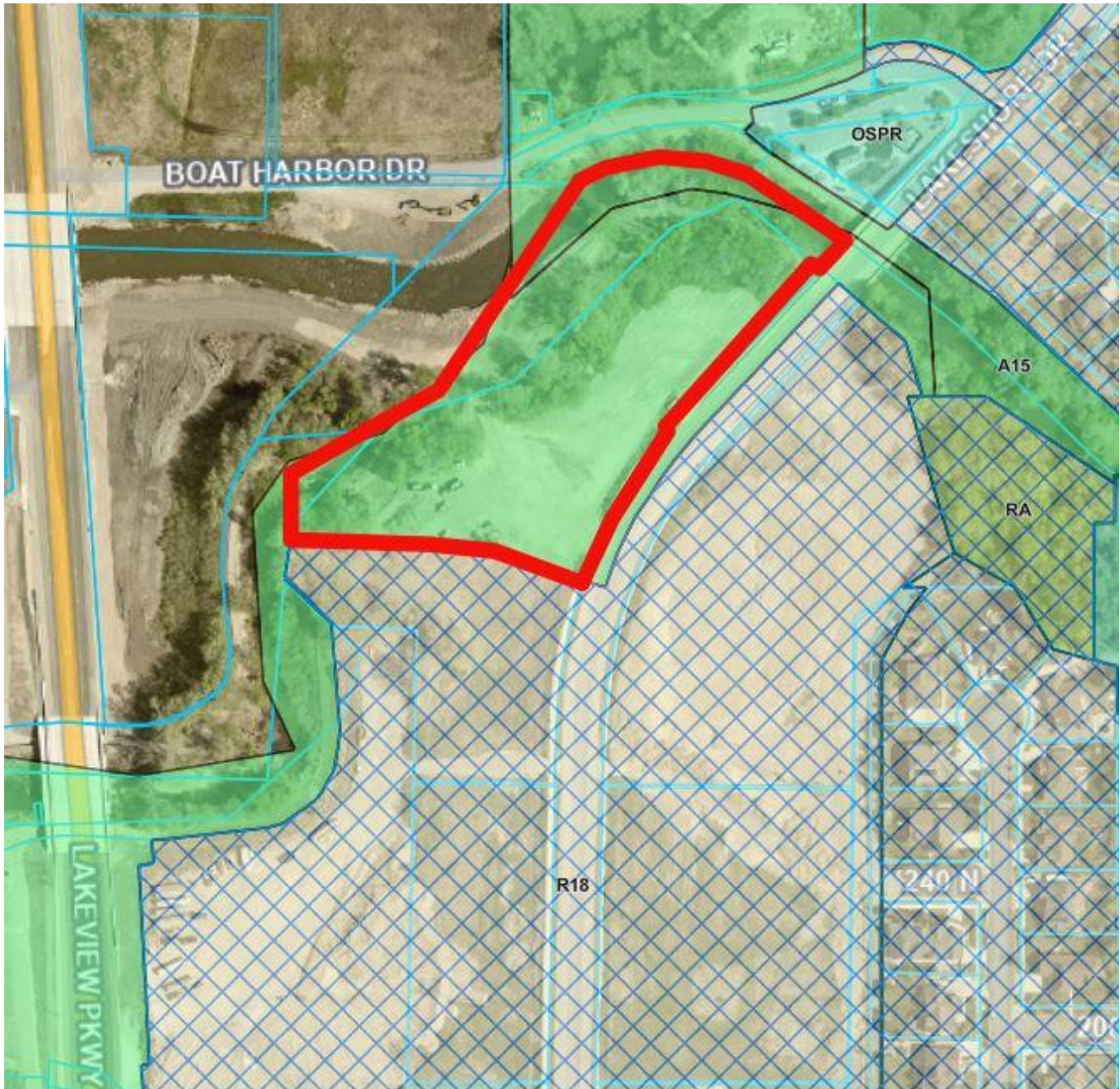
ATTACHMENTS

1. Attachment 1 – Aerial of Site
2. Attachment 2 – Zoning Map
3. Attachment 3 – Parcels to be Rezoned

Attachment 1 – Aerial of Site



Attachment 2 – Zoning Map



Attachment 3 – Parcels to be Rezoned

Parcel A ID – 21:029:0079

Description –

COM S 50 DEG 25' 54" E 126.29 FT FR W 1/4 COR. SEC. 3, T7S, R2E, SLB&M.; N 71 DEG 28' 36" W 138.73 FT; ALONG A CURVE TO L (CHORD BEARS: N 80 DEG 19' 50" W 84.65 FT, RADIUS = 275 FT); N 89 DEG 9' 33" W 194.88 FT; N 7 DEG 0' 0" E 19.24 FT; N 43 DEG 0' 0" E 196.62 FT; N 72 DEG 15' 0" E 184.75 FT; N 46 DEG 13' 51" E 308.37 FT; N 66 DEG 30' 0" E 103.59 FT; S 48 DEG 59' 57" E 138.16 FT; S 43 DEG 28' 34" W 273.49 FT; ALONG A CURVE TO R (CHORD BEARS: S 41 DEG 44' 39" W 40.83 FT, RADIUS = 678 FT); S 50 DEG 2' 50" E 11.98 FT; ALONG A CURVE TO L (CHORD BEARS: S 29 DEG 41' 23" W 239.06 FT, RADIUS = 666 FT) TO BEG.

AREA 3.413 AC.

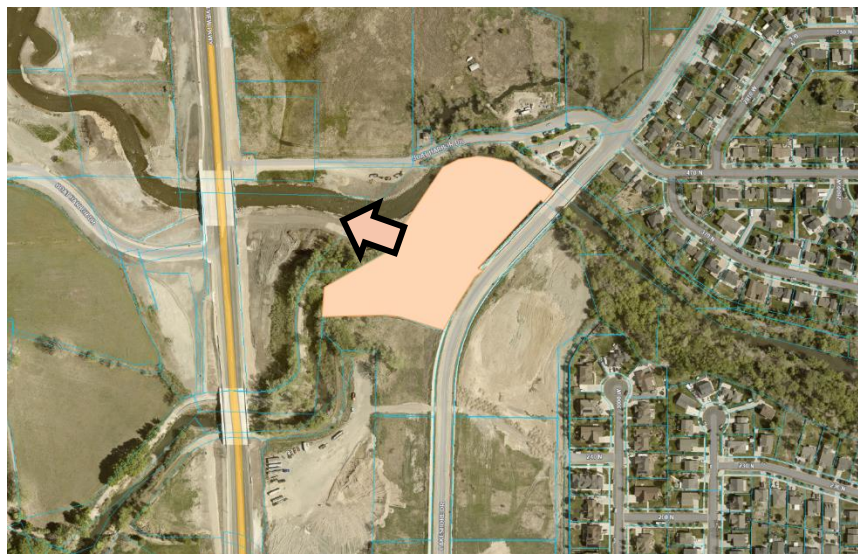
Parcel B ID– 21:023:0172

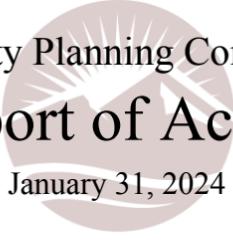
Description –

COM S 19.3 FT & W 312.5 FT FR E 1/4 COR. SEC. 4, T7S, R2E, SLB&M.; N 89 DEG 9' 22" W 2.44 FT; N 5 DEG 0' 54" E 94.39 FT; N 60 DEG 5' 0" E 114.01 FT; N 60 DEG 5' 0" E 119.7 FT; N 34 DEG 51' 21" E 348.48 FT; N 66 DEG 26' 33" E 55.91 FT; N 79 DEG 37' 30" E 67.22 FT; S 81 DEG 21' 1" E 67.61 FT; S 72 DEG 44' 26" E 53.5 FT; S 58 DEG 4' 42" E 130.69 FT; S 52 DEG 25' 23" E 29.03 FT; S 37 DEG 30' 27" W 53.62 FT; N 48 DEG 59' 56" W 12.51 FT; S 43 DEG 28' 40" W .72 FT; N 48 DEG 59' 57" W 137.95 FT; S 66 DEG 30' 0" W 103.59 FT; S 46 DEG 13' 51" W 308.37 FT; S 72 DEG 15' 0" W 184.75 FT; S 43 DEG 0' 0" W 196.62 FT; S 7 DEG 0' 1" W 19.24 FT TO BEG.

AREA 1.445 AC.

Site Map-





Provo City Planning Commission

Report of Action

January 31, 2024

*Item 2 Provo Parks and Recreation requests approval of a Zone Map Amendment from the A1.10 (Agricultural) Zone to the OSPR (Open Space, Preservation, and Recreation) Zone in order to build a new park, located at 301 N Lakeshore Drive. Fort Utah Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20220282

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 31, 2024:

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Lisa Jensen

Second By: Melissa Kendall

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

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 OSPR (Open Space, Preservation, and Recreation) Zone is described in the attached Exhibit A.

RELATED ACTIONS

PLPPA20210131 January 31, 2024 Planning Commission hearing Item 1.

DEVELOPMENT AGREEMENT

- Does not apply.

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 03/25/2021.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District 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:

- No comments were made by the public.

APPLICANT RESPONSE

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

- The equestrian trail will be for day use only and there is no overnight parking permitted.
- The timeline would begin once the rezone is approved and construction would end spring 2025.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The rezone is compatible with the General Plan and the surrounding zones and uses.
- The Commission members asked about the trail access to the delta and the river and the health of the river with the diversion. The site elevation will be raised to help ensure there are not issues with the sewer connections and flood plain.
- Commission members commented that it will be nice to add connections and improve the trail head and that there will be education areas and playgrounds for younger visitors.



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

Parcel A ID – 21:029:0079

Description –

COM S 50 DEG 25' 54" E 126.29 FT FR W 1/4 COR. SEC. 3, T7S, R2E, SLB&M.; N 71 DEG 28' 36" W 138.73 FT; ALONG A CURVE TO L (CHORD BEARS: N 80 DEG 19' 50" W 84.65 FT, RADIUS = 275 FT); N 89 DEG 9' 33" W 194.88 FT; N 7 DEG 0' 0" E 19.24 FT; N 43 DEG 0' 0" E 196.62 FT; N 72 DEG 15' 0" E 184.75 FT; N 46 DEG 13' 51" E 308.37 FT; N 66 DEG 30' 0" E 103.59 FT; S 48 DEG 59' 57" E 138.16 FT; S 43 DEG 28' 34" W 273.49 FT; ALONG A CURVE TO R (CHORD BEARS: S 41 DEG 44' 39" W 40.83 FT, RADIUS = 678 FT); S 50 DEG 2' 50" E 11.98 FT; ALONG A CURVE TO L (CHORD BEARS: S 29 DEG 41' 23" W 239.06 FT, RADIUS = 666 FT) TO BEG.

AREA 3.413 AC.

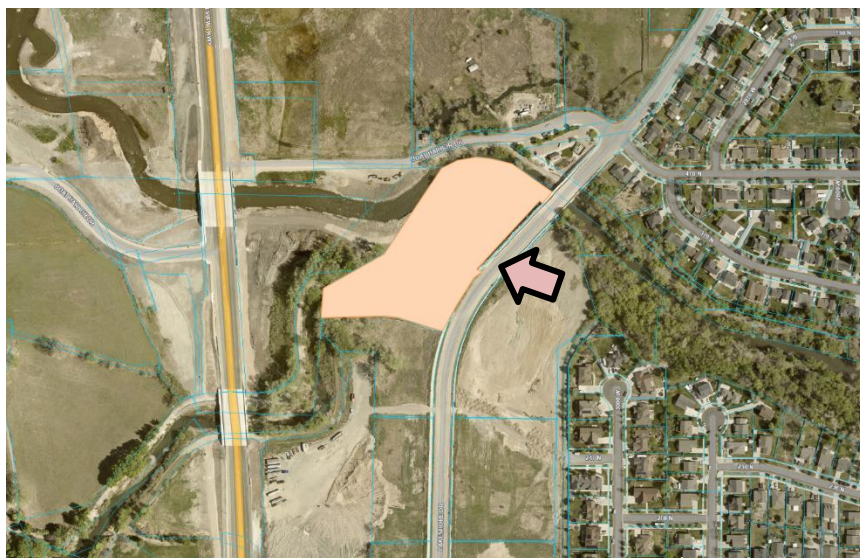
Parcel B ID– 21:023:0172

Description –

COM S 19.3 FT & W 312.5 FT FR E 1/4 COR. SEC. 4, T7S, R2E, SLB&M.; N 89 DEG 9' 22" W 2.44 FT; N 5 DEG 0' 54" E 94.39 FT; N 60 DEG 5' 0" E 114.01 FT; N 60 DEG 5' 0" E 119.7 FT; N 34 DEG 51' 21" E 348.48 FT; N 66 DEG 26' 33" E 55.91 FT; N 79 DEG 37' 30" E 67.22 FT; S 81 DEG 21' 1" E 67.61 FT; S 72 DEG 44' 26" E 53.5 FT; S 58 DEG 4' 42" E 130.69 FT; S 52 DEG 25' 23" E 29.03 FT; S 37 DEG 30' 27" W 53.62 FT; N 48 DEG 59' 56" W 12.51 FT; S 43 DEG 28' 40" W .72 FT; N 48 DEG 59' 57" W 137.95 FT; S 66 DEG 30' 0" W 103.59 FT; S 46 DEG 13' 51" W 308.37 FT; S 72 DEG 15' 0" W 184.75 FT; S 43 DEG 0' 0" W 196.62 FT; S 7 DEG 0' 1" W 19.24 FT TO BEG.

AREA 1.445 AC.

Site Map-






WELCOME HOME

City Council

February 20, 2024



Provo Parks and Recreation requests approval of a Zone Map Amendment from the A1.10 (Agricultural) zone to the OSPR (Open Space, Preservation, and Recreation) zone in order to build a new park, located at 301 N Lakeshore Drive.

Fort Utah Neighborhood

PLRZ20220282

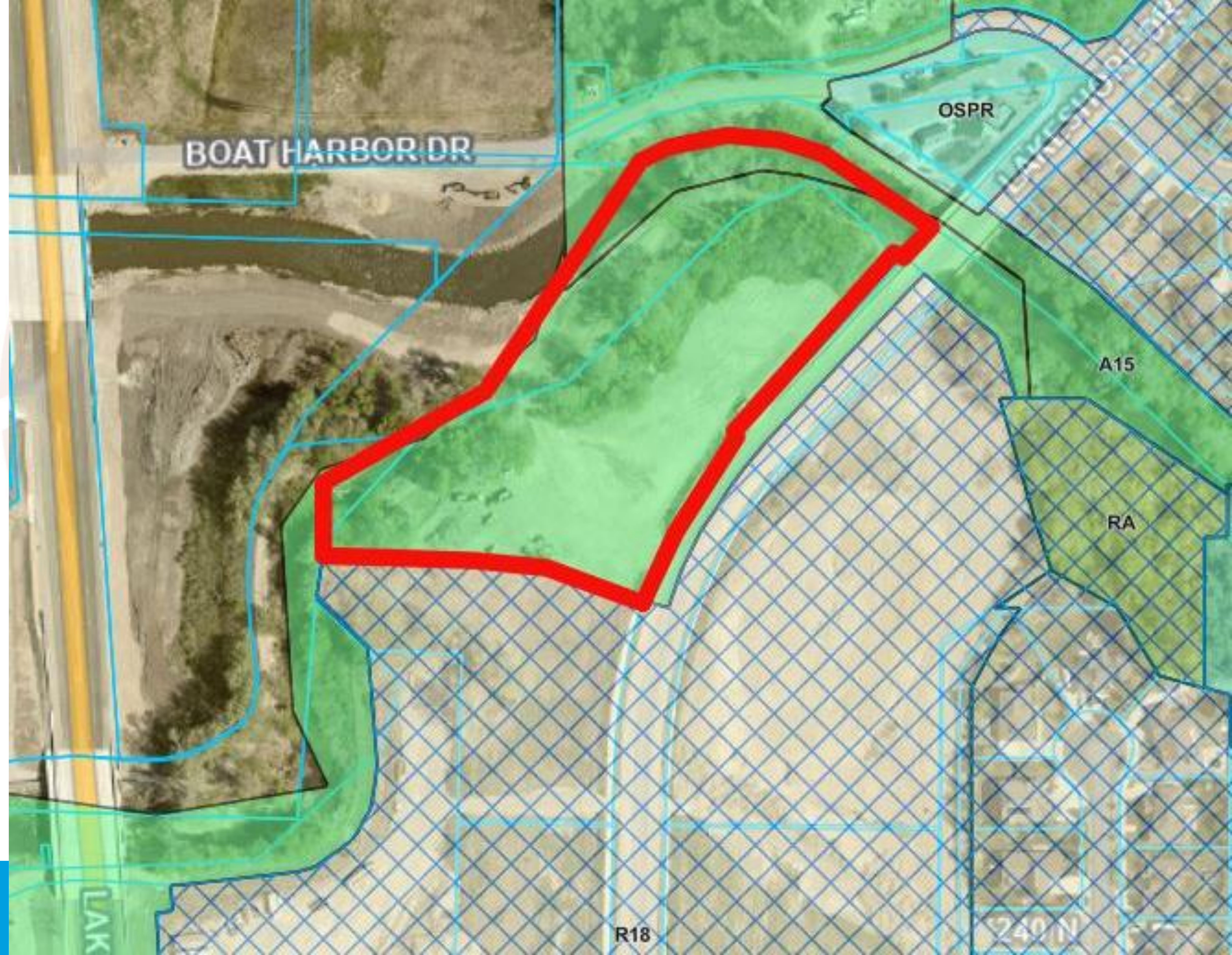


301 N Lakeshore
Dr.





Zoning Map
A1.5 Zone to OSPR Zone



PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding a resolution approving the transfer of \$90,658 from the Legacy CIP to the General Fund and the appropriation of those funds. (24-006)

RECOMMENDATION: Approve a transfer of \$90,658 from the Legacy CIP to the General Fund and approve the related appropriation of \$90,658 in the General Fund for license plate readers.

BACKGROUND: The Parking Division has two vehicles waiting for installation of license plate readers which would also require tablet computers. The total cost for these two vehicles is \$90,657.82.

FISCAL IMPACT: \$90,658

PRESENTER'S NAME: Sandy Bussio, Parking Program Manager

REQUESTED DURATION OF PRESENTATION: 10 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-006

1 RESOLUTION 2024-____.

2
3 A RESOLUTION APPROVING THE TRANSFER OF \$90,658 FROM THE
4 LEGACY CIP TO THE GENERAL FUND AND THE APPROPRIATION OF
5 THOSE FUNDS. (24-006)
6

7 RECITALS:
8

9 It is proposed that \$90,658 be appropriated in the General Fund to pay for license plate
10 readers related to parking enforcement operations; and
11

12 The funding source for the appropriation is \$90,658 from budget savings in the Legacy
13 CIP; and

14 To accommodate the appropriation, it is proposed that the Council first approve a transfer
15 of \$90,658 from the Legacy CIP to the General Fund; and

16 On February 20, 2024, the Municipal Council met to consider the facts regarding this
17 matter and receive public comment, which facts and comments are found in the public record of
18 the Council's consideration; and
19

20 After considering the facts presented to the Municipal Council, the Council finds that (i)
21 the proposed transfer and appropriation should be approved, and (ii) such action furthers the
22 health, safety, and general welfare of the citizens of Provo City.
23

24 THEREFORE, the Municipal Council of Provo City, Utah resolves as follows:
25

26 PART I:
27

28 The Mayor is authorized to transfer \$90,658 from the Legacy CIP to the General Fund.

29 PART II:
30

31 The Mayor is authorized to appropriate \$90,658 in the General fund to pay for license
32 plate readers related to parking enforcement operations.

33 PART III:
34

This resolution takes effect immediately.



ADMINISTRATIVE
SERVICES
TEL 801 852 6504
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

NOTICE OF PUBLIC HEARING BEFORE THE PROVO MUNICIPAL COUNCIL

Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on the following item during the Council Meeting that will take place on Tuesday, February 20, 2024 at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 445 West Center Street, Provo, Utah. Anyone interested is invited to attend.

Provo City Council will consider a transfer of \$90,658 from the Legacy CIP to the General Fund, and then a related appropriation of \$90,658 in the General fund for license plate readers related to parking enforcement. The funding source of the transfer is budget savings in the Legacy CIP.

The meeting will also be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil. Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID 859 1999 6765 and Passcode **355967**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID 859 1999 6765 **and** press #. Press # again for participant ID. Once connected, press ***9** to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MISANDERS
Department: Council
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding electric vehicle infrastructure requirements (24-025)

RECOMMENDATION: Discussion - If the Council wishes to investigate this issue further, please do so by motion.

BACKGROUND: This issue comes to us from an issue tracker request from Vice-chair Whipple and Councilor Handley. Last year, Salt Lake City passed an ordinance requiring a certain percentage of multi-family parking spaces to be "EV-ready." Additionally, Utah Clean Energy has a group of local governments who are considering EV readiness. The Council Office will review their research and findings regarding this issue.

Please note that there is no official proposal regarding this issue. The Council Office is responding to a request for research. Up to this point, only high level feedback has been solicited from Provo Power. The Energy Board and Development Services have not been engaged.

FISCAL IMPACT: An ordinance requiring developers to install EV ready parking spaces could lead to higher property values and thus more property tax revenue.

PRESENTER'S NAME: Abi Maccabee, Council Intern

REQUESTED DURATION OF PRESENTATION: 25 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Please see supporting document - City Documents Related to EV Readiness

CITYVIEW OR ISSUE FILE NUMBER: 24-025

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Abi Maccabee, Council Intern

Electric Vehicle-Ready Infrastructure Ordinance

February 20, 2024



Background

In 2016, the Salt Lake City Council and the Mayor passed a joint resolution calling for a “80 percent reduction in community-wide greenhouse gas emissions by 2040.” This was in response to Salt Lake City declaring itself as a leader in the use of clean energy and improved air quality. In December 2020, a resolution was passed which identifies the City’s goals regarding electrified transportation to support a cleaner and healthier environment for its citizens. The resolution stated that car emissions are the “primary source” of air pollution and that transitioning to electrified transportation can reduce gas emissions and therefore improve air quality and the overall health of the public.

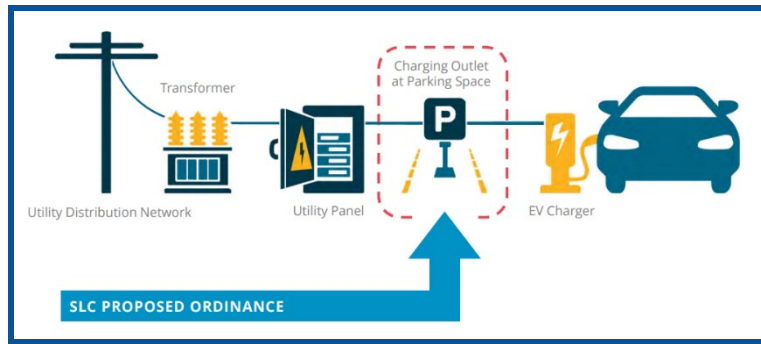
With that, the resolution stated specific goals that Salt Lake City would work towards to reduce gas emissions by 80% by 2040. This entails mandating that all new vehicle acquisitions for the city must be plug-in vehicles by specific milestones in the near future. Furthermore, Salt Lake City is committed to encourage other transportation services like UTA and ride shares to electrify their fleets. Overall, the City’s objective is to achieve greater usage of electric vehicles than the national average to reduce gas emissions.

Ordinance

Salt Lake City has a list of requirements for EV-Ready Infrastructure to support the increased rates of electrified vehicles and the reduction of gas emissions. One of these requirements mandates at least one electric vehicle charging station per 25 required parking spaces for multi-family properties. In April 2023, an ordinance was passed to update the requirements for EV-Ready Infrastructure within Salt Lake City. This ordinance requires that at least 20% of parking spaces for apartment buildings are EV-ready. The EV-ready parking spaces need to have sufficient electrical conduit and capacity for the future use of a minimum 200-volt electric charging station.

This ordinance does not require the 20% of parking spaces to have an installed charging station. Rather, the ordinance requires multi-family properties to support the potential installation of EV charging stations. This ordinance only applies to new construction or the major renovation of multi-family properties and apartment buildings. Additionally, parking areas with four or fewer vehicle parking spaces are not required to have EV-ready parking spaces. If there is not a minimum parking requirement for a property, the 20% of EV-ready parking spaces will be based on the provided parking.

Electric Vehicle-Readiness Infrastructure Ordinance



Costs

According to Salt Lake City and other resources, the cost of providing EV-ready infrastructure is around \$1,000 per parking space. Some developers have cited that the cost per space could be as high as \$10,000 but the lower figure of \$1,000 per parking space is consistent with anecdotal and online examples. Furthermore, Salt Lake City has cited that providing EV-ready infrastructure from the beginning can significantly reduce costs when it comes to installing EV charging stations. The figure below shows the cost of installing an EV charging station for a parking space that already has EV-ready infrastructure versus a parking space that does not have EV-ready infrastructure.

New Construction		Retrofit
\$610	Balance of Circuit	\$1,210
\$180	Raceway	\$1,070
\$70	Permitting & Inspection	\$650
\$60	Construction Management	\$620
\$920	Total (per space)	\$3,550

Electric Vehicle Demand in Utah

It is evident that there has been a significant increase in the demand for electric vehicles across the United States. Market trends in Utah show that 1,016 electric vehicles were registered in 2015, followed by 5,401 new registrations in 2019, and 10,569 new registrations in 2021.

It is important to note that while Utahns registered 55% more electric vehicles in 2023 than in 2022, electric vehicles still account for less than 1% of vehicles in the state. However, despite this relatively small percentage, there is a continuous increase in demand for electric vehicles in Utah. In fact, according to the Utah State Tax Commission, at the end of 2023, there were a total of 25,532 registered electric vehicles and 63,927 hybrid vehicles in Utah. Compared to 2022 data from the same source, electric vehicles increased by 9,125 units and hybrid vehicles increased by 8,524 units.

Electric Vehicle-Readiness Infrastructure Ordinance

Advantages

Salt Lake City identified impactful economic advantages of EV-ready infrastructure. The first advantage claims that the installation of EV-ready infrastructure will help new construction keep up with EV technology. Another advantage is that the cost of installing EV-ready infrastructure from the get-go will keep costs at a significantly lower price. Retrofitting costs are much higher thus costing the property owner thousands more dollars in installation costs. According to the U.S. Environmental Protection Agency, “85 percent of the cost of refits for EV support could be avoided, had EV-capable infrastructure been included at the start.” Additionally, properties with EV-ready infrastructure can be more attractive to potential consumers thus potentially increasing revenue generation. A study done by the American Automobile Association found that 6 in 10 Americans are unlikely to buy an EV because of the lack of parking spaces to charge an electric vehicle. The greater increase in EV-ready infrastructure can help overcome the barrier to overall adoption of electric vehicles. Moreover, other local municipalities have identified key equity goals with the increase of EV-ready infrastructure. Cities like Orlando and Portland have stated that expanded electric vehicle access can benefit everyone, especially renters, low-income households, and communities of color. The reasoning behind this comes from the cost-effectiveness of electric vehicles and the fuel savings that are associated with them.

Disadvantages

While there are many advantages to requiring EV-ready infrastructure for multi-family properties, there are disadvantages that may accompany the implementation of such a requirement. One of these disadvantages revolves around the uncertainty of demand for electric vehicles. While the purchase and use of electric vehicles is increasing in Utah, does the increase justify requiring developers to install EV-ready infrastructure? Letters were submitted to the Salt Lake City Council that shed light on the potential negative impact of EV-ready infrastructure. One citizen claimed that the market should guide if there is demand and feasibility for EV charging stations for multi-family properties and because of that, the City should not mandate any EV-ready infrastructure requirements.

Other letters focused on the cost of requiring EV-ready infrastructure. One developer claimed that the cost of providing EV-ready parking spaces and the future installation of EV charging stations for a 100-unit multi-family project could cost an excess of \$6,000-\$10,000 per stall. This increased cost would affect the rental price for each of the units, potentially increasing rents by \$250-\$300 per year. While this ordinance might impact EV usage it may also impact housing affordability. Moreover, another developer who builds affordable housing wrote to the City Council suggesting that affordable housing projects be exempt from the requirements in the ordinance. While many of these disadvantages have been raised by developers’ perspectives and are worthwhile to consider, it is also important to note that they come primarily from anecdotal evidence and therefore are speculative.

Electric Vehicle-Readiness Infrastructure Ordinance

SLC Contact

Council Staff has contacted the project manager for the Salt Lake City ordinance regarding additional data, feedback, and impacts of the ordinance. Peter Nelson, the Sustainable Business Program Manager, has responded and provided more insight on the EV-ready ordinance. See his responses below.

Has the ordinance hindered development in any way regarding multi-family properties?

I have not received any communication from developers, design professionals, or our own City staff regarding hardships or concerns they have with meeting the requirements of the EV Readiness Ordinance thus far.

Has this affected the power grid in any way?

It's possible for a new development, depending on its power needs, to trigger infrastructure upgrades (such as a transformer) to the immediate area of the development; this is determined through a process called a service request to the electric utility (Rocky Mountain Power) which to my understanding is a normal process included in any new development project.

Is there any data that shows the positive/negative impacts of the ordinance?

The ordinance is likely too new (9 months) to have collected much information; I don't have any direct visibility as to how many new multifamily construction projects have been permitted by Salt Lake City in that time, however staff in our Building Services division would likely be able to provide that.

How is compliance with the ordinance enforced?

When development projects apply for permitting, those projects are reviewed against Utah building codes as well existing City codes (such as Salt Lake City's Code for off-street Parking, which is where the EV Readiness ordinance resides); if a project applying for permit does not meet the required codes relevant to their project type, the project would not be permitted until the requirements were met with revisions to those building plans.

Has there been any feedback from citizens or developers regarding the ordinance since it has been implemented?

I have received one technical question from someone working on a project (whether wiring could be added retroactively to the conduit); soon after the ordinance was passed, I also had a discussion with an industry organization that represents multifamily building owners who was under the misapprehension that our ordinance would apply to buildings that already exist. They expressed concern that retrofitting existing buildings would be prohibitively expensive, but this concern was addressed during our conversation in which I clarified that the ordinance applied to new construction projects precisely because adding EV charging later in a retrofit is more expensive.

Electric Vehicle-Readiness Infrastructure Ordinance

Are there any other relevant cities that have done something similar?

Here is a [list](#) of cities with EV building codes compiled by [SWEEP](#) (note that the list has not been updated to reflect the EV Readiness portion of Salt Lake City's EV parking requirements).

The Southwest Energy Efficiency Project (SWEEP)

SWEEP is a nonprofit organization that focuses on advancing energy efficiency, beneficial electrification, and clean transportation in the Southwest United States. SWEEP promotes programs and policies to help mitigate climate change and its impacts. It aims to support disadvantaged communities and help people save money on energy bills and transportation costs. Additionally, SWEEP supports EV-ready building codes and has a list of local governments that have implemented EV-ready building codes along with other information about such building codes.

Municipality	Process	One or two-family dwellings (IRC)	Multi-family dwellings & Commercial (IBC)
Boulder County	IBC / IRC	EVSE-Ready Outlet	EVSE-Ready Outlet: 2% of parking
City of Boulder	IBC / IRC	EVSE-Ready Outlet	EVSE-Ready Outlet: 10% of parking (25+ spaces)
Aspen	IBC / IRC	EV-Capable	EV-Capable: 3% of parking
City and County of Denver	IBC / IRC	EV-Capable	
Fort Collins	IRC	EV-Capable	

A more updated version of the list of local governments that have implemented EV-ready infrastructure ordinances and building codes are available through this [Google sheet](#). Similar cities to Provo include Boulder, Colorado and Lakewood, Colorado. Broomfield, Colorado (a city not included on the list) also adopted an EV-ready ordinance in August 2022.

Utah Legislature

The State of Utah has taken several measures in the last few years to support the electrification of the transportation system. Specifically, the Utah Legislature has provided funding to improve the electric vehicle network in Utah. In 2019, the Utah Legislature appropriated \$4.99 million from the General Fund to the Division of Air Quality to provide incentives for businesses and government organizations to install EV charging equipment. Another \$2 million was given to the Department of Government Operations from the General Fund to install EV charging stations at state-owned facilities. In 2020, the Legislature passed H.B. 259 "Electric Vehicle Charging Network" which guided UDOT in creating a "statewide electric vehicle charging network plan." The plan aimed to provide electric vehicle charging stations and facilities along state highways.

In 2022, the Legislature appropriated \$3 million from the General Fund to the Office of Energy Development for a matching grant program that supports the implementation of EV infrastructure in rural areas of Utah. Additional multi-million grants were given to Utah State University for research and development of electric mass transit. Most recently in 2023, the Legislature gave another \$2 million to Utah State University for the continuation of research regarding electric mass transit. Furthermore, UDOT received a \$12.1 million grant from the

Electric Vehicle-Readiness Infrastructure Ordinance

National Electric Vehicle Infrastructure Formula Program and plans to use those funds to fill EV charging gaps along Utah’s interstate highways and alternative fuel corridors.

General Plan, Conservation and Resiliency Plan, and Council Handbook Goals

Throughout the General Plan, the Conservation and Resiliency Plan, and the Council Handbook, emphasis is placed on improving air quality and increasing clean energy sources in the years to come. The Conservation and Resiliency Plan specifically states that having the right infrastructure and policies in place is necessary to prevent worsening air pollution levels that come with growth. Goal 2c in the Conservation and Resiliency Plan states that the City will review code and identify any opportunities to promote and incentivize installation of charging stations for existing projects and allow exemptions for reasonable constraints.

The General Plan mentions air quality 23 times and states the City’s support for the use of electric vehicles. Specifically, the City acknowledges its responsibility of stewardship of the natural world and aims to adopt policies that improve indoor and outdoor air quality. Provo City intends to continue to be a regional leader in conservation and sustainability conversations, especially in the areas of air quality and energy. To foster support, the City encourages the increased facilitation of electric vehicle charging stations throughout the City. Additionally, the City encourages developers to include EV charging stations in residential developments.

The Council Handbook contains a renewable energy policy that states by 2030, the City of Provo will increase the portfolio of energy sources by 60%. This includes not only wind, solar, geothermal, and hydroelectric technologies but also battery new technologies and renewable energy credits. The Council Handbook further declares the responsibility of the Council to promote policies that specifically contribute to improved air quality in Utah Valley. With that, the Council supports replacing City-owned automobiles and other fleet vehicles with electric and other alternative fuel vehicles where not imprudent.

Charging Station Payment and Billing Options

When the time comes to install an electric vehicle charging station, property owners have a variety of options to billing users for accessing the charging facilities. Payment processing can be based on the time of use, per kWh, per session, or by a monthly fee. Regardless of the choice of billing method, payment can be collected from residents by the property owner and then given to the power or technology company. Moreover, many Level 2 chargers are considered “smart” chargers for their capacity to manage payment processes.

Property owners have the choice of dedicating charging stations to individual drivers or allowing for shared use. According to Raiven, a payment processing company, shared charging stations are prevalent, and various protocols aim to 'maximize usage' while 'minimizing conflicts.' These protocols include features such as booking reservations, online tracking of charger availability, waiting lists, alerts, and status updates.

Electric Vehicle-Readiness Infrastructure Ordinance

Pricing and payment options for electric vehicle charging stations depend on the station's components. Property owners can either distribute costs among all tenants, regardless of usage, or charge based on individual usage. Cost distribution may take the form of a rental surcharge, where an additional fee is added to monthly rent. Alternatively, property owners can implement monthly subscription fees for charging station users or adopt a pay-for-service model akin to traditional gas stations. In this scenario, residents can conveniently make payments through card swipes or mobile apps, covering the precise amount of electricity or time they used for charging their vehicles. These methods can be facilitated by smart technology and third-party payment systems.

The price for the use of charging stations is influenced by several factors. Property owners often factor in the municipal electricity rate but may adjust it by marking it up to account for the costs associated with the installation and maintenance of the charging infrastructure. Another consideration is conducting local market surveys to ensure competitive pricing that aligns with prevailing rates. Furthermore, property owners should be aware of any local regulations or restrictions imposed by municipalities, which can limit the amount they are permitted to charge for EV charging services.

Currently, Provo City has established rates for charging stations that are broadly available to the public. This fee schedule is available to a limited number of non-residential customers and are charged as follows: \$30.76 per service connection, \$0.3600 per kW/h during on-peak energy times, and \$0.1209 per kW/h during off-peak energy times.

Conclusion

In conclusion, the memorandum underscores Salt Lake City's proactive stance in reducing greenhouse gas emissions through initiatives promoting electrified transportation, particularly in multi-family properties. While the ordinance mandating EV-ready infrastructure presents various advantages including economic benefits, consumer appeal, and equity considerations, it also raises concerns about costs and market demand for electric vehicles. EV-ready infrastructure can help Provo City move forward in a world where technology is evolving. Ultimately, it is the Council's decision on how to move forward with this issue and direct Council staff how to proceed.

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Michael Sanders, Policy Analyst

City Documents Related to Electric Vehicle Readiness

February 08, 2024



To prepare the Council for the discussion on Electric Vehicle (EV) Readiness, the Council Office reviewed various planning documents which were proposed by the Administration and adopted by the Municipal Council.

This memo outlines statements related to EV readiness.

CONSERVATION AND RESILIENCY PLAN

“Continued efforts to improve air quality are essential, especially since the population of the valley is expected to increase significantly in the coming years. Having the right infrastructure and policies in place will help to prevent worsening air pollution levels that can come with that growth.” (pg 24)

The air quality goal 2c states “review code to identify any opportunities to encourage and incentivize installation of charging stations for existing projects, including allowing exemptions from reasonable constraints.” (pg 25)

GENERAL PLAN

Air quality is mentioned 23 times in General Plan

The number two transportation strategy is to “encourage access to a variety of safe transit, safe biking, and pedestrian facilities to reduce the number of vehicles on the road and improve air quality.” (57)

Early community outreach shows that the number one priority for citizens is to improve air quality (57)

“City support for the use of electric vehicles, such as helping to facilitate more charging stations in the city, can have a powerful influence to encourage greater use of these cleaner vehicles. Doing so would help to address the air quality issues in the city, which many residents have expressed concerns about.” (58)

“Developers should be encouraged to include EV charging stations in residential developments.” (59)

The Resource Management chapter, Stewardship of Our Natural World states, “we are actively responsible for the future of our natural environment.” (81) The number two resource

City Documents Related to Electric Vehicle Readiness

management strategy is “adopt policies to improve indoor and outdoor air quality, to the extent possible.” (81)

“Provo should continue to be a regional leader in conservation and sustainability conversations, especially in the areas of water, air quality, and energy.” (82)

“Air quality is one of the top priorities for Provo residents, as shown in the results of the independent survey.” (83)

“Electric vehicles (EVs) and charging stations throughout the city can also help reduce pollution and ought to be prioritized as the city grows.” (59)

Transportation goal 4c states “consider increasing the total number of public charging stations for electric vehicles.” (63) The implementation matrix states that launch for this goal is “consider requirements for new projects.” One of these requirements may be a requirement for EV ready infrastructure.

COUNCIL HANDBOOK

Renewable Energy Policy

“In order to meet our responsibilities to future generations and to be better stewards of natural resources and better citizens of the state, nation, and globe, we resolve as the Provo City Council that the City of Provo will pursue a goal to have a portfolio of energy sources that will be 60% green, renewable, or carbon-free by 2030. Green, renewable, and carbon-free sources include wind, solar, geothermal, hydro-electric, bio-gas, waste gas and waste heat capture or recovery, carbon sequestration, nuclear, battery, new technologies and renewable energy credits.

We request that Provo Power work closely with the Utah Municipal Power Agency and that city agencies and departments work closely together to help us to meet this goal.”

Alternative Fuel Vehicles Policy

“Whereas, as the Provo City Council, we are guided by the principles of our General Plan related to our stewardship of natural resources and of our quality of life. For this reason, we believe it is our responsibility to promote policies that will specifically contribute to improved air quality in Utah Valley.

Therefore, it is the policy of Provo City, when replacing automobiles and other fleet vehicles, to purchase electric and other alternative fuel vehicles rather than standard gasoline or diesel vehicles, where not imprudent; and for the Administration to report to the Municipal Council annually on the application of this policy.”

Supporting Documents:


- [SLC Sustainability Page](#)
- [Administrative Transmittal + Community Feedback on ordinance](#)
- [Sustainability Department Fact Sheet](#)
- [Utah Clean Energy Blog Post](#)
- [Council Page with associated links](#)
- [Portland's EV Ready Code Project](#)
- [Case Studies](#)











EV-Ready Infrastructure

February 20, 2024

Council Staff



Objective

- Discussion
- Feedback
- Questions
- Direction for Council
- Not a proposal



Background

- Salt Lake City reducing greenhouse gas emissions by 80% by the year 2040.
- Vehicle emissions are the primary source of air pollution.
- Resolution for plug-in vehicles for new city acquisitions.
- Encouraging transportation services to electrify fleets.
- Ordinance requiring one EV charging station per 25 parking spaces.

April 2023 Ordinance



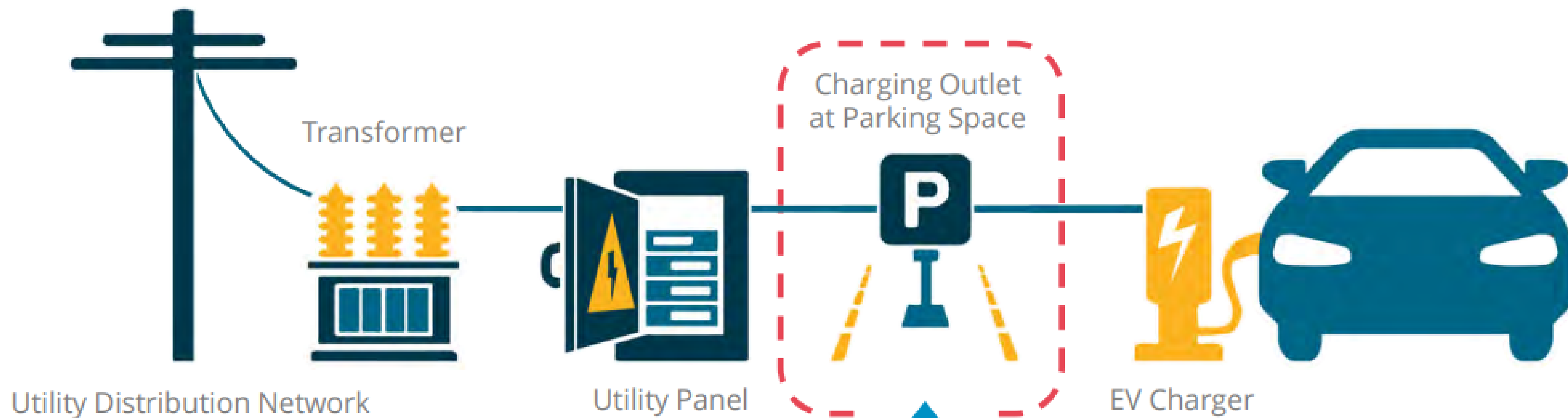
EV-Ready Infrastructure

- Requires at least 20% of parking spaces for multi-family units to be EV-ready.
- Sufficient conduit for the future use of at least a 200 volt electric charging station.
- Supports a Level 2 charger.



Purpose

- Increase rates of electrified vehicles.
- Reduce gas emissions.



SLC PROPOSED ORDINANCE

Who's Involved?

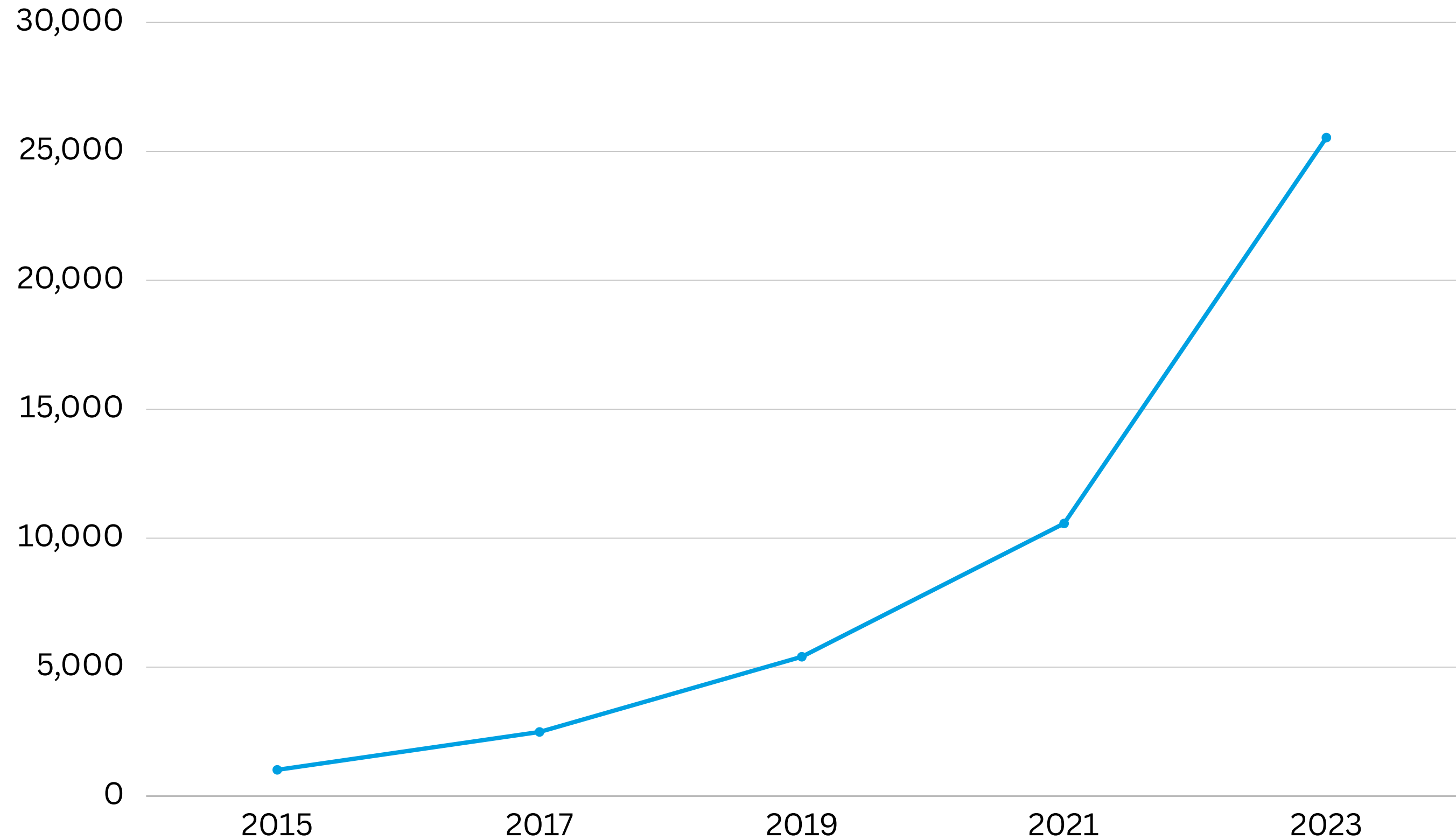
- Multi-family properties and apartment buildings
- New construction
- Construction undergoing significant renovations
- Properties with 4 or fewer spaces are excluded



Cost

New Construction		Retrofit
\$610	Balance of Circuit	\$1,210
\$180	Raceway	\$1,070
\$70	Permitting & Inspection	\$650
\$60	Construction Management	\$620
\$920	Total (per space)	\$3,550

Electric Vehicle Demand in Utah



Electric Vehicle Demand in Utah

55%

**Increase of
registered electric
vehicles since 2022**

<1%

**EVs make up less
than 1% of vehicles**

Advantages



Tech-Ready Buildings

EV-ready infrastructure helps buildings keep up with EV technology



Cost

Installing EV-ready from the get-go is significantly cheaper than retrofitting



Customer Appeal

Properties with EV-ready infrastructure can appeal to potential customers



Shared Benefits

Expanded EV access can benefit everyone including renters and low-income households

Disadvantages



Demand

Does the demand for EV vehicles in Utah justify the requirement of EV-ready infrastructure?



Rent Increase

With the added cost of implementing EV-ready infrastructure, rental prices may increase to account for the additional cost.

SLC Feedback



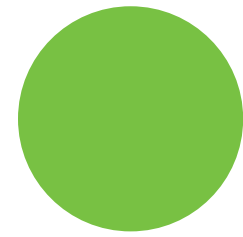
Development

There has been no communication from developers, design professionals, or City staff regarding hardships or concerns with meeting the EV-ready requirements.

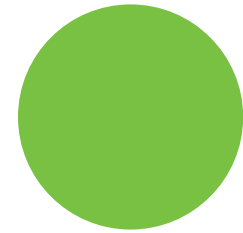
Power Grid

It's possible for a new development, depending on its power needs, to trigger infrastructure upgrades like transformers to the area of the development. It is determined through a service request to Rocky Mountain Power which is a normal process for any new development project.

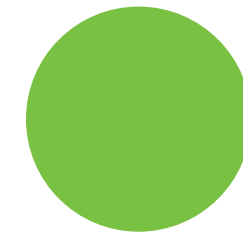
Examples



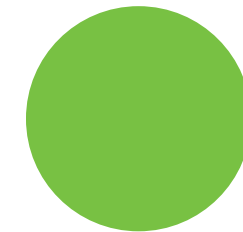
Boulder, Colorado



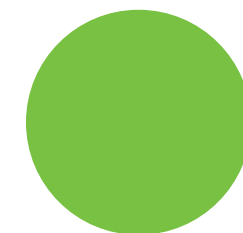
Broomfield, Colorado



Portland, Oregon



Orlando, Florida



Montgomery County, Maryland

H.B. 259

UDOT plan for providing
EV charging stations along
state highways

3M Grant

Implementation of EV
infrastructure in rural
areas in Utah

Utah State Legislature

2M Grant

USU continued research
regarding electric mass
transit

12M Grant

Fill EV charging gaps along
Utah's interstate
highways

- The air quality goal 2c states “review code to identify any opportunities to encourage and incentivize installation of charging stations for existing projects, including allowing exemptions from reasonable constraints.” – CRP (pg 25)
- “City support for the use of electric vehicles, such as helping to facilitate more charging stations in the city, can have a powerful influence to encourage greater use of these cleaner vehicles. Doing so would help to address the air quality issues in the city, which many residents have expressed concerns about...**Developers should be encouraged to include EV charging stations in residential developments.**” –GP (pg 58–59)
- “Whereas, as the Provo City Council, we are guided by the principles of our General Plan related to our stewardship of natural resources and of our quality of life. For this reason, we believe it is our responsibility to promote policies that will specifically contribute to improved air quality in Utah Valley.” – CH

Questions?

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding the Fiscal Year 2024-2025 Budget Process (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: Council staff have requested that Finance review the Fiscal Year 2024-2025 budget calendar with the Council.

FISCAL IMPACT:

PRESENTER'S NAME: Kelsey Zarbock, Budget Officer

REQUESTED DURATION OF PRESENTATION: 10 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

Fiscal Year 2023-2024 Budget Calendar

January

- Jan 5 - Directors receive Revenue Projection spreadsheets from Finance
- Jan 5 - Directors receive Five-Year CIP template & instructions from Finance
- Jan 12 - Mayor and Finance meet to review budget calendar and CIP Process
- Jan 19 - Directors **submit** revenue forecasts to Finance
- Jan 24 - Council and Finance staff meet to review budget calendar and CIP process
- Jan 24 – Directors receive budget calendar and budget instruction packets/templates for payroll budgets, operating budgets/TM1, supplemental requests, consolidated fee schedule, and performance measures.
- Jan 26 - Directors **submit** Five-Year CIP spreadsheets to Finance
- Jan 31 - Work Meeting: Finance reviews budget calendar with the Council

February

- Feb 2 - Directors receive list of current employees and FY23 budgeted positions from Finance (Payroll, Phase 1)
- Feb 8 - Mayor and Finance review revenue forecasts
- Feb 9 - Directors **submit** reconciled list of current employees and budgeted positions to Finance (Payroll, Phase 1)
- Feb 15 - Finance team reviews CIP reports
- Feb 15 - Parks & Rec, Mayor, & Finance review Parks & Rec's Five-Year CIPs
- Feb 16 - Mayor and Finance review General, Econ Dev, & Legacy Five-Year CIPs
- Feb 21 - Energy, Mayor, & Finance review Energy's Five-Year CIPs
- Feb 21 - Public Works, Mayor, & Finance review Airport's Five-Year CIP
- Feb 22 - Mayor and Finance conduct final Five-Year CIP review
- Feb 23 - Public Works, Mayor, & Finance review Public Works' Five-Year CIPs
- Feb 23 - Council and Finance staff review revenue projections and Five-Year CIP
- Feb 27 - Directors receive payroll budgets from Finance (Payroll, Phase 2)
- Feb 28 - Work Meeting: Directors begin budget presentations to the Council

March

- Mar 1 - Finance delivers Five-Year CIP report to Municipal Council
- Mar 9 - Directors **submit** reviewed payroll budgets to Finance (Payroll, Phase 2)
- Mar 14 - Work Meeting: Finance reviews Five-Year CIP report with the Council
- Mar 14 - Work Meeting: Directors continue budget presentations to the Council
- Mar 16 - Directors **submit** operating budgets to Finance through TM1 and email operating increase justifications to Finance
- Mar 23 - Directors **submit** supplemental requests to Finance
- Mar 28 - Work Meeting: Directors continue budget presentations to the Council
- Mar 30 - Finance meets with Council Staff to give update on budget process
- Mar 30 - Directors **submit** consolidated fee schedule updates
- Finance determines Chargeback and Utility allocation budgets
- HR completes payroll market study

Fiscal Year 2023-2024 Budget Calendar

April

- Apr 4 – Directors **present** supplemental requests to Mayor
- Apr 4 - Mayor and Finance review supplemental requests and operating budgets
- Apr 6 - Directors **submit** performance measures to Finance
- Apr 13 - Mayor conducts final review of tentative budget
- Apr 13 – Finance **confirms revenue projections with departments**
- Apr 18 - Municipal Council continues budget meetings with Directors
- Finance prepares proposed operating budget sheets based on recommendations from Administration
- Apr 20 – Directors of affected departments **review chargebacks with Finance**
- Apr 25 - Finance reviews key issues of proposed budget with Council Staff
- Finance prepares final proposed documents prior to May 2 work meeting.

May

- **May 2 – The Mayor presents tentative budget to the Municipal Council**
- May 16 - Council tentatively adopts the proposed tentative budget
- May 9, 23, and/or 30 - Council budget retreats/presentations occur as needed
- Council staff produce Citizen’s Budget document as a reference for the public

June

- June 6 - First public hearing for proposed budget
- June 6 - Public hearing on transfers to the General Fund
- June 20 - Council adopts certified tax rate if not proposing a property tax increase (June 22 is State Code deadline)
- June 20 – Council holds second public hearing for proposed budget; Council adopts final budget OR, if property tax increase is proposed, Council temporarily adopts the tentative budget until after the Truth in Taxation hearing.
- June 22 - State deadline for adopting certified tax rate if not holding a Truth in Taxation hearing
- June 30 - State deadline for final budget adoption if not holding a Truth in Taxation hearing
- June 30 - If doing Truth in Taxation: Finance submits proposed property tax revenue to Utah County for valuation notices.

July

- If property tax increase is proposed:
 - Finance works with County to establish a Truth in Taxation public hearing before September 1st.
 - County sends out property valuation notices to residents.

August

- Truth in Taxation hearing held if property tax increase is proposed
- Sept 1 - State deadline for budget adoption if property tax increase is proposed
- Finance submits budget to Utah State Auditor’s Office
- Finance submits budget to GFOA for budget award consideration.
- Departments submit carryover requests from FY23 Budget to Finance. (Mayor will review in September.)

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding FY25 General Fund Revenue Estimates and City Debt (24-007)

RECOMMENDATION: Informational Only

BACKGROUND: Council staff asked Finance to provide early revenue estimates for the FY25 budget in anticipation of the upcoming budget process.

FISCAL IMPACT:

PRESENTER'S NAME: Kelsey Zarbock, Budget Officer

REQUESTED DURATION OF PRESENTATION: 10 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

GENERAL FUND FY25 REVENUE ESTIMATES as of 02-13-2024

	FINAL ACTUALS FY22-23	PRELIMINARY PROJECTIONS FY23-24	ADOPTED BUDGET FY23-24	TENTATIVE BUDGET FY24-25	Increase/(Decrease) from Prior Budget
TAX REVENUES	40,496,718	41,153,955	43,144,717	41,875,159	(1,269,558)
FRANCHISE FEE REVENUES	12,398,957	10,976,903	11,741,579	11,804,772	63,193
DEVELOPMENT SERVICES REVENUES	2,803,401	2,417,812	2,480,000	2,296,655	(183,345)
FIRE DEPARTMENT REVENUES	2,326,890	3,027,966	2,846,910	3,101,508	254,598
POLICE DEPARTMENT REVENUES	70,824	500,297	294,727	305,898	11,171
INTERGOVERNMENTAL REVENUES	517,647	519,217	497,983	519,217	21,234
ENGINEERING FEE REVENUES	494,436	831,780	508,800	627,000	118,200
LEGAL SERVICES REVENUES	612,235	638,772	686,187	647,191	(38,996)
MISCELLANEOUS REVENUES	995,486	1,687,867	1,725,364	1,697,829	(27,535)
PARKS & RECREATION REVENUES	6,577,629	6,236,478	6,901,405	7,100,305	198,900
TOTAL GENERAL FUND REVENUES	67,294,223	67,991,047	70,827,672	69,975,533	(852,139)
TOTAL TRANSFERS IN	13,843,270	14,693,856	14,442,254	14,738,156	295,903
TOTAL REVENUES & TRANSFERS IN	81,137,493	82,684,903	85,269,926	84,713,690	(556,236)

PROVO CITY DEBT

	Principal Balance June 30, 2023	Annual Payment (P+I)	Original Issue Amount	Interest Rate	Repayment Term	Final Maturity Date	Payment Funding Source	Call Date/ Call Feature	Tax Status	Ratings		
										S&P	Moody's	Fitch
Governmental activities												
Bonds Payable:												
General obligation bonds												
G.O. Refunding Bond Series 2017 (1)	20,965,000	2,950,000	24,550,000	2.32%	15 Yrs	1/1/2032	Property Tax Levy	1/1/2028	Tax Exempt	AA+	Aa1	-
G.O. City Facilities Bond Series 2019	56,580,000	4,740,000	65,930,000	3.03%	20 Yrs	2/1/2039	Property Tax Levy	8/1/2028	Tax Exempt	AA+	Aa1	-
Telecom 2004 Sales Tax Bonds	8,690,000	3,216,000	39,500,000	5.16%	20 Yrs	2/15/2026	Telecom Debt Fee	Make Whole	Taxable	AAA	Baa2	-
2014 Cemetery Bond	1,495,000	169,500	2,334,000	3.87%	20 Yrs	5/1/2034	Cemetery Revenues	11/1/2024	Tax Exempt		Not Rated	
Total Governmental Fund Bonds	87,730,000	11,075,500	132,314,000									
Notes Payable:												
Note Payable - Section 108-2020 Airport	1,679,000	246,500	2,500,000	3 Mo. LIBOR+.20%	10 Yrs	8/1/2029	CDBG Funding	No Pre-Pmt Penalty	Not Applicable		Not Rated	
Total Notes Payable	1,679,000	246,500	2,500,000									
Leases												
Fire Apparatus-2017	543,352	280,565	2,040,000	2.17%	8 Yrs	3/15/2025	General Fund Revenues	No Pre-Pmt Penalty	Tax Exempt		Not Rated	
Fire Apparatus-2019	1,309,583	349,201	2,490,000	2.63%	8 Yrs	4/1/2027	General Fund Revenues	No Pre-Pmt Penalty	Tax Exempt		Not Rated	
Total Capital Leases	1,852,935	629,766	4,530,000									
Total Governmental activity												
Long-term liabilities	<u>\$ 91,261,935</u>	<u>\$ 11,951,766</u>	<u>\$ 139,344,000</u>									
Business-type activities												
Revenue Bonds:												
Stormwater 2010B Taxable BAB	710,000	768,000	3,850,000	3.16%	6 Yrs	6/1/2024	Stormwater Revenues	6/1/2020	Taxable	-	Aa3	-
Water Revenue Bonds 2015A	7,435,000	789,000	10,775,000	2.67%	20 Yrs	2/1/2035	Water Revenues	2/1/2025	Tax Exempt	AA	-	AA
Wastewater Revenue Bonds 2015A	6,195,000	655,000	8,980,000	2.66%	20 Yrs	2/1/2035	Wastewater Revenues	2/1/2025	Tax Exempt	AA	-	AA
Energy System Revenue Bonds 2015A (6)	13,240,000	1,356,000	19,550,000	3.09%	20 Yrs	2/1/2035	Energy Revenues	2/1/2025	Tax Exempt	AA	-	AA
Airport Sales Tax Revenue Bonds 2017	3,985,000	461,000	4,975,000	2.44%	15 Yrs	2/15/2034	Tax Increment Revenues	8/15/2027	Tax Exempt	AAA	-	-
Wastewater Revenue Bonds 2020A (2)	66,999,500	4,500,000	75,800,000	0.50%	20 Yrs	9/1/2043	Wastewater Revenues	No Pre-Pmt Penalty	Taxable		Not Rated	
Wastewater Revenue Bonds 2022A (4)	8,144,379	604,500	10,000,000	0.50%	20 Yrs	9/1/2045	Wastewater Revenues	No Pre-Pmt Penalty	Taxable		Not Rated	
Water Revenue Bonds 2023A (5)	150,000	1,424,000	36,750,000	1.00%	30 Yrs	2/1/2055	Water Revenues	No Pre-Pmt Penalty	Taxable		Not Rated	
Total Business-type Bonds	106,858,879	10,557,500	170,680,000									
Notes Payable:												
Note Payable - UDOT - Airport-2020 (3)	10,149,553	varies	10,149,553	0.79%	5 Yrs	11/1/2026	MAG Revenues	No Pre-Pmt Penalty	Not Applicable		Not Rated	
Total Notes Payable	10,149,553	-	10,149,553									
Leases												
Golf Course Maintenance Equipment	210,227	107,928	521,093	1.78%	4 Yrs	8/25/2024	Golf Course Revenues	No Pre-Pmt Penalty	Tax Exempt		Not Rated	
Golf Carts	219,788	60,549	280,337	4.00%	4 Yrs	7/15/2027	Golf Course Revenues	Monthly Lease	Taxable		Not Rated	
Golf Carts-Club Car Connect	137,210	37,800	175,010	4.00%	4 Yrs	7/15/2027	Golf Course Revenues	Monthly Lease	Taxable		Not Rated	
Total Leases	567,225	206,277	976,440									
Total Business-type												
Long-term liabilities	<u>\$ 117,575,657</u>	<u>\$ 10,763,777</u>	<u>\$ 181,805,993</u>									
Total Long-Term Debt	<u>\$ 208,837,592</u>	<u>\$ 22,715,543</u>	<u>\$ 321,149,993</u>									

(1) The G.O. 2011 Rec Center Bonds were refunded with an advance refunding in 2017. The G.O. 2011 Rec Center Bonds were repaid in full on 1/1/2021.

(2) In October of 2020, the City issued a \$75,800,000 taxable Wastewater Revenue Bond for financing significant improvements to the City wastewater treatment facility.

The available bond proceeds will be drawn as work is completed on the improvements at the wastewater treatment facility.

(3) The annual payment of the Note Payable - UDOT varies based on the variable MAG revenues.

(4) In May of 2022, the City issued a \$10,000,000 taxable Wastewater Revenue Bond for financing significant improvements to the City wastewater treatment facility.

The available bond proceeds will be drawn as work is completed on the improvements at the wastewater treatment facility.

(5) In April of 2023, the City issued a \$36,750,000 taxable Water Revenue Bond for financing a water treatment plant and related infrastructure.

The available bond proceeds will be drawn as work is completed on the new water treatment facility.

(6) The Energy System Revenue Bonds 2015A Fitch rating was upgraded from AA- to AA on January 25, 2024.

Note: Provo City does not have any outstanding debt that is bank qualified under IRC Section 265(b).

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: RCARON
Department: Council
Requested Meeting Date: 02-20-2024

SUBJECT: A discussion regarding workforce retention and pay grades (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: On January 3rd, 2024, Department Heads received a letter detailing a schedule of requested presentations to the City Council. The letter requested that the HR division give an overview of workforce retention efforts/issues as well as current salary/benefit policies. Additionally they were requested to give an overview of the mechanics of the pay grade study.

FISCAL IMPACT:

PRESENTER'S NAME: Daniel Softley, Division Director of Human Resources

REQUESTED DURATION OF PRESENTATION: 30

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007



Employee's Guide to the Annual Pay Grade Study

**Updated By:
Provo City
Human Resources
Oct. 23, 2023**

Employee's Guide to the Annual Pay Grade Study

Provo City is committed to the effort to attract and retain quality employees, and realizes that compensation is a key component of that goal. This guide will help you better understand how the annual grade study is conducted, and the important role it plays in the City's overall compensation plan. Specifically, this guide will cover frequently asked questions (FAQs) in the following key areas:

1. Provo City's compensation plan
2. How the pay grade study is conducted
3. Effect of a pay grade change

Provo City's Compensation Plan

This section covers FAQs related to the City's overall compensation plan, including details about how it is structured and the factors that affect the plan's design.

How is the Compensation Plan Structured?

- Provo City's compensation plan consists of many balanced parts, each designed to address various aspects of pay, benefits, career progression, employee rewards, internal equity, recruitment efforts, and market competition.
- Specific components of the compensation plan may include merit steps, career series adjustments, COLA, incentive programs, special merit raises, educational incentives, benefit comparisons, the annual pay grade study, and policies on hiring and promotions.

How Does an Employee Move Through the Pay Grade?

- All full-time positions (excluding department directors and division directors) are assigned to a pay grade with 14 defined merit steps. Each step in the grade is 2.5% apart. An employee moves through these steps as follows:

Initial Placement: Per City Policy #4, department directors may start an employee up to step 7 based on the employee's qualifications or other considerations. Initial placement beyond step 7 is also possible with approval from the Mayor.

Annual Merit Raise: City Policy #4 allows a one-step increase per year with "satisfactory" performance over the previous year.

Other Movement: An employee may also receive a step adjustment within the same pay grade because of exceptional service or an educational incentive.

- Department directors and division directors do not have defined merit steps, but typically move through their pay grade at the same 2.5% per increase amount.

Where Can Employees See Their Assigned Pay Grade?

- A list of all full-time job classifications, their assigned pay grades, and the current pay grade table are published on the Human Resources page at provo.org.
- Employees can also see their current pay grade, pay step, and next review date at workday.provo.org or on the mobile app.

How Does the City Know Whether or Not the Compensation Plan is Effective?

- The success of the plan is ultimately measured by whether or not the City can attract and retain quality employees. The Human Resources Division tracks all full-time turnover to identify potential areas of concerns, including conducting exit interviews with employees about their compensation, benefits, and working conditions.
- Provo City has hired outside consultants to independently review the City's methodology. The consultants concluded the following:

"The City maintains an overall sound and comprehensive salary survey and salary plan update methodology for maintaining the City's level of salary competitiveness that ensures fair and competitive compensation for its employees. In fact, the City is doing this better than most." (Public Sector Personnel Consultants, 2006)

"Segal finds the City's compensation program to be sound when comparing against compensation's best practices." (The Segal Group, 2008)

Does the City's Turnover Rate Indicate That There is a Compensation Problem?

- Overall, no. The City has averaged a voluntary full-time turnover rate of only 4.7% annually since 2018 (excludes terminations resulting from retirement, health reasons, or actions initiated by the City – such as layoffs).
- Although overall turnover is low, occasionally there may be turnover problems for a specific job. When this occurs, the City takes action to identify the cause of the turnover and to make adjustments as needed.

For example: There may be a high demand for a particular job when other agencies expand, new service districts are created, or if there is a lag in qualified candidates. The City has responded to situations like these by using various remedies, with the Mayor's approval.

Annual Pay Grade Study

This section covers FAQs related to the City's annual pay grade study, including details about how it is conducted.

What is the Role of the Annual Grade Study in the Compensation Plan?

- The purpose of the annual study is to ensure that the pay grade assigned to each position is competitive with similar positions in other agencies. Specifically, the study is used to place the maximum step of each position within 5% of the median range maximum of comparable public agencies (Personnel Policy #4).

Which Agencies Does the City Compare Itself Against?

- Since the labor pool for the City's positions is primarily local, the study focuses on public sector agencies in Utah. The 20 agencies that make up the core of the study are:

Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, St. George, Utah County, Weber County, West Jordan, and West Valley.

- The City also collects salary data from the following 20 special service districts:

Central Davis County Sewer, Central Valley Water, Central Weber Sewer, Heber Light and Power, Jordan Valley Water, Metropolitan Water, North Davis County Sewer, North Pointe Solid Waste, Park City Fire, Snyderville Basin Recreation, Snyderville Basin Water Reclamation, South Davis Fire, South Davis Sewer, South Valley Water Reclamation, State of Utah, Timpanogas Special District, Unified Fire Authority, Unified Police Department, Utah Valley Dispatch, Valley Emergency Dispatch, Wasatch Integrated Waste, Wasatch Waste and Recycling, and Weber Basin Water.

- Although in our labor market, the City generally does not survey the smaller cities in Utah County. Because of their size, smaller agencies typically combine positions that make it difficult to do an accurate comparison at the manager level and above. The City may use applicable comparisons from smaller cities if there is a shortage of adequate comparisons in other agencies.

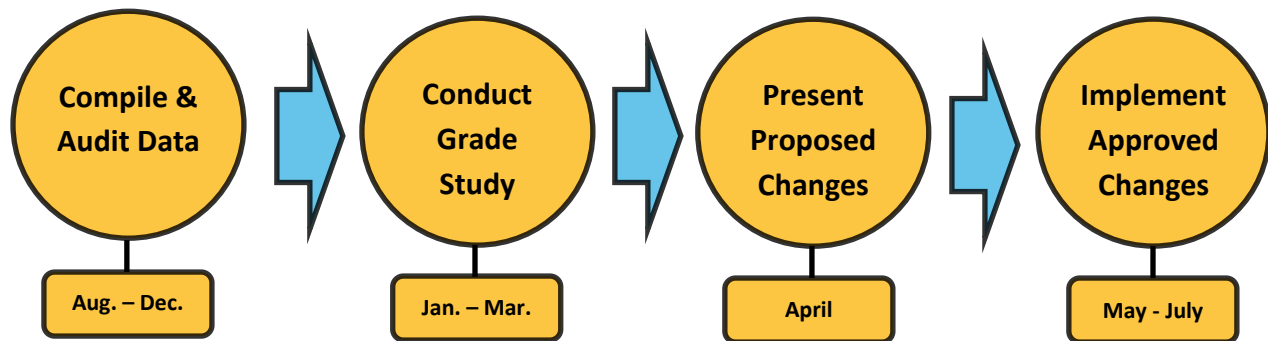
Why is Private Sector Data Not Factored into the Grade Study?

- Public agencies generally limit comparisons to other public groups because there is a lack of across the board similarity with jobs in the private sector. The reliability, availability, and age of private sector data is also a concern since private companies are not obligated by law to divulge their compensation data.

- In comparing against the private sector, an employee must also consider the tradeoffs that typically come with the public sector such as increased retirement benefits, better medical insurance, and long term job security.

How is the Annual Grade Study Conducted?

- The annual study consists of four main parts: (1) compiling and auditing the data, (2) conducting the study, (3) presenting the proposed changes to the Mayor and getting approval by the Council, and (4) implementing any approved changes. The flowchart below shows the typical timeframe for each part.



Part 1: Compile and Audit the Data

- Beginning in August, participating agencies submit their current salary data online to an independent third-party (TechNet). Each agency matches their positions to established benchmarks (job descriptions) and provides comprehensive salary data including ranges, actual pay, benefits, pay progression practices, and more.
- Compensation professionals from participating agencies have been meeting annually for over 25 years to audit the benchmark job descriptions and make sure that they are comparing similar positions. Although no two positions are exactly alike, the goal is to match positions as close as possible.
- Human Resources also researches the structure of other agencies to make sure that the comparisons are accurate, to see if they have positions that have not been reported, and to better understand the differences in pay practices.

Part 2: Conduct the Grade Study

- The study is conducted annually by Human Resources and typically begins in late January. This gives agencies on a calendar fiscal year about a month to update their data and ensures that Provo City is looking at the most current ranges.

- Every position in the City is reviewed on an annual basis. The City compiles and studies salary data from approximately 250 separate classifications every year.
- Human Resources looks at the top attainable step of all comparable positions in the market to calculate the median range maximum of all respondents.
- Since each agency is unique, some positions do not have good comparisons in the market. When this occurs, the City uses internal benchmarking to slot positions.

For example: If position A does not have good comparisons in the market, it will be internally benchmarked to position B which has a similar level of responsibility and has sufficient market data. Therefore, position A will move when position B moves.

Part 3: Present Proposed Changes

- Once the study is done, Human Resources makes recommendations to the Mayor about which positions need a pay grade adjustment. This typically occurs in conjunction with the budget process in April.
- A position is recommended for a grade adjustment if its range maximum is more than 5% below the median range maximum of comparable positions in the market. The position is then assigned a new grade that is within market.
- A position that is within 5% of the median range maximum may also be moved if there are concerns about retention or the position's relative placement to others.
- Once the Mayor's approval is received, the financial impact of the changes are included in the budget document for approval by the City Council.
- Human Resources then has a meeting with department directors to go over the results, discuss which comparisons are used, make any adjustments as needed, and review how employees will be impacted by the changes (pending Council approval). Directors are then instructed to convey this information to the employees, using materials provided to them by Human Resources.

Part 4: Implement Approved Changes

- Pay grade adjustments from the annual study are typically implemented at the beginning of the fiscal year (the July 1st pay period). The City also makes adjustments throughout the year as needed.

Where Can I See the Results of the Most Recent Pay Grade Study?

- After the proposed changes have been approved, a list of all classifications (and whether or not they are within market parameters) is published at home.provo.org. For additional survey details, contact your department director or Human Resources.

My Position is Below the Median Range Maximum. Does That Indicate That I am underpaid?

- Not necessarily. The study only shows the relative position of your grade's maximum to the median range maximum in the market. The median actual pay of employees in the market is typically at the mid-point of a range.

Why Does Provo City Survey Range Maximums Instead of Actual Pay?

- Using range maximums protects the City and employees from some market data that may reflect heavily for new or inexperienced workers. Provo City wants the pay grade to reflect a range from the minimum requirements up to the journey level regardless of the incumbents in other agencies.
- The intent of this practice is to give the department directors a competitive range in which to place employees based on their experience and qualifications.

Does Provo City Ever Survey Actual Pay?

- Yes. The City will typically look at actual pay when there are turnover concerns in a specific area. The City will also survey starting pay if there are questions from director about where an employee should be placed in the grade.

How Many Pay Grade Adjustments Has Provo City Done in Recent Years?

- The number of grade adjustments from the last six grade studies are shown in the table below (a one grade adjustment increases a position's top by 5%).

Study Year	# of Classifications Adjusted	# of FT Employees Affected
2018	77	267
2019	69	122
2020	14	33
2021	184	336
2022	179	361
2023	59	121

My Position Used to Be Assigned the Same Pay Grade as Another Position in the City. Why are They Now Different?

- Each position in the City has its own individual market. There should be no expectation that a position will retain its relative placement to other positions in the City. It could be higher, lower, or the same at any given time.

Effect of a Pay Grade Change

This section covers FAQs related to the individual impact of getting a grade change, including its impact on actual pay, earning potential, and the employee's review date.

What Happens to My Pay Rate When I Get a Pay Grade Adjustment?

- Per policy, when the current rate of an employee falls between two steps in the new grade, the employee will be assigned the higher of the two steps. This typically results in an immediate increase of approximately 2.4% to your actual pay.

For example: If an employee at step 7 of bi-weekly pay grade 18 receives a one-grade increase, the employee will be moved to step 6 of pay grade 19.

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13	S14
G18	1,173	1,203	1,233	1,263	1,295	1,327	1,361	1,395	1,429	1,465	1,502	1,539	1,578	1,617
G19	1,231	1,262	1,293	1,326	1,359	1,393	1,428	1,463	1,500	1,537	1,576	1,615	1,656	1,697

- If the current rate of an employee falls below the minimum of the new pay grade, the employee will be assigned to at least the minimum of the new grade.

For example: If an employee at step 1 of bi-weekly pay grade 18 receives a one-grade increase, the employee will be moved to step 1 of pay grade 19 (results in an immediate pay increase of 5%).

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13	S14
G18	1,173	1,203	1,233	1,263	1,295	1,327	1,361	1,395	1,429	1,465	1,502	1,539	1,578	1,617
G19	1,231	1,262	1,293	1,326	1,359	1,393	1,428	1,463	1,500	1,537	1,576	1,615	1,656	1,697

- If an employee has been in his/her current classification for at least one year, the employee will be moved to no lower than step 2 of the new grade.

For example: If an employee at step 2 of bi-weekly pay grade 18 receives a one-grade increase, the employee will be moved to step 2 of pay grade 19.

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13	S14
G18	1,173	1,203	1,233	1,263	1,295	1,327	1,361	1,395	1,429	1,465	1,502	1,539	1,578	1,617
G19	1,231	1,262	1,293	1,326	1,359	1,393	1,428	1,463	1,500	1,537	1,576	1,615	1,656	1,697

- If a classification is moved by more than one grade, the employee will receive an immediate pay increase of approximately 2.4% for every grade increase.

For example: If an employee at step 9 of bi-weekly pay grade 18 receives a two-grade increase, the employee will be moved to step 7 of pay grade 21.

	S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	S11	S12	S13	S14
G18	1,173	1,203	1,233	1,263	1,295	1,327	1,361	1,395	1,429	1,465	1,502	1,539	1,578	1,617
G19	1,231	1,262	1,293	1,326	1,359	1,393	1,428	1,463	1,500	1,537	1,576	1,615	1,656	1,697
G20	1,292	1,325	1,358	1,392	1,427	1,462	1,499	1,536	1,575	1,614	1,655	1,696	1,738	1,781

How Much Does a Pay Grade Adjustment Impact My Earning Potential?

- Pay grades are 5% apart so your range maximum increases 5% for every one pay grade adjustment.

Will My Review Date Change When I Get a Pay Grade Adjustment?

- Pay grade adjustments do not establish a new review date, except when the employee is at either the first or last step of the range, or if the employee is bumped to step 2 because of at least 1 year of service in the position. In these cases, the employee's new review date will be one year from the date of the grade adjustment. This is done to prevent employees from leapfrogging those who were farther ahead in the range prior to the adjustment. The Human Resources Director may recommend additional in-grade adjustments for internal equity purposes.

Provo City is committed to the effort to attract and retain quality employees. It is hoped that this guide has been helpful in demonstrating the effort the City is making to reach this goal. If you have additional questions about the City's compensation plan or the annual study, please feel free to contact Human Resources directly.

Provo City Classifications 2023 Grade Study Summary

Provo City is committed to the effort to attract and retain quality employees, and realizes that compensation is a key component of that goal. The purpose of the annual grade study is to ensure that the pay grade assigned to each classification is competitive with similar positions in other agencies. Specifically, the study is used to place the maximum step of each classification within 5% of the median grade maximum of comparable public agencies (Personnel Policy #4).

This document provides the following:


1. Provo City classifications by department;
2. Agencies that were used for the study;
3. Whether or not the classification was within market parameters per the study; and
4. Grade changes that were implemented to put the classification back within market parameters.

Document Guide

* = Positions in an open career series.

◆ = *Positions exempt from overtime in accordance with applicable FLSA regulations.*

 Assigned grade is within 5% of the median grade maximum per the grade study.

 Assigned grade was more than 5% outside of the median grade maximum per the grade study. The subsequent grade change places the position back within market parameters.

Note: Some positions have been adjusted despite falling within market parameters in order to maintain internal equity.

Administrative Services

Agencies Used

American Fork, Bountiful, Central Valley Water, Central Weber Sewer, Davis County, Draper, Heber Light and Power, Jordan Valley Water, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Payson, Pleasant Grove, Salt Lake City, Salt Lake County, Sandy, Snyderville Basin Water Reclamation, South Davis Sewer, South Jordan, South Salt Lake, South Valley Water Reclamation, Spanish Fork, Springville, St. George, State of Utah, Tooele, Unified Fire, Unified Police, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
<u>Facilities</u>			
*2207	Apprentice Facilities Maintenance Technician	22.....	✓
*2209	Facilities Maintenance Technician	24.....	✓
2211	Facilities System Specialist.....	26	✓
2212	HVAC Technician	28	✓
2213◆	Facilities Services Manager	35.....	✓
<u>Finance</u>			
1017	Executive Office Assistant	24.....	✓
1105	Sr. Accounting Technician	23.....	✓
*1108	Accountant I.....	2627.....	✗
*1110◆	Accountant II	2829.....	✗
*1111◆	Senior Accountant	3132.....	✗
1113◆	Budget Officer/Controller	38.....	✓
1114◆	Division Director – Finance	MGT 2.....	✓
1115◆	Director of Administrative Services	MGT 5.....	✓
1201◆	City Recorder.....	34.....	✓
<u>Human Resources</u>			
*1130	Management Analyst I	2627.....	✗
*1131◆	Management Analyst II	2829.....	✗
*1132◆	Management Analyst III	3132.....	✗
1303◆	Division Director - Human Resources	MGT 2.....	✓

1315	Human Resources Technician	25.....	
1317	Assistant Payroll Coordinator.....	26.....	
1318◆	Payroll Administrator.....	31.....	
1321◆	HRIS Administrator	3537.....	

Information Systems

1395◆	Information Systems Technician Supervisor	3133.....	
*1399	Information Systems Technician I	2526.....	
*1401	Information Systems Technician II	2728.....	
*1403	Senior Information Systems Technician	2930.....	
1405◆	Division Director - Information Systems	MGT 2.....	
*1410◆	Systems Analyst I	3032.....	
*1411◆	Systems Analyst II	3234.....	
*1412◆	Sr. Systems Analyst.....	3537.....	
1420◆	GIS Coordinator.....	3436.....	
1430◆	Information Systems Manager	3840.....	

Justice Court

Agencies Used

Davis County, Draper, Lehi, Logan, Murray, Ogden, Orem, Payson, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, State of Utah District Court, Utah County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
4146■	Justice Court Judge	Contract	
4150◆	Justice Court Administrator.....	35.....	
4156	Justice Court Lead Clerk.....	25.....	
4158	Justice Court Clerk	22.....	
4164	Justice Court Traffic Clerk.....	25.....	






■= Per Utah Code 78-5-128, Justice Court Judge salary may not exceed 90% of a District Court Judge.

Council

Agencies Used

Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, St. George, State of Utah, Utah County, Weber County, West Jordan, West Valley












Executive Director: Ogden, Sandy

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
0001◆	Executive Director - Municipal Council.....	MGT 4.....	
0005	Council Executive Office Assistant.....	25.....	
*1130	Management Analyst I	26 27.....	
*1131◆	Management Analyst II	28 29.....	
*1132◆	Management Analyst III	31 32.....	

Customer Service

Agencies Used

Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, Springville, St. George, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
1017	Executive Office Assistant	24.....	
1033	Customer Service Representative	22.....	
1036	Call Center Floor Supervisor.....	24.....	
1037	Utility Billing Editor	24.....	
1039	Utility Billing Analyst.....	26.....	
1043◆	Utility Billing Manager	32.....	
1045◆	Call Center Manager.....	32.....	
1050◆	Customer Service Director	MGT 4.....	
1057◆	Customer Operations Business Analyst.....	32.....	
1059	Quality Assurance Coordinator	25.....	
1105	Sr. Accounting Technician	23.....	

Development Services

Agencies Used

American Fork, Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Pleasant Grove, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, Spanish Fork, Springville, St. George, Tooele, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
*1005	Administrative Assistant.....	20.....	✓
*1007	Senior Administrative Assistant.....	22.....	✓
1017	Executive Office Assistant	24.....	✓
1105	Sr. Accounting Technician	23.....	✓
*1130	Management Analyst I	26 27	✗
*1131◆	Management Analyst II	28 29	✗
*1132◆	Management Analyst III	31 32	✗
*2001	Non-Certified Building Inspector	26.....	✓
*2002	Certified Building Inspector I	27.....	✓
*2003	Certified Building Inspector II	29.....	✓
*2004	Certified Building Inspector III	31.....	✓
2010◆	Chief Building Official.....	38.....	✓
2012	Plans Examiner	33.....	✓
2075	Parking Enforcement Officer	20 22	✗
2080	Parking Enforcement Supervisor	26 27	✗
2090◆	Parking Program Supervisor.....	36 37	✗
*2100	Code Compliance Officer.....	23.....	✓
*2102	Senior Code Compliance Officer.....	25.....	✓
*2104	Planner I	27 28	✗
*2106◆	Planner II	29 30	✗
*2105◆	Planner III	32 33	✗
2107◆	Zoning Administrator.....	35.....	✓
2108◆	Planning Supervisor.....	36 37	✗

2110◆	Real Property Administrator & Community Liaison.....	33.....	
2111◆	Community Grant Administrator.....	3233.....	
2113	Community Grant Coordinator	25.....	
2135◆	Assistant Director of Development Services	MGT 1	
2140◆	Development Services Director.....	MGT 4	

Energy









Agencies Used

Energy Specific: Bountiful, Heber Power and Light, Lehi, Logan, Murray, Spanish Fork, Springville, St. George, Washington City

Other Positions: Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, Springville, St. George, State of Utah, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
1017	Executive Office Assistant	24.....	✓
*1021	Storeroom Clerk	20.....	✓
*1023	Sr. Storeroom Clerk	22.....	✓
1105	Sr. Accounting Technician	23.....	✓
1025	Warehouse Supervisor	28.....	✓
*1130	Management Analyst I	26 27	✗
*1131◆	Management Analyst II	28 29	✗
*1132◆	Management Analyst III	31 32	✗
1420◆	GIS Coordinator.....	34 36	✗
*2408	GIS/CAD Technician I.....	25 26	✗
*2409	GIS/CAD Technician II.....	26 27	✗
*2410	Sr. GIS/CAD Technician	28 29	✗
*2631	Senior Equipment Operator	25.....	✓
*2633	Equipment Operator II	24.....	✓
*2635	Equipment Operator I	23.....	✓
2729	Power Systems Maintenance Crew Supervisor	27.....	✓
*2680	Apprentice Meter Technician (First Year).....	24 N	✓
*2681	Apprentice Meter Technician (Second Year).....	26 N	✓
*2682	Apprentice Meter Technician (Third Year)	28 N	✓
*2683	Apprentice Meter Technician (Fourth Year)	30 N	✓
*2685	Meter Technician	35 I-N	✓
2687	Lead Meter Technician	36 I-N.....	✓

*2698	Apprentice Substation Technician (First Year)	24 N	✓
*2700	Apprentice Substation Technician (Second Year)	26 N	✓
*2701	Apprentice Substation Technician (Third Year)	28 N	✓
*2702	Apprentice Substation Technician (Fourth Year)	30 N	✓
*2703	Substation Technician	35 I-N	✓
2704	Lead Substation Technician	36 I-N	✓
2705	Power Systems Electrical Maintenance Supervisor	38	✓
*2707◆	Electric Project Engineer	33	✓
*2708◆	Sr. Electric Project Engineer	35	✓
2709◆	Electric Project Engineer Supervisor	37	✓
*2710◆	Sr. Systems Electrical Engineer	39	✓
*2711	Systems Electrical Engineer II	36	✓
*2712	Systems Electrical Engineer I	35	✓
2718◆	Smart Grid Systems Engineer	37	✓
2720	Smart Grid Systems Technician	35	✓
2726	Metering Services Specialist	23 24	✗
2728	Electric Utility Locator	23 24	✗
*2733	Apprentice Power Line Worker (First Year)	24 N	✓
*2734	Apprentice Power Line Worker (Second Year)	26 N	✓
*2735	Apprentice Power Line Worker (Third Year)	28 N	✓
*2736	Apprentice Power Line Worker (Fourth Year)	30 N	✓
*2737	Power Line Worker	35 I-N	✓
2739	Power Line Crew Supervisor	38 I-N	✓
2742◆	Assistant Electric Operations Manager	39	✓
2743◆	Energy Director	MGT 7	✓
2744◆	Assistant Energy Director	MGT 3	✓
2745◆	Systems Operations Manager	42 43	✗
2751◆	Energy Business Manager	33	✓

*2756	Power System Control Operator I	31.....	
*2758	Power System Control Operator II	33.....	
2760	Power System Control Operator Supervisor	37.....	
*2810	Line Clearance Ground Worker	23.....	
*2812	Apprentice Line Clearance Arborist	25.....	
*2814	Line Clearance Arborist	27.....	
2818	Line Clearance Crew Supervisor	29.....	
2820◆	City Forester	32.....	

Fire Department

Agencies Used

Firefighter Positions: American Fork, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City Fire District, Pleasant Grove, Salt Lake City, Sandy, St. George, South Davis Fire District, South Jordan, South Salt Lake, Unified Fire Authority, West Jordan, West Valley

Dispatchers: Bountiful, Davis County, Layton, Logan, Orem, Salt Lake City, Springville, State of Utah, St. George, Unified Police Department, Utah Valley Dispatch, Valley Emergency

Support Positions: Bountiful, Davis County, Draper, Jordan Valley, Water, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, St. George, Utah County, Weber County, West Jordan, West Valley











<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
<u>Support</u>			
*1005	Administrative Assistant.....	20.....	✓
*1007	Senior Administrative Assistant.....	22.....	✓
1017	Executive Office Assistant	24.....	✓
1105	Sr. Accounting Technician	23.....	✓
<u>Dispatch</u>			
*4200	Senior Public Safety Telecommunicator	26 28	✗
*4199	Public Safety Telecommunicator II.....	25 27	✗
*4198	Public Safety Telecommunicator I.....	23 25 B-N	✗
4202	Public Safety Telecommunicator Shift Supervisor.....	29 31	✗
4203◆	Public Safety Telecommunicator Operations Supervisor.....	32 34	✗
4204◆	Public Safety Communications Manager	36 38	✗
<u>Firefighters</u>			
*4403	Firefighter/EMT	25.....	✓
*4405	Firefighter/Paramedic	27 D-N	✓
*4406	Senior Firefighter / Paramedic	29.....	✓
*4407	Master Firefighter / Paramedic.....	31.....	✓
*4408	Senior Firefighter/Engineer	29.....	✓
*4410	Master Firefighter/Engineer	31.....	✓
4411	Fire Captain	34 35 I-N	✗

4413◆	Fire Battalion Chief	3839 I-N	✗
4419◆	Deputy Fire Chief.....	MGT 3.....	✓
4421◆	Fire Chief.....	MGT 6.....	✓
4423◆	Emergency Management Coordinator	3435	✗

Legal

Agencies Used

Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, Spanish Fork, St. George, State of Utah District Court, Tooele, Unified Fire, Unified Police, Utah County, Weber County, West Jordan, West Valley















<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
*1005	Administrative Assistant.....	20.....	
*1007	Senior Administrative Assistant.....	22.....	
4101◆	City Attorney.....	MGT 8.....	
4102◆	Deputy City Attorney.....	MGT 3.....	
*4103◆	Assistant City Attorney I.....	38.....	
*4105◆	Assistant City Attorney II.....	39.....	
*4107◆	Senior Assistant City Attorney.....	41.....	
4109	Legal Secretary	25.....	
4110	Legal Secretary Supervisor.....	27.....	
4112	Paralegal	28.....	

Library

Agencies Used

Library Specific: American Fork, Davis County, Lehi, Logan, Murray, Orem, Park City, Salt Lake City Public Library, Salt Lake County, Spanish Fork, State of Utah, Springville, Weber County










Support Positions: Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, St. George, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
1017	Executive Office Assistant	24.....	
*1410◆	Systems Analyst I	30 32	
*1411◆	Systems Analyst II	32 34	
*1412◆	Sr. Systems Analyst.....	35 37	
*2207	Apprentice Facilities Maintenance Technician	22.....	
*2209	Facilities Maintenance Technician	24.....	
*3001	Library Assistant I	16.....	
*3002	Library Assistant II	18.....	
*3003	Librarian I	24.....	
*3004	Librarian II	25.....	
*3005	Sr. Librarian	27.....	
3007◆	Library Services Manager	31.....	
3008	Library Events Coordinator	22.....	
3009◆	Director of Library Services.....	MGT 4.....	

Mayor's Office

Agencies Used

Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, St. George, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
1017	Executive Office Assistant	24.....	
1027	Administrative Office Assistant.....	27.....	
1204◆	Deputy Mayor	MGT 1	
1205◆	Chief Administrative Officer	MGT 10.....	
1207◆	Mayor	Per Ordinance	
1209◆	Chief Deputy - Mayor's Office	MGT 1.....	
1214◆	Community Relations and Public Information Officer	39.....	
1250	Graphic Design Specialist.....	27.....	
1252◆	Graphic Designer.....	30.....	
1256◆	Media Services Manager	3233.....	

Parks and Recreation

Primary Agencies Used: Bountiful, Davis County, Draper, Layton, Lehi, Logan, Murray, Ogden, Orem, Park City, Salt Lake City, Salt Lake County, Sandy, South Jordan, South Salt Lake, St. George, Utah County, Weber County, West Jordan, West Valley

Secondary Agencies Used: The following agencies were used only when it was determined that they had applicable comparisons for specific positions in Provo, or when there was a shortage of adequate comparisons from the agencies above: American Fork, Cedar City, Cedar Hills, Cottonwood Heights, Payson, Pleasant Grove, Snyderville Basin Recreation, Spanish Fork, Springville, State of Utah, Timpanogos Special Service District, Tooele, Washington City

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
*1005	Administrative Assistant.....	20.....	✓
*1007	Senior Administrative Assistant.....	22.....	✓
1017	Executive Office Assistant	24.....	✓
1105	Sr. Accounting Technician	23.....	✓
<u>Golf</u>			
3208◆	Golf Course Superintendent	31.....	✓
3209◆	Golf Manager.....	33 ³⁴	✗
<u>Parks</u>			
2214	Grounds Crew Leader	27.....	✓
*2215	Grounds Technician I.....	23.....	✓
*2217	Grounds Technician II.....	24.....	✓
*2219	Senior Grounds Technician	25.....	✓
*2220	Arboriculture Technician I	23.....	✓
*2221	Arboriculture Technician II	24.....	✓
*2223	Senior Arboriculture Technician	25.....	✓
2225	Arboriculture Crew Supervisor	27.....	✓
3101	Cemetery Operations Supervisor.....	29.....	✓
3210	Grounds Maintenance Supervisor.....	29.....	✓
3212◆	Parks Project Manager	32 ³³	✗
3213◆	Parks and Grounds Superintendent.....	34 ³⁵	✗




3214	Parks Project Supervisor	29.....	
<u>Recreation</u>			
2205	Custodian	19.....	
*2207	Apprentice Facilities Maintenance Technician	22.....	
*2209	Facilities Maintenance Technician	24.....	
2211	Facilities Systems Specialist.....	26.....	
3217◆	Director of Parks and Recreation	MGT 4.....	
3219◆	Assistant Director of Parks and Recreation.....	MGT 1.....	
*3222	Recreation Program Coordinator I	23 24	
*3224	Recreation Program Coordinator II	24 25	
*3226	Recreation Program Coordinator III	26 27	
3228	Sport Fields and Programs Manager	28 29	
3230◆	Ice Arena Manager	33 34	
3234◆	Recreation Center Manager.....	35.....	
3240◆	Center for the Arts Manager	33 34	
3242	Marketing Specialist.....	23.....	
3250	Technical Operations Coordinator	26 27	
3252	Technical Operations Assistant.....	23 24	
3256	House Events Coordinator.....	22 24	

Police










Agencies Used

American Fork, Bountiful, Cottonwood Heights, Davis County, Draper, Heber City, Layton, Lehi, Lindon, Logan, Murray, Ogden, Orem, Park City, Pleasant Grove, Riverton, Salt Lake City, Salt Lake County, Sandy, Spanish Fork, Springville, St. George, South Jordan, South Salt Lake, State of Utah, Taylorsville, Tooele, Unified Police Department, Utah County, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
<u>Animal Control</u>			
4301	Animal Control Officer.....	24.....	
4303	Animal Control Supervisor	29.....	
<u>Support Services</u>			
*1005	Administrative Assistant.....	20.....	
*1007	Senior Administrative Assistant.....	22.....	
1017	Executive Office Assistant	24.....	
4205	Law Enforcement Technician.....	23.....	
4223	Victim Assistant	24.....	
4225	Victim Services Program Coordinator	27.....	
4227	Police Records Clerks	21.....	
4229	Police Records Shift Supervisor.....	23.....	
4231	Police Records Supervisor.....	27.....	
4233	Crime Analyst	27.....	
4235	Crime Scene Technician.....	25.....	
4237	Evidence and Property Supervisor.....	27.....	
4239	Police Video Evidence Technician	23.....	
4245	Police Events Coordinator	22	
4250	Police Training Coordinator	22	

4253	Police Training Administrator	27	
4255	Police Grants Specialist	24	
4260◆	Police Public Information Officer	30	

Sworn Officers

*4206	Police Officer I	28 C-N	
*4207	Police Officer II	28	
*4208	Sr. Police Officer	30	
*4210	Master Police Officer	32	
4211	Police Sergeant	35 I-N	
4213◆	Police Lieutenant	38 I-N	
4215◆	Police Captain	41 I-N	
4216◆	Deputy Police Chief	MGT 3	
4217◆	Police Chief	MGT 6	

Public Works

Agencies Used

American Fork, Bountiful, Cedar City, Central Davis County Sewer, Central Valley Water, Central Weber Sewer, Davis County, Draper, Eagle Mountain, Heber City, Jordan Valley Water, Layton, Lehi, Logan, Metropolitan Water, Murray, North Davis County Sewer, North Pointe Solid Waste, Ogden, Orem, Park City, Payson, Pleasant Grove, Riverton, Salt Lake City, Salt Lake County, Sandy, Snyderville Basin Water Reclamation, Springville, South Davis Sewer District, South Jordan, South Salt Lake, South Valley Water Reclamation, Spanish Fork, St. George, State of Utah, Timpanogos Special Service District, Tooele, UDOT, Utah County, Wasatch Integrated Waste, Wasatch Waste and Recycling, Washington City, Weber Basin Water, Weber County, West Jordan, West Valley

<u>Job Code</u>	<u>Title</u>	<u>Range</u>	<u>Within Market</u>
<u>General</u>			
*1005	Administrative Assistant.....	20.....	✓
*1007	Senior Administrative Assistant.....	22.....	✓
1017	Executive Office Assistant	24.....	✓
*1021	Storeroom Clerk	20.....	✓
*1023	Sr. Storeroom Clerk	22.....	✓
1025	Warehouse Supervisor	28.....	✓
*1130	Management Analyst I	2627.....	✗
*1131◆	Management Analyst II	2829.....	✗
*1132◆	Management Analyst III	3132.....	✗
<u>Airport</u>			
2230◆	Public Works Division Director – Airport.....	MGT 3.....	✓
2119◆	Airport Operations Manager.....	3435	✗
2240	Airport Operations Specialist	25	✓
2247	Airport Access Control Coordinator.....	24	✓
2248	Airport Documentation Coordinator.....	24.....	✓
2249	Airport Access Control Specialist	22	✓
2251◆	Airport Security Manager	3335.....	✗

2253◆	Airport Terminal/Landside Operations Manager.....	3334.....	X
-------	---	-----------	---

Engineering

1420◆	GIS Coordinator.....	3436.....	X
*2401	Engineering Technician I	24.....	✓
*2402	Engineering Technician II	25.....	✓
*2403	Engineering Technician III	26.....	✓
*2404	Engineering Technician IV	28.....	✓
2405	Public Works Inspector	29.....	✓
2406◆	Public Works Inspector Supervisor	31.....	✓
*2408	GIS/CAD Technician I.....	2526.....	X
*2409	GIS/CAD Technician II.....	2627.....	X
*2410	Sr. GIS/CAD Technician	2829.....	X
2430	City Surveyor	3435.....	X
2434	Chief Survey Technician	3031.....	X
*2412	Engineer I	33.....	✓
*2413	Engineer II	34.....	✓
*2414◆	Engineer III	37.....	✓
*2415◆	Engineer IV.....	38.....	✓
2416◆	Traffic Manager	40.....	✓
2417◆	Assistant City Engineer.....	40	✓
2419◆	Public Works Division Director – Engineering	MGT 3.....	✓
2450	Permit Technician	23.....	✓
*2458	Traffic Electronics Specialist I	28.....	✓
*2460	Traffic Electronics Specialist II	30.....	✓

Fleet

*2303	Automotive Technician I.....	24.....	✓
*2305	Automotive Technician II.....	25.....	✓
*2306	Automotive Technician III.....	26.....	✓
*2308	Emergency Vehicle Automotive Technician	28.....	✓

2310	Fleet Maintenance Supervisor	30.....	
2317◆	Fleet Manager (<i>City Wide</i>)	34.....	

Sanitation

*2600	Apprentice Sanitation Worker	23.....	
*2601	Sanitation Worker	24.....	
*2603	Sr. Sanitation Worker.....	25.....	
2607	Sanitation Crew Supervisor	28.....	
2615◆	Sanitation Manager.....	34.....	











Streets

*2619	Appr. Streets Maintenance Worker	23.....	
*2621	Streets Maintenance Worker	24.....	
*2623	Sr. Streets Maintenance Worker	25.....	
2625	Streets Maintenance Crew Supervisor.....	28.....	
2626	Assistant Streets Maintenance Manager.....	31	
2627◆	Streets Maintenance Manager	36.....	
2629◆	Public Works Division Director - Public Services.....	MGT 3.....	

Water

*2500	Apprentice Water Systems Maintenance Operator	23.....	
*2501	Water Systems Maintenance Operator I	24.....	
*2502	Water Systems Maintenance Operator II	25.....	
*2503	Water Systems Maintenance Operator III	26.....	
*2504	Water Systems Maintenance Operator IV	27.....	
2505	Water Systems Maintenance Crew Supervisor	29.....	
2507	Wastewater Systems Electrician.....	31.....	
*2508	Wastewater Systems Instrumentation Technician I.....	28.....	
*2509	Wastewater Systems Instrumentation Technician II.....	29.....	
*2510	Wastewater Systems Instrumentation Technician III.....	31.....	
2513	Water Sources Supervisor	31.....	

2515◆	Water Distribution Systems Manager	34.....	✓
2516◆	Water Sources Manager	36.....	✓
2517◆	Water Superintendent.....	40.....	✓
2518	Cross Connection Control Coordinator	29.....	✓
2521	Laboratory Technician	28.....	✓
2522	Industrial Pretreatment Coordinator	30.....	✓
2523◆	Environmental Laboratory Manager	38.....	✓
*2524	Apprentice Water Reclamation Plant Operator	25	✓
*2525	Water Reclamation Plant Operator I	26.....	✓
*2526	Water Reclamation Plant Operator II	27.....	✓
*2527	Water Reclamation Plant Operator III	28.....	✓
*2528	Water Reclamation Plant Operator IV.....	29.....	✓
2531	Water Reclamation Plant Maintenance Supervisor	33.....	✓
2533	Water Reclamation Plant Operations Supervisor	33.....	✓
2535◆	Water Reclamation Plant Manager	38.....	✓
*2530	Apprentice Wastewater Collections Operator.....	23.....	✓
*2536	Wastewater Collections Operator I	24.....	✓
*2537	Wastewater Collections Operator II	25.....	✓
*2539	Wastewater Collections Operator III	26.....	✓
*2540	Wastewater Collections Operator IV	27.....	✓
2541	Wastewater Collections Crew Supervisor	29.....	✓
2543◆	Wastewater Collections Manager	34.....	✓
2545◆	Wastewater Superintendent.....	40.....	✓
2547◆	Public Works Division Director – Water Resources.....	MGT 3.....	✓
*2550	Apprentice Water Systems Operator.....	25.....	✓
*2552	Water Systems Operator I	26.....	✓
*2553	Water Systems Operator II	27.....	✓
*2554	Water Systems Operator III	28.....	✓

*2555	Water Systems Operator IV	29.....	
*2556	Apprentice Storm Water Maintenance Operator	23.....	
*2557	Storm Water Maintenance Operator I	24.....	
*2558	Storm Water Maintenance Operator II	25.....	
*2559	Storm Water Maintenance Operator III	26.....	
*2560	Storm Water Maintenance Operator IV	27.....	
2562	Storm Water Maintenance Crew Supervisor	29.....	
2580	Public Works Safety Officer	31.....	
2585◆	Public Works Division Director - Administration	MGT 3.....	
2590◆	Public Works Director	MGT 7.....	

Provo City Compensation Plan

- Consists of many balanced parts, each designed to address various aspects of pay, benefits, career progression, employee rewards, internal equity, recruitment, retention, and market competition.
- Major Components
 - Pay Grade Structure
 - Annual Pay Grade Study
 - COLA
 - Pay Progression Policies
 - Benefits



Provo City Pay Grades

- 44 grades with defined steps
 - Grades are 5% apart
 - Steps in each grade are 2.5% apart (14 steps)
- 10 executive grades with a minimum and maximum, but no defined steps
 - Department heads and division directors
- Published in Provo City Code Book
 - Updated annually during the budget process



Job Classifications

- Classification Specifications (Job Descriptions)
 - Essential functions
 - Minimum requirements
 - Licenses/Certifications
 - Used for market comparisons
- Published on provo.org
 - 200+ classifications
 - Occupational Index
 - Classification list with assigned grade



Annual Pay Grade Study

- Purpose is to ensure that the pay grade assigned to each position is competitive with similar positions in other public sector agencies.
- Provo City's labor pool is primarily local, so the study focuses on public sector agencies in Utah.
 - Core municipal and county agencies
 - Special service districts
- Target is to place the maximum step of each position within 5% of the median range maximum of the public agencies with whom we compare.



Grade Study Timeline

- Compile and Audit Data (Aug. – Dec.)
 - Agencies enter comprehensive salary data into Technet
 - TechNet group meets annually to audit benchmarks
- Supplement TechNet data with other sources
 - Budget documents
 - Published job descriptions and pay charts
 - Peer network



Grade Study Timeline (continued)

- Conduct the Grade Study (Jan. – Mar.)
 - Done in conjunction with the budget process
 - Review salary data for 200+ classifications
 - Calculate costs for upcoming fiscal year
- Present Proposed Changes (April)
 - Mayor
 - Department heads
 - Costs included in budget submitted to Council
- Implement Changes (May – June)
 - Start of fiscal year



Cost of Living Adjustments

- Across the board adjustment to the pay grade structure
 - COLA does not mean the same in all agencies
- Survey other agencies during budget process
 - COLA more commonly given in recent years
 - Has helped maintain competitiveness



Pay Progression Policies

- Initial placement
- Merit raises
- Pay adjustments
- Career series
- Promotions
- Educational incentives



Benefits

- Medical
 - Milliman Index
 - Stabilized medical costs
- Retirement
 - URS participation
 - Supplemental 401k
 - 2% matching contribution
- Leave Policies
 - Sick, vacation
 - Parent Leave and Bereavement Leave



Key Retention Statistics

- Full-Time Turnover Rate
 - Unadjusted Total
 - 2023 = 12.4%
 - Five Year Average = 12.3%
 - Other Employment
 - 2023 = 4.3%
 - Five Year Average = 4.5%
 - Reasons are varied
 - Career changes
 - Higher level position
 - Lateral move
 - Private sector



Full-Time Turnover Reasons

5-Year Average

- Other Employment – 38%
- Retirement – 23%
- Personal Reasons – 22%
- City Initiated Actions – 12%
- Health – 5%

2023

- Personal Reasons – 36%
- Other Employment – 34%
- Retirement – 17%
- City Initiated Actions – 11%
- Health – 2%



Other Key Retention Statistics

- Full-Time Fill Rate = 96%
- Median Full-Time Service Years
 - Provo City = 6.5 years
 - Local Government Nationally = 6.9 years
 - Private Sector Nationally = 3.7 years

