

Provo City Planning Commission

Report of Action

July 10, 2024

ITEM 3 Development Services request an Ordinance Text Amendment to the Critical Hillside Overlay (CH) Zone, Section 14.33A.040, to add additional language on exceptions. Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240176

The following action was taken by the Planning Commission on the above-described item at its regular meeting of July 10, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application and made the following specific recommendations to the Council.

Recommendations for Council:

1. That the language be modified to reflect the proposal as its own subsection and to clarify language within (staff supported this motion).

Motion By: Jonathon Hill

Second By: Melissa Kendall

Votes in Favor of Motion: Jonathon Hill, Melissa Kendall, Jeff Whitlock, Barbara DeSoto, Adam Shin

Jeff Whitlock 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. *The Planning Commission Recommended version is attached as Exhibit B.*

STAFF PRESENTATION

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

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood 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: No public comments were received or heard.

APPLICANT RESPONSE

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

- Staff responded to questions from the Planning Commission regarding application of the CH Overlay Zone, and the history of the zone.
- Staff confirmed the goal of making these changes is to still provide protection for CH parcels, while allowing for development to occur, where safe. Staff also explained that the proposal would give staff discretion in applying the CH regulations to development proposals to ensure that land is developed in a safe and attractive way, and that rezones in the overlay will still come to the PC and City Council.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission noted that the list provided in the proposal may not be fully inclusive of all issues or hazards that could affect the CH parcel and expressed a desire to clarify the proposed language. Staff agreed with this notion.
- The Commission expressed support for the amendment that will be a good compromise to make additional land available for development, where appropriate.
- Further discussion on how to revise the proposed language was offered by the Commission.



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 the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.33A.040

Development in Critical Hillside (CH) Overlay Zone.

- (1) All development in the CH Zone, including, but not limited to, grading, clearing, and excavation, shall comply with the applicable provisions of this Chapter.
- (2) The submittal of maps, plans, narratives, or any other document necessary to demonstrate compliance with this Chapter shall be submitted to the Coordinator Review Committee for review.
- (3) The provisions of this Chapter shall not apply **or may be modified** in the following situations:
 - (a) For lots created prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;
 - (b) For developed parcels (not lying in a development plat) developed prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;
 - (c) For parcels or lots actively and solely used in the operation of a public or private cemetery; and
 - (d) For public parks.
 - (e) For parcels that do not have more than 15% of land covered in slopes over 20% and that do not have any of the following development constraints (to be confirmed by Provo City Engineering), subject to approval of a Development Agreement:
 - (i) hazardous soils;
 - (ii) faults; or
 - (iii) ridgelines.

EXHIBIT B

14.33A.040

Development in Critical Hillside (CH) Overlay Zone.

- (1) All development in the CH Zone, including, but not limited to, grading, clearing, and excavation, shall comply with the applicable provisions of this Chapter.
- (2) The submittal of maps, plans, narratives, or any other document necessary to demonstrate compliance with this Chapter shall be submitted to the Coordinator Review Committee for review.
- (3) The provisions of this Chapter shall not apply in the following situations:
 - (a) For lots created prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;
 - (b) For developed parcels (not lying in a development plat) developed prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;
 - (c) For parcels or lots actively and solely used in the operation of a public or private cemetery; and
 - (d) For public parks.
- (4) Subject to verification by Provo City Engineering of the requirements of this Subsection and the execution of an agreement documenting the terms of any exceptions granted under this Subsection, the provisions of this Chapter may be modified for parcels that so not have any of the following development constraints:
 - (i) Slopes steeper than 20% grade covering more than 15% of parcel;
 - (ii) Hazardous or unstable soils;
 - (iii) Faults;
 - (iv) Ridgelines; or
 - (v) Other hazardous building conditions.