PROVO MUNICIPAL COUNCIL

Work Meeting

10:00 AM, Tuesday, April 16, 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 and facebook.com/provocouncil. If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

To listen to the meeting by phone: April 16 Work Meeting: Dial 346-248-7799. Enter Meeting ID 842 5960 1545 **and press #. When asked for a participant ID, press #.**

Agenda
Roll Call

Business

1. An ordinance amending Provo City Code regarding certain trades and encumbrances of Real Property (24-036)

2. A discussion regarding a resolution to authorize the Mayor to execute an amendment to the site lease agreement with American Tower for the cell tower at the Gun Club property in Provo Canyon (24-040)

3. A discussion regarding a resolution to remove the Telecom Debt Charge (24-039)

4. A discussion regarding rental dwelling licenses & related fees (24-027)

5. A discussion regarding an ordinance amending Provo City Code regarding landscape design standards (PLOTA20230206 / PLOTA20240071)

6. A discussion regarding an ordinance amending the Zone Map classification of real property located at 1098 N Geneva Rd, 38 lots from the A1.1 (Agricultural) Zone to the R1.6 (One Family Residential) Zone - Lakeview North Neighborhood (PLRZ20230227)

7. A discussion regarding an ordinance amending Provo City Code regarding Accessory Dwelling Units as a permitted use in a small section of the Foothills neighborhood, 44 homes in area between 1100 E and 1260 E and 820 N to 930 N (PLOTA20230035)

8. A discussion regarding an ordinance amending Provo City Code regarding areas where Accessory Dwelling Units are prohibited - Citywide Application (PLOTA20240066)

9. A presentation regarding the FY2025 Budget: Development Services (24-007)

10. A presentation regarding the FY2025 Budget: Redevelopment Agency (24-007)

11. Presentation on Tiered Water Rates Recommendations (24-045)

12. A presentation regarding the FY2025 Budget: Public Works Administration, Engineering, and Public Services (24-007)

13. A presentation regarding the FY2025 Budget: Water Resources (24-007)

14. A presentation regarding the FY2025 Budget: Airport (24-007)

15. Presentation on the Provo River Bridge and Trail Project (24-041)

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, April 30, 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.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: TARAR
Department: Development Services
Requested Meeting Date: 04-16-2024

SUBJECT: An ordinance amending Provo City Code regarding certain trades and encumbrances of Real Property (24-036)

RECOMMENDATION: Approval of ordinance amendment which will indicate that the Municipal Council shall approve, by resolution, all encumbrances or trade of property in the form of easements, rights-of-way, leases, licenses, boundary line adjustments, or other encumbrances on city-owned property which consideration is in excess of the value of $50,000 (for agreements with annual payments, this would be $50,000 per year). All transactions described in this section with a consideration of less than $50,000 may be negotiated and approved at the discretion of the Mayor.

BACKGROUND: As written, the current ordinance indicates that all encumbrances and trade of property in the form of easements, rights-of-way, leases, licenses, boundary line adjustments, or other encumbrances on city-owned property need council approval. Some of these actions have very minimal impact on the city's assets and it is not practical to bring all these agreements to the council for approval. By making an adjustment to the ordinance, these smaller transactions can be done under the direction of the city's administration.

FISCAL IMPACT: None

PRESENTER'S NAME: Tara Riddle/Brian Jones

REQUESTED DURATION OF PRESENTATION: 10 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
This request is compatible with the general plan, policies, goals, and objectives of Provo City.

CITYVIEW OR ISSUE FILE NUMBER: 24-036

ORDINANCE 2024-__.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING CERTAIN TRADES AND ENCUMBRANCES OF REAL PROPERTY (24-036)

RECITALS:

Provo City Code Section 3.04.030 outlines the procedure to sell real property and includes trades and "encumbrances" of City property; and

It is proposed that Section 3.040.030 be amended to exclude trades of, and encumbrances on, City owned property; and

Provo City Code has no specific guidelines on how encumbrances on City property should be processed; and

Section 3.040.031 is being proposed to give guidelines on the definition of, and procedures for, encumbrances on City owned Property; and

On April 16, 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

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code 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:

Provo City Code Section 3.04.030 (Disposal of Property – Surplus Property List) is amended as follows:

3.04.030. Disposal of Property – Surplus Property List.

(1) There is hereby created a list to be known as the surplus property list, the same to be maintained by the City Property Manager, upon which are specifically or categorically described items of real and personal property which the Municipal Council, by resolution, has approved for sale, ~~trade, encumbrance~~ or other action divesting Provo City of an ownership interest.

(2) Before a significant parcel of real property is placed on the surplus property list, reasonable notice of the proposed disposition shall be provided at least fourteen (14) days in advance to allow an opportunity for public comment on the proposed disposition. For purposes of this Subsection:

(a) **"Reasonable notice"** means:

(i) Posting notice of a proposed disposition in at least three (3) public places within the City; and

(ii) Publishing the notice in the newspaper of general circulation in the City.

(b) **"Significant parcel of real property"** means a parcel of real property owned by the City with a reasonable value equal to or greater than one million dollars ($1,000,000.00).

(3) Surplus real property shall remain on the surplus property list until disposed of, unless the resolution to surplus the property expressly provides otherwise or the Municipal Council later acts to remove the real property from the surplus property list.

(4) Unless otherwise provided by resolution, personal property upon the surplus property list is approved by the Municipal Council for sale, and shall be sold by public auction conducted in a commercially reasonable manner, with the time and place of auctions being as directed by the Mayor. All personal property with a value of two thousand dollars ($2,000.00) or less is excluded from provisions of this Section and may be disposed of at the discretion of the Mayor.

(5) Unless otherwise provided by resolution, real property upon the surplus property list is approved by the Municipal Council for sale and shall be sold for cash for:

(a) Not less than the purchase price originally paid by Provo City; and

(b) Not less than ninety percent (90%) of fair market value, with fair market value being determined by:

(i) Not less than one (1) certified real estate appraiser if the fair market value is determined to be less than two hundred fifty thousand dollars ($250,000.00); or

(ii) Not less than two (2) certified real estate appraisers, if the fair market value is determined to be two hundred fifty thousand dollars ($250,000.00) or more.

(c) Subsections (a) and (b) of this Section shall not apply to exempt properties with a value of fifty thousand dollars ($50,000.00) or less as set forth on the surplus property list. The general terms of sale, which shall not be inconsistent with a cash sale at fair market value as provided above, shall be within the discretion of the Mayor.

(6) Property placed upon the surplus property list for purposes of sale, ~~trade, encumbrance~~ or other action divesting Provo City of an ownership interest shall be acted upon by the Mayor consistent with the provisions of the resolution placing the property upon the surplus property list.

(7) Notwithstanding other provisions of this Section, the Mayor may without prior approval enter into written contracts to sell, trade, or take other action divesting Provo City of an

ownership interest, with respect to property which is not on the surplus property list, but such a contract shall expressly provide that it shall not be effective until approved by the Municipal Council. Such a contract shall not be effective until it has been expressly approved by a written resolution of the Municipal Council and when so approved such a contract may contain any reasonable terms or conditions not otherwise inconsistent with law.

(8) Sales of real properties with a value under twenty-five thousand dollars ($25,000.00) are exempt from the provisions of this Section and may be disposed of at the discretion of the Mayor.

(9) The Mayor shall provide to the Municipal Council an annual report, no later than the first Council meeting in the month of December, detailing all real properties sold, traded, encumbered or divested by the administration over the past year, which report shall contain:

(a) property names and addresses;
(b) the approximate size of each property;
(c) the acquisition amount paid for each property and acquisition date;
(d) surplus date;
(e) all appraisals and estimates, if any;
(f) the consideration received in the sale of each property;
(g) the names of buyer(s) involved in each transaction; and
(h) the date of sale.

PART II:

Provo City Code Section 3.04.031 is enacted as follows:

3.04.031 Encumbrance or Trade of Real Property.

Any encumbrance or trade of property in the form of an easement, right-of-way, lease, license, boundary line adjustment, or other encumbrance on city-owned property for which the consideration is in excess of $50,000 must be approved by the Municipal Council by resolution in order to be valid. Encumbrances or trades with consideration consisting of ongoing payments must be approved by the Municipal Council by resolution in order to be valid if the value of payments to be received is in excess of $50,000 per year. Encumbrances or trades of such property for which the consideration is $50,000 or less per year or in total may be approved at the discretion of the Mayor.

PART III:

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.

END OF ORDINANCE

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: TARAR
Department: Development Services
Requested Meeting Date: 04-16-2024

SUBJECT: A discussion regarding a resolution to authorize the Mayor to execute an amendment to the site lease agreement with American Tower for the cell tower at the Gun Club property in Provo Canyon (24-040)

RECOMMENDATION: Approval of resolution to authorize the Mayor to execute an amendment to the site lease agreement with American Tower for the cell tower at the Gun Club property in Provo Canyon.

BACKGROUND: Provo City and American Tower entered into a lease agreement for a cell tower on the Provo Gun Club property in 2001. American Tower is requesting an extension to the lease agreement as the term is nearing expiration. This cell tower provides essential cell service throughout the canyon and surrounding areas.

FISCAL IMPACT: Continued revenue from the lease. Between $1.1 – 2.7 million.

PRESENTER'S NAME: Tara Riddle

REQUESTED DURATION OF PRESENTATION: 10 Mintues

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: This request is compatible with the general plans, policies, goals, and objectives of Provo City.

CITYVIEW OR ISSUE FILE NUMBER: 24-040

RESOLUTION _____ - ___

Approved as to form: ___

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE AN AMENDMENT TO THE SITE LEASE AGREEMENT WITH AMERICAN TOWER FOR THE CELL TOWER AT THE GUN CLUB PROPERTY IN PROVO CANYON.

WHEREAS, Provo City (the "City") owns a parcel of ground at 1450 E Rifle Range Road, Provo which is further described in the attached "Third Amendment to Site Lease Agreement"; and

WHEREAS, the site has been leased by American Tower Asset Sub, LLC since 2001 as a cell tower site; and

WHEREAS, Provo City is desirous of extending the lease according to the terms described in the attached "Third Amendment to Site Lease Agreement"; and

WHEREAS, the Mayor has recommended that this request for the extension of the lease terms be approved, subject to the conditions set forth in Provo City Code 3.04.030 and with the Municipal Council's approval of the terms of a lease; and

WHEREAS, on April 30, 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 recommendation, and facts and comments present to the Municipal Council, the Council finds (i) the "Third Amendment to Site Lease Agreement" should be executed subject to the conditions set forth below, (ii) this action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART 1:

The Mayor is hereby authorized to execute the "Third Amendment to Site Lease Agreement" in the attached Exhibit A subject to the conditions set forth in Provo City Code Section 3.04.030.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION

EXHIBIT A

THE THIRD AMENDMENT TO SITE LEASE AGREEMENT

This Third Amendment to Site Lease Agreement (this "***Amendment***") is made effective as of the latter signature date hereof (the "***Effective Date***") by and between **Provo City**, a Utah municipal corporation ("***Landlord***") and **American Tower Asset Sub, LLC**, a Delaware limited liability corporation ("***Tenant***") (Landlord and Tenant being collectively referred to herein as the "***Parties***").

RECITALS

WHEREAS, Landlord owns the real property described on **Exhibit A** attached hereto and by this reference made a part hereof (the "***Parent Parcel***"); and

WHEREAS, Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Site Lease Agreement dated March 2, 2001, the "***Original Lease***", as amended by that certain Amendment to Site Lease Agreement dated February 12, 2002, the "***First Amendment***", as further amended by that certain Second Amendment to Lease Agreement dated September 27, 2013, the "***Second Amendment***") (as the same may have been amended from time to time, collectively, the "***Lease***"), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the "***Leased Premises***"), which Leased Premises are also described on **Exhibit A**; and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to extend the term thereof and to otherwise modify the Lease as expressly provided herein.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants set forth herein and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **One-Time Payment**. Tenant shall pay to Landlord a one-time payment in the amount of **Ten thousand and No/100 Dollars** (**$10,000.00**), payable within thirty (30) days of the Effective Date and subject to the following conditions precedent: (a) Tenant's receipt of this Amendment executed by Landlord, on or before April 30, 2024; (b) Tenant's confirmation that Landlord's statements as further set forth in this Amendment are true, accurate, and complete, including verification of Landlord's ownership; (c) Tenant's receipt of any documents and other items reasonably requested by Tenant in order to effectuate the transaction and payment contemplated herein; and (d) receipt by Tenant of an original Memorandum (as defined herein) executed by Landlord.

2. **Lease Term Extended**. Notwithstanding anything to the contrary contained in the Lease or this Amendment, the Parties agree the Lease originally commenced on March 1, 2001 and, without giving effect to the terms of this Amendment but assuming the exercise by Tenant of all remaining renewal options contained in the Lease (each an "***Existing Renewal Term***" and, collectively, the "***Existing Renewal Terms***"), the Lease is otherwise scheduled to expire on February 28, 2043. In addition to any Existing Renewal Term(s), the Lease is hereby amended to provide Tenant with the option to extend the Lease for each of three (3) additional five (5) year renewal terms (each a "***New Renewal Term***" and, collectively, the "***New Renewal Terms***"). Notwithstanding anything to the contrary contained in the Lease, (a) all Existing Renewal Terms and New Renewal Terms shall automatically renew unless Tenant notifies Landlord that Tenant elects not to renew the Lease, as amended herein, at least sixty (60) days

prior to the commencement of the next Renewal Term (as defined below) and (b) Landlord shall be able to terminate the Lease, as amended herein, only in the event of a material default by Tenant, which default is not cured within sixty (60) days of Tenant's receipt of written notice thereof, provided, however, in the event that Tenant has diligently commenced to cure a material default within sixty (60) days of Tenant's actual receipt of notice thereof and reasonably requires additional time beyond the sixty (60) day cure period described herein to effect such cure, Tenant shall have such additional time as is necessary (beyond the sixty [60] day cure period) to effect the cure. References in this Amendment to "***Renewal Term***" shall refer, collectively, to the Existing Renewal Term(s) and the New Renewal Term(s). The Landlord hereby agrees to execute and return to Tenant an original Memorandum of Lease in the form and of the substance attached hereto as **Exhibit B** and by this reference made a part hereof (the "***Memorandum***") executed by Landlord, together with any applicable forms needed to record the Memorandum, which forms shall be supplied by Tenant to Landlord.

3. **Rent and Escalation**. Commencing on March 1, 2024, the rent payable from Tenant to Landlord under the Lease is **Three thousand eighty and 90/100 Dollars** (**$3,080.90**) per month (the "***Rent***"). Commencing on March 1, 2025 and on each successive annual anniversary thereof, Rent due under the Lease, as amended herein, shall increase by an amount equal to **four percent** (**4%**) of the then current Rent. In the event of any overpayment of Rent prior to or after the Effective Date, Tenant shall have the right to deduct from any future Rent payments an amount equal to the overpayment amount. Notwithstanding anything to the contrary contained in the Lease, all Rent and any other payments expressly required to be paid by Tenant to Landlord under the Lease and this Amendment shall be paid to **Provo City**.

4. **Landlord and Tenant Acknowledgments**. Except as modified herein, the Lease and all provisions contained therein remain in full force and effect and are hereby ratified and affirmed. In the event there is a conflict between the Lease and this Amendment, this Amendment shall control. The Parties hereby agree that no defaults exist under the Lease. To the extent Tenant needed consent and/or approval from Landlord for any of Tenant's activities at and uses of the site prior to the Effective Date, Landlord's execution of this Amendment is and shall be considered consent to and approval of all such activities and uses. Landlord hereby acknowledges and agrees that Tenant shall not need consent or approval from, but shall be required to provide notice to, Landlord for any future activities at or uses of the Leased Premises, including, without limitation, subleasing and licensing to additional customers, installing, modifying, repairing, or replacing improvements within the Leased Premises, and/or assigning all or any portion of Tenant's interest in this Lease, as modified by this Amendment. Tenant and Tenant's sublessees and customers shall have vehicular (specifically including truck) and pedestrian access to the Leased Premises from a public right of way on a 24 hours per day, 7 days per week basis, together with utilities services to the Leased Premises from a public right of way. Upon request by Tenant and at Tenant's sole cost and expense but without additional consideration owed to Landlord, Landlord hereby agrees to promptly execute and return to Tenant building permits, zoning applications and other forms and documents, including a memorandum of lease, as required for the use of the Leased Premises by Tenant and/or Tenant's customers, licensees, and sublessees. Landlord hereby appoints Tenant as Landlord's attorney-in-fact coupled with an interest to prepare, execute and deliver land use and zoning and building permit applications that concern the Leased Premises, on behalf of Landlord with federal, state and local governmental authorities, provided that such applications shall be limited strictly to the use of the Leased Premises as a wireless telecommunications facility and that such attorney-in-fact shall not allow Tenant to re-zone or otherwise reclassify the Leased Premises or the Parent Parcel. The terms, provisions, and conditions of this Section shall survive the execution and delivery of this Amendment.

5. **Limited Right of First Refusal**. Notwithstanding anything to the contrary contained herein, this paragraph shall not apply to any fee simple sale of the Parent Parcel from Landlord to any person or

entity directly or indirectly engaged in the business of owning, acquiring, operating, managing, investing in or leasing wireless telecommunications infrastructure (any such person or entity, a "***Third Party Competitor***"). If Landlord receives an offer or desires to offer to: (i) sell or convey any interest (including, but not limited to, leaseholds or easements) in any real property of which the Leased Premises is a part to a Third Party Competitor or (ii) assign all or any portion of Landlord's interest in the Lease, as modified by this Amendment, to a Third Party Competitor (any such offer, the "***Offer***"), Tenant shall have the right of first refusal to purchase the real property or other interest being offered by Landlord in connection with the Offer on the same terms and conditions. If Tenant elects, in its sole and absolute discretion, to exercise its right of first refusal as provided herein, Tenant must provide Landlord with notice of its election not later than forty-five (45) days after Tenant receives written notice from Landlord of the Offer. If Tenant elects not to exercise Tenant's right of first refusal with respect to an Offer as provided herein, Landlord may complete the transaction contemplated in the Offer with the Third Party Competitor on the stated terms and price but with the express condition that such sale is made subject to the terms of the Lease, as modified by this Amendment. Landlord hereby acknowledges and agrees that any sale or conveyance by Landlord in violation of this Section is and shall be deemed to be null and void and of no force and effect. The terms, provisions, and conditions of this Section shall survive the execution and delivery of this Amendment.

6. **Landlord Statements**. Landlord hereby represents and warrants to Tenant that: (i) to the extent applicable, Landlord is duly organized, validly existing, and in good standing in the jurisdiction in which Landlord was organized, formed, or incorporated, as applicable, and is otherwise in good standing and authorized to transact business in each other jurisdiction in which such qualifications are required; (ii) Landlord has the full power and authority to enter into and perform its obligations under this Amendment, and, to the extent applicable, the person(s) executing this Amendment on behalf of Landlord, have the authority to enter into and deliver this Amendment on behalf of Landlord; (iii) no consent, authorization, order, or approval of, or filing or registration with, any governmental authority or other person or entity is required for the execution and delivery by Landlord of this Amendment; (iv) Landlord is the sole owner of the Leased Premises and all other portions of the Parent Parcel; (v) to the best of Landlord's knowledge, there are no agreements, liens, encumbrances, claims, claims of lien, proceedings, or other matters (whether filed or recorded in the applicable public records or not) related to, encumbering, asserted against, threatened against, and/or pending with respect to the Leased Premises or any other portion of the Parent Parcel which do or could (now or any time in the future) adversely impact, limit, and/or impair Tenant's rights under the Lease, as amended and modified by this Amendment; (vi) so long as Tenant performs its obligations under the Lease, Tenant shall peaceably and quietly have, hold and enjoy the Leased Premises, and Landlord shall not act or permit any third person to act in any manner which would interfere with or disrupt Tenant's business or frustrate Tenant or Tenant's customers' use of the Leased Premises and (vii) the square footage of the Leased Premises is the greater of Tenant's existing improvements on the Parent Parcel or the land area conveyed to Tenant under the Lease. The representations and warranties of Landlord made in this Section shall survive the execution and delivery of this Amendment. Landlord hereby does and agrees to indemnify Tenant for any damages, losses, costs, fees, expenses, or charges of any kind sustained or incurred by Tenant as a result of the breach of the representations and warranties made herein or if any of the representations and warranties made herein prove to be untrue. The aforementioned indemnification shall survive the execution and delivery of this Amendment.

7. **Notices**. The Parties acknowledge and agree that Section 11 of the Original Lease and Section 7 of the Second Amendment are hereby deleted in their entirety and are of no further force and effect. From and after the Effective Date the notice address and requirements of the Lease, as modified by this Amendment, shall be controlled by this Section of this Amendment. All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First

Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: Provo City, 351 West Center, Provo, UT 84601; to Tenant at: Attn.: Land Management 10 Presidential Way, Woburn, MA 01801, with copy to: Attn.: Legal Dept., 116 Huntington Avenue, Boston, MA 02116. Any of the Parties, by thirty (30) days prior written notice to the others in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.

8. **Counterparts**. This Amendment may be executed in several counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument, even though all Parties are not signatories to the original or the same counterpart. Furthermore, the Parties may execute and deliver this Amendment by electronic means such as .pdf or similar format. Each of the Parties agrees that the delivery of the Amendment by electronic means will have the same force and effect as delivery of original signatures and that each of the Parties may use such electronic signatures as evidence of the execution and delivery of the Amendment by all Parties to the same extent as an original signature.

9. **Waiver**. From and after the Effective Date and notwithstanding anything to the contrary contained herein or in the Lease, in no event shall Landlord or Tenant be liable to the other for, and Landlord and Tenant hereby waive, to the fullest extent permitted under applicable law, the right to recover incidental, consequential (including, without limitation, lost profits, loss of use or loss of business opportunity), punitive, exemplary and similar damages.

10. **Tenant's Securitization Rights; Estoppel**. Landlord hereby consents to the granting by Tenant of one or more leasehold mortgages, collateral assignments, liens, and/or other security interests (collectively, a "***Security Interest***") in Tenant's interest in the Lease, as amended, and all of Tenant's property and fixtures attached to and lying within the Leased Premises and further consents to the exercise by Tenant's mortgagee ("***Tenant's Mortgagee***") of its rights to exercise its remedies, including without limitation foreclosure, with respect to any such Security Interest. Landlord shall recognize the holder of any such Security Interest of which Landlord is given prior written notice (any such holder, a "***Holder***") as "Tenant" hereunder in the event a Holder succeeds to the interest of Tenant hereunder by the exercise of such remedies. Landlord further agrees to execute a written estoppel certificate within thirty (30) days of written request of the same by Tenant or Holder.

11. **Deletions**. The Parties acknowledge and agree that Section 16 of the Original Lease is hereby deleted in its entirety and is of no further force and effect.

12. **Conflict/Capitalized Terms**. The Parties hereby acknowledge and agree that in the event of a conflict between the terms and provisions of this Amendment and those contained in the Lease, the terms and provisions of this Amendment shall control. Except as otherwise defined or expressly provided in this Amendment, all capitalized terms used in this Amendment shall have the meanings or definitions ascribed to them in the Lease. To the extent of any inconsistency in or conflict between the meaning, definition, or usage of any capitalized terms in this Amendment and the meaning, definition, or usage of any such capitalized terms or similar or analogous terms in the Lease , the meaning, definition, or usage of any such capitalized terms in this Amendment shall control.

[*SIGNATURES COMMENCE ON FOLLOWING PAGE*]

LANDLORD:

Provo City,

a Utah municipal corporation

Signature: _____

Print Name: _____

Title: _____

Date: _____

[*SIGNATURES CONTINUE ON FOLLOWING PAGE*]

TENANT:

American Tower Asset Sub, LLC

a Delaware limited liability corporation

Signature: _____

Print Name: _____

Title: _____

Date: _____

EXHIBIT A

This Exhibit A may be replaced at Tenant's option as described below.

PARENT PARCEL

Tenant shall have the right to replace this description with a description obtained from Landlord's deed (or deeds) that include the land area encompassed by the Lease and Tenant's improvements thereon.

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below.

SITUATED IN THE COUNTY OF UTAH AND STATE OF UTAH:

ALL OF THE SW 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN.

LESS: 2.89 ACRES TO STATE ROAD COMMISSION.

TAX ID NO: 20:005:0001

ADDRESS: 20-005-0001, PROVO, UT 84604

LEASED PREMISES

Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Tenant.

The Leased Premises consists of that portion of the Parent Parcel as defined in the Lease which shall include access and utilities easements. The Square footage of the Leased Premises shall be the greater of: (i) 3,600 square feet; (ii) Tenant's (and Tenant's customers) existing improvements on the Parent Parcel; or (iii) the legal description or depiction below (if any).

Beginning at a point SOUTH 243.34 feet and EAST 485.61 feet from West Quarter Corner of Section 5, Township 6 South, Range 3 East, Salt Lake Base & Meridian and running thence NORTH 73°54'57" EAST 60.00 feet; thence SOUTH 16°05'03" EAST 60.00 feet; thence SOUTH 73°54'57" WEST 60.00 feet; thence NORTH 16°05'03" WEST 60.00 feet to the point of beginning.

Contains 3600.0 sq. ft. or 0.0826 acres, more or less, as described.

EXHIBIT A (continued)

ACCESS AND UTILITIES

The access and utility easements include all easements of record as well that portion of the Parent Parcel currently utilized by Tenant (and Tenant's customers) for ingress, egress and utility purposes from the Leased Premises to and from a public right of way including but not limited to:

A 12 foot wide access easement for the purpose of ingress and egress being 6 feet on each side of the following described centerline:

Beginning at a point SOUTH 291.03 feet and EAST 499.36 feet from the West Quarter Corner of Section 5, Township 6 South, Range 3 East, Salt Lake Base & Meridian and running thence SOUTH 71°13'19" WEST 9.39 feet; thence SOUTH 20°18'36" EAST 38.16 feet; thence NORTH 82°38'15" EAST 5.44 feet to a point on a 502.69 foot radius (non tangent) curve to the right, through a central angle of 52°07'06", an arc distance of 457.27 feet; a chord bearing of SOUTH 66°20'35" EAST 441.66 feet; thence SOUTH 37°54'39" EAST 736.67 feet; thence SOUTH 46°12'36" EAST 75.10 feet; thence SOUTH 65°40'26" EAST 75.57 feet, more or less, to the centerline of Squaw Peak Road and terminating.

Contains 16651 sq. ft. or 0.3823 acres, more or less, as described.

Together With:

A 6 foot wide power and utility being 3 feet on each side of the following described centerline:

Beginning at a point SOUTH 243.34 feet and EAST 485.61 feet and NORTH 73°54'57" EAST 2.70 feet from the West Quarter Corner of Section 5, Township 6 South, Range 3 East, Salt Lake Base & Meridian and running thence NORTH 02°24'14" WEST 39.42 feet; thence NORTH 11°26'52" WEST 105.67 feet; thence NORTH 10°47'05" WEST 156.41 feet, more or less, to an existing power pole with transformer and terminating.

Contains 1809 sq. ft. or 0.0415 acres, more or less, as described.

EXHIBIT B

FORM OF MEMORANDUM OF LEASE

Prepared by and Return to:

American Tower

10 Presidential Way

Woburn, MA 01801

Attn: Land Management/Dylan Woods, Esq.

ATC Site No: 310299

ATC Site Name: Provo Canyon UT 1

Assessor's Parcel No(s): 20-005-0001

Prior Recorded Lease Reference:

Document No. 99017:2013

State of Utah

County of Utah

MEMORANDUM OF LEASE

This Memorandum of Lease (the "***Memorandum***") is entered into as of the latter signature date hereof, by and between **Provo City**, a Utah municipal corporation, ("***Landlord***") and **American Tower Asset Sub, LLC**, a Delaware limited liability corporation ("***Tenant***").

NOTICE is hereby given of the Lease (as defined and described below) for the purpose of recording and giving notice of the existence of said Lease. To the extent that notice of such Lease has previously been recorded, then this Memorandum shall constitute an amendment of any such prior recorded notice(s).

1. **Parent Parcel and Lease**. Landlord is the owner of certain real property being described in **Exhibit A** attached hereto and by this reference made a part hereof (the "***Parent Parcel***"). Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Site Lease Agreement dated March 2, 2001, as amended by that certain Amendment to Site Lease Agreement dated February 12, 2002, the "***First Amendment***", as further amended by that certain Second Amendment to Lease Agreement dated September 27, 2013, the "***Second Amendment***") (as the same may have been amended from time to time, collectively, the "***Lease***"), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the "***Leased Premises***"), which Leased Premises is also described on **Exhibit A**.

2. **Expiration Date**. Subject to the terms, provisions, and conditions of the Lease, and assuming the exercise by Tenant of all renewal options contained in the Lease, the final expiration date of the Lease would be February 28, 2058. Notwithstanding the foregoing, in no event shall Tenant be required to

exercise any option to renew the term of the Lease.

3. **Leased Premises Description**. Tenant shall have the right, exercisable by Tenant at any time during the original or renewal terms of the Lease, to cause an as-built survey of the Leased Premises to be prepared and, thereafter, to replace, in whole or in part, the description(s) of the Leased Premises set forth on **Exhibit A** with a legal description or legal descriptions based upon such as-built survey. Upon Tenant's request, Landlord shall execute and deliver any documents reasonably necessary to effectuate such replacement, including, without limitation, amendments to this Memorandum and to the Lease.

4. **Right of First Refusal**. There is a right of first refusal in the Lease.

5. **Effect/Miscellaneous**. This Memorandum is not a complete summary of the terms, provisions and conditions contained in the Lease. In the event of a conflict between this Memorandum and the Lease, the Lease shall control. Landlord hereby grants the right to Tenant to complete and execute on behalf of Landlord any government or transfer tax forms necessary for the recording of this Memorandum. This right shall terminate upon recording of this Memorandum.

6. **Notices**. All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: Provo City, 351 West Center, Provo, UT 84601; to Tenant at: Attn.: Land Management 10 Presidential Way, Woburn, MA 01801, with copy to: Attn.: Legal Dept., 116 Huntington Avenue, Boston, MA 02116. Any of the parties hereto, by thirty (30) days prior written notice to the other in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.

7. **Counterparts**. This Memorandum may be executed in multiple counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

8. **Governing Law**. This Memorandum shall be governed by and construed in all respects in accordance with the laws of the State or Commonwealth in which the Leased Premises is situated, without regard to the conflicts of laws provisions of such State or Commonwealth.

[*SIGNATURES COMMENCE ON FOLLOWING PAGE*]

IN WITNESS WHEREOF, Landlord and Tenant have each executed this Memorandum as of the day and year set forth below.

LANDLORD

Provo City,

a Utah municipal corporation

Signature: _____

Print Name: _____

Title: _____

Date: _____

2 WITNESSES

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of _____

County of _____

On this ____ day of _____, 202___, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____

Notary Public

Print Name: _____

My commission expires: _____ [SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

TENANT

American Tower Asset Sub, LLC,

a Delaware limited liability corporation

Signature: _____

Print Name: _____

Title: _____

Date: _____

WITNESS

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

Commonwealth of Massachusetts

County of Middlesex

On this ____ day of _____, 202___, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____

Notary Public

Print Name: _____

My commission expires: _____ [SEAL]

EXHIBIT A

This Exhibit A may be replaced at Tenant's option as described below.

PARENT PARCEL

Tenant shall have the right to replace this description with a description obtained from Landlord's deed (or deeds) that include the land area encompassed by the Lease and Tenant's improvements thereon.

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below.

SITUATED IN THE COUNTY OF UTAH AND STATE OF UTAH:

ALL OF THE SW 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN.

LESS: 2.89 ACRES TO STATE ROAD COMMISSION.

TAX ID NO: 20:005:0001

ADDRESS: 20-005-0001, PROVO, UT 84604

LEASED PREMISES

Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Tenant.

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Contains 3600.0 sq. ft. or 0.0826 acres, more or less, as described.

EXHIBIT A (continued)

ACCESS AND UTILITIES

The access and utility easements include all easements of record as well that portion of the Parent Parcel currently utilized by Tenant (and Tenant's customers) for ingress, egress and utility purposes from the Leased Premises to and from a public right of way including but not limited to:

A 12 foot wide access easement for the purpose of ingress and egress being 6 feet on each side of the following described centerline:

Beginning at a point SOUTH 291.03 feet and EAST 499.36 feet from the West Quarter Corner of Section 5, Township 6 South, Range 3 East, Salt Lake Base & Meridian and running thence SOUTH 71°13'19" WEST 9.39 feet; thence SOUTH 20°18'36" EAST 38.16 feet; thence NORTH 82°38'15" EAST 5.44 feet to a point on a 502.69 foot radius (non tangent) curve to the right, through a central angle of 52°07'06", an arc distance of 457.27 feet; a chord bearing of SOUTH 66°20'35" EAST 441.66 feet; thence SOUTH 37°54'39" EAST 736.67 feet; thence SOUTH 46°12'36" EAST 75.10 feet; thence SOUTH 65°40'26" EAST 75.57 feet, more or less, to the centerline of Squaw Peak Road and terminating.

Contains 16651 sq. ft. or 0.3823 acres, more or less, as described.

Together With:

A 6 foot wide power and utility being 3 feet on each side of the following described centerline:

Beginning at a point SOUTH 243.34 feet and EAST 485.61 feet and NORTH 73°54'57" EAST 2.70 feet from the West Quarter Corner of Section 5, Township 6 South, Range 3 East, Salt Lake Base & Meridian and running thence NORTH 02°24'14" WEST 39.42 feet; thence NORTH 11°26'52" WEST 105.67 feet; thence NORTH 10°47'05" WEST 156.41 feet, more or less, to an existing power pole with transformer and terminating.

Contains 1809 sq. ft. or 0.0415 acres, more or less, as described.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JOHNB
Department: Administrative Services
Requested Meeting Date: 04-16-2024

SUBJECT: A discussion regarding a resolution to remove the Telecom Debt Charge (24-039)

RECOMMENDATION: Pass resolution removing the Telecom Debt Charge

BACKGROUND: In 2011, Provo City implemented a telecom debt charge as part of the Energy rate structure to make the required payments on bonds that provided funding for the telecom network. The telecom debt charge impacted all electric utility customers. The charge was structured to ensure Provo City could adequately pay the annual telecom bond payment of $3.2 million.

When approved, the telecom debt charge was set to automatically expire upon the final payment of the debt, which was anticipated to occur in February of 2026. Due to additional telecom debt charge revenue from new development, on May 1st nearly two years ahead of schedule, Provo City will be in a position to meet its remaining bond obligations and will take the necessary steps to remove the charge.

This acheivement reflects our commitment to responsible fiscal managment and the vibrant growth of our community. We extend our heartfelt grattitude to all residents for the support and contributions to this milestone.

FISCAL IMPACT: Approximately $3.2 million City-wide annual reduction on Energy rate payers bills for the next two years

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-039

RESOLUTION 2024-____.

A RESOLUTION REMOVING THE TELECOM DEBT CHARGE. (24-039)

RECITALS:

In 2011, the Municipal Council approved a Telecom Debt Charge for all electric utility customers designed to pay the bonds issued by the City in 2004 to construct the telecom network; and

This Telecom Debt Charge is found in Electric Service Schedule No. 21 and was designed to automatically expire upon the final payment of the debt, which was anticipated to occur in 2026; and

New development in the City has provided additional Telecom Debt Charge revenue to the point that in May 2024 the Telecom Debt fund will contain sufficient funds to cover the remaining bond payments; and

Accordingly, it is proposed that the Municipal Council terminate Electric Service Schedule No. 21, ending the collection of the Telecom Debt Charge, at that time; and

On _____, the Municipal Council met to consider 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 facts presented to the Municipal Council, the Council finds that (i) the Telecom Debt Charge should be terminated as described herein, 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 resolves as follows:

PART I:

Electric Service Schedule No. 21 (Telecom Debt Charge) expires on May 1, 2024 and will no longer appear on Provo City electric bills after that date.

PART II:

This resolution takes effect immediately.

ZIONS PUBLIC FINANCE, INC.

1 April 2024

John Borget
Administrative Services Director
jborget@provo.utah.gov

RE: Proposal for Business License Fee and Rental Dwelling License Study

Dear John:

Zions Public Finance (ZPFI) enthusiastically submits this proposal to complete a Business License Fee and Rental Dwelling License Study for the City of Provo. Our consultants have worked on numerous business license fee and disproportionate rental fee studies, in compliance with Utah Code Utah Code Annotated §10-1-203. A sample of our clients for these fees includes the following: Cottonwood Heights, Marriott-Slaterville, Lehi, Holladay, South Jordan, South Ogden, Alta, Provo, Roy, Midvale, Taylorsville, North Salt Lake, Heber, South Salt Lake, Ogden, Harrisville, St. George, Orem, West Jordan, Heber, Harrisville, and Perry.

Our fee studies are detailed. Every assumption is clearly defined and backed up through interviews, budgets, and data. The studies are thorough and defensible in every respect. Our experience with numerous municipalities helps us point out any issues and concerns of other areas and how they handled them. In other words, the City of Provo can learn from the experience of other jurisdictions.

We have greatly enjoyed working with the City in the past and look forward to this opportunity of working with you again.

Best Regards,

Susie Becker
Vice President, Zions Public Finance, Inc.
801.844.8310 (w); 801.540.8679 (m)
Susan.becker@zionsbancorp.com

Aaron Sanborn
Vice President, Zions Public Finance, Inc.
801.844.7397 (w)
Aaron.xanborn@zionsbancorp.com

EXPERIENCE AND QUALIFICATIONS

Zions Public Finance, Inc. (ZPFI), a department of Zions Bank, is comprised of a team of 22 professionals committed to providing unparalleled service to municipal entities, local districts, government agencies and private clients throughout Utah and the Intermountain West. We have two primary service areas: 1) financial advisory to assist governmental entities in the bonding and disclosure/ reporting process; and 2) municipal consulting services focusing on economic development, planning, real estate development advisory and fee-related services.

Our Municipal Consulting Group, an integral part of ZPFI, is well known and respected throughout the Intermountain Region for its leadership in economic development, redevelopment, market analysis, fee studies, real estate development advisory, capital facility finance planning, feasibility studies and fiscal/economic impacts analysis. Resumes of key staff members are included in the Appendix.

A sample of cities and towns for which consultants at Zions have performed business license fee studies include:

Cottonwood Heights	Roy	St. George
Marriott-Slaterville	Midvale	Orem
Lehi	Taylorsville	West Jordan
Holladay	North Salt Lake	Perry
South Jordan	Heber	Heber
South Ogden	South Salt Lake	Harrisville
Alta	Ogden	
Provo	Harrisville	

Aaron Sanborn will be the project manager and will be assisted by Susie Becker and Lee Johnson.

Aaron Sanborn – Vice President | Zions Public Finance, Inc.



Aaron has over a decade of experience with local government and municipal research. Prior to joining ZPFI, Aaron worked for Eagle Mountain City as a Financial & Management Analyst and as Economic Development Director. From providing analytical support, coordinating marketing, or directing business development, his efforts resulted in over $2.225 billion in direct investment in Eagle Mountain City. Since joining ZPFI, Aaron has managed multiple planning and economic development projects, impact fee analyses, and fee studies. Most recently, this includes conducting business license fee studies for Heber and Harrisville, including a disproportionate impact analysis.

Susie Becker – Vice President | Zions Public Finance, Inc.



For the past 30 years, Susie has specialized in economic consulting, fiscal sustainability and a wide variety of fee studies. She has been the lead consultant on some of the largest and most challenging projects in the intermountain region and recently identified revenue streams and funding mechanisms for the large Point of the Mountain project that spans Salt Lake and Utah counties. She has testified before Governor's Legislative Task Forces on economic policies and procedures as well as on impact fees in Utah, has been involved with numerous general plan and economic strategic plans, has written hundreds of fee studies (impact fees, rates, business license, recreation, engineering, planning, etc.), and has created a multitude of community reinvestment areas. Her experience stretches from issues such as affordable housing concerns in resort communities like McCall, ID, to the development of large tracts of undeveloped land for Rio Tinto, to redevelopment of a large deteriorating commercial center in Mesa, AZ – the Fiesta District. She has a MBA degree, AICP and a securities license (series 50 and 52).

Lee Johnson – Financial Analyst | Zions Public Finance, Inc.



Lee has assisted in a broad array of projects to share his skills in economic analysis, financial modeling, and policy research. During his time with ZPFI, Lee has gained experience with impact fee analyses, economic development projects, and numerous GIS applications. Prior to joining the team, Lee was a credit analyst in the Zions Bank Commercial Banking Development Program, where he gained experience and exposure to the banking industry. During his time in the program, he worked with the structured finance and commercial lending teams. Lee graduated from Utah State University with a MS in Financial Economics and worked as a research fellow during his studies.

Understanding of Project Approach

Our approach is crafted to ensure compliance with all legal requirements of Utah Code Annotated §10-1-203. Some key steps are outlined as follows:

1. General Businesses – *Analyze and Assess the City's Cost of Regulating Businesses*

Base Administrative Costs include the costs common to all types of businesses incurred to register, oversee, maintain records, and regulate licensed businesses within the City. Base administrative costs include the following standard labor costs: i) business license application and registration process; ii) issuance of license; iii) collection of fees; iv) maintenance of records; v) preparation of business reports and required verifications; and vi) regulatory inspections.

Base administrative costs will be calculated by taking into account direct costs (salaries, department overhead, supplies) and indirect costs (administrative, overhead, etc.) and the amount of time required to perform each task.

2. Regulatory Efforts – *Analyze and Assess the City's Cost of any Special Regulatory Efforts*

ZPFI will work with the City to identify any types of businesses (i.e., daycares, businesses with a beer license, pawn shops, storage of hazardous waste, etc.) that require extra inspections by the City. The cost of these inspections can be included in business license fees.

i. Identify increased services/inspections for special classes of businesses which may include daycare facilities, pawn shops, beer licenses, etc.; and
ii. Evaluate disproportionate regulatory costs based on labor, materials, equipment used, time spent per inspection, etc.

3. Disproportionate Fees – *Analyze and Assess the Excess Rates of Usage of City Services by Selected Classes of Businesses*

A GIS analysis will be conducted by our in-house GIS staff to geo-code 911 police and fire calls for service by location of origination of call, excluding traffic and unrelated calls. This database will be tied to the business license database in order to evaluate disproportionate calls for service by business type including rental units.

Working with the City budget, the consultants will calculate the average cost per call. The cost per call is then multiplied by the number of disproportionate calls per business grouping. Note that all businesses in a business class or grouping must be charged the same fee. The disproportionate call ratio is calculated by subtracting the base ratio of calls from the disproportionate ratio for each grouping. Finally, the base ratio is calculated by measuring the average number of calls per residential unit. In summary:

i. Analyze call data to determine the number of calls above the baseline (disproportionate number of calls);
ii. Group businesses based on several factors including: a) businesses that have a logical relation to each other; b) similar call ratios; and c) needs of the City; and
iii. Disproportionate costs for each business grouping will be calculated based on service call costs and the number of calls in excess of the baseline. Statistical outliers will be identified and removed from the analysis.

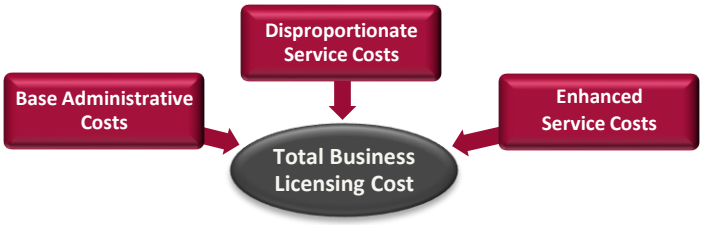
Residential Rental Units. The consultants at ZPFI have extensive experience working with municipalities to identify municipal costs associated with residential rentals and evaluating and implementing a GLL Program. Steps involved in a residential rental analysis include:

i. Work with City staff to compile an accurate list of rental units;
ii. Integrate information from interviews with City staff and data analysis to evaluate all costs associated with administering residential rental business licenses; and
iii. Geo-code all 911 service calls to residential rentals that can be legitimately included in the analysis. Analyze call data and evaluate 911 service call costs above the baseline based on number of units.

4. Enhanced Services – *Analyze and Assess the Excess Rates of Usage of City Services, if Any, Provided to Specific Geographic Areas and the Businesses Benefitting in Those Areas*

Enhanced fees are charged to businesses in geographic areas that receive a higher level (enhanced) services. For example, roads may be plowed more often in a certain area of a City, or there may be a business district with increased police patrols, or beautification efforts (i.e., hanging planters). These costs can be recaptured in business license fees although most cities do not include enhanced fees.

A summary of the major components of fees is as follows:



5. Provide Comparable Fee Schedules

ZPFI routinely provides comparable fee schedules as part of our business license fee engagements. Categories will differ fairly significantly between communities, but we try to match fee categories as closely as possible.

Proposed Fees and Schedule

Our proposed fee to complete a business license fee study for Provo, including disproportionate fees for businesses and rental units, is $20,000.

Our proposed timeline is to meet within the City within two months for a preliminary review of findings, as shown in our Excel spreadsheet. Then, with approval from the City regarding groupings and classifications, we will write up the report within the next month. This results in a total anticipated timeframe of three months for this study.



Education

Master of Public Administration, Brigham Young University

Bachelor of Arts, History, Brigham Young University

Public Service and Affiliations

Utah Alliance for Economic Development

International Economic Development Council

International City/County Management Association

ICMA BYU Student Chapter President

Eagle Mountain Chamber of Commerce Board of Directors

Aaron C. Sanborn

Vice President

Zions Public Finance, Inc. | Municipal Consulting Group

Although new to ZPFI, Aaron has nearly a decade of experience with local government and municipal research. Prior to joining ZPFI, Aaron worked for Eagle Mountain City as a management intern, Financial & Management Analyst, and as Economic Development Director. He was also heavily involved in local government while still in his MPA program, working on several consulting projects with Utah cities.

As economic development director, Aaron has been heavily involved in the commercial boom Eagle Mountain is currently experiencing. From providing analytical support, coordinating marketing, or directing business development, his efforts have resulted in over $2.225 billion in direct investment in Eagle Mountain City. This includes the large investments by Meta (2018), Tyson Fresh Meats (2019), and Google (2021).

Aaron's experience includes:

- Municipal Fleet Analysis for multiple cities in Utah
- Clearfield City Performance Measurements
- Utah Office of Tourism "Welcome Center" Software Analysis
- Lehi City Annual Citizen Satisfaction Survey Statistical Analysis
- American Fork Streetlight Purchase Cost & Benefit Analysis
- Eagle Mountain Gas & Electric Utility Sale
- Eagle Mountain Utility Rate Analysis
- Eagle Mountain Police Service Delivery Analysis
- Eagle Mountain Information Technology Service Delivery Analysis
- Creation of Eagle Mountain Chamber of Commerce
- Creation of Eagle Mountain Neighborhood Match Grant Program
- Creation of Eagle Mountain City Annual Budget Document
- Creation of Eagle Mountain City Annual Comprehensive Financial Report
- Creation of Eagle Mountain City Popular Annual Financial Report
- CRA Creation for Meta, Tyson, and Google projects
- Eagle Mountain Economic Development Master Plan
- Bountiful General Plan
- Salt Lake County Leverage Ratio Analysis
- Twin Falls Bridge Alternatives Economic Analysis
- Point of the Mountain Transit Alternatives Analysis
- Payson Station Area Plan
- Vineyard Station Area Plan
- Clearfield Station Area Plan
- South Salt Lake City Area Plan
- Salem Transportation Impact Fees
- Centerfield Impact Fees – Culinary Water, Secondary Water, Wastewater
- Saratoga Springs Downtown Plan
- Providence Sewer Feasibilty Study
- Redevelopment Agency Annual Reports for multiple cities
- Newton Water Impact Fee Analysis
- Mendon Water Impact Fee Analysis
- Herriman Economic Development Strategic Plan
- Heber Business Licnse Fees
- Harrisville Business License Fees
- Syracyse Good Landlord Rental Fee Analysis



Education

Master of Business Administration, University of Utah

MBA Ace and Dean's Scholar
Bachelor of Arts, Humanities, Brigham Young University

Public Service and Affiliations

Municipal Securities Registered Representative
American Institute of Certified Planners (AICP)
Urban Land Institute, Mentor
Utah Redevelopment Association
Utah Economic Alliance
Utah League of Cities and Towns, Land Use Task Force
WFRC Economic Development

Selected Presentations

"Downtown Revitalization," Utah League of Cities and Towns
"Basics of Market Analysis," Main Street Annual Conferences
"Weathering the Economic Storm," Utah League of Cities and Towns
"Redevelopment in Utah," Utah County and Davis County Economic Alliance
"The Marriage of CDAs and SAA's," Utah League of Cities and towns
"Downtown Revitalization and Economic Development," University of Utah School of Architecture
"Economics and Planning," Utah League of Cities and Towns
"Economic Development Policies and Practices," Governor's Economic Task Force and Utah Economic Alliance
"Rate Sustainability Amid COVID-19," AWWA

Susan C. Becker, AICP

Vice President

Zions Public Finance, Inc. | Municipal Consulting Group

For the past 30 years, Susie has specialized in fee studies and economic consulting and planning and has been the lead consultant on some of the largest and most challenging projects in the intermountain region, including funding mechanisms for the large Point of the Mountain project that spans Salt Lake and Utah counties, has testified before the Governor's Legislative Task Forces on economic policies and procedures in Utah and in impact fees, has been involved with numerous fee studies, as well as the creation of a multitude of community reinvestment areas. Her experience stretches from issues such as affordable housing concerns in resort communities like McCall, ID, to redevelopment of a large deteriorating commercial center in Mesa, AZ – the Fiesta District to utility rates for a newly-incorporated entity. She has a MBA degree, AICP and a securities license (Series 50 and 52).

- Timpanogos Special Service District (TSSD) Impact Fees and Rates
- Saratoga Springs Planning & Development Fees
- Grantsville Planning & Development Fees
- South Salt Lake City Planning & Development Fees; Business License Fees
- Highland City Cemetery Fees
- Summit County Planning & Engineering Fees; Landfill Fees
- Mountain Regional Water Rates and Impact Fees
- Lehi Culinary Water and PI Rates
- Mt. Olympus Improvement Dist. IFA and Rates (ongoing)
- Granger-Hunter Improvement Dist. IFA and Rates (ongoing)
- Farmington Impact Fees – Water, Storm and Roads
- Clearfield City Culinary Water, Sewer and Storm Rate Impact Fees and User Rates
- Herriman Water Rates
- Saratoga Springs Storm and Sewer User Rates
- Saratoga Springs Parks and Recreation, Public Safety, Storm Water and Transportation Impact Fees
- Moab Water and Sewer Rates and Impact Fees
- Syracuse Impact Fees
- Herriman Impact Fees
- Layton Park and Transportation Impact Fees
- Marriott-Slaterville Secondary Water Fees
- Orem City Impact Fees
- Provo City Impact Fees
- Pleasant View Culinary Water & Storm Water IFAs and Rates
- South Weber Culinary Water and Sewer IFAs and User Rates
- North Salt Lake Culinary Water and PI User Rates
- Salem City Water and PI Rates
- Park City Impact Fees
- North Fork SSD Rates
- Heber City Utility Rates

MEMORANDUM

To: Provo City Municipal Council
From: Laramie Gonzales, Business Operations Manager
Subject: Rental Dwelling License Fee Options
Date: April 9, 2024

I am writing to update you regarding the new proposed RDL fee structure. We would like to present three options for consideration, each with its own implications and benefits. After careful analysis, the staff recommends Option 2 as the most prudent choice. Below are the options outlined:

Option 1: Adjust Base Fee

Under this option, the base fee for rental dwelling fees would be changed from $20 for 1 unit and $60 for multi-unit, to $65.50 for all rental dwelling licenses (including multi-unit licenses). This change is proposed to cover the staff time required for administering rental dwelling licenses. While this option provides an immediate solution to address the cost of service, it does not include the administrative overhead (a fee study including disproportionate fees would be required).

Option 2: Conduct Fee Study with Zions Bancorp

This option involves conducting a comprehensive fee study with Zions Bancorp. By engaging in a thorough analysis, we can ensure that rental dwelling fees accurately reflect the costs associated with managing licenses while remaining fair and equitable to license holders. Additionally, this approach allows for better communication with license holders and avoids multiple adjustments within a single year. The cost of the study is outlined in the attached proposal and is $20,000. Staff recommends the use of an appropriation to cover this expense, as it will easily be recouped once fees have been adjusted. This study would also include a review of our business licensing fees.

Option 3: Hybrid Option

The hybrid option combines elements of both Option 1 and Option 2. Initially, the base fee would be increased to $65.60 to address immediate needs, followed by another increase after the fee study with Zions Bancorp. While this option provides a balance between immediate action and informed decision-making, it may result in confusion among license holders with multiple fee adjustments.

After careful consideration, staff recommends proceeding with Option 2: conducting a fee study with Zions Bancorp. This option allows for a thorough evaluation of rental dwelling fees including those considered disproportionate fees, ensuring they accurately reflect the costs

involved and are communicated effectively to license holders. By avoiding multiple adjustments in a single year, we can maintain transparency and stability within the licensing process.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 04-16-2024

SUBJECT: An ordinance amending Provo City Code regarding landscape design standards (PLOTA20230206 / PLOTA20240071)

RECOMMENDATION: To be approved at the April 16, 2024 Council meeting. Please see supporting documents.

BACKGROUND: Artificial turf was permitted in 2019 on the grounds that it uses less water than natural turf grass. However, most installers recommend running irrigation for artificial turf to cool it down. It also reflects more heat than turf grass, increasing ambient temperatures, creating “dead zones” for insects and wildlife, and creating more stressful growing conditions for nearby trees. The environmental impact of artificial turf is equivalent to covering a yard with rocks. In short, it is not a sustainable alternative to grass.
On May 16, 2023, the Council approved a series of amendments to the landscape standards in 15.20. During the discussion, Public Works and several Councilors expressed concerns about Provo City Code’s allowance for artificial turf. The Council asked staff to consider prohibiting artificial turf and to return with a recommendation at a future meeting.

FISCAL IMPACT:

PRESENTER’S NAME: Hannah Salzl, Planner

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20230206 / PLOTA20240071

ORDINANCE 2024-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING LANDSCAPE DESIGN STANDARDS. CITYWIDE APPLICATION. (PLOTA20230206)

RECITALS:

It is proposed that Provo City Code Sections 15.20.060 and 15.20.120 be amended with regard to artificial turf and outdoor carpet; and

On February 28, 2024, and March 27, 2024, the Planning Commission held public hearings to consider the proposed amendments, and at these meetings, the Planning Commission recommended approval to the Municipal Council by a vote of 7:0 and 5:0, respectively; and

On April 16, 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

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code 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:

Provo City Code Section 15.20.060 is amended as set forth in Exhibit A.

PART II:

Provo City Code Section 15.20.120 is amended as set forth in Exhibit B.

PART III:

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

END OF ORDINANCE.

Exhibit A

15.20.060 Design Standards.

…

(6) Xeric landscaping and water wise landscaping is encouraged in all yards if the landscaping plan for yards adjacent to a street meets the following criteria:

(a) Living vegetation including turf grass, shrubs, perennials, or ornamental grasses ~~or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf, and weeds may not count toward this percentage;

(b) The remaining unbuilt area not covered by living vegetation ~~or artificial turf grass~~ shall be covered by bark or wood mulch, decorative rock, hardscape, artificial turf, or any combination of these materials. Living plants should be grouped aesthetically throughout the yard;

(c) Living plants in the parkway area shall not be included in the minimum coverage requirement. Landscaping requirements for parkways shall be followed as defined in Section 15.20.120, Provo City Code.

(d) Artificial turf grass may be used in landscaping so long as it meets the following requirements:

(i) Artificial turf grass in yards adjacent to a street must have a blade length between two (2) inches and three (3) inches, have a natural green color, and be water permeable;

(ii) Artificial turf grass must be installed on top of a minimum of three (3) inches of sand, rocks, gravel, or similar product for drainage. Rocks, gravel or similar products shall range in size from three-eighths (3/8) inch to three-fourths (3/4) inch;

(iii) Artificial turf grass used for landscaping may not include rubber infill in a yard adjacent to a public street;

(iv) ~~Outdoor green carpet shall not be used in landscaping;~~

~~(v)~~ Upon request, specifications for installed artificial turf grass shall be provided to the Development Services Department.

(e) Outdoor carpet may not be used in landscaping.

Exhibit B

15.20.120 Parkways.

. . .

(1) *Parkway Landscaping.*

(a) Parkways less than four (4) feet in width shall be landscaped with materials including bark, decorative stone, brick pavers, concrete pavers, permeable pavers, poured concrete, artificial turf or vegetative ground cover. Outdoor carpet may not be used in landscaping.

(b) Parkways four (4) feet or more in width shall be landscaped. Living vegetation including turf grass, or vegetative materials~~, or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf and weeds may not count toward this percentage. Artificial turf may not exceed sixty percent (60%) of the unbuilt surface area and must comply with the installation requirements in 15.20.060(6)(d). Outdoor carpet may not be used in landscaping.

. . .

Provo City Planning Commission

Report of Action

February 28, 2024

*ITEM #1 Provo City Development Services requests Ordinance Text Amendments to Chapter 15.20.060 Design Standards. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.org PLOTA20230206

The following action was taken by the Planning Commission on the above described item at its regular meeting of February 28, 2024:

RECOMMENDED APPROVAL

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

Motion By: Lisa Jensen
Second By: Robert Knudsen
Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Melissa Kendall, Andrew South, Jeff Whitlock, Jonathon Hill, Babara DeSoto
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.

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

NEIGHBORHOOD MEETING DATE
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT
- This item was City-wide or affected multiple neighborhoods.
- No members of the public chose to address the Planning Commission.

PLANNING COMMISSION DISCUSSION
Key points discussed by the Planning Commission included the following:
- Commissioners discussed how enforcement of the text will be handled by staff, what yards are covered by the amendment, and how non-conforming yards will be treated.
- The Commission found that this proposed text provides a better solution that makes sense for ground cover standards.

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 Community and Neighborhood Services Department, 330 West 100 South, 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

15.20.060 Design Standards.

…

(6) Xeric landscaping and water wise landscaping is encouraged in all yards if the landscaping plan for yards adjacent to a street meets the following criteria:

(a) Living vegetation including turf grass, shrubs, perennials, or ornamental grasses ~~or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf, and weeds may not count toward this percentage;

(b) The remaining unbuilt area not covered by living vegetation ~~or artificial turf grass~~ shall be covered by bark or wood mulch, decorative rock, hardscape, artificial turf, or any combination of these materials. Living plants should be grouped aesthetically throughout the yard;

(c) Living plants in the parkway area shall not be included in the minimum coverage requirement. Landscaping requirements for parkways shall be followed as defined in Section 15.20.120, Provo City Code.

(d) Artificial turf grass may be used in landscaping so long as it meets the following requirements:

(i) Artificial turf grass in yards adjacent to a street must have a blade length between two (2) inches and three (3) inches, have a natural green color, and be water permeable;

(ii) Artificial turf grass must be installed on top of a minimum of three (3) inches of sand, rocks, gravel, or similar product for drainage. Rocks, gravel or similar products shall range in size from three-eighths (3/8) inch to three-fourths (3/4) inch;

(iii) Artificial turf grass used for landscaping may not include rubber infill in a yard adjacent to a public street;

(iv) ~~Outdoor green carpet shall not be used in landscaping;~~

~~(v)~~ Upon request, specifications for installed artificial turf grass shall be provided to the Development Services Department.

(e) Outdoor carpet shall not be used in landscaping.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: February 28, 2024

***ITEM #1** Provo City Development Services requests Ordinance Text Amendments to Chapter 15.20.060 Design Standards. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.org PLOTA20230206

Applicant: Development Services

Staff Coordinator: Hannah Salzl

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is March 13, 2024 at 6:00 P.M.*

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

Relevant History: In the Council Work Session on May 16, 2023, the Council asked staff to evaluate Provo City's policies about artificial turf and return with a recommendation.

This item was continued from the Planning Commission meeting on September 27, 2023. That version proposed prohibiting artificial turf entirely, and the Commission asked staff to return with a more moderate limit and more Provo-specific research.

Neighborhood Issues: There has not yet been a neighborhood meeting on this item and staff has not received any feedback on the request at the time of this report.

Summary of Key Issues:

- Subsection 15.20.060(6)(a) currently permits artificial turf as long as it meets certain aesthetic and installation standards.
- Artificial turf is not a sustainable alternative to natural grass and should not be permitted.

Staff Recommendation: That the Planning Commission recommend approval of the proposed text amendments to the Provo City Council.

OVERVIEW

Artificial turf was permitted in 2019 on the grounds that it uses less water than natural turf grass. However, most installers recommend running irrigation for artificial turf to cool it down. It also reflects more heat than turf grass, increasing ambient temperatures, creating "dead zones" for insects and wildlife, and creating more stressful growing conditions for nearby trees. The environmental impact of artificial turf is equivalent to covering a yard with rocks. In short, it is not a sustainable alternative to grass.

On May 16, 2023, the Council approved a series of amendments to the landscape standards in 15.20. During the discussion, Public Works and several Councilors

expressed concerns about Provo City Code's allowance for artificial turf. The Council asked staff to consider prohibiting artificial turf and to return with a recommendation at a future meeting.

Development Services staff met with the Public Works, Energy, and Parks Departments. All four departments recommend amending Provo City Code to prohibit artificial turf except in athletic fields and public recreation spaces. Public Works said that it had not had the desired effect of decreasing outdoor water use. The Stormwater Division also expressed concern about microplastics and the lack of permeability in incorrectly installed turf. Parks' primary concern was the heat and how that affected people and animals who used the artificial turf. Energy, especially the Forestry Division, had seen increased tree damage and death due to the heat islands, especially in parkstrips. They shared Public Works' concern about the lack of permeability.

In the Planning Commission meeting on September 27, 2023, some Commissioners expressed concerns about the prohibition infringing on person property rights and the potential imbalance of still allowing artificial turf on large athletic fields that would have greater ecological impacts than small private lawns. Staff were asked to gather more Provo-specific research and, if that research was not compelling, to consider an amendment to limit artificial turf rather than prohibiting it.

Staff could not find sufficient Provo-specific data, especially during the winter months. This new amendment limits artificial turf to 60% or less in the same way as other non-vegetative ground covers.

Additionally, should a resident feel that artificial turf is the best option for their entire yard because they have a disability that makes caring for a yard more challenging, they can apply though the City's existing reasonable accommodation process. Zoning Enforcement staff are already trained to teach residents about the process if it seems appropriate for their circumstances.

FINDINGS OF FACT

1. While artificial turf can use less water than some types of natural turf grass, it is not a water-free solution.
2. Artificial turf can become much hotter than natural turf grass and can radiate that heat, increasing ambient temperatures.
3. Fragments of artificial turf can contaminate stormwater runoff and contribute to microplastics in natural environments.
4. The General Plan reads, "To avoid becoming a concrete and asphalt-paved community, the city should continue to require developments to meet

landscaping standards. Best practices for incorporating water-wise landscape or xeric landscaping design should be used where possible" (pg 27). The environmental effect of artificial turf is similar to paving over a space.

5. General Plan goal Resource Management 1.b calls for the City to "Promote the use of water conservative practices, including landscaping."
6. General Plan goal Resource Management 1.g. calls for the City to "Increase the urban tree canopy." The increased ambient heat from artificial turf creates a more stressful environment for nearby living vegetation.

STAFF ANALYSIS

Staff support the recommendation to limit turf grass.

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments.

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

(a) Public purpose for the amendment in question.

Staff response: The amendment would support the City's goals to promote landscaping that is not environmentally damaging.

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

Staff response: Staff believes that the proposed amendments serve the public.

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

Staff response: The proposed amendments are consistent with the General Plan.

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

Staff response: There are no timing and sequencing issues related to this proposal.

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

Staff response: This proposal does not hinder or obstruct attainment of the

General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

Staff response: Staff do not foresee any adverse impacts on adjacent landowners.

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

Staff response: This proposal does not affect the zoning of any areas. It addresses landscaping standards citywide.

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

Staff response: There is not a conflict.

CONCLUSIONS

Staff in the Development Services, Power, Public Works, and Parks Departments support reducing the amount of artificial turf in order to promote more sustainable landscaping, protect runoff systems, and reduce ambient temperatures. Staff recommend approval of the amendment.

ATTACHMENTS

1. Proposed Language 15.20.060 (Design Standards)

Attachment 1 – Proposed Language 15.20.060 (Design Standards)

15.20.060 Design Standards.

…

(6) Xeric landscaping and water wise landscaping is encouraged in all yards if the landscaping plan for yards adjacent to a street meets the following criteria:

(a) Living vegetation including turf grass, shrubs, perennials, or ornamental grasses ~~or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf, and weeds may not count toward this percentage;

(b) The remaining unbuilt area not covered by living vegetation ~~or artificial turf grass~~ shall be covered by bark or wood mulch, decorative rock, hardscape, artificial turf, or any combination of these materials. Living plants should be grouped aesthetically throughout the yard;

(c) Living plants in the parkway area shall not be included in the minimum coverage requirement. Landscaping requirements for parkways shall be followed as defined in Section 15.20.120, Provo City Code.

(d) Artificial turf grass may be used in landscaping so long as it meets the following requirements:

(i) Artificial turf grass in yards adjacent to a street must have a blade length between two (2) inches and three (3) inches, have a natural green color, and be water permeable;

(ii) Artificial turf grass must be installed on top of a minimum of three (3) inches of sand, rocks, gravel, or similar product for drainage. Rocks, gravel or similar products shall range in size from three-eighths (3/8) inch to three-fourths (3/4) inch;

(iii) Artificial turf grass used for landscaping may not include rubber infill in a yard adjacent to a public street;

(iv) ~~Outdoor green carpet shall not be used in landscaping;~~

~~(v)~~ Upon request, specifications for installed artificial turf grass shall be provided to the Development Services Department.

(e) Outdoor carpet shall not be used in landscaping.

Provo City Planning Commission

Report of Action

March 27, 2024

*ITEM 2 Development Services requests Ordinance Text Amendments to Chapter 15.20.120 Parkways. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.org PLOTA20230206

The following action was taken by the Planning Commission on the above described item at its regular meeting of February 28, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Barbara DeSoto
Second By: Robert Knudsen
Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Jonathon Hill, Babara DeSoto, Jeff Whitlock
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.

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

NEIGHBORHOOD MEETING DATE
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT
- This item was city-wide or affected multiple neighborhoods.
- No members of the public chose to address the Planning Commission.

PLANNING COMMISSION DISCUSSION
Key points discussed by the Planning Commission included the following:
- Commissioner Jensen asked several questions about the wording, which was not ultimately changed in the recommendation to the Council. These questions include:
  - Whether the sentence “Outdoor carpet shall not be used in landscaping” in both subsections a and b should be replaced with a subsection c.
  - Whether subsection a should read “shall” or “may.” Because landscaping is required, “shall” is most appropriate.
  - Whether the added text in subsection b should be restructured or be kept as is and use the same language as the 15.20.060 update.
- The Commission agreed that the update was consistent with the 15.20.060 amendment for which they had already forwarded a positive recommendation.

Planning Commission Chair

Bill Peperone

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

15.20.120 Parkways.

…

(1) *Parkway Landscaping.*

(a) Parkways less than four (4) feet in width shall be landscaped with materials including bark, decorative stone, brick pavers, concrete pavers, permeable pavers, poured concrete, artificial turf or vegetative ground cover. Outdoor carpet shall not be used in landscaping.

(b) Parkways four (4) feet or more in width shall be landscaped. Living vegetation including turf grass, or vegetative materials~~, or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf and weeds may not count toward this percentage. Artificial turf shall not exceed sixty percent (60%) of the unbuilt surface area and shall comply with the installation requirements in 15.20.060(6)(d). Outdoor carpet shall not be used in landscaping.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 27, 2024

***ITEM 2** Provo City Development Services requests Ordinance Text Amendments to Chapter 15.20.120 Parkways. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.org PLOTA20230206

Applicant: Development Services

Staff Coordinator: Hannah Salzl

Relevant History: On February 28, 2024, the Planning Commission recommended approval of an amendment limiting artificial turf in front and side yards to 60%, the same limit as all other non-vegetative surfaces.

Neighborhood Issues: There has not yet been a neighborhood meeting on this item and staff has not received any feedback on the request at the time of this report.

Summary of Key Issues:

- An amendment to 15.20.060 Design Standards was approved by the Planning Commission and will be heard by the Council in conjunction with this proposed amendment.
- Subsection 15.20.060(6)(a) currently permits artificial turf as long as it meets certain aesthetic and installation standards.
- Artificial turf is not a sustainable alternative to natural grass and should not be permitted to replace vegetative coverage.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 10, 2024 at 6:00 P.M.*

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

Staff Recommendation: That the Planning Commission recommend approval of the proposed text amendments to the Provo City Council.

OVERVIEW

Staff proposes limiting artificial turn in parkways (or parkstrips) four or more feet wide and prohibiting outdoor carpet in landscaping.

In parkways four feet and wider, non-vegetative elements are limited to 60% of the unbuilt surface area. The proposed amendment would set the same limit for artificial turf and would also require artificial turf to meet the installation specifications already in code in 15.20.060 Design Standards. This is consistent with the proposed amendment limiting artificial turf to 60% in front and side yards like other non-vegetative ground cover, for which the Planning Commission recommended approval on February 28, 2024 (PLOTA20230206).

In parkways less than four feet wide, staff does not propose a limit to artificial turf coverage. This is consistent with previous staff determinations that areas narrower than four feet are not ideal for large trees and substantive vegetative cover. City code already allows brick pavers, decorative stone, poured concrete, and other similar non-vegetative elements in narrow parkways.

In addition to the brief Findings of Fact in this report, a full analysis of the ecological and hydrological effects of artificial turf, as far as data is available, can be found in the staff report for PLOTA20230206.

Additionally, should a resident feel that artificial turf is the best option for their entire parkway because they have a disability that makes caring for a yard more challenging, they can apply though the City's existing reasonable accommodation process. Zoning Enforcement staff are already trained to teach residents about the process if it seems appropriate for their circumstances.

FINDINGS OF FACT

1. While artificial turf can use less water than some types of natural turf grass, it is not a water-free solution.
2. Artificial turf can become much hotter than natural turf grass and can radiate that heat, increasing ambient temperatures.
3. Fragments of artificial turf can contaminate stormwater runoff and contribute to microplastics in natural environments.
4. The General Plan reads, "To avoid becoming a concrete and asphalt-paved community, the city should continue to require developments to meet landscaping standards. Best practices for incorporating water-wise landscape or xeric landscaping design should be used where possible" (pg 27). The environmental effect of artificial turf is similar to paving over a space.
5. General Plan goal Resource Management 1.b calls for the City to "Promote the use of water conservative practices, including landscaping."

6. General Plan goal Resource Management 1.g. calls for the City to “Increase the urban tree canopy.” The increased ambient heat from artificial turf creates a more stressful environment for nearby living vegetation.

STAFF ANALYSIS

Staff support the recommendation to limit turf grass in parkways.

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments.

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

(a) Public purpose for the amendment in question.

Staff response: The amendment would support the City’s goals to promote landscaping that is not environmentally damaging.

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

Staff response: Staff believes that the proposed amendments serve the public.

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

Staff response: The proposed amendments are consistent with the General Plan.

Resource Management 1b. Promote the use of water conservative practices, including landscaping.

Resource Management 1g. Increase the urban tree canopy.

Landscaping codes attempt to balance the need to reduce water waste with the need to increase the city’s urban tree canopy, a water-intensive but critical investment. The proposed parkway amendment balances these two needs. Not restricting artificial turf in narrow parkstrips can help reduce water spent on areas that are not ideal for street trees. Limiting artificial turf coverage in wide parkstrips, which are ideal for large trees, can help reduce ambient ground temperatures and thus reduce water loss in trees planted there.

(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 proposal.

(e) Potential of the proposed amendment to hinder or obstruct attainment

of the General Plan's articulated policies.

Staff response: This proposal does not hinder or obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

Staff response: Staff do not foresee any adverse impacts on adjacent landowners.

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

Staff response: This proposal does not affect the zoning of any areas. It addresses landscaping standards citywide.

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

Staff response: There is not a conflict.

CONCLUSIONS

Staff in the Development Services, Power, Public Works, and Parks Departments support reducing the amount of artificial turf in order to promote more sustainable landscaping, protect runoff systems, and reduce ambient temperatures. Staff recommend approval of the amendment.

ATTACHMENTS

1. Proposed Language 15.20.120 (Parkways)

ATTACHMENT 1 – PROPOSED LANGUAGE 15.20.120 (Parkways)

15.20.120 Parkways.

(1) *Parkway Landscaping.*

(a) Parkways less than four (4) feet in width shall be landscaped with materials including bark, decorative stone, brick pavers, concrete pavers, permeable pavers, poured concrete, artificial turf or vegetative ground cover. Outdoor carpet shall not be used in landscaping.

(b) Parkways four (4) feet or more in width shall be landscaped. Living vegetation including turf grass~~,~~ or vegetative materials~~, or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf and weeds may not count toward this percentage. Artificial turf shall not exceed sixty percent (60%) of the unbuilt surface area and shall comply with the installation requirements in 15.20.060(6)(d). Outdoor carpet shall not be used in landscaping.

provo

WELCOME HOME

City Council

April 16, 2024

Development Services requests an Ordinance Text Amendment to Section 15.20.120 (Parkways) to categorize artificial turf like other non-vegetative ground cover.

Citywide Application

PLOTA20230206 / PLOTA20240071

Proposed Amendment

- Treats artificial turf like other non-vegetative ground cover
- Supported by the Development Services, Parks, Public Works, and Energy Departments
- Applies only to yards adjacent to a street and parkstrips/parkways
  - Backyards and non-street side yards not included
  - Rooftop terraces not included
- Still allows existing Reasonable Accommodation process to apply for exemptions for residents with disabilities

Artificial Turf

- Requires water (though less than turf grass)
- Absorbs and radiates heat
  - Hazard for children and pets
  - Dead zone for insects and wildlife
  - Increased stress and water loss for nearby vegetation
- Releases microplastics into the stormwater system
- Reduces stormwater permeability if incorrectly installed/maintained
- Falls under existing reasonable accommodation process in case of disability

Proposed Text 15.20.060, part 1 of 2

15.20.060 Design Standards.

…

(6) Xeric landscaping and water wise landscaping is encouraged in all yards if the landscaping plan for yards adjacent to a street meets the following criteria:

(a) Living vegetation including turf grass, shrubs, perennials, or ornamental grasses ~~or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf, and weeds may not count toward this percentage;

(b) The remaining unbuilt area not covered by living vegetation ~~or artificial turf grass~~ shall be covered by bark or wood mulch, decorative rock, hardscape, artificial turf, or any combination of these materials. Living plants should be grouped aesthetically throughout the yard;

(c) Living plants in the parkway area shall not be included in the minimum coverage requirement. Landscaping requirements for parkways shall be followed as defined in Section 15.20.120, Provo City Code.

Proposed Text 15.20.060, part 2 of 2

(d) Artificial turf grass may be used in landscaping so long as it meets the following requirements:

(i) Artificial turf grass in yards adjacent to a street must have a blade length between two (2) inches and three (3) inches, have a natural green color, and be water permeable;

(ii) Artificial turf grass must be installed on top of a minimum of three (3) inches of sand, rocks, gravel, or similar product for drainage. Rocks, gravel or similar products shall range in size from three-eighths (3/8) inch to three-fourths (3/4) inch;

(iii) Artificial turf grass used for landscaping may not include rubber infill in a yard adjacent to a public street;

(iv) ~~Outdoor green carpet shall not be used in landscaping;~~

~~(v)~~ Upon request, specifications for installed artificial turf grass shall be provided to the Development Services Department.

(e) Outdoor carpet shall not be used in landscaping.

Proposed Text 15.20.120

15.20.10 Parkways.

…

(1) *Parkway Landscaping.*

(a) Parkways less than four (4) feet in width shall be landscaped with materials including bark, decorative stone, brick pavers, concrete pavers, permeable pavers, poured concrete, artificial turf or vegetative ground cover. Outdoor carpet shall not be used in landscaping.

(b) Parkways four (4) feet or more in width shall be landscaped. Living vegetation including turf grass~~,~~ or vegetative materials~~, or artificial turf grass~~ shall cover a minimum of forty percent (40%) of the unbuilt surface area within three (3) years of planting. Tree canopy, artificial turf and weeds may not count toward this percentage. Artificial turf shall not exceed sixty percent (60%) of the unbuilt surface area and shall comply with the installation requirements in 15.20.060(6)(d). Outdoor carpet shall not be used in landscaping.

Proposed Amendment

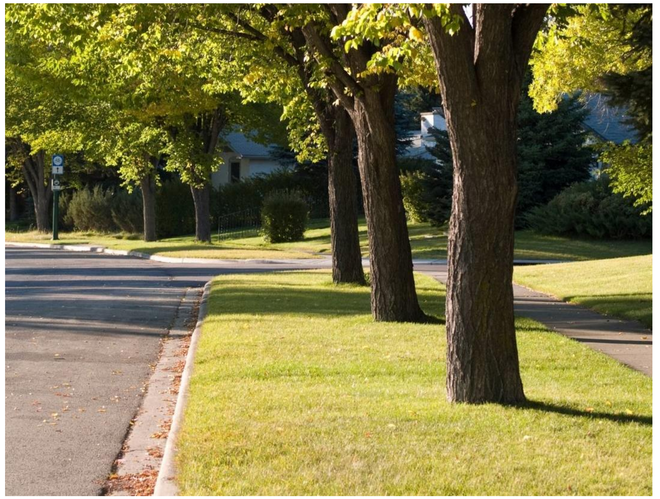
NARROWER THAN 4 FEET

- Artificial turf permitted without restriction
- Outdoor carpeting prohibited



4 FEET AND WIDER

- Artificial turf permitted up to 60% and must comply with installation standards in 15.20.060
- Outdoor carpeting prohibited



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 04-16-2024

SUBJECT: An ordinance amending the Zone Map classification of real property located at 1098 N Geneva Rd, from the A1.1 (Agricultural) Zone to the R1.6 (One Family Residential) Zone to create 38 residential lots - Lakeview North Neighborhood (PLRZ20230227)

RECOMMENDATION: To be heard at the April 16, 2024 Work & Council Meetings. Please see supporting documents.

BACKGROUND: David Pitcher is requesting approval of a concept plan to create a 38-lot subdivision adjacent to Geneva Rd at approximately 1098 north. The current zone is Agricultural (A1.5). There is a single-family home at 1138 N Geneva Rd, in addition to a barn and a couple of sheds. There is an additional single-family home at 1098 N Geneva Rd with a detached garage. The third property is landlocked and does not have access to Geneva Road and there are no structures on this property.
The neighborhood would have one access point on Geneva Road. Additionally, they would connect to the neighborhood on the north at 2430 West and Reese Drive. The property to the north is zoned R2PD with twin homes and a Performance Development Overlay. The property to the south is A1.5, to the east is Freeway Industrial (FI) and to the west there are A1.1 and R1.8 zones.

FISCAL IMPACT:

PRESENTER'S NAME: Nancy Robison (801) 852-6417 nrobison@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20230227

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 13, 2024

ITEM 2 David Pitcher requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.6 (One Family Residential) Zone in order to create 38 new residential lots, located approximately at 1098 N Geneva Road. Lakeview North Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLRZ20230227

Applicant: David L Pitcher

Staff Coordinator: Nancy Robison

Property Owners: COLLEDGE, ANN N (ET AL) BEUKERS, DAVID & KATHERINE, and VANWAGENEN, MARK S.

Parcel ID#: 19:048:0026, 19:048:0031, 19:048:0039

Acreage: 12.17

Number of Properties: 3

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is March 27, 2024 at 6:00 P.M.*

2. **Deny** the requested variance. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use: The current legal use is a single-family home.

Relevant History: The current zone for these properties is Agricultural (A1.5) Daivd Pitcher is working with the property owners to create a plan for a neighborhood with 38 single family lots. Staff and the applicant have worked through a number of revisions between October 2023-February 2024. The applicant has come up with a concept plan to create these additional lots with the rezone request to the R1.6 zone.

Neighborhood Issues: A Neighborhood meeting was held on October 12th, 2023. The residents did have some concerns about this growth in the area (Neighborhood meeting minutes attached)

Summary of Key Issues:

- The current zone only allows one single family home on each of the lots.
- One lot is landlocked and does not have access to Geneva Road.
- The general plan suggests the residential density for the west side of Provo at three lots per acre.
- With 12.17 acres, this concept plan is currently at 3.12 lots per acre.
- The neighborhood directly to the north is zoned R2PD, with twin homes.

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

OVERVIEW

David Pitcher is requesting approval of a concept plan to create a 38-lot subdivision adjacent to Geneva Rd at approximately 1098 north. The current zone is Agricultural (A1.5). There is a single-family home at 1138 N Geneva Rd, in addition to a barn and a couple of sheds. There is an additional single-family home at 1098 N Geneva Rd with a detached garage. The third property is landlocked and does not have access to Geneva Road and there are no structures on this property.

The neighborhood would have one access point on Geneva Road. Additionally, they would connect to the neighborhood on the north at 2430 West and Reese Drive. The property to the north is zoned R2PD with twin homes and a Performance Development Overlay. The property to the south is A1.5, to the east is Freeway Industrial (FI) and to the west there are A1.1 and R1.8 zones.

There was a neighborhood meeting held and the residents were concerned about access onto Geneva Road, including increased traffic. They asked if there will be traffic signals, what kind of sewer and storm drain improvements would be made, and what would be the future of the canal to the west of the property. There were also questions about the project having road access to lead to future development to the south, and if the rezone should be RA (Residential Agricultural) for property owners to maintain agricultural rights.

The General Plan suggests that the residential density for the west side of Provo be held at three (3) units per acre. The area of this proposed development is 12.17, equating to 3.12 units per acre.

STAFF ANALYSIS

In analyzing any rezone request for housing, staff is encouraged to reference the questions asked in on page 45 of the General Plan (Chapter 4 – Housing). Those questions are as follows: (**staff response in bold**)

- Would the rezone promote one of the top 3 housing strategies (promote a mix of home types, sizes, and price points; support zoning to promote ADUs and infill development; recognize the value of single-family neighborhoods)? **Single family homes in this neighborhood can be a mix of types. Because of the size of the lots, the homes would be smaller but could still accommodate ADU's. The plan does not address infill development since it is a rezone of agricultural property. The third strategy is met by the proposal as the plan exists with only single-family homes.**

- Are utilities and streets currently within 300 feet of the property proposed for rezone? **Yes, access and utilities would come from Geneva Road, 2430 West and Reese Dr.**

- Would the rezone exclude land that is currently being used for agricultural use? **The land is currently zoned Agriculture 1.5**

- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations **There is a bus stop just over ½ mile away.**

- Does the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands? **No, the land does not contain any hazards.**

- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? **No, the proposal has sufficient off-street parking for the number of proposed units to meet code and keep vehicles off the streets.**

- Would the rezone facilitate a housing development where most of the housing units are owner-occupied? Is that applicant willing to guarantee such? **Yes, the proposed development would be single family homes.**

- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making 50-79% AMI? **Potentially, because of the option of ADU's. The applicant hasn't proposed any type of affordable units.**

Section 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 public purpose for the request is to provide additional residential lots on the west side of Provo.

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

Staff response: Staff believes that the proposed zone change, and related concept plan do help to meet the stated purposes above.

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

Staff response: Chapter Four identifies goals for housing related to the proposal, including "allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points." Although there may not be a great mix of home sizes, the fact that the lots are smaller would allow a lower price point for single family homes in the Provo area.

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

Staff response: There are no timing and sequencing provisions articulated for this property.

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

Staff response: The proposed zone change will not hinder or obstruct attainment of the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: The only impact associated with this request to the surrounding properties would be an increase in traffic in the area.

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

Staff response: Staff has verified the correctness of the General Plan and zoning 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: Staff has found no such conflict.

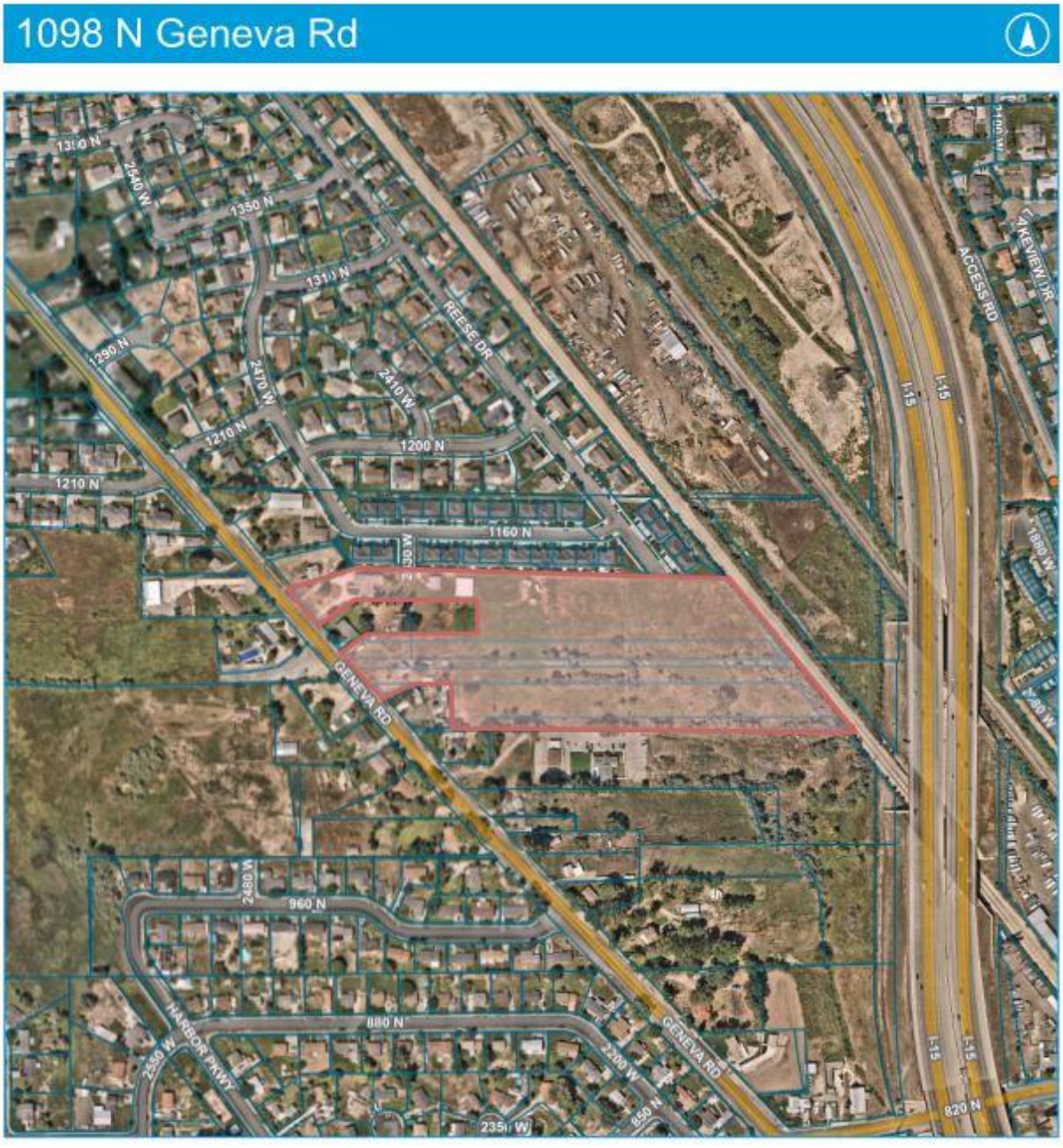
CONCLUSIONS

The proposals for these properties have been continually revised to get to a point where the developer can now provide additional housing and value for the land and the city can get more owner-occupied units. While there may be concerns about growth, and future development for surrounding properties, staff believes the applicant will be providing a well thought out plan to encourage residential properties in this area of Provo.

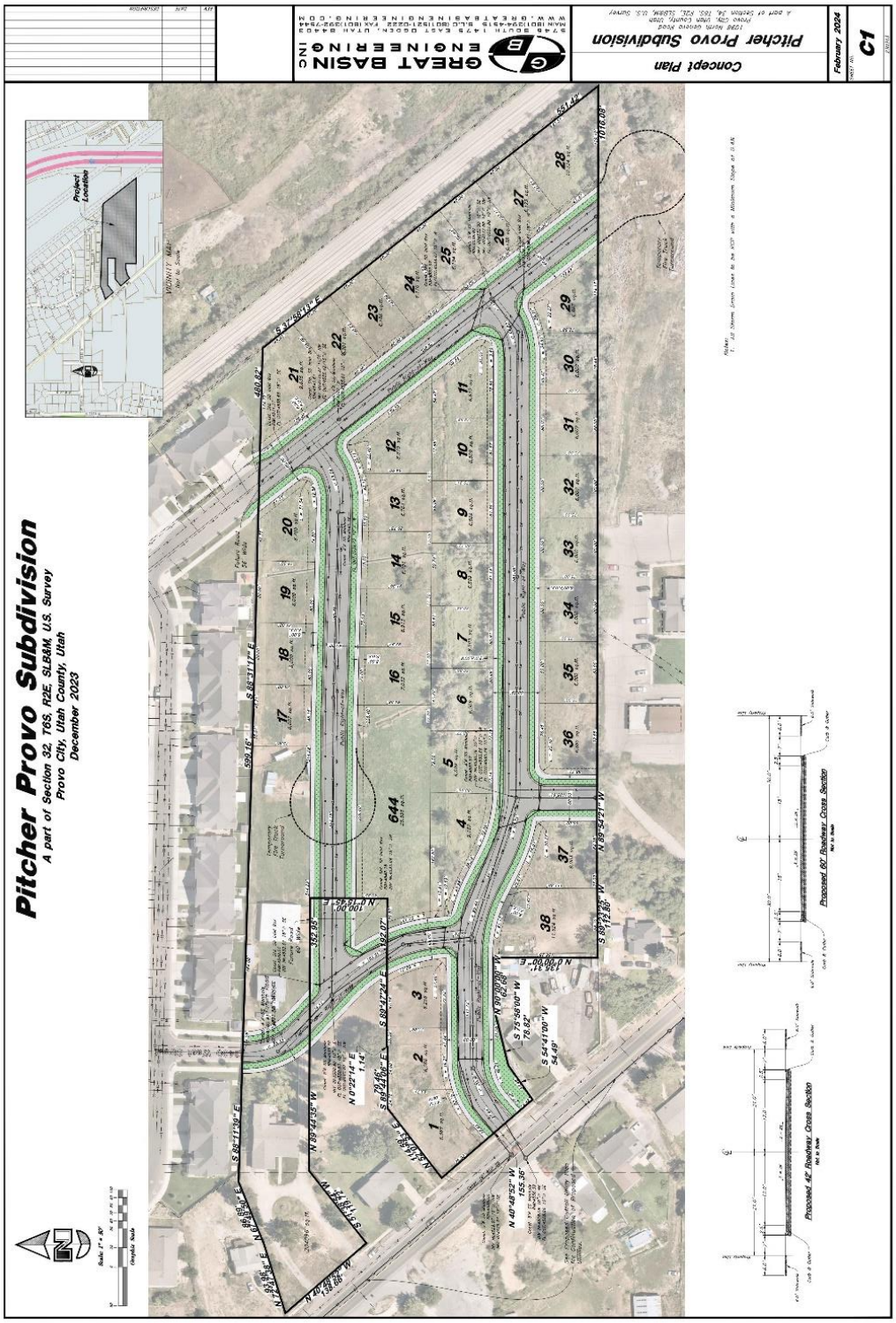
ATTACHMENTS

1. Area Map
2. Subdivision Concept Plan
3. General Plan Future Land Use
4. Property Photos
5. Applicant's Statement
6. Neighborhood meeting report.

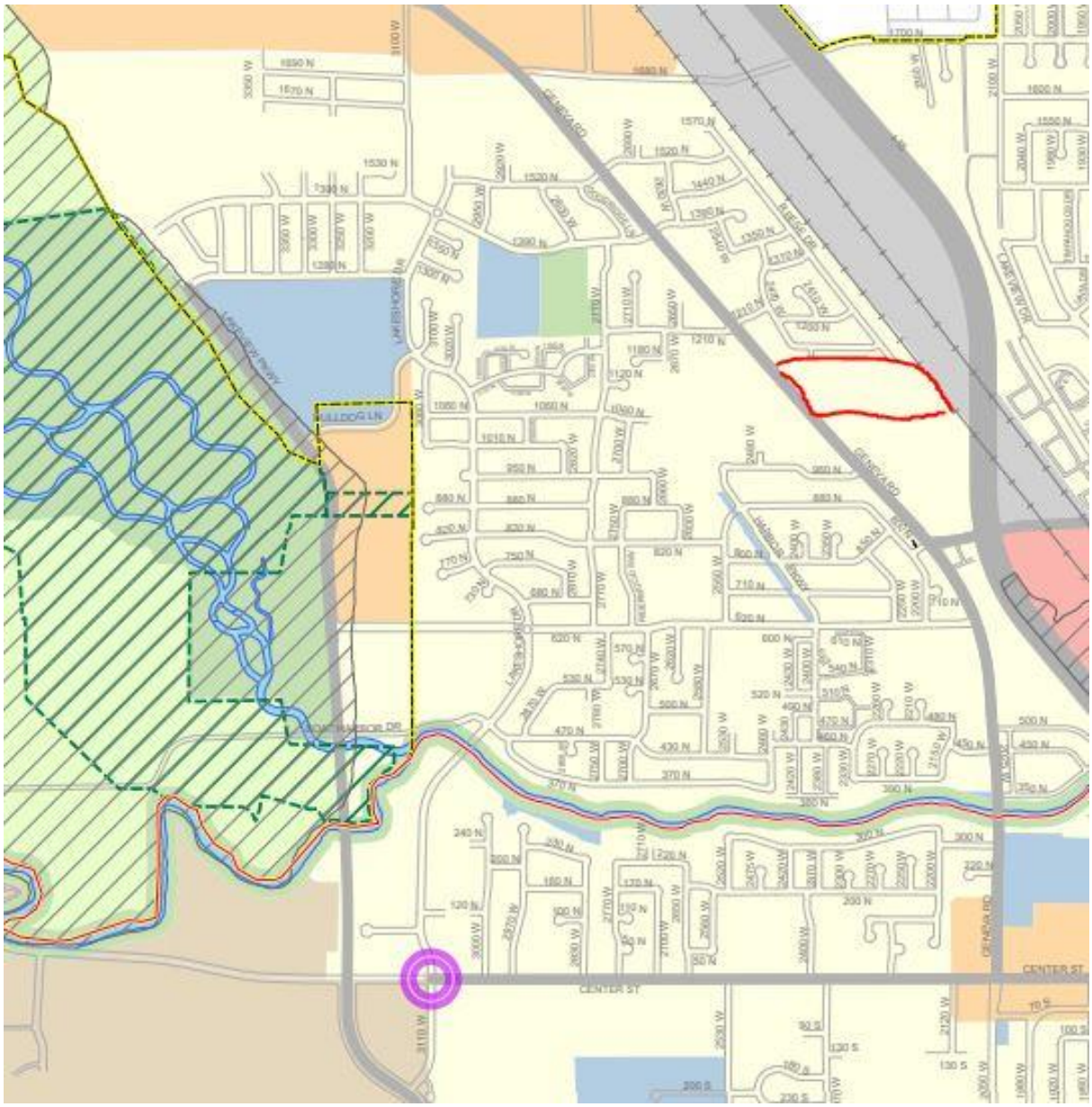
ATTACHEMENT 1 – AREA MAP



ATTACHMENT 2 – SUBDIVISION CONCEPT PLAN



ATTACHMENT 3 – GENERAL PLAN FUTURE LAND USE



ATTACHMENT 4 – PROPERTY PHOTOS





ATTACHMENT 5 – APPLICANT'S STATEMENT

September 14, 2023

Applicant desires to rezone the property to Single Family zoning for the purpose of developing the lots for semi-custom homes.

Applicant is aware of the need in Provo for single family lots. Applicant believes that due to the property location in close proximity to I-15, adjacent to the Rail Road tracks and abutting Genega Rd. a higher density is warranted. Applicant desires a R-1-6 Zoning.

The requested zoning is proportionate in size to the R2PD zoning (6,000 sqft) directly North of this parcel yet fulfills the need for single family lots, and the R18 lots in the vicinity.

ATTACHMENT 6 – NEIGHBORHOOD MEETING REPORT

Neighborhood District 3 Meeting Minutes

(Lakeview North, Lakeview South, Fort Utah, Provo Bay, Sunset, Lakewood) Thursday, October 12, 2023; 6:30-8:00 PM

City Hall Council Chambers, 445 W Center St, Provo

Attendance

District 3 Board Members: Shaun Hilton, Vice Chair (Sunset); Brooke Barnes, Vice Chair (Lakewood).

In-Person: Vern Keeslar, Katy Beuker, Mark Van Wagner, David Lewis, Michael Smyer, Monica Broadbent, Becky Bogdin, Beth, Rob Hunter, David Pitcher, Teri McCabe, Nancy Robison (and others who didn't sign in).

Zoom: Todd, Cindy B, Tyler Young (Monica Broadbent), Brian Voight, Victor & Lynda Sorensen, Rick Smith.

Conducting: Shaun Hilton, Vice Chair.

2. Planning Item: David Pitcher requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.6 (One Family Residential) Zone to create 41 new residential lots, located approximately at 1098 N Geneva Road. Lakeview North neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLRZ20230227

Pitcher said there were boundary issues and overlap that took time to get worked out. He feels that the 6,000 square foot single lots are a good fit for the area. The surrounding lots are R2PD (twin homes) and single-family lots. The railroad tracks are directly east. City staff said there's a lot of multi-family lots in the city, so they chose to go with the single-family lots, which may be more easily approved. There are already two houses on the lot. For the northern property, they're purchasing only the eastern 2/3 of the parcel – the owners will retain ownership of lot 1 to keep their barns and animals. The other older home will be removed.

Pitcher said they are being required by the city to run a sewer line and storm drain (main line / trunk line / capital improvement) from Geneva Road down to the intersection.

Victor Sorensen asked what other access is on Geneva Road, saying there is no other access between 820 North and 1210 North on Geneva Road to this date. What will your brand-new access be like?

Pitcher showed the proposed road below lot 2, off Geneva Road. He has a future stub on the east to connect to the existing neighborhood in the northeast and stub it to the southeast for future expansion (property owned by the Tongan Church – not interested in selling at this time).

A District 3 resident asked if from 820 North to their new access, are they tied into the public sewer system or are they septic? Do they need to tie into the new sewer system?

Pitcher stated he didn't know, but a member of the community said they are on septic. The applicant said there may be a smaller line and the community member said that some are, and some aren't. The applicant is assuming he will need to put in stubs since it's a major line and said it might be an extension of an existing line that stops further northwest.

Beth asked about talking to the Canal District about the open canal and piping the canal in that area.

Pitcher said he will double check but was under the impression that the canal runs along the north part of the property and then comes out through the property – but either way they would have to pipe that, and the engineers will determine what size that pipe is. If there's a canal there that has servicing properties other than ours, they always must be piped because they have a grandfather easement, or a right-of-way and they'll work with the canal company if that's the case.

Beth asked about the storm drain system – are you piping under Geneva to go into the open field or are you piping into a network of pipes that isn't going to be just raw dumped into a field across Geneva?

Pitcher said they're running a storm drain that goes into another storm drain system and that the state doesn't allow you to just run it into fields anymore. There's a difference between retention and detention.

Beth wanted clarification on "anymore" and what's existing now.

Pitcher said they will retain most of the storm water (about 80%) on their property and if there's a 100-year- flood then it's essentially a retention pond with a spillway. It will all be part of engineering and design, but not that far along with soil studies.

Beth asked if could be rezoned to an RA.6 instead of an R1.6 to allow people to do agriculture on a smaller scale. City planner Nancy Robison said they could investigate that, but right now the applicant is requesting R1.6.

Beth asked about access to other properties between here and 1210 North, and if other properties can be developed and have access to Geneva Road, cutting other people off from developing their property.

Robison said that may be in the General Plan and right now it's just a concept plan asking for the zone change. Hilton asked about Geneva Road being a state road and limiting access.

Pitcher said that state roads sometimes limit access to driveways. He's rezoning the entire area to residential, not just the area they're developing and the homeowner in the northwest corner is in favor of the zone change. He cannot speak for the other property owners because they do not want to rezone at this time. There is room for a cul de sac on lot 1.

The owner of the entire property asked about two access points to develop her property in the future. Robison said they would investigate these concerns.

Pitcher said this is just a rough concept, right now they're asking for the zone change – they haven't submitted a plat yet. They are working with the seller on what they want to build.

Beth reiterated her concern that other property owners are not landlocked.

Pitcher said that he's not seeing that they are locking any other properties. They are just asking for the zone change within the property outline.

Hilton said there are other factors to consider when they get further in the process. Pitcher said the top left corner is up to the property owner.

Brian Voight asked about traffic and traffic signals.

Robison said it's too early to say what the demand will be.

Voight said it would be good to know these things before a zone change is approved.

Robison said that city staff can calculate and project what is going to be needed. There will be discussion between the developer and city staff.

(Other questions were asked by District 3 residents, but audio was not picked up by the recording)

Provo City Planning Commission

Report of Action

March 13, 2024

Item 2 David Pitcher requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.6 (One Family Residential) Zone in order to create 38 new residential lots, located approximately at 1098 N Geneva Road. Lakeview North Neighborhood. Nancy Robison (801) 8526417 nrobison@provo.org PLRZ20230227

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 13, 2024:

RECOMMENDED APPROVAL WITH CONDITIONS

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

Conditions: Address all CRC Comments, install needed infrastructure for the subdivision.

Motion By: Robert Knudsen
Second By: Jonathon Hill
Votes in Favor of Motion: Melissa Kendall, Jonathon Hill, Lisa Jensen, Daniel Gonzales, Andrew South, Robert Knudsen, Jeff Whitlock
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 R1.6 Zone is described in the attached Exhibit A.

APPROVED/RECOMMENDED OCCUPANCY

38 Single Family lots Total Units.

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

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved. The developer must agree to install all needed infrastructure for the subdivision.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 10/12/2023.

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

- Linda Voight, a Provo resident made a comment about water levels in the area and a concern regarding flooding if the homes were built with basements.

APPLICANT RESPONSE

The applicant agrees that they would be responsible for installing all the related infrastructure necessary for the subdivision.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following: Lisa Jensen questioned whether this would follow the General Plan goals related to preserving agricultural. Jonathan suggested that meant Provo city wouldn't force someone to rezone agricultural land, but that if the property owner wanted to, they would be allowed.

There was a comment that because of the different lot sizes a variety of homes would be available to build. Another comment about it not being the most desirable location because of the Front Runner and train tracks to the east of the subdivision.

Another concern was whether the planning commission was setting a precedent for developers to ask for a little more than 3 lots per gross acre. (This rezone is calculated as 3.12 lots per gross acre). Others felt that there was wiggle room on this goal and because of the proximity of the railroad tracks, that wiggle room should be applied here.

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

Parcel # 19-048-0031

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM N 921.06 FT & E 925.31 FT FR S1/4 COR SEC 34, T6S, R2E, SLM; N 14'38"E 72.33 FT; S 89-44'06"E 192.12 FT; N 15'54"E 100

Parcel # 19-048-0030

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM N 921.06 FT & E 925.31 FT FR S1/4 COR SEC 34, T6S, R2E, SLM; N 14'38"E 72.33 FT; N 89 DEG 44'06"W 80.07 FT; S 52 DEG

Parcel # 19-048-0026

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM. 9.28 CHS S & 13.65 CHS E & 2.39 CHS N 40 15' W FROM NW COR OF S 1/2 OF SE 1/4 OF SEC 34, T6S, R2E, SLB&M; E 8.02 CHS; N

Parcel # 19-048-0039

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM E ALONG SEC LINE 862.27 FT & N 796.64 FT FR S 1/4 COR SEC 34,T6S, R2E, SLM; N 41 04'W 67.50 FT; E 164.65 FT; S 75 58'W

Neighborhood District 3 Meeting Minutes

(Lakeview North, Lakeview South, Fort Utah, Provo Bay, Sunset, Lakewood) Thursday, October 12, 2023; 6:30-8:00 PM
City Hall Council Chambers, 445 W Center St, Provo

Attendance
District 3 Board Members: Shaun Hilton, Vice Chair (Sunset); Brooke Barnes, Vice Chair (Lakewood).

In-Person: Vern Keeslar, Katy Beuker, Mark Van Wagner, David Lewis, Michael Smyer, Monica Broadbent, Becky Bogdin, Beth, Rob Hunter, David Pitcher, Teri McCabe, Nancy Robison (and others who didn't sign in).
Zoom: Todd, Cindy B, Tyler Young (Monica Broadbent), Brian Voight, Victor & Lynda Sorensen, Rick Smith.

Conducting: Shaun Hilton, Vice Chair.

1. **Department Topic:** Connecting 2470 West to Lakeshore Drive (Vern Keeslar, Provo City Traffic Manager)

   Keeslar spoke about the connection of this road in the 2012 Citywide Transportation Master Plan that was adopted in 2020 and was originally planned to be completed with future development. Because of the creation of the new Regional Sports Park, the city is now completing this road connection. There will be two traffic signals, one at Lakeview Parkway & 2470 West and one at Lakeview Parkway & 2770 West. Both traffic lights are under construction right now and should be done by the first quarter of 2024. 2470 West will be connected in Spring 2024 with a 3-legged roundabout (the fourth leg will be constructed with future development).

   Hilton asked if there was any reimbursement agreement with neighboring adjacent landowners.

   Keeslar didn't know the answer since he has only been in this position 6 months (he replaced Rob Hunter).

   Rob Hunter said the answer is no. The city gets reimbursements when tying into utilities, but not with roadways. Sometimes developers build half a road, but the city needs the whole roadway.

   Keeslar said we're building up the entire road on 2470 West, but just part of 2770 West. Keeslar said that neighboring property owners have not expressed desire to develop their properties at this time. If they develop, they will do the other leg of the roundabout (right now it's private property).

Keeslar said there's no access between 2470 West and 2770 West (what looks like an access point is a parking lot).

Hunter said 2470 West was always shown on the transportation map and 2770 West is also the exit from the airport, which is being expanded right now.

Keeslar explained that UDOT owns Geneva Road to Center Street, but south of Center Street that street is owned by Provo City and they have no plans to widen that section of Geneva Road, but they're working on it.

(Other questions were asked by District 3 residents, but audio was not picked up by the recording)

2. **Planning Item:** David Pitcher requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.6 (One Family Residential) Zone to create 41 new residential lots, located approximately at 1098 N Geneva Road. Lakeview North neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLRZ20230227

Pitcher said there were boundary issues and overlap that took time to get worked out. He feels that the 6,000 square foot single lots are a good fit for the area. The surrounding lots are R2PD (twin homes) and single-family lots. The railroad tracks are directly east. City staff said there's a lot of multi-family lots in the city, so they chose to go with the single-family lots, which may be more easily approved. There are already two houses on the lot. For the northern property, they're purchasing only the eastern 2/3 of the parcel – the owners will retain ownership of lot 1 to keep their barns and animals. The other older home will be removed.

Pitcher said they are being required by the city to run a sewer line and storm drain (main line / trunk line / capital improvement) from Geneva Road down to the intersection.

Victor Sorensen asked what other access is on Geneva Road, saying there is no other access between 820 North and 1210 North on Geneva Road to this date. What will your brand-new access be like?

Pitcher showed the proposed road below lot 2, off Geneva Road. He has a future stub on the east to connect to the existing neighborhood in the northeast and stub it to the southeast for future expansion (property owned by the Tongan Church – not interested in selling at this time).

A District 3 resident asked if from 820 North to their new access, are they tied into the public sewer system or are they septic? Do they need to tie into the new sewer system?

Pitcher stated he didn't know, but a member of the community said they are on septic. The applicant said there may be a smaller line and the community member said that some are, and some aren't. The applicant is assuming he will need to put in stubs since it's a major line and said it might be an extension of an existing line that stops further northwest.

Beth asked about talking to the Canal District about the open canal and piping the canal in that area.

Pitcher said he will double check but was under the impression that the canal runs along the north part of the property and then comes out through the property – but either way they would have to pipe that, and the engineers will determine what size that pipe is. If there's a canal there that has servicing properties other than ours, they always must be piped because they have a grandfather easement, or a right-of-way and they'll work with the canal company if that's the case.

Beth asked about the storm drain system – are you piping under Geneva to go into the open field or are you piping into a network of pipes that isn't going to be just raw dumped into a field across Geneva?

Pitcher said they're running a storm drain that goes into another storm drain system and that the state doesn't allow you to just run it into fields anymore. There's a difference between retention and detention.

Beth wanted clarification on "anymore" and what's existing now.

Pitcher said they will retain most of the storm water (about 80%) on their property and if there's a 100-year-flood then it's essentially a retention pond with a spillway. It will all be part of engineering and design, but not that far along with soil studies.

Beth asked if could be rezoned to an RA.6 instead of an R1.6 to allow people to do agriculture on a smaller scale.

City planner Nancy Robison said they could investigate that, but right now the applicant is requesting R1.6.

Beth asked about access to other properties between here and 1210 North, and if other properties can be developed and have access to Geneva Road, cutting other people off from developing their property.

Robison said that may be in the General Plan and right now it's just a concept plan asking for the zone

change. Hilton asked about Geneva Road being a state road and limiting access.

Pitcher said that state roads sometimes limit access to driveways. He's rezoning the entire area to residential, not just the area they're developing and the homeowner in the northwest corner is in favor of the zone change. He cannot speak for the other property owners because they do not want to rezone at this

time. There is room for a cul de sac on lot 1.

The owner of the entire property asked about two access points to develop her property in the

future. Robison said they would investigate these concerns.

Pitcher said this is just a rough concept, right now they're asking for the zone change – they haven't submitted a plat yet. They are working with the seller on what they want to build.

Beth reiterated her concern that other property owners are not landlocked.

Pitcher said that he's not seeing that they are locking any other properties. They are just asking for the zone change within the property outline.

Hilton said there are other factors to consider when they get further in the

process. Pitcher said the top left corner is up to the property owner.

Brian Voight asked about traffic and traffic signals.

Robison said it's too early to say what the demand will be.

Voight said it would be good to know these things before a zone change is approved.

Robison said that city staff can calculate and project what is going to be needed. There will be discussion between the developer and city staff.

(Other questions were asked by District 3 residents, but audio was not picked up by the recording)

3. Additional Topics

A. Report – Lakeview Parkway clean up event.
Rachel Breen and Becky Bogdin reported on a resident complaint of weeds and trash along Lakeview Parkway by Provo High School. With permission from Provo School District and Provo High, BYU Community Clean-Up had about 30 students come out to help, along with 3 residents, to clean up the area in under two hours. Arien Adams has a list of workers and hours that can go towards matching grant funds. Will need to verify if weed piles are still in the area.

B. District volunteer project? – Removal of puncture weeds/goat heads.
Teri McCabe spoke about goat heads by Sunset Elementary in the park strip along 1600 West that need to be cleaned up. Sometimes the city (Parks) cleans it up, but sometimes they don't. It causes flat tires for kids riding their bikes to school. Rob Hunter said he would check on it. Bogdin said that Mike Hoffman said that Parks does have areas we can clean up along Lakeview Parkway between the trail and the fence along the freeway (check with Mike Hoffman for ideas).

C. Discussion – What do to about graffiti on bridges and underpasses near Lakeview Parkway.
Monica Broadbent submitted photos to Provo City showing graffiti along Lakeview Parkway. Kids slough school and hang out in this area (dead ends). The city cleaned up some graffiti, but new graffiti was added. Broadbent is asking about trail cameras. Barnes asked what Officer Waters said about the graffiti. Broadbent said Officer Waters sent her an email. Barnes said she would speak
with Officer Waters about additional patrols and asked if the cameras would be put up by the School District. Broadbent says she has access to trail cams that can be put up but would need permission. Barnes said she would speak with Officer Waters about putting up trail cams.

4. Public Comment

Beth said that painted murals can slow down the rate of graffiti – maybe do a service or community project.

McCabe said they need input from the public about continuing Camp Big Springs. Please email McCabe or other School Board Members with your feedback.

Barnes asked McCabe about a crosswalk at 1400 West & 600 South. McCabe said to talk to Keeslar. The principal talked to Keeslar about the crosswalk. Hunter said the city has money from UDOT but it's not going to cover full curb, gutter, sidewalk. They will make an asphalt trail as a temporary hard surface for kids to ride their bikes until they get money to fix the area. McCabe said some neighbors don't want sidewalks. Barnes asked if they don't want sidewalks because residents will have to pay for the sidewalks. Hunter said there's no plans for a crosswalk because it will require another crossing guard, which they don't have.

McCabe said Shoreline Middle School will open in the Fall of 2024 and traffic patterns may change. Bogdin said the Community Council creates a safe route to school and meets with the city to meet regulations. What Keeslar is finding is that what's posted as the "safe routes" is not actually a safe route. Education needs to happen to tell people what the safe routes are.

5. **Adjournment**

Next Neighborhood District 3 Meeting is scheduled for Thursday, November 30, 2023 at 6:30 PM in the City Hall Community Room.

ORDINANCE 2024-____.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 1098 N GENEVA RD, FROM THE A1.1 (AGRICULTURAL) ZONE TO THE R1.6 (ONE FAMILY RESIDENTIAL) ZONE. LAKEVIEW NORTH NEIGHBORHOOD. (PLRZ20230227)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 12.17 acres of real property, generally located at 1098 N Geneva Rd (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 A1.1 (Agricultural) Zone to the R1.6 (One Family Residential) Zone; and

On March 13th, 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 7:0 vote; and

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

On April 16th, 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 A1.1 (Agricultural) Zone to the R1.6 (One Family Residential) Zone for the real property described in this ordinance.

PART II:

Commented [BJ1]: Usually we include a map rather than just a legal description (it's fine to include both), because a visual depiction is easier to understand. Do we have one?

Commented [NR2R2]: Let me know if that picture doesn't work

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

Parcel # 19-048-0031

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM N 921.06 FT & E 925.31 FT FR S1/4 COR SEC

34, T6S, R2E, SLM; N 14'38"E 72.33 FT; S 89-44'06"E 192.12 FT; N 15'54"E 100

Parcel # 19-048-0030

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM N 921.06 FT & E 925.31 FT FR S1/4 COR SEC

34, T6S, R2E, SLM; N 14'38"E 72.33 FT; N 89 DEG 44'06"W 80.07 FT; S 52 DEG

Parcel # 19-048-0026

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM. 9.28 CHS S & 13.65 CHS E & 2.39 CHS N 40 15'

W FROM NW COR OF S 1/2 OF SE 1/4 OF SEC 34, T6S, R2E, SLB&M; E 8.02 CHS; N

Parcel # 19-048-0039

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM E ALONG SEC LINE 862.27 FT & N 796.64 FT

FR S 1/4 COR SEC 34,T6S, R2E, SLM; N 41 04'W 67.50 FT; E 164.65 FT; S 75 58'W

1098 N Geneva Rd



Provo City Planning Commission

Report of Action

March 27, 2024

*ITEM 3 Ruth Thomas requests an Ordinance Text Amendment to add 44 homes in the R1.8 (One Family Residential) Zone to Section 14.30.020, Provo City Code, in order to allow Accessory Dwelling Units as a permitted use for the geographical area approximately between 1100 East and 1260 East and 820 North to 930 North. Foothills Neighborhood. Mary Barnes (801) 8526408 mabarnes@provo.org PLOTA20230035

The following action was taken by the Planning Commission on the above-described item at its regular meeting of March 27, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen
Second By: Barbara DeSoto
Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Jeff Whitlock, Jonathan Hill, and Barbara DeSoto.
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.

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
- This application affected the Foothills Neighborhood. The Foothills Neighborhood discussed this topic in May and November 2019, and once again in November 2020. The applicant was not required to appear at another neighborhood meeting.

APPLICANT PRESENTATION
Key points addressed in the applicant's presentation to the Planning Commission included the following:
- The applicant started by acknowledging that this is the first multiple homes application that has appeared before Planning Commission, so this will be a pilot program of sorts. It will also provide great localized benefits to the neighborhood.
- This has been an active discussion in the neighborhood for 5 years. Some reasons for this application include:
    - This section of the neighborhood has a few conflicting zoning requirements, including grandfathered ADUs, overlapping zoning, etc. This will help to clean that up, making it so that ADUs are simply allowed by right.

        - It will also make expectations very clear for people that are moving into the neighborhood, especially into the houses that have grandfathered ADUs. It will reduce any confusion.
    - In 2020, rental homes in the neighborhood created a mini housing bubble that made houses difficult to buy. This would hopefully encourage more owner-occupants to move into the neighborhood.
    - A section of Wasatch neighborhood to the immediate north of the property has had an ADU overlay since the 2000s. Since the ADU overlay was added, this section of the Wasatch neighborhood has seen a shift into more owner occupancy and relatively stabilized home prices. This is encouraging to the neighbors in the subject area, because the lot sizes and houses are similar, and the Wasatch neighborhood is directly adjacent.
        - The applicant explained that the reason for this change, as mentioned in the Wasatch Neighborhood meeting minutes, is that an ADU overlay made zoning enforcement easier. ADUs could be easily cross-referenced with parcel records.
- The applicant stated that the neighbors in the subject area are not expecting a large increase in the number of ADUs with a possible approval of this proposal. This is due to the nature of the existing homes, slab foundations, smaller back yards, etc. The applicant expects a modest increase in ADUs, then a steady increase if residents decide to upgrade their homes or redevelop their properties.
- The grandfathered ADUs that do exist within the subject area are within the homes of residents with fixed incomes, who use the ADUs as a supplement to their income.
    - The applicant conducted a small survey of rental rates within these grandfathered ADUs. The owner occupants rent the ADUs at below market rates to cater to students and other micro-populations. The applicant recognized that lower rental rates are not guaranteed within the subject area, but they are the current norm.
- The reason why the neighbors in the subject area decided on a group application rather than individual applications is because the subject area wants to ensure that things are clear to any new neighbors. It will also help to ease zoning enforcement.
    - The reason why this application took a while to get before the planning commission is because it is extremely time-consuming to get 66% of property owner signatures.

NEIGHBORHOOD AND PUBLIC COMMENT

- The neighborhood Chair was present and did address the Planning Commission during the hearing. McKay Jensen expressed support for the amendment and the neighborhood.
- The neighborhood Vice-Chair was present as the applicant.

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:

- *Craig Carlile, Foothills Neighborhood*. There is pressure for any area that surrounds BYU Campus to become student housing. Joaquin Neighborhood has become what it is today because people opened their houses to students. The ADU Overlay in this area could be a great idea, but it is the camel's nose in the tent. Because of the proximity to BYU, Mr. Carlile is concerned that this area will become another Joaquin. ADUs will increase property values.
- *Paul Evans, Pleasant View Neighborhood*. Pleasant View has had the ADU overlay for 40-50 years. One of the challenges regarding owner occupancy is individuals that purchase the home and then put their child as an owner or trustee, therefore the child becomes the owner. The basement is rented out, and it becomes a de facto student duplex. Mr. Evans stated that code enforcement cannot handle this, and that it is a real issue.
- *Richard Snyder, Wasatch Neighborhood*. As the property owner directly north of the subject area, Mr. Snyder is very concerned about the character of the neighborhood changing from single family. Student rentals in this area are rampant. The subject area is adjacent to a park and religious property, so the applicant did not have to get signatures from many adjacent residential properties. This means that there was not as much input for the ordinance amendment. It skews it and makes it easier for this property to meet the criteria without involving more people. Mr. Snyder was also worried that residents in the subject area may get an ADU then sell the property to someone else. This will turn into a nightmare of enforcement and violates the purpose of single-family dwellings.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

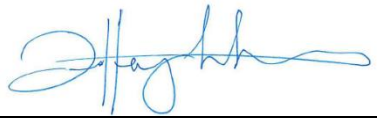
After staff presentation:

- Commissioner Whitlock asked about Short-Term Rentals, and if they allowed ADUs. He also requested follow-up information on the City's recent discussions on Short Term Rental enforcement.
- Commissioner DeSoto expressed concern about when a home with a legal ADU is sold to a rental company. In that case, city enforcement could be difficult. Commissioner DeSoto also requested information on what the enforcement consequences are, and concern about increasing property values too much. With higher property values, owner occupants may charge an increased rent from the ADU tenant, which would not be affordable housing.

After public comment:

- Commissioner Jensen stated that the owner occupants within the subject area are in favor of the amendment. These are the only property owners permitted to have an ADU. Wasatch Neighborhood to the north is already within the ADU overlay. The presence of the park and the religious property is a strength, as there are less adjacent existing residential properties that could be impacted.
    - Commissioner Jensen also expressed concern about raised property values. An ADU does not address affordability, it could allow an owner occupant to bring in income that will help to pay for the expensive home.
    - Commissioner Jensen acknowledged the issue that Mr. Evans brought up about owner occupancy, and how the enforcement loopholes then fall on neighbors to complain.
    - Commissioner Jensen said that the parameters in the code should be sufficient to ensure that an ADU is rented out correctly. People who don't want to comply with the code will try to have an ADU, whether there is an overlay on the subject area or not. This will make it slightly easier for people who will follow the code to have an ADU.
- Commissioner Hill expressed he has major misgivings about ADUs, but this area might be a good place for ADUs. ADUs bump house prices, they do not improve affordability. There are always conflicting opinions, i.e. it increases affordability but raises house prices, or it increases housing supply but no one is going to put an ADU in. They are not the solution to the housing crisis. However, in this situation, the applicant had to follow the special use permit requirement for the entire subject area. It's clear that two thirds of the people within the subject area and immediately adjacent area want this amendment.
    - Commissioner Hill added that this area is a little more isolated from other neighborhoods, simply due to the park and the church property. This is positive, it means less potential impact on surrounding neighborhoods. The neighborhood to the north already allows this, so it essentially creates a continuous overlay. It is not an island.
    - In general, ADUs are not great. But in this case, the neighborhood supports it, so this is the type of place where the city can support it as well.
- Commissioner DeSoto agreed that there is not one solution to housing. But, with these little pieces of ADU overlay, housing supply will increase and at least some people will be able to find a place to live. Commissioner DeSoto also acknowledged the issue that Mr. Evans brought up. Not sure if anything can be done, but it does come down to trusting that most property owners will respect their neighbors and the law.
- Commissioner Whitlock stated that great points have been made. This is a simple issue, the city passed a code which was in response to state law, which was in response to housing crisis in the state. The applicant is following the code, so the planning commission must forward approval. Anything else would be irresponsible.
- Commissioner Jensen recommended a more intensive ADU and Short-Term Rental education campaign or program to staff. As more people learn about ADU requirements, they may realize that they are not in compliance and try to fix it. Many people may have automatically added ADUs to their home when the State came out with new ADU legislation, because they only know that half of the story. Residents and city officials need to be able to trust the system. Part of the problem with these widespread zoning violations is education. Talk about ADU requirements in neighborhood meetings, so that people can educate their neighborhoods. It could make enforcement easier.
    - Commissioner DeSoto agreed, saying that there will always be people who will not pay attention to the rules. But increased education could reach the neighbors that are being affected by illegal ADUs,

empowering them, and helping them have the tools necessary to know if someone is out of compliance. It also allows them to know what their resources are.
    - Commissioner Jensen added that when more people that understand the rules, less pressure is on one person within a neighborhood to complain. If the whole neighborhood understands the code, then a good percentage of the neighborhood works together to make sure the code is followed.
- Commissioner Whitlock stated that he understands public concerns. All the issues described could come down to enforcement, which needs to continue to improve. When thinking of ADUs, there are two things that come to mind. First, the supply and demand question. Provo cannot fix the housing supply issue, but we can provide additional options. More ADUs mean more options. It provides more housing supply, and a smaller square footage would be more affordable. Second, the debate seems to be that the ADUs will not help affordability for a homeowner, but it will increase value for an investor. Either way, there will be a return and I'd rather the homeowner get the return, which will then be re-invested into the community.
    - Commissioner Hill responded saying that ADUs increase the number of purchasable units by zero. This is a small rental unit. As families grow, they need more space. It creates an affordable option, but at the cost of larger families, who must move out of the city as they grow.
    - Commissioner Whitlock explained that the applicant is saying that because ADUs are required to be owner-occupied, we are creating an incentive for more homeowners to live in their houses and create more owner occupation in neighborhoods.



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.

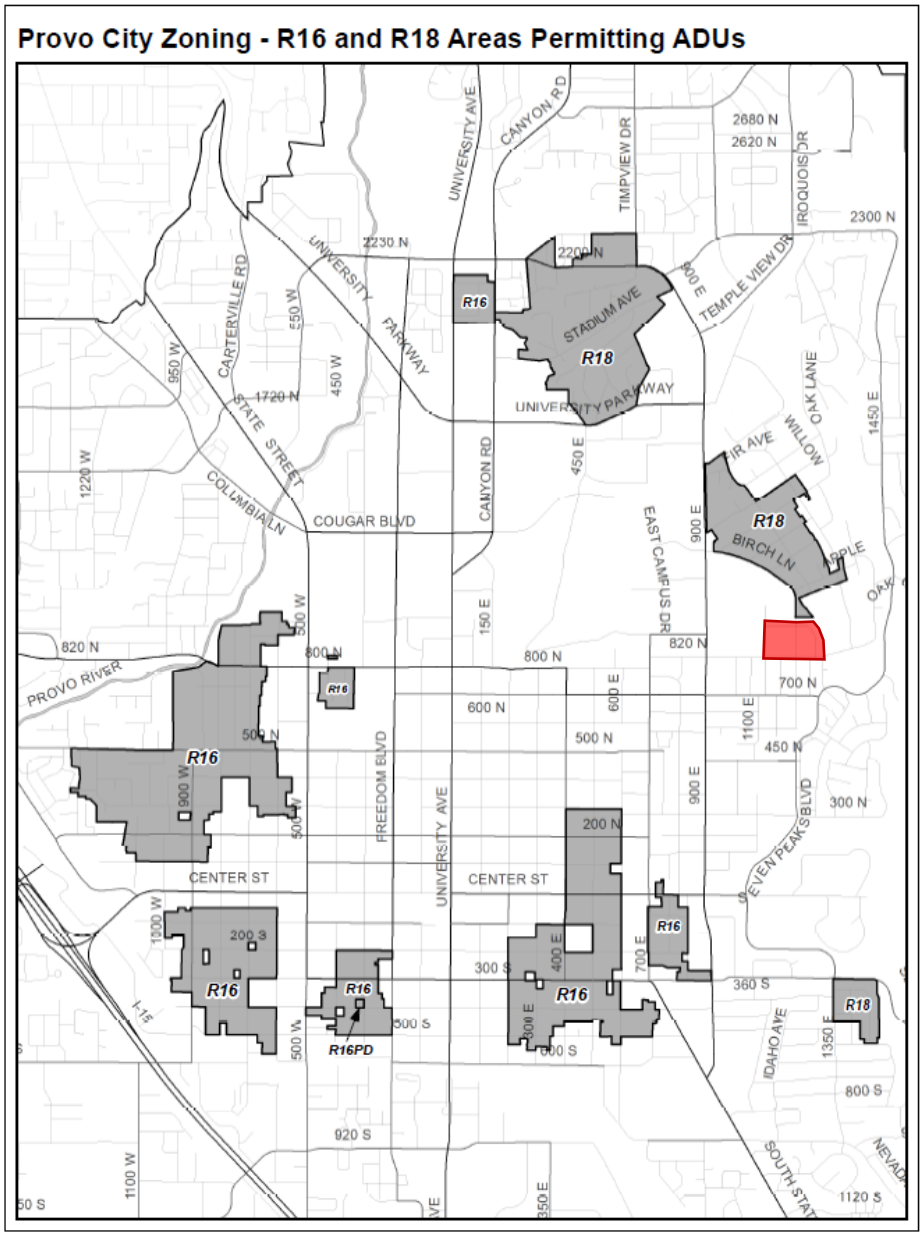
Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center St., Provo, Utah, **within fourteen (14) calendar days of the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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

14.30.020 Permitted Use of Accessory Dwelling Units.

1. Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.
2. Notwithstanding Section 14.30.010, Provo City Code, Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:
    a. All Project Redevelopment Option (PRO) zones;
    b. Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:



DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 27, 2024

*ITEM 3 Ruth Thomas requests an Ordinance Text Amendment to add 44 homes in the R1.8 (One Family Residential) Zone to Section 14.30.020, Provo City Code, to allow Accessory Dwelling Units as a permitted use for the geographical area approximately between 1100 East and 1260 East and 820 North to 930 North. Foothills Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLOTA20230035

Applicant: Ruth Thomas

Staff Coordinator: Mary Barnes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 10, 6:00 P.M.*
2. **Recommend Denial** of the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The applicant is requesting this ordinance amendment to extend the ADU overlay over a small section of the Foothills Neighborhood, effectively adding it to the permitted accessory apartment areas map found in 14.30.020. The applicant and the neighbors within this section have been pursuing this ordinance amendment for approximately five years. These properties are zoned R1.8. No other relevant history at this time.

Neighborhood Issues: A neighborhood meeting for the Foothills neighborhood was held in 2019 on this topic. The applicant is not required to appear in a neighborhood meeting again.

Summary of Key Issues:

- Subsection 14.40.030 (2)(b) states that areas designated as R1-8 are not permitted to have accessory dwelling units, except as shown in the “Areas Permitting ADUs” map.
- Subsection 14.30.050 (4) states that owners of multiple contiguous properties may submit a text amendment application to amend the chapter to allow ADUs as a permitted use for the subject properties.

Staff Recommendation:
That the Planning Commission recommend approval of the proposed text amendment to the Provo City Council.

OVERVIEW

The applicant is requesting an ordinance amendment to add a small section of the Foothills Neighborhood to the ADU overlay on the “Areas Permitting ADUs” map found in 14.30.020. This small section includes 44 houses on 820 N, 930 N, 1100 E, 1200 E and 1260 E. Please see figure 1 to see the subject area.

- The property is zoned R1.8, which requires a minimum 8,000 sq ft lot.
- The applicant has been working on getting this subject property added to the ADU map for multiple years.
- The code states that owners of multiple contiguous properties may submit a text amendment application to designate ADUs as a permitted use for all subject properties. This type of application requires signatures of at least 66% of property owners for the subject properties and the immediately adjacent residential properties.
- The applicant has provided signatures from 68% of the subject area and immediately adjacent residential properties. Therefore, the applicant has met the requirements set out in the code.

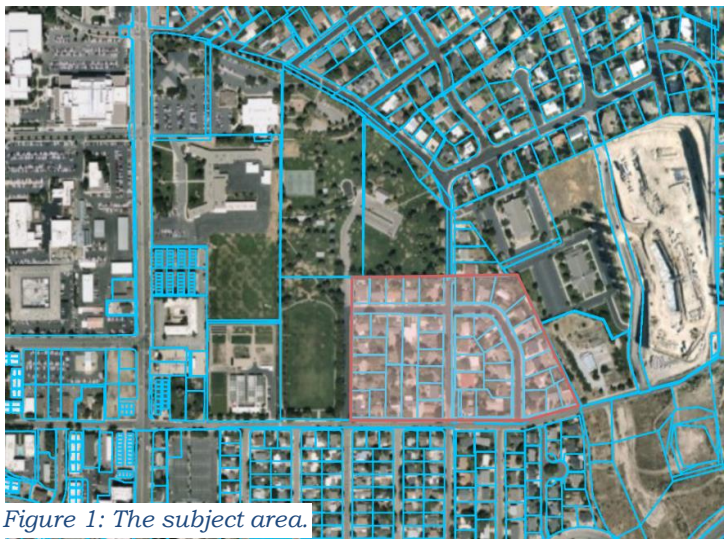


Figure 1: The subject area.

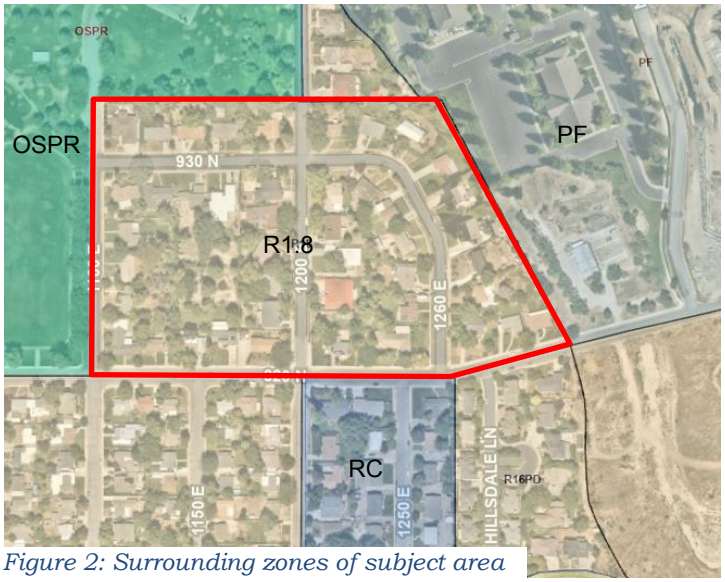


Figure 2: Surrounding zones of subject area

FINDINGS OF FACT

Context of the Ordinance Amendment

14.30.040 (4) states the following:

4. Application for a Permitted Use for Multiple Homes. Instead of submitting the special use permit application described in this Section, owners of multiple contiguous properties may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the subject properties. Such an application shall follow the procedures in Section 14.02.020, Provo City Code, except that:
    a. The filing fee specific to such an application shown on the Consolidated Fee Schedule shall be required rather than the standard amendment fee; and
    b. The application need not comply with Section 14.02.020(1), Provo City Code, but instead must include the information described in Subsections (2)(b) and (c) of this Section.

14.30.040 (2)(b)&(c)

2. Application. Application for an accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:
    b. A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.
        i. “Immediately adjacent residential property” means each and every property:
            A. For which residential use is a permitted use; and
            B. That shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;
    c. The name, address, and signature of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(b) of this Section indicating that they are in support of the special use permit.

This code was adopted on October 18, 2022. The goal of this code was to be able to conditionally expand the permitted use of ADUs in areas primarily zoned for residential use throughout the city, with the permission of neighbors. This is the first multiple home ADU text amendment that Provo City has seen since the code was adopted.

Required Signatures

There are 44 properties within the subject area, and 15 immediately adjacent residential properties, as defined by 14.30.040 (2)(b)(i). Therefore, there are 59 total properties. Sixty-six percent of 59, or 39 property owners, are required to provide their name, address, and signature indicating that they are in support of this amendment. Please see figure 3 for a color-coded map

that indicates what is classified as a subject property, and what is an immediately adjacent residential property.

The applicant has provided the names, addresses, and signatures of 40 property owners for 40 properties. Seven of the 15 immediately adjacent property owners provided their signatures, and 33 of the properties in the subject area provided their signatures.

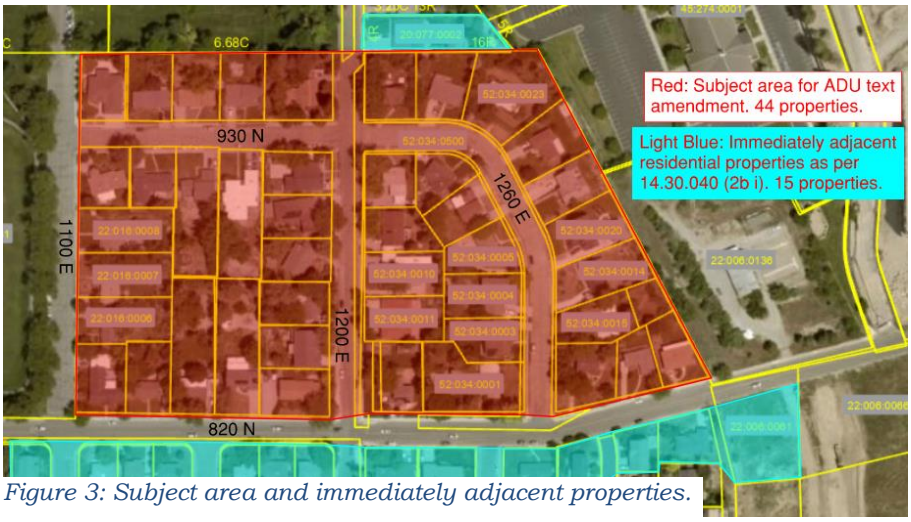


Figure 3: Subject area and immediately adjacent properties.

Impact

To be able to have an ADU in a home that is not within the ADU overlay, the property owner must submit a special use permit and meet all the requirements in the code. While this overlay would remove that obstacle for an ADU on a property in the subject area, it would still require a property owner to meet all the requirements found in 14.30.030, which include requirements regarding:

- Location
- Appearance
- Number
- Occupancy (as mentioned below)
- Parking (as mentioned below)
- Utility meters
- Addresses
- Outside entrances
- Building codes, and
- Rental Dwelling Licenses (as mentioned below).

Currently, there are 11 rentals in the subject area, according to city and county records. The applicant did not gather signatures from the rental property owners because they are harder to track down and because ADUs are not permitted in rental properties. While this ordinance amendment would extend the ADU overlay over all homes within the subject area, it does not permit the rental homes to have two units. Only owner-occupied homes are permitted to have an ADU.

To ensure that owner occupancy is sustained, there are existing requirements in the ADU code:

- An ADU rental dwelling license expires every year, which requires an owner-occupant to renew their license annually.
- The code requires the owner-occupant to provide at least two forms of address verification during the renewal process, including a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return. With this information, the zoning officer can verify owner-occupancy every year during the renewal period.

Another concern could be parking. ADU code states that at least 4 off-street parking stalls are required on a property with an ADU, two for the main home and two for the ADU. Additionally, this area requires parking permits for on-street parking, as mentioned in Title 9.88 of the Provo City Code.

STAFF ANALYSIS

General Plan

Provo City Code Title 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

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

Staff response: **The public purpose of the amendment is to increase housing supply and affordable housing options for future city residents. Additionally, it could provide housing options for current city residents, and raise property values within the subject area.**

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

Staff response**: By allowing ADUs in this area of the city, the housing supply and options for Provo residents has the potential to increase.**

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

Staff response**: The proposed text amendment is consistent with the General Plan housing goals, specifically to: "Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs". Goal 1c states: "Continue to examine zoning solutions in certain locations to promote Accessory Dwelling Units in residential areas".**
This text amendment would allow the owner-occupants within this subject area to have ADUs, which would allow for more housing diversity.

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*: Goal 1c of the housing chapter is indicated to have a "short" timing in the implementation matrix. According to the reading notes in the implementation matrix chapter, "short" timing is 1-3 years. This ordinance amendment is within that "short" period.**
The action that is meant to begin the process of meeting this goal is as follows: "Continue to analyze the city zoning code and study requirements of other jurisdictions to find solutions to promote ADUs". After analyzing the Provo City Code, it is apparent that this amendment is a great solution to promoting ADUs in a small section of the Foothills neighborhood.

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

***Staff response*: Staff do not believe the proposed changes will hinder or obstruct the General Plan policies in any way; it will help to strengthen them.**

f) Adverse impacts on adjacent landowners.

***Staff response*: Any residential property with an ADU overlay must follow specific requirements as set forth in the City Code. The zoning laws have endeavored to address as many issues as possible. Adverse impacts would be noticeable if zoning and rental dwelling license laws were not being followed by the landlord and tenants. Provo City has an enforcement team that are willing to follow procedure and enforce the zoning code on landlords or tenants that are not in compliance with the code.**

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

***Staff response:* This amendment will not affect the correctness of the zoning or general plan for these areas.**

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

***Staff response*: There is not a conflict. This area is shown as residential on the General Plan Land Use Map.**

CONCLUSIONS

In conclusion, the applicant has met all of the requirements for this ordinance amendment. Staff recommends that the Planning Commission recommend approval for this ordinance amendment. Approval of this ordinance amendment will allow only owner-occupied properties in the subject area to have ADUs and provide a way for the residents in the subject area to increase their passive income and property values. The majority of residents in the subject area have indicated support for this amendment.

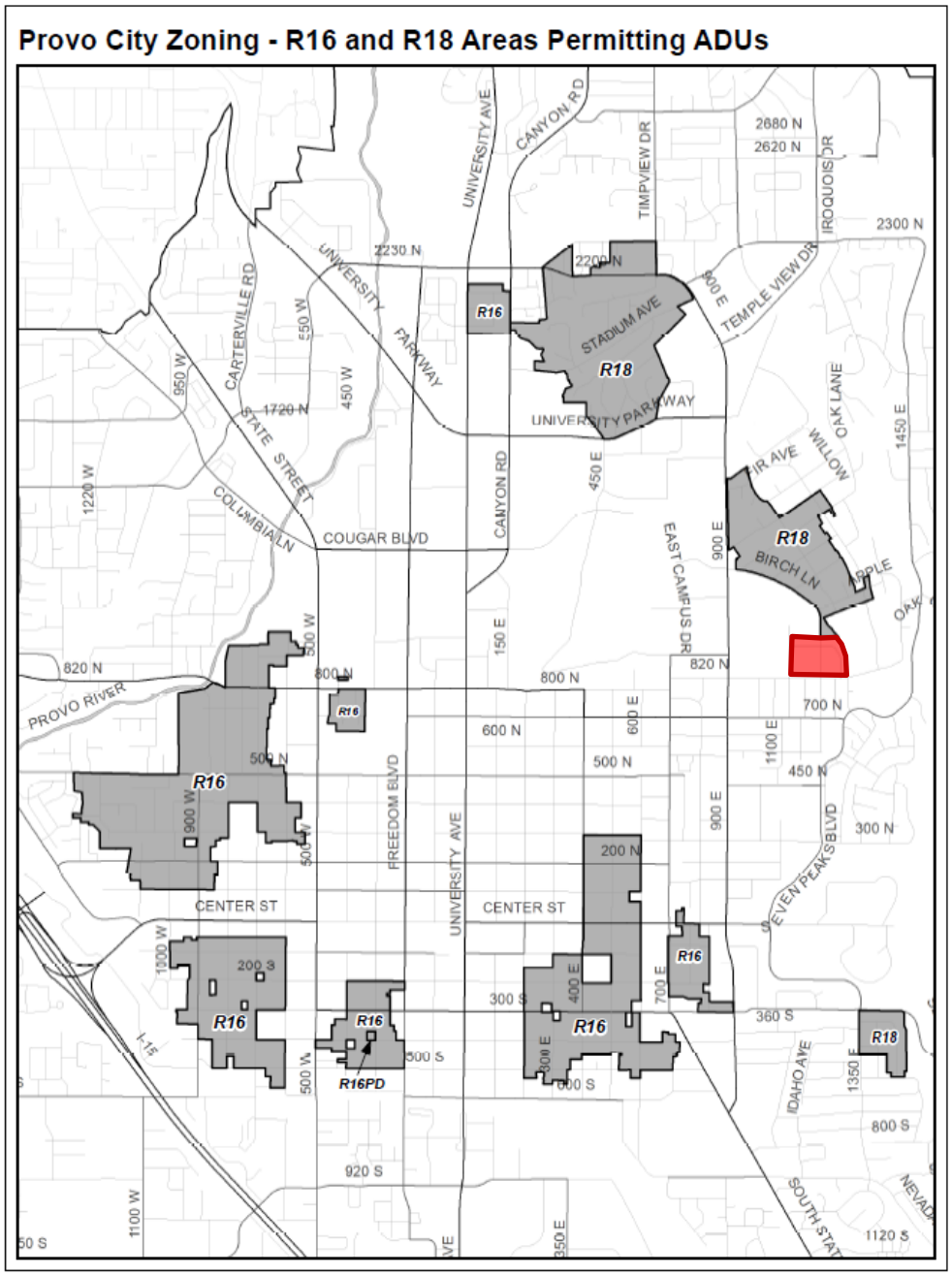
ATTACHMENTS

1. Proposed 14.30.020 Amendment

ATTACHEMENT 1 – PROPOSED 14.30.020 AMENDMENT (Shown in red)

14.30.020 Permitted Use of Accessory Dwelling Units.

1. Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.
2. Notwithstanding Section 14.30.010, Provo City Code, Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:
    a. All Project Redevelopment Option (PRO) zones;
    b. Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:



ORDINANCE 2024-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING ACCESSORY DWELLING UNITS AS A PERMITTED USE IN A SMALL SECTION OF THE FOOTHILLS NEIGHBORHOOD. FOOTHILLS NEIGHBORHOOD APPLICATION. (PLOTA20230035)

WHEREAS, it is proposed that Provo City Code 14.30.020(2)(b) be amended; and

WHEREAS, on March 27, 2024, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 5:0; and

WHEREAS, on April 16, 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 described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code 14.30.020(2)(b) is hereby amended as set forth in Exhibit A.

PART II:

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

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

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

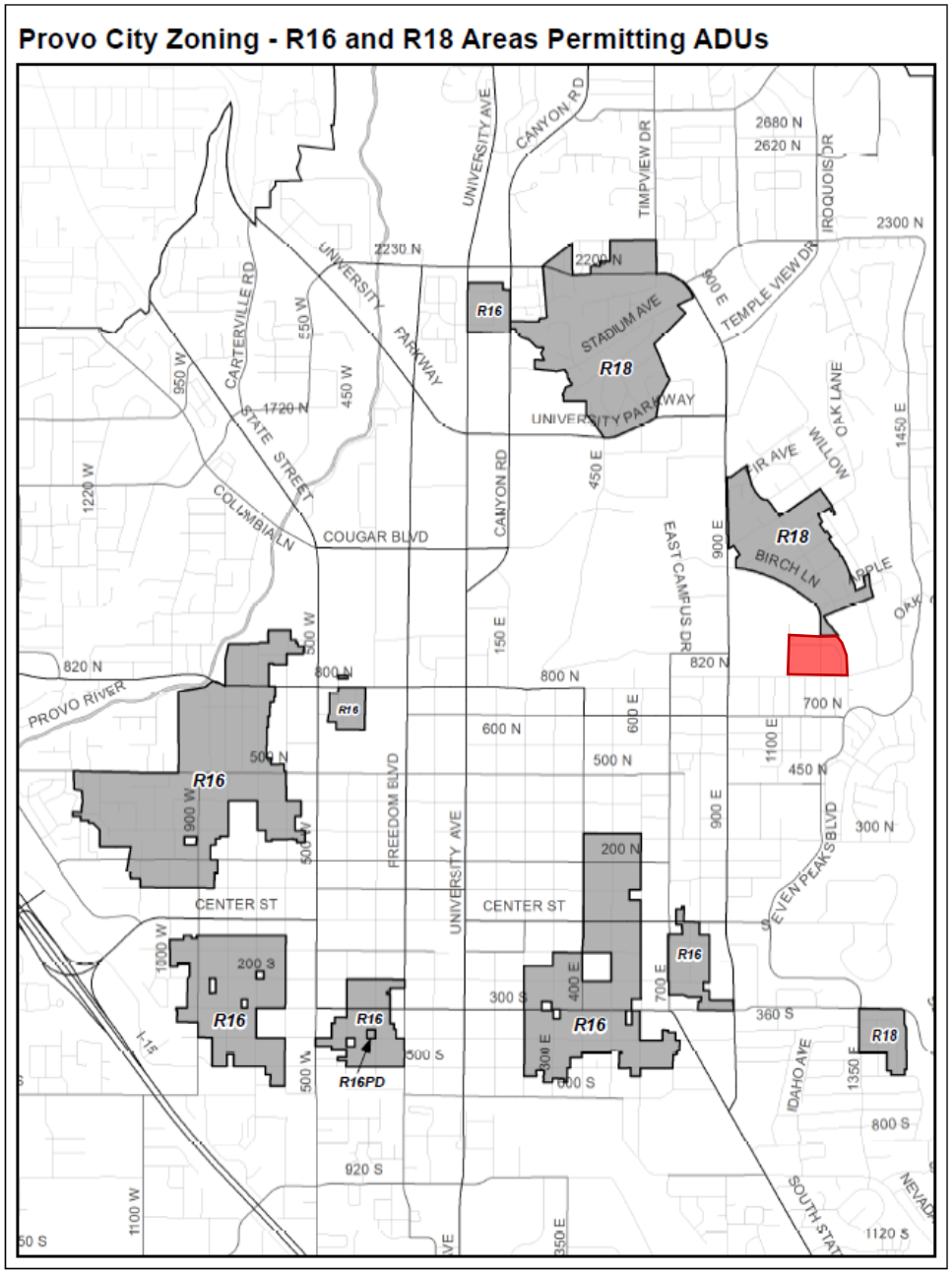
D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

Exhibit A

14.30.020 Permitted Use of Accessory Dwelling Units.

1. Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.
2. Notwithstanding Section 14.30.010, Provo City Code, Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:
    a. All Project Redevelopment Option (PRO) zones;
    b. Areas designated RM, R16, R17, R18, R19, or R110, including such areas with Performance Development overlay, except as shown in the map below:



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 04-16-2024

SUBJECT: An ordinance amending Provo City Code regarding areas where Accessory Dwelling Units are prohibited – Citywide Application (PLOTA20240066)

RECOMMENDATION: To be heard at the April 16, 2024 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The Municipal Council passed a code cleanup of 14.30 in January 2024. During those Council and Work Meetings, a motion was made for Council staff to prepare another amendment removing the R2PD and SDP5 zones from the list of zones that allow ADUs as a permitted use after the Utah Legislative Session ended in March. Council has received feedback from the neighborhoods in the two zones to remove them from ADU allowance. The two zones exist in a total of ten (10) total developments as described in the findings of fact. The majority of R2PD developments are condos and townhomes which would prove difficult to provide an ADU. The SDP5 Zone stipulates that ADUs are not permitted and have only been allowed to this point due to the definitions in 14.30 that permit ADUs west of I-15.

FISCAL IMPACT:

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

REQUESTED DURATION OF PRESENTATION: 10 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20240066

Provo City Planning Commission

Report of Action

March 27, 2024

*ITEM 1 The Provo City Council proposes Ordinance Text Amendments to Section 14.30.020 (Permitted Use of Accessory Dwelling Units) to remove specific zones from ADU allowance. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240066

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 27, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0 the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen
Second By: Lisa Jensen
Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Jonathon Hill, Jeff Whitlock, Barabara DeSoto
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.

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 City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC
Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.

APPLICANT RESPONSE
Key points addressed in the applicant's presentation to the Planning Commission included the following:
- Melia Dayley spoke about the history of the ADU ordinance and how this amendment would impact allowances citywide.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners addressed the background of the ordinance and the style in which it is written.
- There was general support for the proposed amendment in that it still meets the State requirements for the city and helps to protect neighborhoods.
- Some commissioners described their desire for ADU allowance to be more balanced throughout the city in future iterations.
- **Planning Commission made a formal recommendation to the City Council to expand the scope of the map in Section 14.30.020 to show a larger segment of the City and where ADU's are permitted by-right.**



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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

Chapter 14.30

ACCESSORY DWELLING UNITS

Sections:

14.30.010 Purpose and Objectives.

14.30.020 Permitted Use of Accessory Dwelling Units.

14.30.030 Accessory Dwelling Unit (ADU) Development Standards.

14.30.040 Special Use Permit for Accessory Dwelling Unit.

Prior legislation: Ords. 1991-07, 1998-55, 2000-15, 2009-17, 2010-28, 2013-49, 2019-45.

14.30.020

Permitted Use of Accessory Dwelling Units.

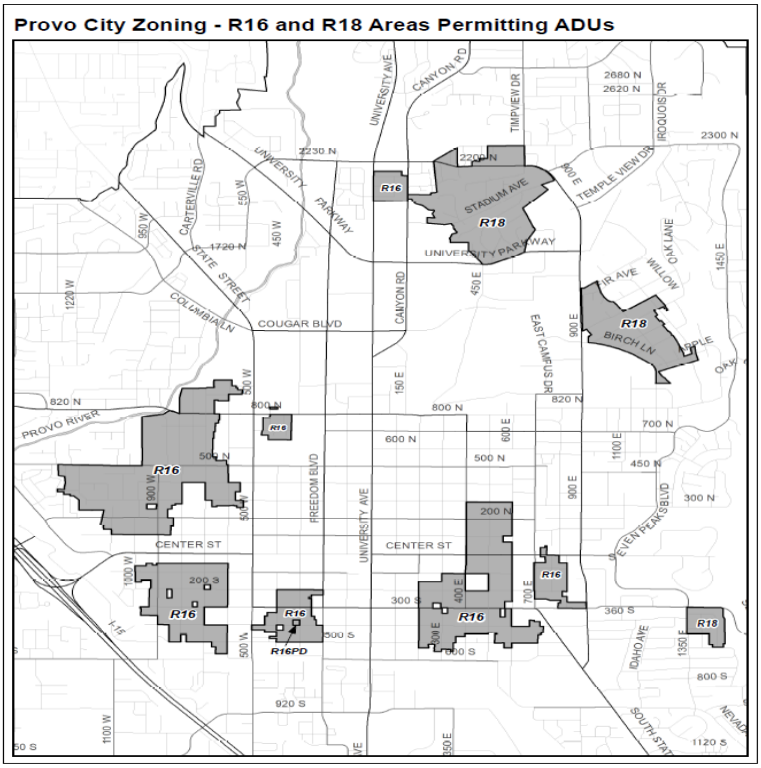
(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) Notwithstanding Section 14.30.010, Provo City Code, Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones;

(b) R2 zones with a Performance Development Overlay (R2PD);

(c) ~~(b)~~ Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:



(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15, except the Specific Development Plan Overlay Zone- 5 (SDP5) zone.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 27, 2024

***ITEM 1** The Provo City Council proposes Ordinance Text Amendments to Section 14.30.020 (Permitted Use of Accessory Dwelling Units) to remove specific zones from ADU allowance. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240066

Applicant: City Council

Staff Coordinator: Melia Dayley

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 10th, 2024 at 6:00 P.M.*

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

Relevant History: Chapter 14.30 (Accessory Dwelling Units) was enacted in 2021 and was amended in January 2024 to provide more clarity and definitions. During discussion for that amendment the Council made a motion to come back with these proposed changes.

Neighborhood Issues:
Not discussed at Neighborhood district meetings.

Summary of Key Issues:
Removing AUDs as a permitted use in the R2PD and SDP5 zones as directed in Council motion on January 9, 2024. Removing ADUs as a permitted use means they would not be allowed in these two zones.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval for the proposed text amendment to The City Council.

OVERVIEW

The Municipal Council passed a code cleanup of 14.30 in January 2024. During those Council and Work Meetings, a motion was made for Council staff to prepare another amendment removing the R2PD and SDP5 zones from the list of zones that allow ADUs as a permitted use after the Utah Legislative Session ended in March.

Council has received feedback from the neighborhoods in the two zones to remove them from ADU allowance. The two zones exist in a total of ten (10) total developments as described in the findings of fact. The majority of R2PD developments are condos and townhomes which would prove difficult to provide an ADU. The SDP5 Zone stipulates that ADUs are not permitted and have only been allowed to this point due to the definitions in 14.30 that permit ADUs west of I-15.

FINDINGS OF FACT

1. The SDP5 Zone (Broadview Shores) is located between 1280 North to 2000 North, and Lakeview Parkway to Geneva Road.
2. The SDP5 zone language does not permit ADUs.
3. The R2PD Zone exists in nine locations:

   (1) Garden Villa Apartments is located between 2100 North to 2230 North, and Canyon Road to 250 East,

   (2) Edgewood Condos is located between 2690 North to 2825 North, and 140 East to 220 East,

   (3) Georgetown on the Park is located between 4620 North to 4770 North, and 450 West to 300 West,

   (4) Arlington Place is located between 580 North to 720 North, and Seven Peaks Blvd to Arlington Drive,

   (5) Willows Subdivision is located between 500 North to 600 North, and 1080 West to 1025 West,

   (6) Homestead Subdivision is located along 1160 North between 2470 West and Reese Drive,

   (7) Westgate Townhomes is located between Provo River to 620 North, and 2400 West to 2300 West,

   (8) Peachtree Estates is located along Freedom Blvd between 920 South and Town Center Blvd, and

   (9) Aspen Summit and Sunridge Hills are located along Slate Canyon Drive between 700 South and 1400 South.

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: (**staff responses in bold)**

(a) Public purpose for the amendment in question.

The public purpose for this amendment is to set reasonable expectations for property owners in these two zones, providing clarity that ADUs are not permitted. Even with this changes, Provo City exceed state minimum requirements for permitting ADUs.

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

The proposed amendment achieves the above stated purpose.

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

Though the General Plan emphasizes the use of ADUs as a means of providing additional housing stock and incentivizing owner-occupancy, the areas in the SDP5 Zone and R2PD Zones are either not able to realistically establish an ADU or is not a desire of those sections of Provo City.

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

There are no timing and sequencing provisions relating to this request.

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

Planning Staff feel that the proposed amendments would not further some of the housing goals and policies in the General Plan, but considering the city would still exceed state mandates for allowing ADUs, staff feels this is of minimal importance.

(f) Adverse impacts on adjacent landowners.

The proposed amendments should not have any adverse impacts on the adjacent land owners.

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

Not applicable.

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

Not applicable.

CONCLUSIONS

Staff understands that there is a strong desire from the majority of the Council to remove these two zones from ADU allowance. While Planning believes that ADUs are a good thing for the city to allow, the majority of the areas under the SDP5 and R2PD Zones would be difficult or impossible to meet all the criteria for an ADU, as described in Chapter 14.30. Provo City Staff support the Council's direction on this item.

ATTACHMENTS

1. Proposed Language

ATTACHMENT 1 – PROPOSED LANGUAGE

Chapter 14.30
ACCESSORY DWELLING UNITS

Sections:

14.30.010 Purpose and Objectives.
14.30.020 Permitted Use of Accessory Dwelling Units.
14.30.030 Accessory Dwelling Unit (ADU) Development Standards.
14.30.040 Special Use Permit for Accessory Dwelling Unit.

Prior legislation: Ords. 1991-07, 1998-55, 2000-15, 2009-17, 2010-28, 2013-49, 2019-45.

14.30.020
Permitted Use of Accessory Dwelling Units.

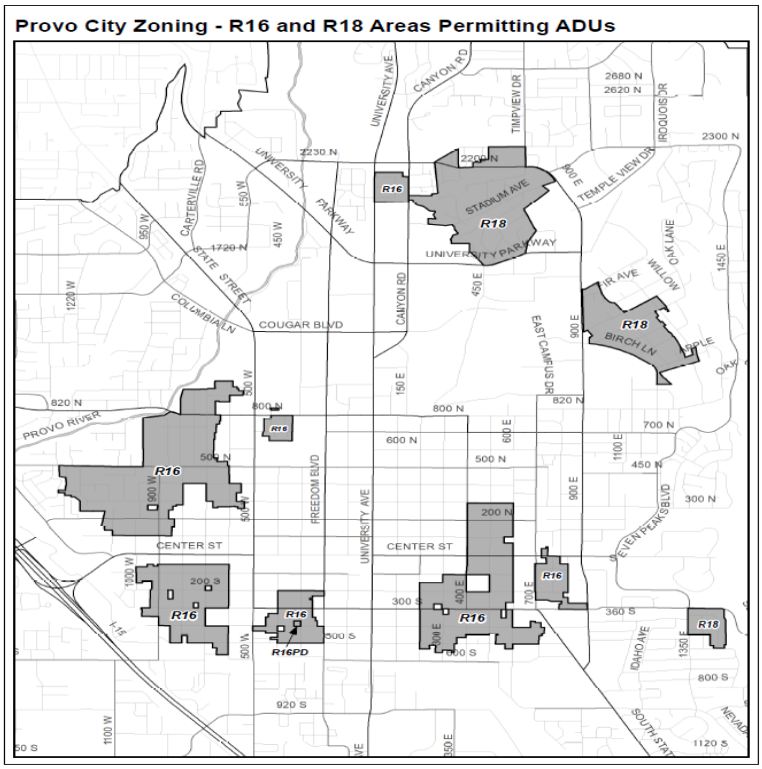
(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) Notwithstanding Section 14.30.010, Provo City Code, Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones;

(b) the R2PD and SDP5 zones;

(c) ~~(b)~~ Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:



(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15.

(Am 2021-46, Am 2022-46, Am 2024-03)

ORDINANCE 2024-____.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING AREAS WHERE ACCESSORY DWELLING UNITS ARE PROHIBITED (PLOTA20240066)

RECITALS:

It is proposed that Provo City Code Section 14.30.020 be amended to remove specific zones from the areas were ADUs are permitted; and

On March 27, 2024, the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended approval to the Municipal Council by a vote of 5:0; and

On April 16, 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

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code 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:

Provo City Code Section 14.30.020 is amended as set forth in Exhibit A.

PART II:

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

EXHIBIT A

14.30.020
Permitted Use of Accessory Dwelling Units.

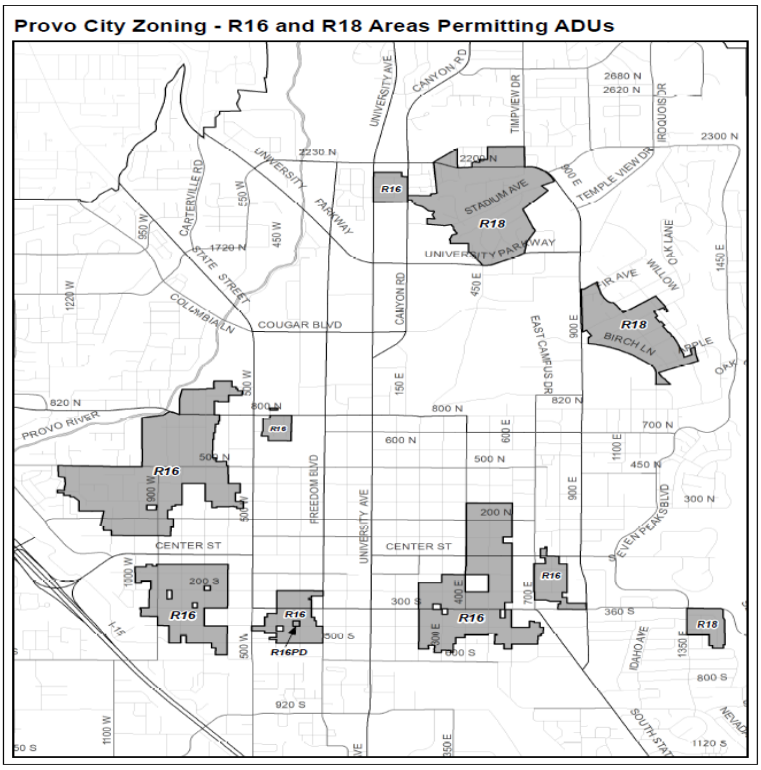
. . .

(2) Notwithstanding Section 14.30.010 of the Provo City Code, the Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones;

(b) R2 zones with a Performance Development Overlay (R2PD);

(c) ~~(b)~~ Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development Overlay, except as shown in the map below:



(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15, except the Specific Development Plan Overlay Zone - 5 (SDP-5) zone.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: RCARON
Department: Council
Requested Meeting Date: 04-16-2024

SUBJECT: A presentation regarding the FY2025 Budget: Development Services (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: In preparation for the drafting and approval of the FY 2024-2025 budget, each department has been asked to present to the Council. In addition to identifying their priorities, needs, wants, and potential costs, presentations should address:
~ What were the most important accomplishments for your department from FY2024?
~ What needs are currently unfunded or underfunded in your department?
~ What were your supplemental requests in FY2024, and how did you compensate for those that were not funded?
~ Are there current budget constraints within your department that do not allow you to execute the city's long-term vision?
~ What are you asking for in your budget that will increase your department's ongoing operations and maintenance costs?
~ What are your current department performance measures as reported in each fiscal year budget?

The full budget that was approved for Provo City for FY 2023-2024 can be found here: https://www.provo.org/home/showpublisheddocument/22354/638284807636100000

FISCAL IMPACT: TBD

PRESENTER'S NAME: Bill Peperone, Development Services Director

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

DEVELOPMENT SERVICES

MEMORANDUM

TO: Provo City Mayor and Municipal Council
FROM: Bill Peperone, Development Services Director
SUBJECT: Development Services Budget Presentation for FY2025
DATE: April 2, 2024

To use your time efficiently, I have prepared the following budget information for your review and consideration. When I make my verbal presentation to the Council on April 16th, I will answer any questions you may have, otherwise, I will focus on efficiencies and funding requests for FY2025, and I will attempt to be as brief as possible.

What were the most important accomplishments for FY2024?

The following planning documents were passed by the City Council:

- General Plan
- Downtown Master Plan Update
- Conservation and Resiliency Plan
- Gateways Plan
- Rivers and Lakeshore Plan
- Hillsides and Canyons Plan

Approval of these long-range planning documents was the culmination of years of work by staff, citizens and our consultant, Design Workshop.

The MyHometown Initiative in Provo has been a success in helping to not only revitalize the Pioneer Park and South Freedom areas, but also in providing opportunities for neighbors to get to know one another through social events and learn life-enhancing skills in the Community Resource Center.

We have completed 72 home improvements projects in the Pioneer Park neighborhood. During the National Day of Service in September, we had hundreds of volunteers clean North Park, Franklin Park, and the trails along the Paul Ream Wilderness Park. With the anticipation of spring flooding, we helped fill sandbags. We prepped and painted a multi-purpose room at the Community of Christ Church. We held three social events which had over 2,700 participants from the neighborhood. Several of our volunteers were instrumental in getting financial donors to bring the Franklin Covey "Leader in Me" program to the Franklin Elementary School. These donors have committed to funding the total cost of the program for the next seven school years at a total cost exceeding $107,000.

In 2023, over 600 residents have taken free classes at the Community Resource Center. The classes include:

- English as a Second Language
- Private Piano Lessons

- American Sign Language
- Spanish
- Elementary School Preparation
- Parenting Skills
- Basic Computer Skills
- Financial Skills
- Parent/Toddler Playgroup
- Youth Wellness Program
- Tutoring for Franklin Elementary School Children

Over 1,000 volunteers from the community have donated over 25,700 volunteer service hours while providing help in the Community Resource Center, Day of Service projects, or at the community social activities. This partnership has been an impactful way for neighbors to help neighbors. The net effect has been to strengthen the unity within the community and provide life skills that have helped these residents improve the quality of their lives.

Planning Applications Submitted

2019	**2020**	**2021**	**2022**	**2023**
180	200	207	252	312

Although planning applications increased, there was a decrease in building permits by 461.

2021	**2022**	**2023**
1,598	1,337	876

This reduction in permits issued meant a reduction in building valuation, which translates to a reduction in revenue.

2022 valuation	$371,447,558
2023 valuation	$138,027,179
2022 revenue	$2,784,681
2023 revenue	$1,267,859

Parking Enforcement Statistics	**2022**	**2023**
Citations	15,233	21,921
Warnings	3,545	2,104
Potential Revenue	$709,168	$1,069,906
Collected Revenue	$553,895	$667,398
Permit Revenue	$8,415	$8,560

Top Five: Failure to obey posted signs, crosswalks violations, registration/plate violations, parked facing traffic, time restrictions.

What needs are currently unfunded or underfunded in your department.
Training for building inspectors and planners was requested in last year's budget but not funded. The total requested last year was $9,500. This training is helpful but it's also something we can forgo in a tight budget year.

What were your supplemental requests for FY2024?
Long Range Planning

- Request #1: Training and Travel for Planners: $5,000 (unfunded)
- Request #2: Travel Budget for seminars and conferences: $2,000 (unfunded)

Building Inspection

- Request #1: Building Inspector Training and Travel: $4,500 (unfunded)
- Request #2: Building Inspector uniforms: $1,000 (unfunded)

Economic Development

- Request #1: Freedom Festival Support Increase: The Council approved an increase of $15,000, bringing the total to $90,000. This is a reoccurring contribution.

Parking Enforcement

- Request #1: One new FTE Parking Enforcement Officer: $78,985 (unfunded)
- Request #2: Increase in PTE Personnel budget for salary and hours: $26,529 (funded and is a reoccurring contribution). This increase in hourly wages for the part-time officers has decreased turnover in the Parking Division. This has made a measurable difference for the Parking Division.
- Request #3: $90,657.82 was recently funded by the Council for two License Plate Readers (LPRs) and accompanying tablet computers.

Are there current budget constraints within your department that do not allow you to execute the city's long-term vision?
As stated earlier, in 2023 the city adopted a new General Plan and five new Master Plans. These plans created significantly more policies for staff to track and implement which we do to the best of our ability. Implementation of long-range goals and policies are typically a methodical and long-term process. I do not anticipate problems with implementation of city stated goals and policies.

What are your current performance measures as reported in each fiscal year budget?
Parking

- Increase opportunities including considering facilitating parking for cost-effective micro-transit, such as city bike programs and scooters, to help with the first and last mile and to serve a greater number of destinations.
- Explore a strategy/program to address parking in university neighborhoods through signage and/or permitting.
- Consider implementing the Strategic Parking Plan recommendations to manage parking citywide.

Planning

- Promote new residential and commercial construction.
- Facilitate communications with the public.

Building Inspection

- Assure building quality and safety.
- Promote new residential and commercial construction.

Zoning

- Improve zoning compliance.

Planning for Efficiency

I am proposing the following to increase efficiency within Development Services:

1. Elimination of the Assistant Director position. There are a lot of redundancies in the Director and Assistant Director positions. The only other department in the city that has an assistant director is Parks, which has a significantly larger staff. All other departments have division heads that report to the department director. I think this model will work effectively in Development Services. Currently, Keith Morey is serving as the Assistant Director. Keith will continue as the Economic Development Director and as the Redevelopment Agency Director.
2. Elimination of one Planning Manager. Brandon Larsen, who had been a planning manager in Community and Neighborhoods left the city after the Community and Neighborhoods Department was combined with Development Services. One planning manager can supervise the five planners in the department and Aaron Ardmore has been filling that role.
3. Elimination of one full-time Building Inspector. This position has been vacant for many months due to a slowdown in building activity. Current staffing levels would allow for some increase in building activity before requiring another inspector.
4. Maintaining the position of Redevelopment Director but instead of hiring a full-time position to replace the previous director, Keith Morey will continue to function as the Economic Development Director and the Redevelopment Director. Responsibilities that previously belonged to the past director have been split between Keith Morey and me.
5. Our building permit fees are significantly undervalued. We are performing an analysis to justify an increase in these fees. We have valued residential construction at $75 per square foot for many years. Orem values residential construction at $153.40 for the first floor and $141.13 for the second floor. I believe it is likely we will be able to justify a substantial change in our residential valuation.

Supplemental Budget Requests for FY2025

- Zoning Ordinance re-write with Psomas Engineering $198,995[i]
- One full-time parking enforcement officer $90,704[ii]

[i] We received two proposals for the zoning ordinance rewrite. The other was from Design Workshop for $218,980. Obviously, $198,995 would be one-time expense.

[ii] $89,885 would be a recurring expense for a salary of just over $44,000 annually. Initially, $819 is needed for uniform and equipment which brings the total to $90,704. If additional parking regulations are adopted for a new area such as Slate Canyon or Joaquin, this position will be essential.

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WELCOME HOME

Development Services

FY2025 Budget

Planning For Efficiency

- Elimination of the Assistant Department Director position
- Elimination of one Planning Manager
- Elimination of one Building Inspector
- Combining the Economic Development Director with the RDA Director
- Increase building permit fees

Budget Requests

- Zoning Ordinance Rewrite
  $198,995

- One full-time parking enforcement officer
  $90,704 ($89,885 would be the recurring cost)

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: RCARON
Department: Council
Requested Meeting Date: 04-16-2024

SUBJECT: A presentation regarding the FY2025 Budget: Redevelopment Agency (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: In preparation for the drafting and approval of the FY 2024-2025 budget, each department has been asked to present to the Council. In addition to identifying their priorities, needs, wants, and potential costs, presentations should address:
~ What were the most important accomplishments for your department from FY2024?
~ What needs are currently unfunded or underfunded in your department?
~ What were your supplemental requests in FY2024, and how did you compensate for those that were not funded?
~ Are there current budget constraints within your department that do not allow you to execute the city's long-term vision?
~ What are you asking for in your budget that will increase your department's ongoing operations and maintenance costs?
~ What are your current department performance measures as reported in each fiscal year budget?

The full budget that was approved for Provo City for FY 2023-2024 can be found here: https://www.provo.org/home/showpublisheddocument/22354/638284807636100000

FISCAL IMPACT: TBD

PRESENTER'S NAME: Christopher Butte, Development Services & Keith Morey, Assistant Director of Development Services

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

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WELCOME HOME

Economic Development/Redevelopment

Budget Presentation 2024

What We Do

- **Business visits – 75+**
- **Know The Customer visits – 15**
  - Duncan, Vanderhal, McWane Ductile, Dragon Products, Angel Studios, etc.
- **Provo Airport Task Force Recruitment visits – 50+**
- **Business Problem Resolution / Support visits – 20+**
- **Business Resource Guide**
  - Sent monthly to all new businesses (about 25-30 each month)
- **Ribbon Cutting / Grand Opening events – 20+**
- **Golf Tournament company contacts for players and hosts – 110+**
- **Continued the very successful Provo Advantage Campaign – 1.5 million views**
  - 10 monthly emails in 2023 (24 total overall)
  - 33 new videos for 2023
  - 1500+ targeted “influencers” - 80%+ open rate with initial email and follow-up contact
- **Detail Sales Strategy**
  - Sales tax Reimbursement Agreements
  - Identify retail sales trends / retail sales issues – mall, downtown, auto, retail centers, etc.
  - Identify businesses not paying sales tax

THE PROVO | ADVANTAGE

What We Do

- **Hosted 3rd annual Provo Advantage Golf Invitational**
  - Golf Tournament company contacts for players and hosts – 110+
- **Maintain key "influencer" directory with 1,575 key stakeholders**
- **Annually process four sales tax reimbursement agreements to support local retail areas**
- **Selection process underway for a partner to undertake redevelopment of the vacant city hall site**
- **Ongoing efforts to address grocery demand in south and west Provo**
- **Ongoing efforts to revitalize the Provo Towne Centre Mall**

THE PROVO | ADVANTAGE

Planning for Efficiency

- **History of efficiency**
  - Replace Management Analyst 3 position with Management Analyst 2
    - Savings = $20k per year
  - Review economic support provided on a case-by-case basis to ensure cost can be justified and adds value to Provo City

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 04-16-2024

SUBJECT: Presentation on Tiered Water Rates Recommendations (24-045)

RECOMMENDATION: Presentation on proposed changes to Provo's tiered water rate structure. The discussion will inform water rates that will be proposed with the FY25 budget.

BACKGROUND: The Utah State Legislature passed SB 28 in 2016 requiring all retail water providers to implement a tiered water rate system. Bowen Collins and Associates completed a tiered water rates study for the City in December 2020. A tiered rate structure was implemented effective September 2021. The City Council has requested the issue be reevaluated, this presentation will review the results of this latest evaluation.

FISCAL IMPACT: Yes, Rate change will impact water revenue

PRESENTER'S NAME: Gordon Haight - Interim Public Works Director and Keith Larson - Bowen Collins and Associates

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-045

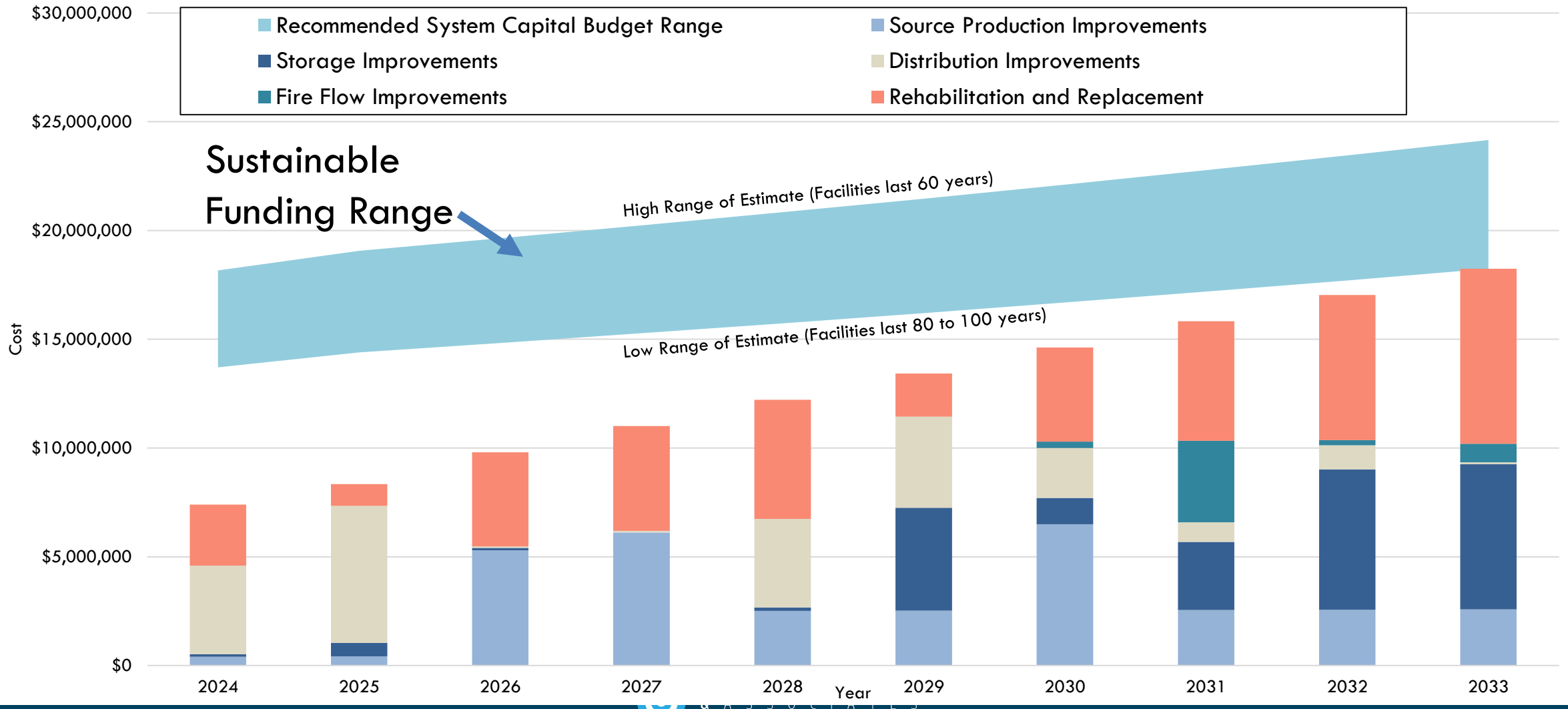
Water Rates
Revenue Needs and Tier Options

Keith Larson

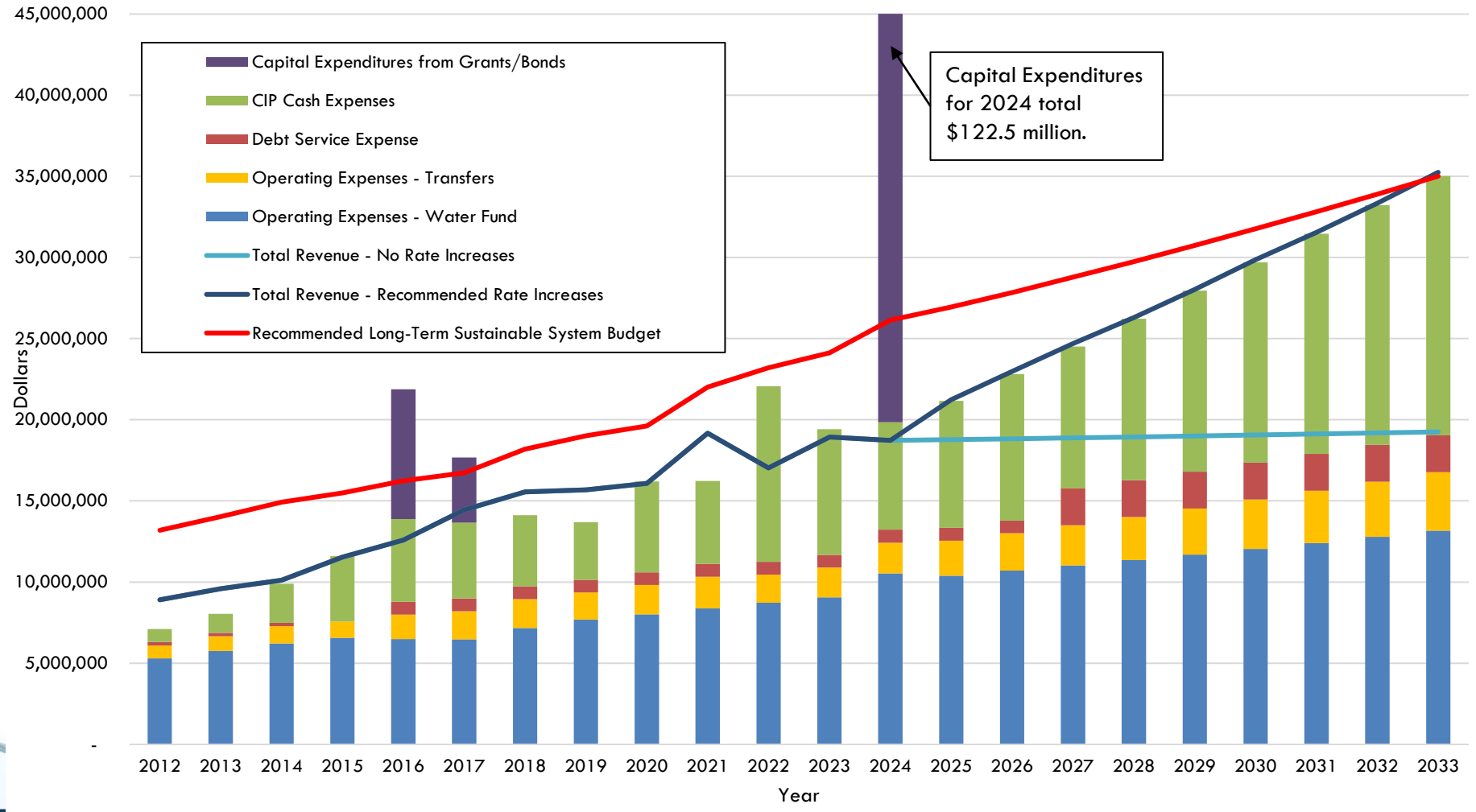
Bowen Collins & Associates



Recommended Provo City CIP



BC&A Recommended Rates

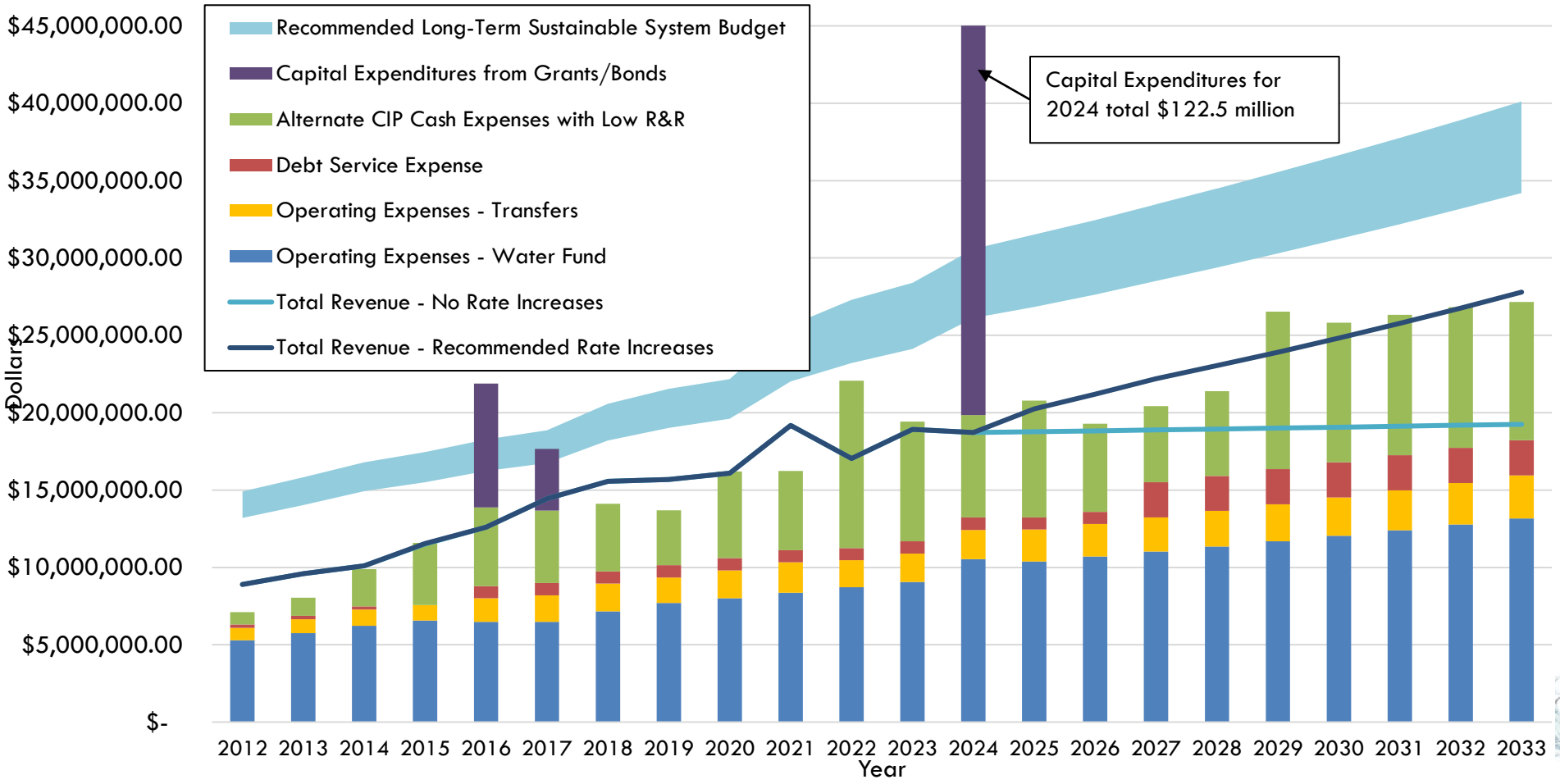


Year	Recommended Rate Increase*
2025	15%
2026	9%
2027	8%
2028	7%
2029	7%
2030	7%
2031	6%
2032	6%
2033	6%

*Reported value reflects net increase in revenue and includes a reduction in sales associated with price elasticity assuming ratio of 0.25 (i.e. a 1% rate increase will result in only a 0.75% increase in revenue.

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Alternative Rate Approach



Reduce R&R capital expenses to $1 million annually

Year	Alternative Rate Increase*
2025	7%
2026	5%
2027	5%
2028	4%
2029	4%
2030	4%
2031	4%
2032	4%
2033	4%

*Reported value reflects net increase in revenue.

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Rate Structure Alternatives

- With staff and administration, explored dozens of rate structure alternatives. Recommendations as follows:
  - Move from seasonal to tiered rates with 3 tiers
  - Recommended tier division points:
    - Tier 1 – 0 to 10K gallons per month (Generous estimate of indoor use)
    - Tier 2 – 10K to 55K gallons per month (Max. outdoor water use for 80th percentile user)
    - Tier 3 – Greater than 55K gallons per month (High outdoor use)
  - Do not significantly change current balance of revenue from base rates and volume rates

Alt 1: 3% Increase with 3 Tiers

Calculator for Residential Rate Adjustments

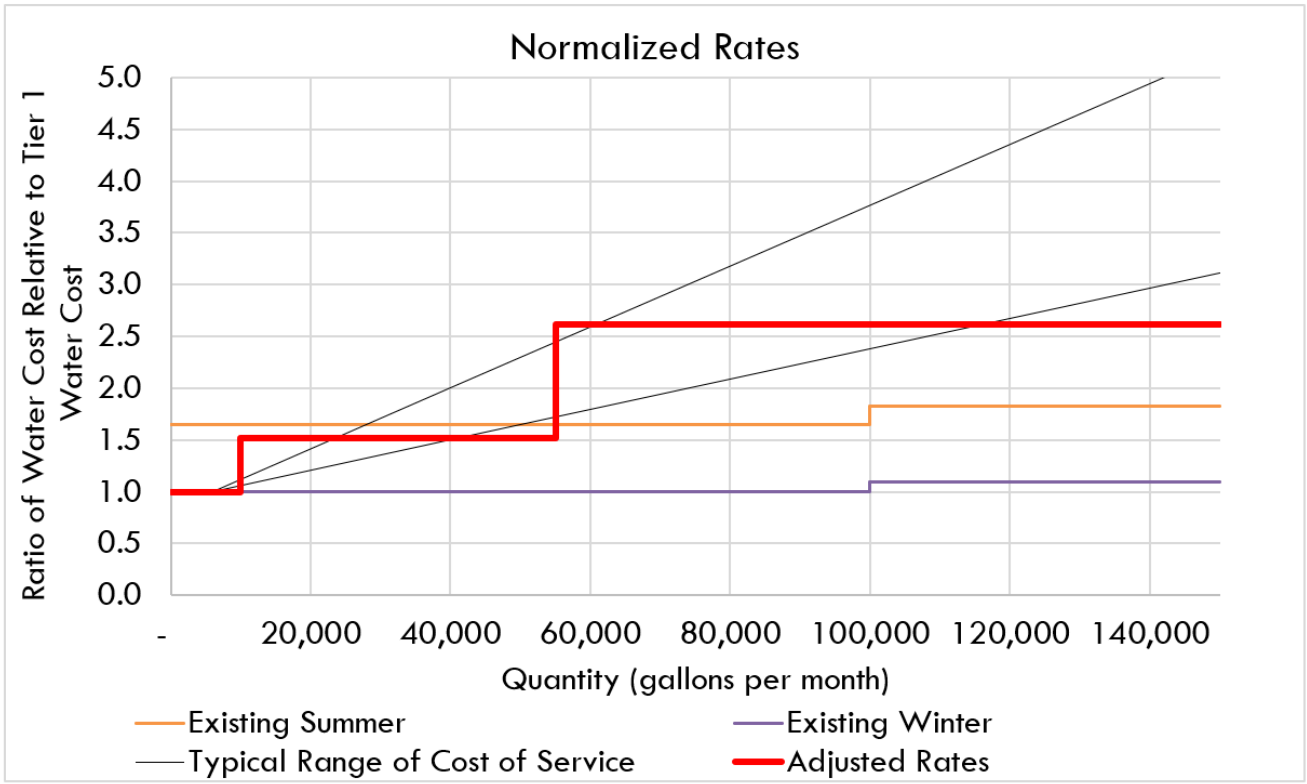
Overall Residential Revenue Increase:	3.11%

Rates

Tier	Existing Rates	Proposed Rates	Tier Breaks
1	$1.17 (winter)	$1.35	0 - 10K
2	$1.93 (summer)	$2.05	10K - 55K
3	---	$3.53	> 55K
Base Rate	$20.50	$20.50	-

Annual Dollar Savings or Increase

User Type	Existing Annual Bill	New Annual Bill	Change in Annual Bill	% Change in Annual Bill
Low User (10^{th} Percentile)	$296	$286	($10)	-3.3%
Average User	$572	$556	($17)	-2.9%
High User (90^{th} Percentile)	$901	$940	$39	4.3%
Very High User (95^{th} Percentile)	$1,116	$1,287	$171	15.3%



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Alt 2: 5% Increase in Average User Bill

Calculator for Residential Rate Adjustments

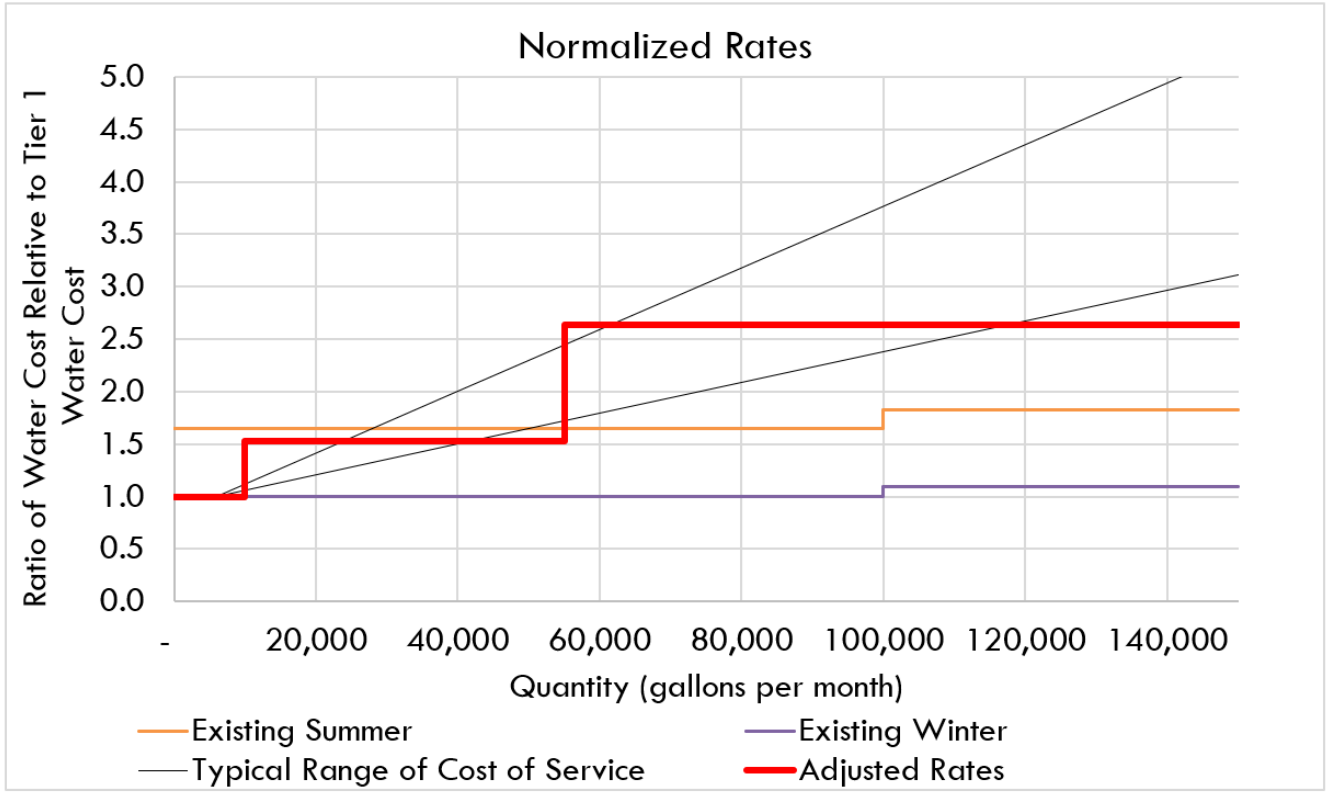
Overall Residential Revenue Increase:	10.90%

Rates

Tier	Existing Rates	Proposed Rates	Tier Breaks
1	$1.17 (winter)	$1.47	0 - 10K
2	$1.93 (summer)	$2.24	10K - 55K
3	---	$3.87	> 55K
Base Rate	$20.50	$21.94	-

Annual Dollar Savings or Increase

User Type	Existing Annual Bill	New Annual Bill	Change in Annual Bill	% Change in Annual Bill
Low User (10th Percentile)	$296	$307	$11	3.7%
Average User	$572	$601	$28	5.0%
High User (90th Percentile)	$901	$1,020	$119	13.2%
Very High User (95th Percentile)	$1,116	$1,400	$284	25.5%



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Alt 3: 15% Revenue Increase

Calculator for Residential Rate Adjustments

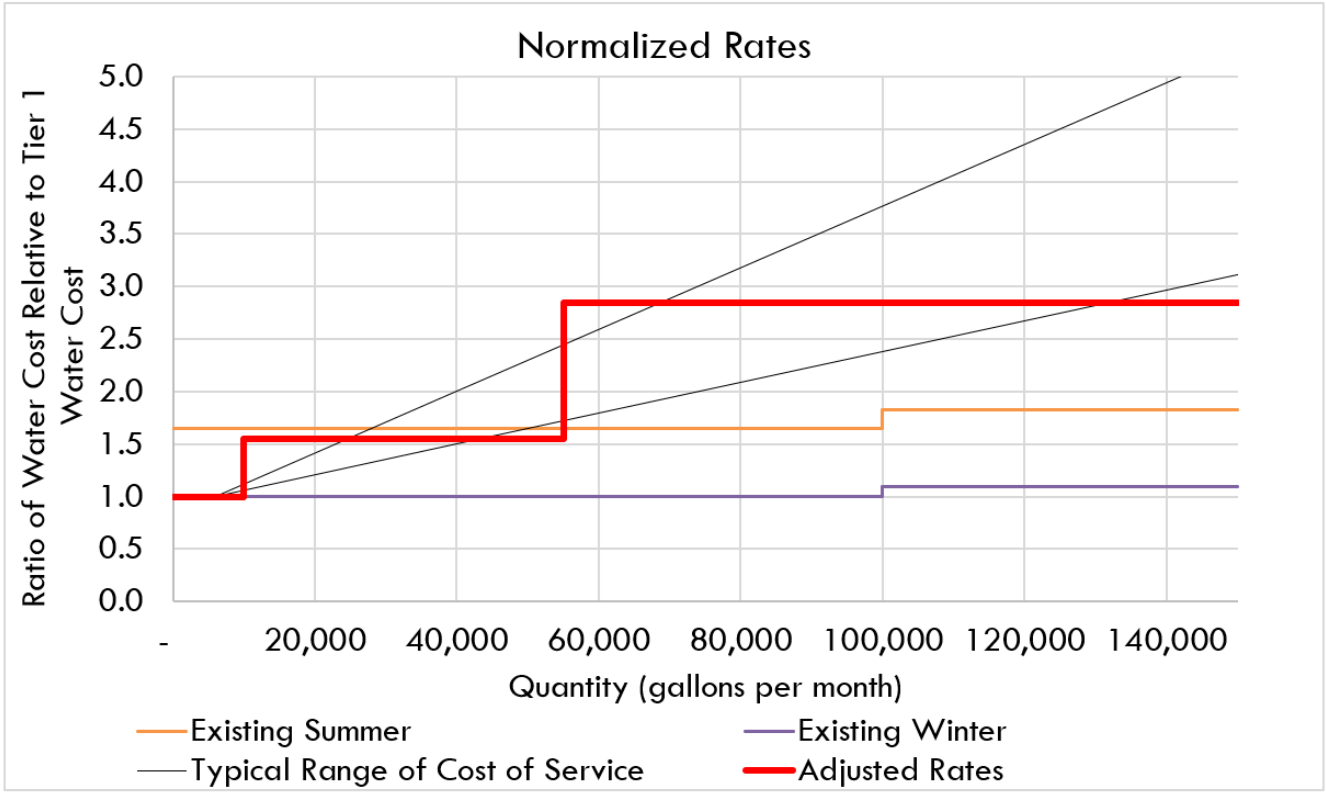
Overall Residential Revenue Increase:	14.85%

Rates

Tier	Existing Rates	Proposed Rates	Tier Breaks
1	$1.17 (winter)	$1.51	0 - 10K
2	$1.93 (summer)	$2.34	10K - 55K
3	---	$4.30	> 55K
Base Rate	$20.50	$21.53	-

Annual Dollar Savings or Increase

User Type	Existing Annual Bill	New Annual Bill	Change in Annual Bill	% Change in Annual Bill
Low User (10th Percentile)	$296	$304	$7	2.4%
Average User	$572	$608	$36	6.3%
High User (90th Percentile)	$901	$1,049	$148	16.4%
Very High User (95th Percentile)	$1,116	$1,462	$346	31.0%



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Proposed Rate Analysis Alternatives

Proposed Rates

Tier	Existing Rates	Alt 1: 3% Revenue Increase	Alt 2: 5% Increase in Avg User Bill	Alt 3: 15% Revenue Increase
1	$1.17	$1.35	$1.47	$1.51
2	$1.93	$2.05	$2.24	$2.34
3	---	$3.53	$3.87	$4.30
Base Rate	$20.50	$20.50	$21.94	$21.53

Annual Change in User Bills

User Type	Existing Rates	Alt 1	Alt 2	Alt 3
Low User (10th Percentile)	--	-$10	$11	$7
Average User	--	-$17	$28	$36
High User (90th Percentile)	--	$39	$119	$148
Very High User (95th Percentile)	--	$171	$284	$346

Proposed Rate Analysis Alternatives

Proposed Rates

Tier	Existing Rates	Alt 1: 3% Revenue Increase	Alt 2: 5% Increase in Avg User Bill	Alt 3: 15% Revenue Increase
1	$1.17	$1.35	$1.47	$1.51
2	$1.93	$2.05	$2.24	$2.34
3	---	$3.53	$3.87	$4.30
Base Rate	$20.50	$20.50	$21.94	$21.53

Annual Change in User Bills

User Type	Existing Rates	Alt 1	Alt 2	Alt 3
Low User (10th Percentile)	--	-3.3%	3.7%	2.4%
Average User	--	-2.9%	5.0%	6.3%
High User (90th Percentile)	--	4.3%	13.2%	16.4%
Very High User (95th Percentile)	--	15.3%	25.5%	31.0%

Extra Slides



Excel Calculator

Calculator for Residential Rate Adjustments

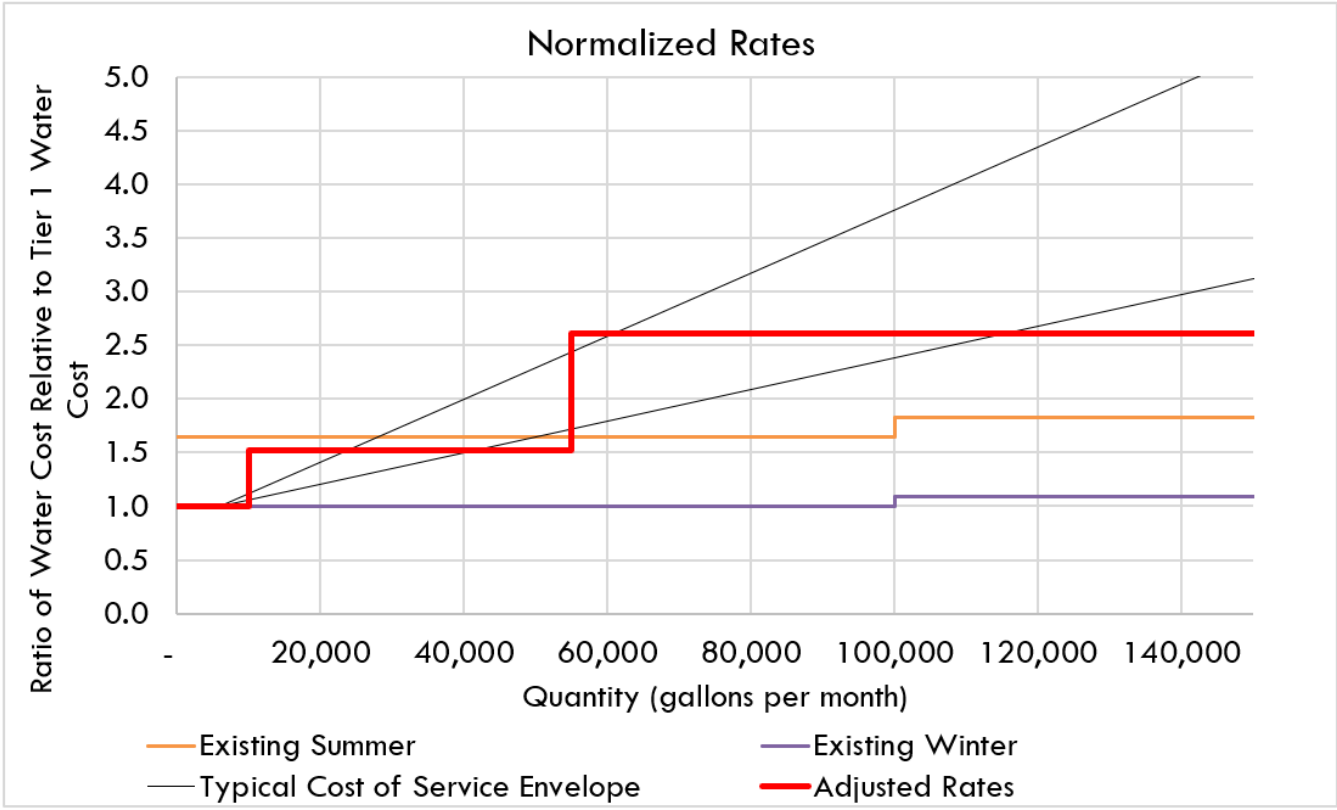
Overall Residential Revenue Increase:	15%

Rates

Tier	Existing Rates	Original Rate Adjustments	Alt 4: 3-tiers, Aggressive ($/kgal)	Tier Increase (%)
1	$1.17 (winter)	$1.37	$1.54	12.2%
2	$1.93 (summer)	$2.08	$2.34	12.2%
3	---	$3.58	$4.02	12.2%
Base Rate	$20.50	$20.50	$23.01	12.2%

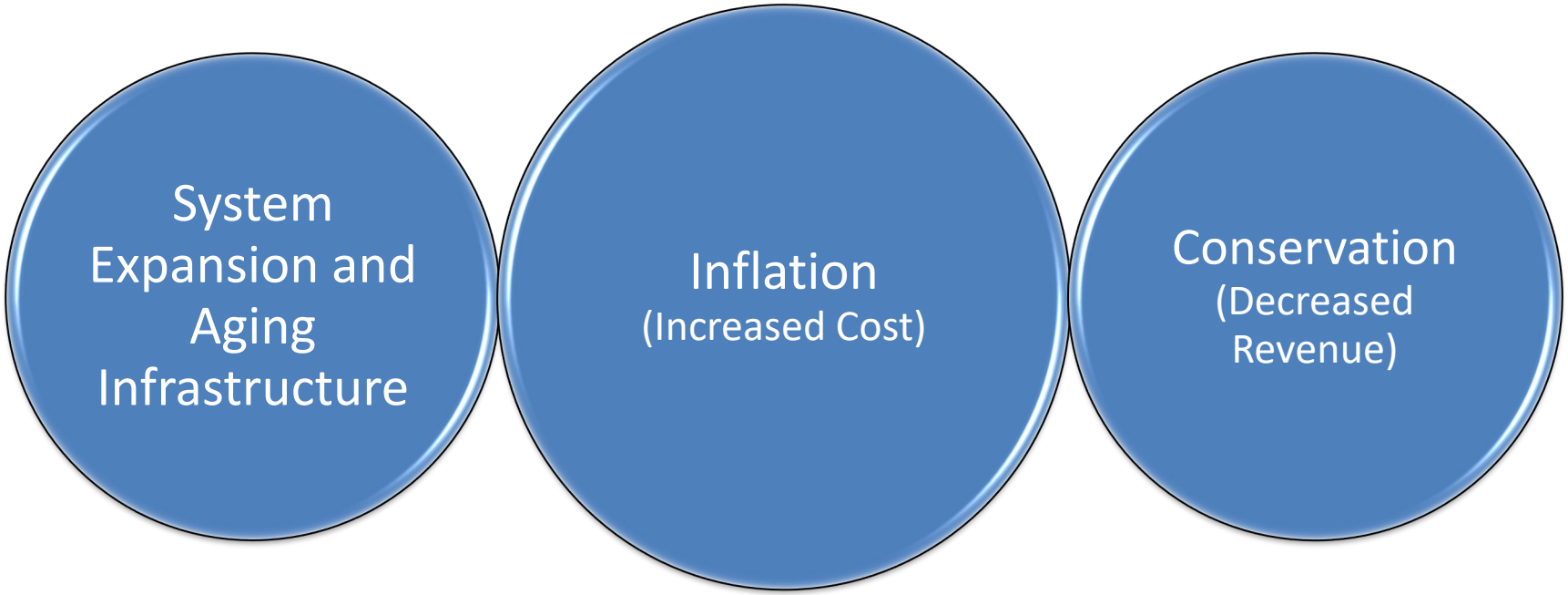
Annual Dollar Savings or Increase

User Type	Alt 4: 3-tiers, Aggressive
Low User (10th Percentile)	$26
Average User	$57
High User (90th Percentile)	$166
Very High User (95th Percentile)	$347

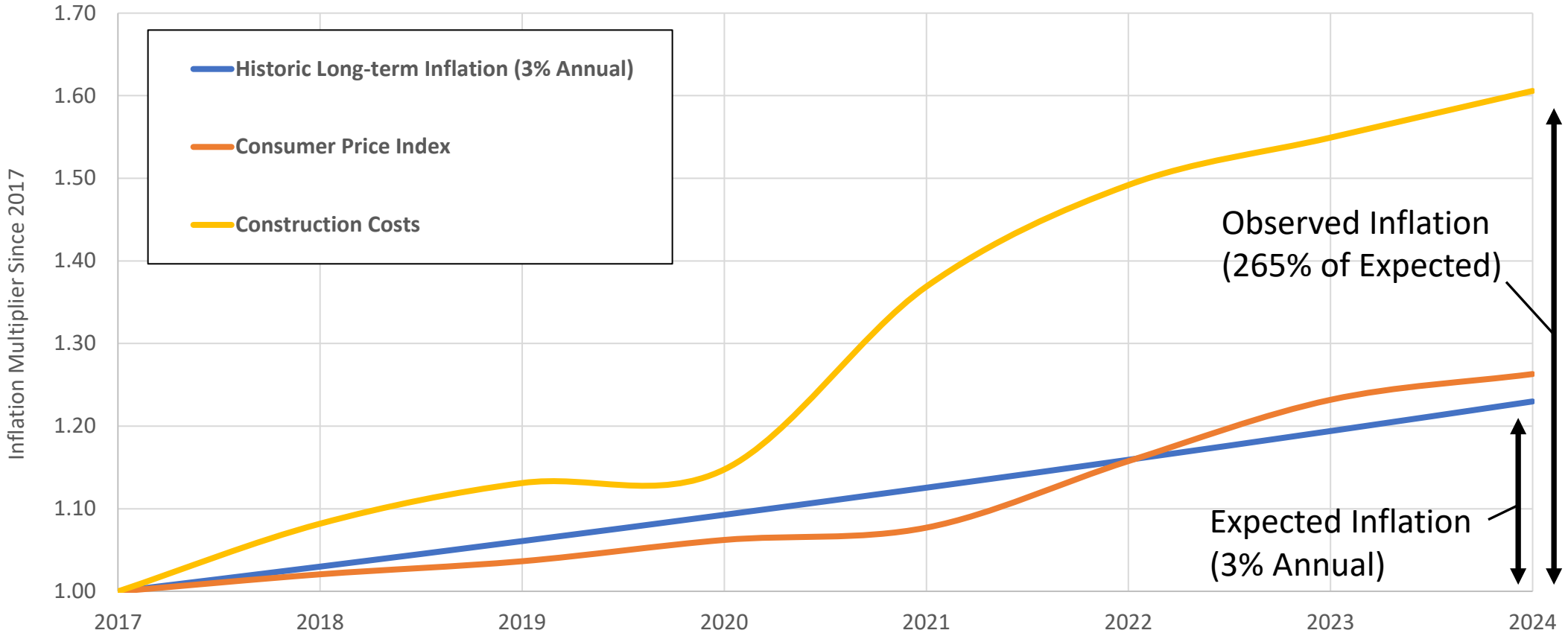


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Water System Financial Challenges



Inflation


Historic Long-term Inflation (3% Annual)
Consumer Price Index
Construction Costs
Inflation Multiplier Since 2017
1.70
1.60
1.50
1.40
1.30
1.20
1.10
1.00
2017
2018
2019
2020
2021
2022
2023
2024
Observed Inflation
(265% of Expected)
Expected Inflation
(3% Annual)

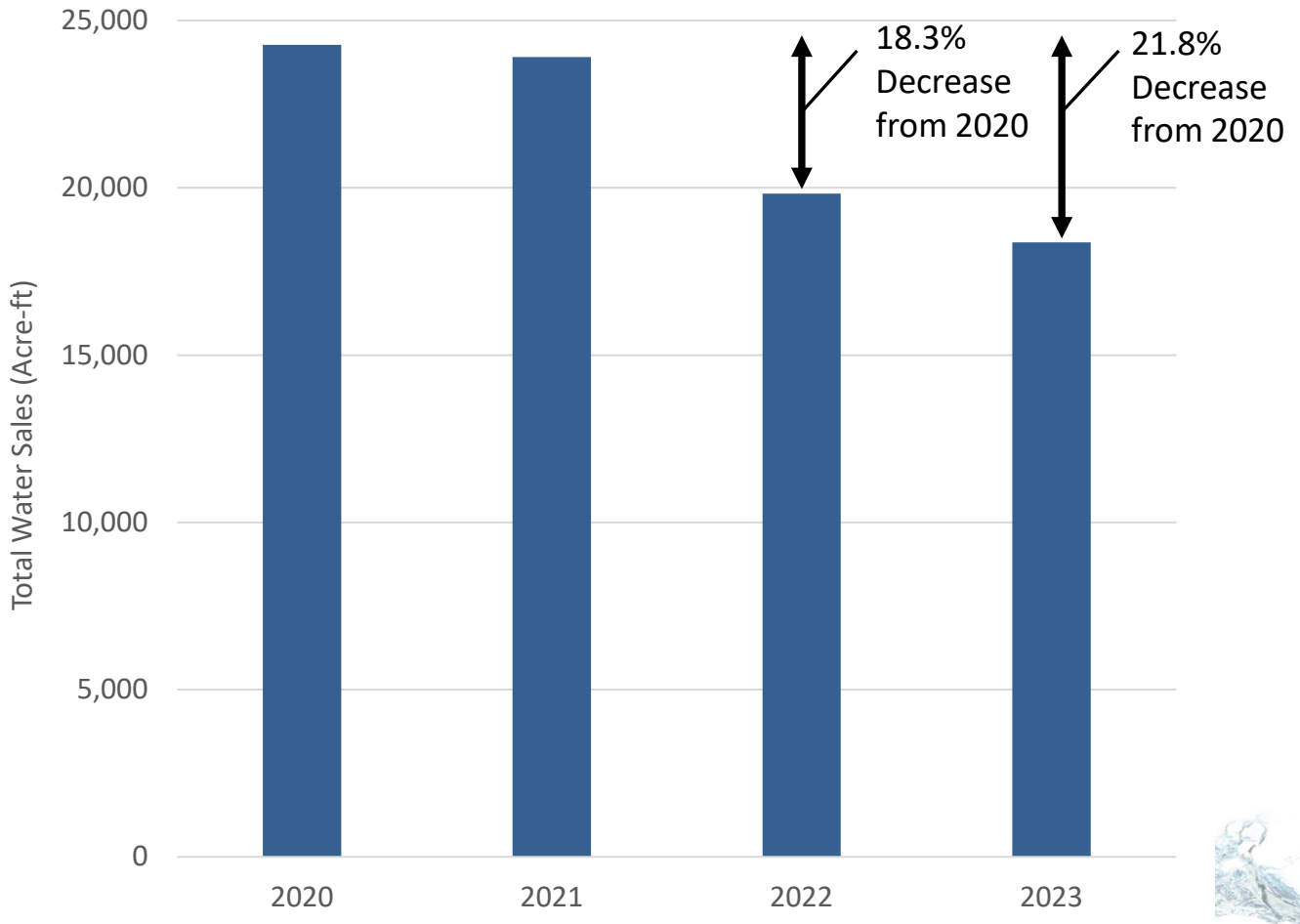
Inflation Examples

Item	2017 Cost	2024 Cost	% Increase
System Value	$690 Million	$1.1 Billion	61%
Storage $/gallon	$1.20	$2.67	123%
8-inch Pipe $/LF	$177.60	$308.40	74%
Provo City PRV Projects*	$75,000	$145,000	93%

*Actual bid dates were in 2018 and 2023

Financial Planning –
Revenue Needs Analysis

Conservation



Recommended System Investment

System Component	Replacement Value (2024 Dollars)	Service Life (years)	Annual Investment Range	
Source	$71,000,000	60 - 100	$1,104,167	$840,000
Storage	$93,000,000	80 - 100	$1,162,500	$930,000
Pump Stations	$16,500,000	40 - 50	$412,500	$330,000
Conveyance	$929,000,000	60 - 80	$15,483,333	$11,612,500
Total	$1,109,500,000		$18,162,500	$13,712,500

Recommended 10-yr CIP

System Improvements	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	TOTAL
Source Production Improvements	$400,000	$420,000	$5,299,350	$6,116,266	$2,509,312	$2,523,080	$6,493,285	$2,551,869	$2,566,914	$2,582,410	$31,462,485
Storage Improvements	$125,000	$620,550	$108,150	$0	$166,368	$4,727,137	$1,211,152	$3,128,119	$6,456,838	$6,670,495	$23,213,807
Distribution Improvements	$4,068,800	$6,299,790	$74,407	$76,639	$4,067,174	$4,189,189	$2,293,033	$901,258	$1,106,846	$91,511	$23,168,647
Fire Flow Improvements	$0	$0	$0	$0	$0	$0	$293,354	$3,749,981	$232,446	$853,930	$5,129,711
Rehabilitation and Replacement	$2,806,200	$1,264,006	$4,326,785	$4,820,133	$5,474,531	$1,982,324	$4,335,253	$5,499,196	$6,671,724	$8,040,768	$45,220,919
TOTAL	**$7,400,000**	**$8,604,346**	**$9,808,692**	**$11,013,038**	**$12,217,384**	**$13,421,730**	**$14,626,076**	**$15,830,422**	**$17,034,768**	**$18,239,114**	**$128,195,570**
Low Recommended System Capital Budget (with inflation)	$13,712,500	$14,398,125	$14,830,069	$15,274,971	$15,733,220	$16,205,217	$16,691,373	$17,192,114	$17,707,878	$18,239,114	$159,984,580

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: RCARON
Department: Council
Requested Meeting Date: 04-16-2024

SUBJECT: A presentation regarding the FY2025 Budget: Public Works Administration, Engineering, and Public Services (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: In preparation for the drafting and approval of the FY 2024-2025 budget, each department has been asked to present to the Council. In addition to identifying their priorities, needs, wants, and potential costs, presentations should address:
~ What were the most important accomplishments for your department from FY2024?
~ What needs are currently unfunded or underfunded in your department?
~ What were your supplemental requests in FY2024, and how did you compensate for those that were not funded?
~ Are there current budget constraints within your department that do not allow you to execute the city's long-term vision?
~ What are you asking for in your budget that will increase your department's ongoing operations and maintenance costs?
~ What are your current department performance measures as reported in each fiscal year budget?

The full budget that was approved for Provo City for FY 2023-2024 can be found here: https://www.provo.org/home/showpublisheddocument/22354/638284807636100000

FISCAL IMPACT: TBD

PRESENTER'S NAME: Gordon Haight, Division Director of Engineering & Jimmy McKnight, Public Works Business Manager

REQUESTED DURATION OF PRESENTATION: 45 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

Public Works
FY2025 Budget

April 16, 2024

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PUBLIC WORKS

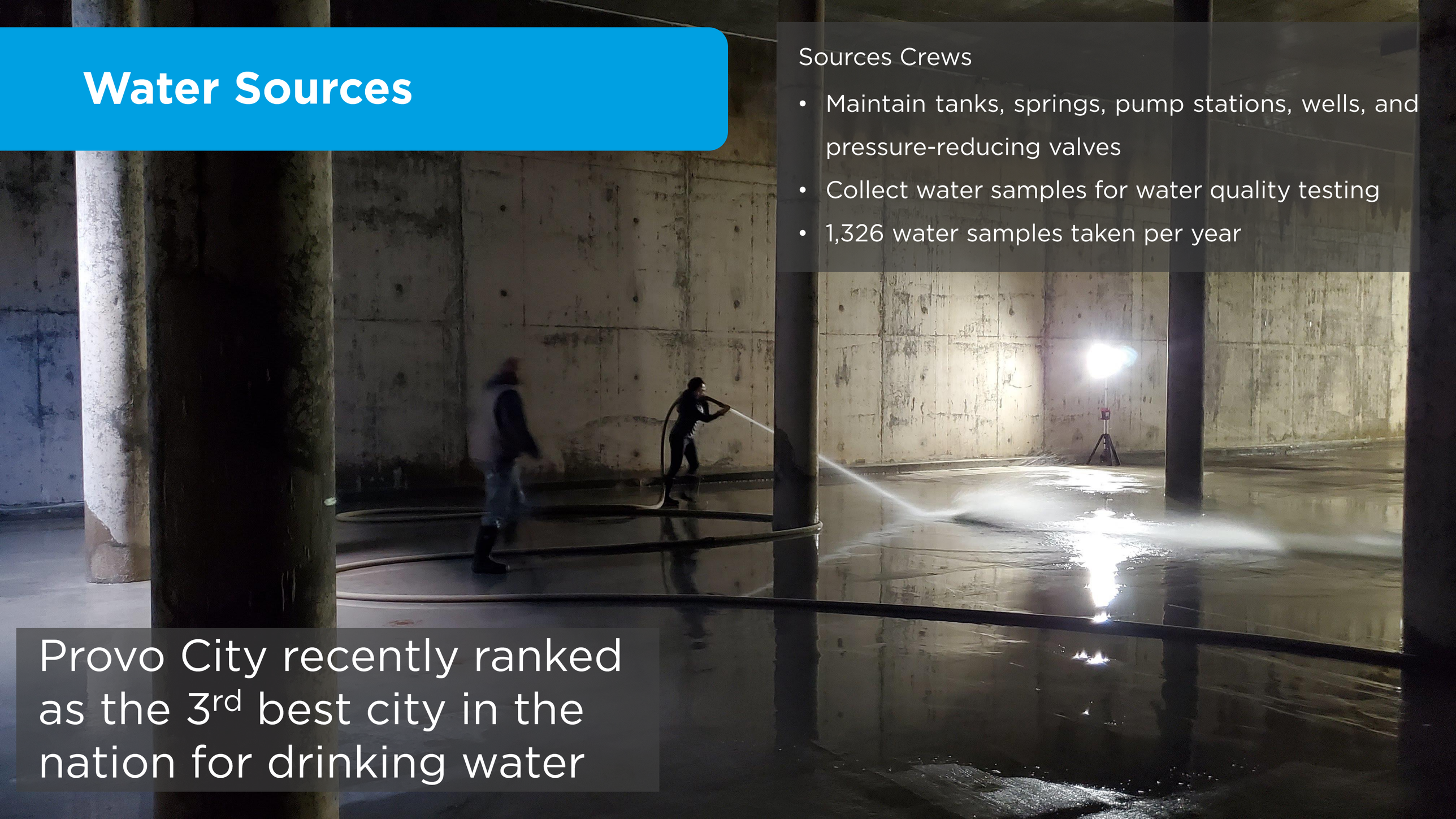
Water Resources

- Water Sources
- Water Distribution
- Wastewater Collections
- Wastewater Reclamation

Water Sources

Sources Crews

- Maintain tanks, springs, pump stations, wells, and pressure-reducing valves
- Collect water samples for water quality testing
- 1,326 water samples taken per year



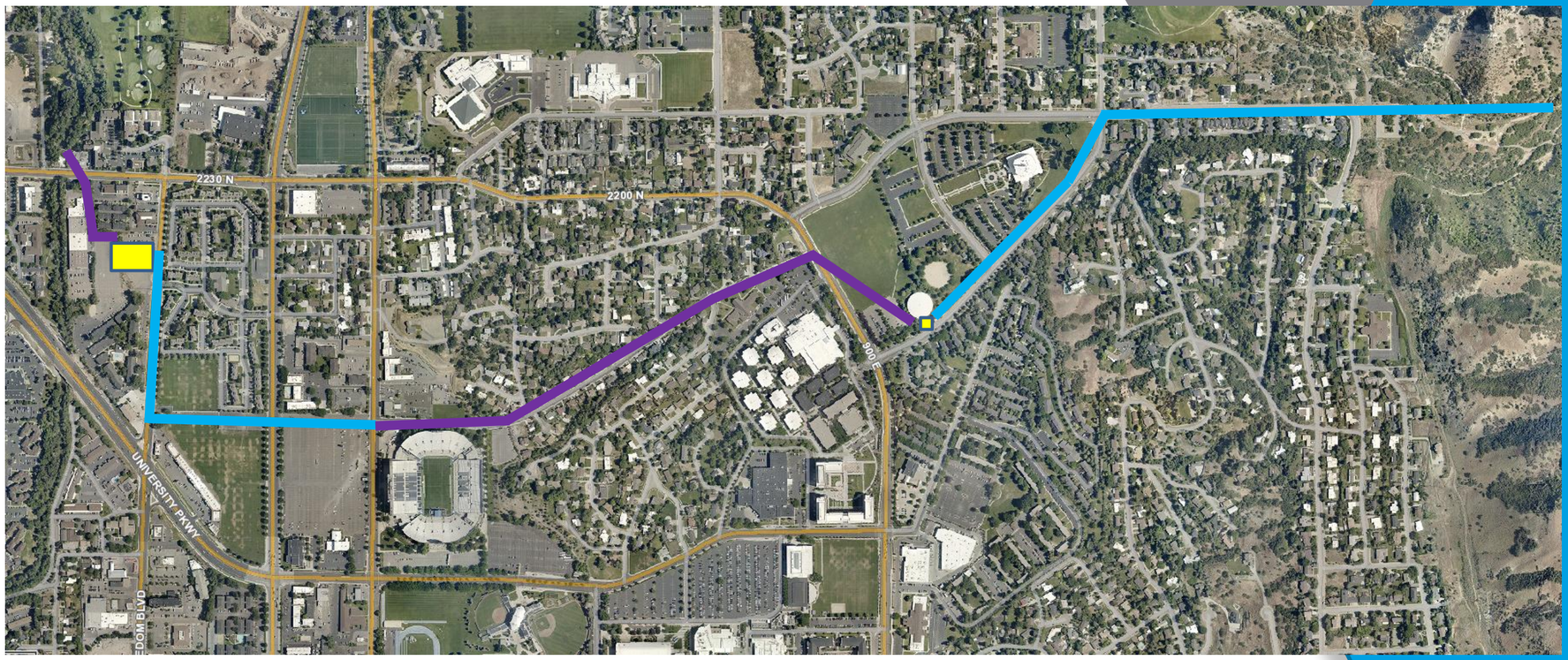
Provo City recently ranked as the 3rd best city in the nation for drinking water

Provo River Water Treatment Plant



- Construction Progress: Preparing for heavy excavation
- Construction Completion: Spring 2027
- Total Cost: $118 Million
- Benefits: Treated water will help replenish diminishing aquifer

Water Treatment Plant & Aquifer Recovery Projects



Treatment Plant and ASR	Amount
Revenue Sources	$121.5M
Project Costs with Variance	$126.2M
Variance	$4.7M

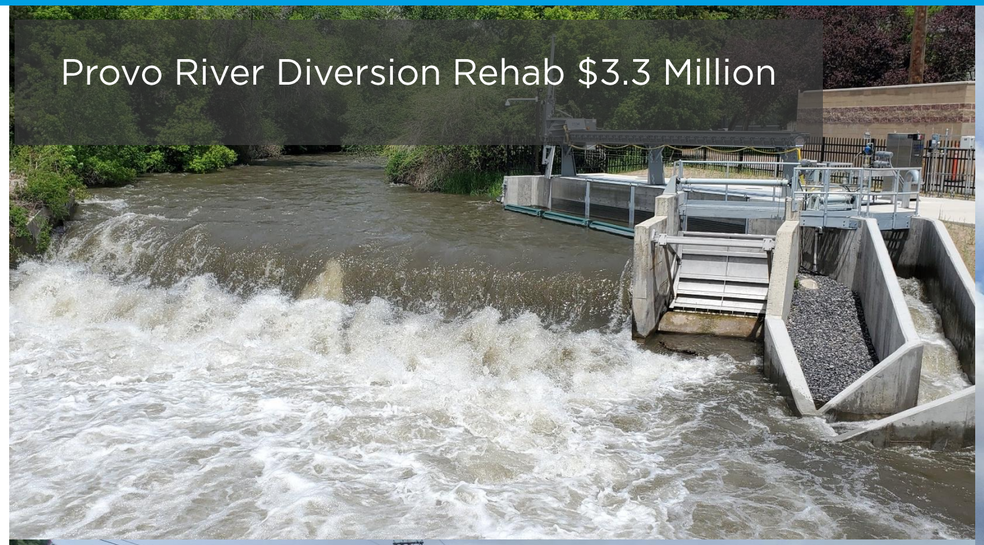
CIP Savings Accounts	Amount
48 Inch Transmission Line	$7.9M
Reservoir Replacement	$5.0M
Total	$12.9M

Inflation Examples

	2017 Cost	2024 Cost	% Increase
Storage $/gallon	$1.20	$2.67	123%
8-inch Pipe $/LF	$177.60	$308.40	74%
Provo City PRV Projects*	$75,000	$145,000	93%

*Actual bid dates were in 2018 and 2023

Sources Projects



Provo River Diversion Rehab $3.3 Million



Rock Canyon ASR Projects $21.9 Million



Columbia Lane Well $1.2 Million

Water Distribution



Distribution Crews

- Maintain water mains throughout city
- Fix leaks and damage to water mains
- Install new water mains
- Maintain water meters



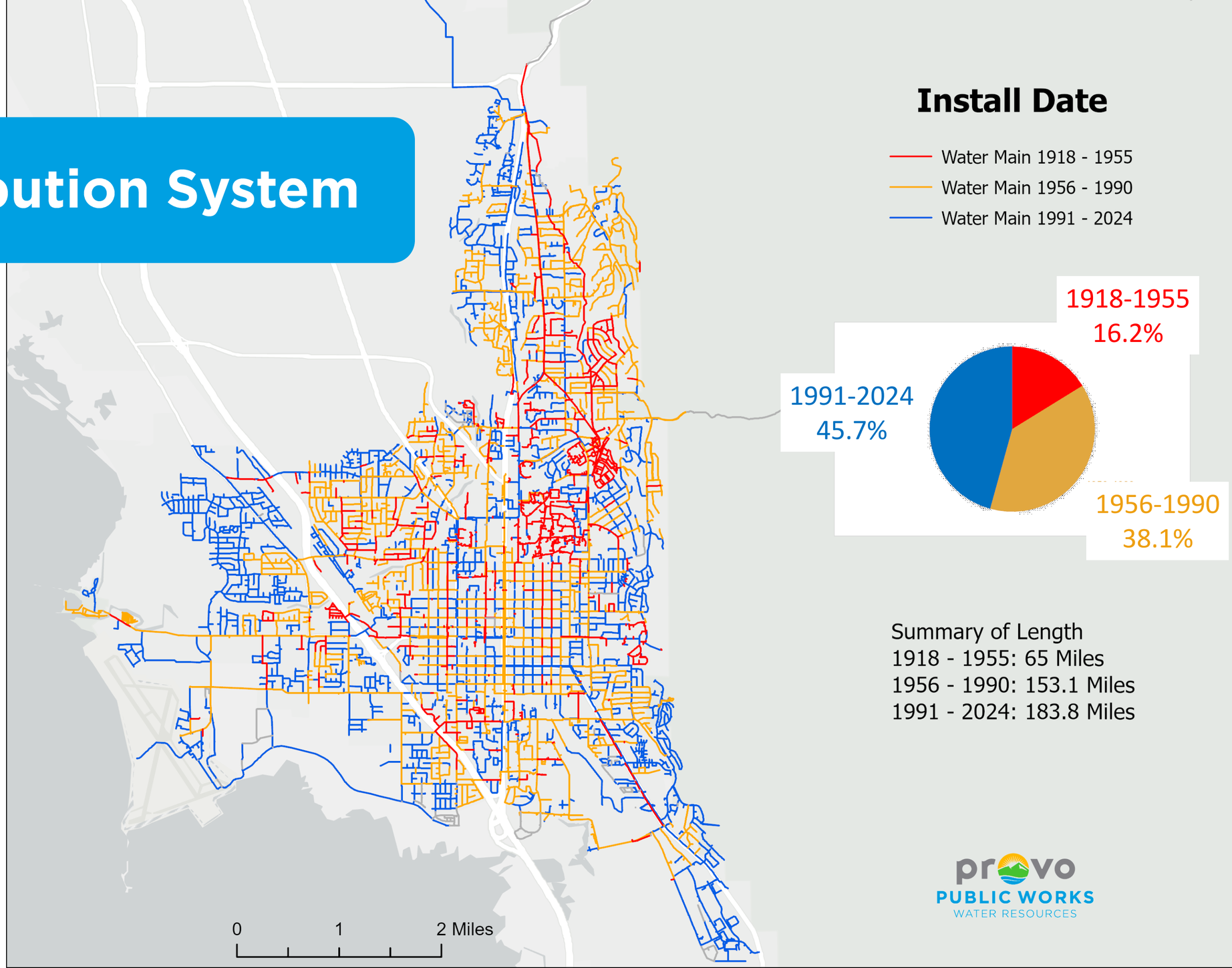
PRV Replacement - After



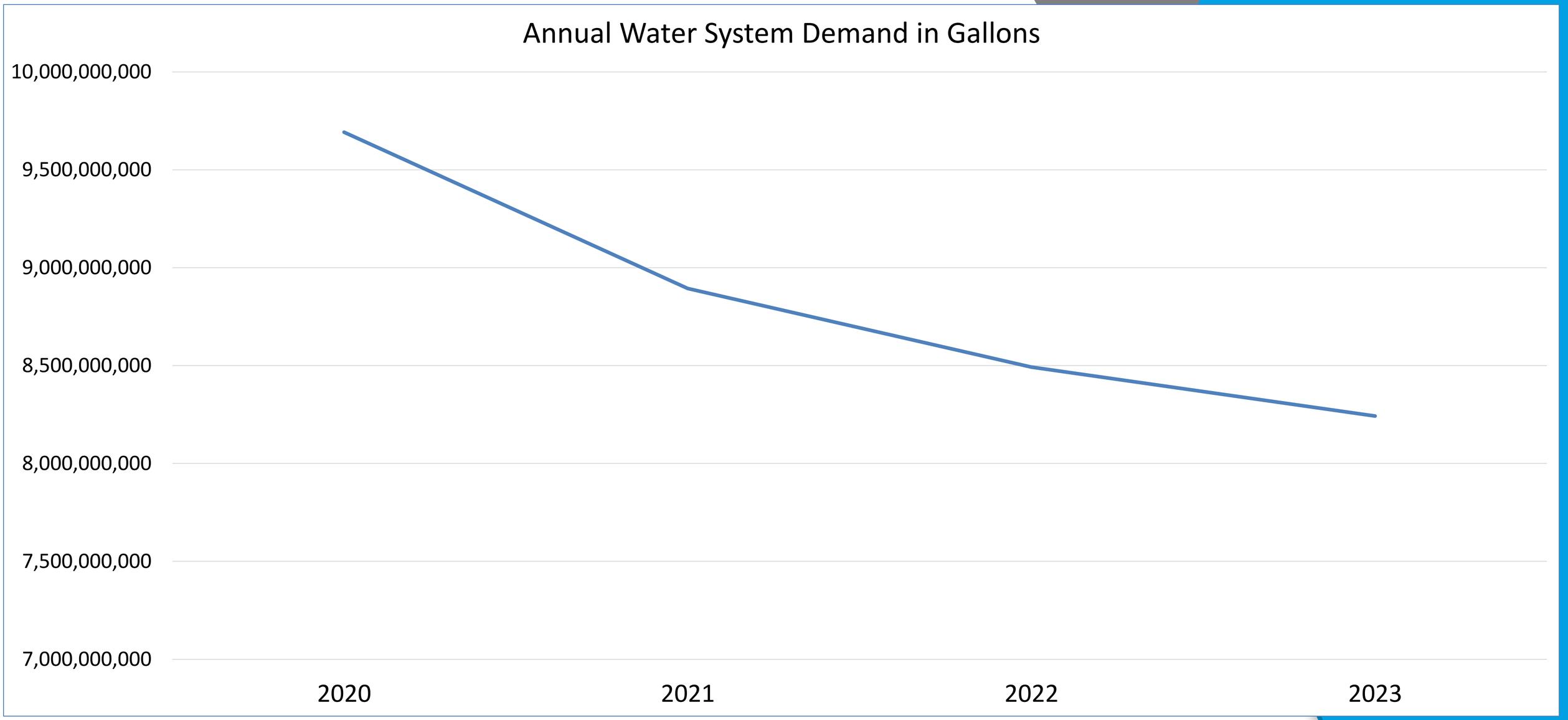
PRV Replacement - Before

Water Distribution System

- Replacement value of system including tanks, pump stations, and pipes is $1.1 Billion
- Roughly $13.7 Million per year for 100-year replacement cycle



Water Conservation



Reclamation Plant



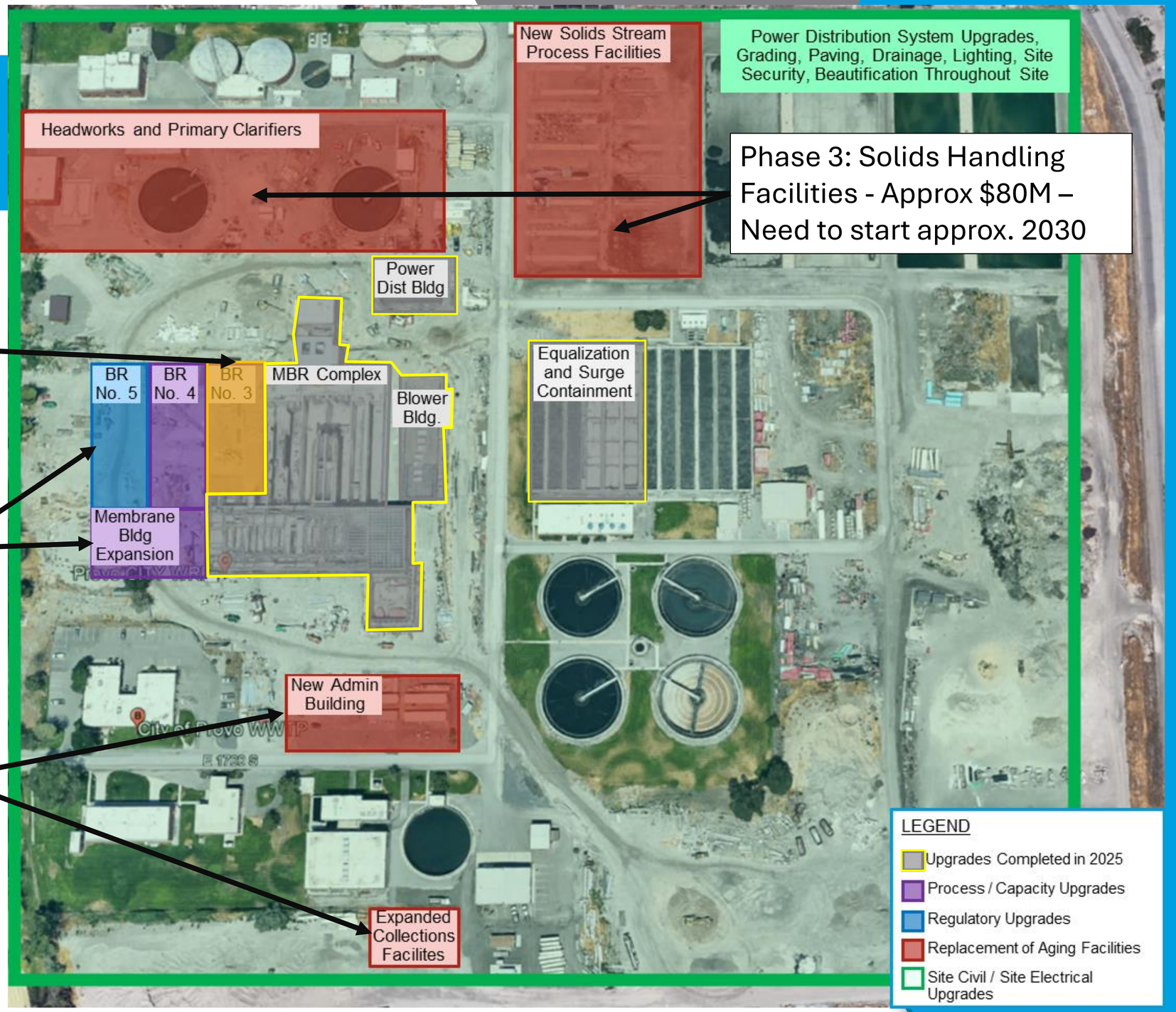
- Construction Progress: Phase 1 Liquid Stream on schedule
- Total Cost: $120 Million
- Estimated completion: March 2025

Plant Phases

Phase 1B: Bioreactors/Membranes - Approx $25M – Current Need, Priority 1

Phase 4: Construct Bioreactor Train 4 and/or 5, Headworks and Primary Treatment Upgrades- Approx $35M – Need to start approx. 2035

Phase 2: Critical Power Upgrades, Admin and Collections Facility Upgrades - Approx $12M – Need within 5 years

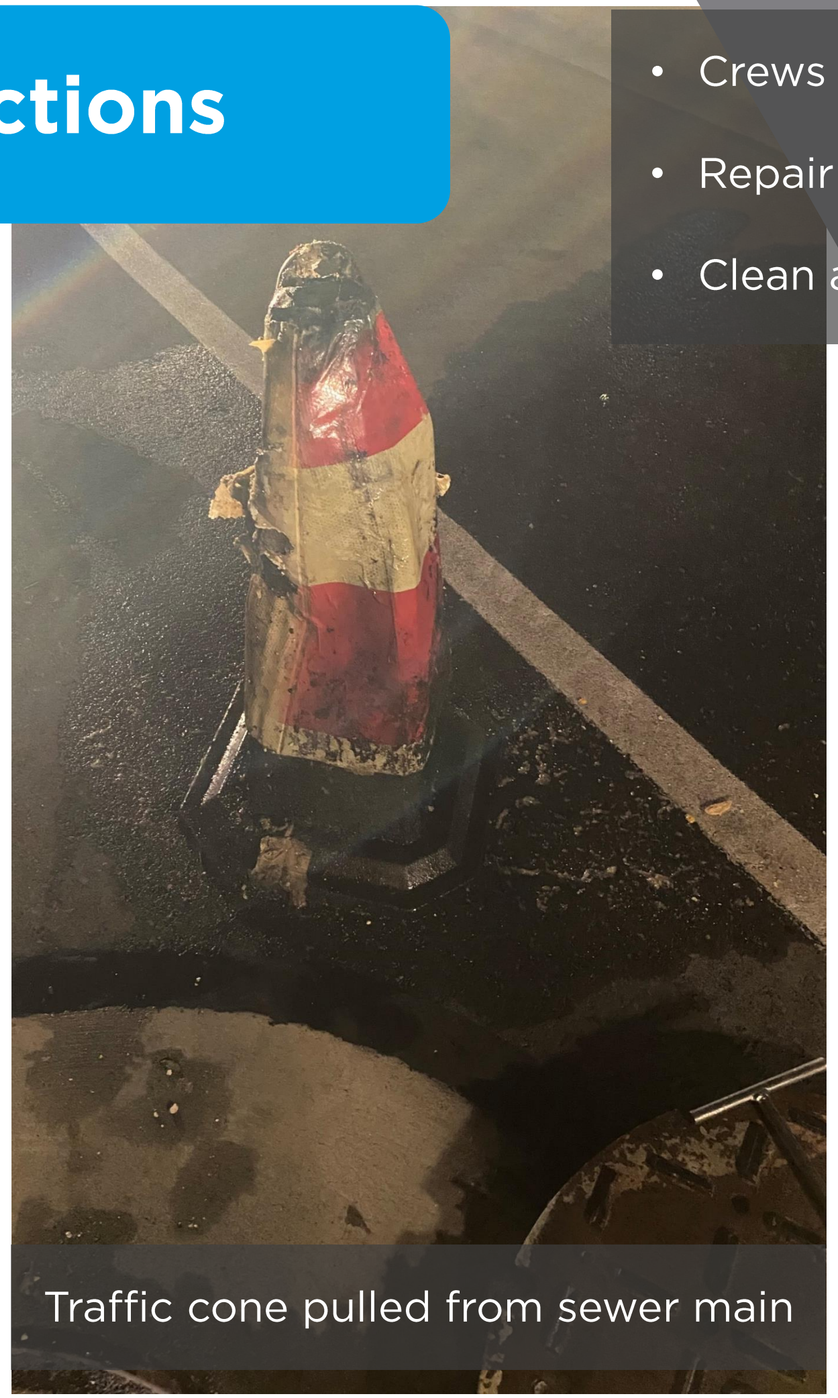


Wastewater Collections

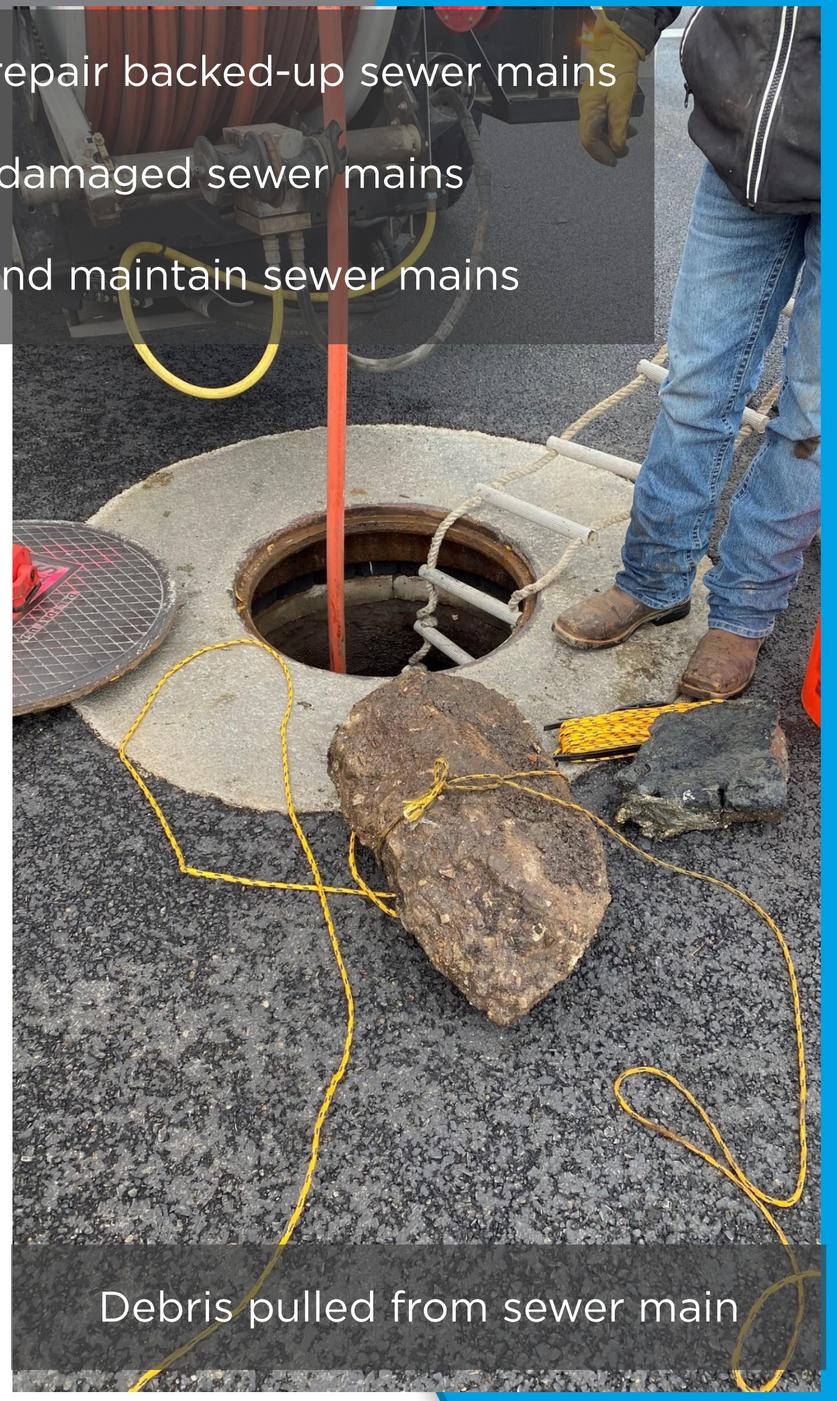
- Crews repair backed-up sewer mains
- Repair damaged sewer mains
- Clean and maintain sewer mains



Collection crews installing meters



Traffic cone pulled from sewer main



Debris pulled from sewer main

Southwest Lift Station

- Total Cost: $11.7 Million
- Benefits: Allows for additional Westside growth



Westside Sewer



PROVO CITY PUBLIC WORKS WESTSIDE COLLECTION SYSTEM LIFT STATION PLANNING

Finished $38.5M in westside sewer projects since 2018

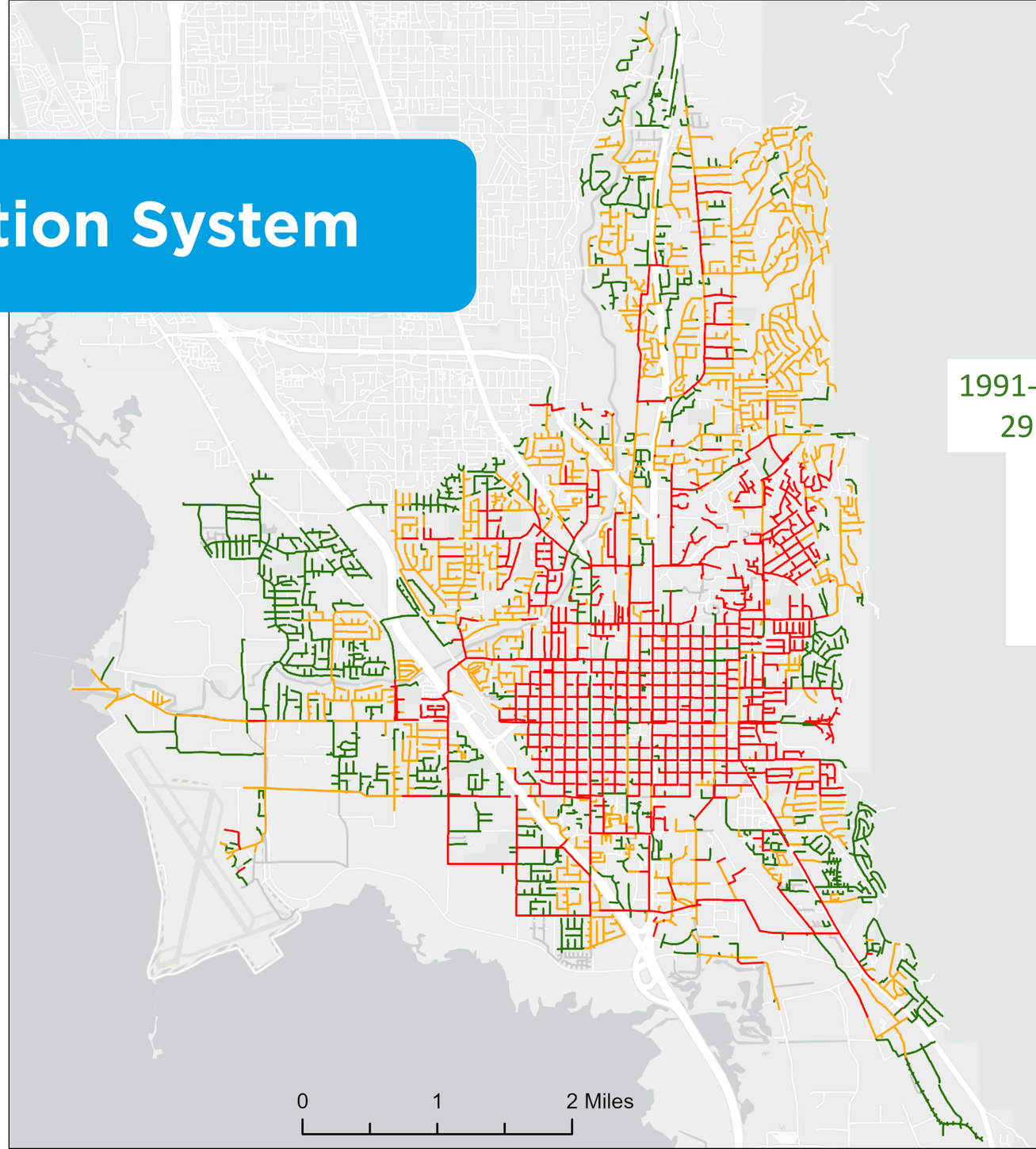
UP TO 7 LIFT PROVO STATIONS WILL BE DECOMMISSIONED DUE TO THE CONSTRUCTION OF THE SOUTHWEST LIFT STATION

LEGEND

- EXISTING GRAVITY LINE
- EXISTING FORCE MAIN
- FUTURE GRAVITY LINE
- NEW LIFT STATION
- LIFT STATION TO BE ABANDONED
- LIFT STATION TO BE ABANDONED UPON FUTURE LINE COMPLETION

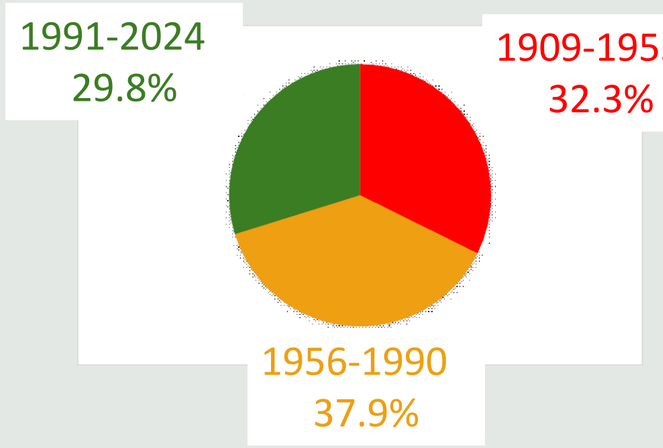
Sewer Collection System

- To replace aging pipe crews must install approximately 3.2 miles of pipe every year
- Roughly $13.5 Million per year for 100-year replacement cycle



Install Date

Sewer Main 1909-1955
Sewer Main 1956-1990
Sewer Main 1991-2024



Summary of Length
1909-1995: 98.93 Miles
1956-1990: 115.88 Miles
1991-2024: 91.16 Miles

provo
PUBLIC WORKS
WATER RESOURCES

Public Services

- Fleet Maintenance
- Fleet Replacement (To be discussed on 4/30)
- Stormwater
- Streets
- Sanitation

Fleet

Over 850 pieces of equipment with an estimated replacement value of $65 Million maintained by 8 mechanics

In the last 12 months the fleet department has completed and/or addressed:

Service/maintenance - 972

Breakdowns/ Side of Road Repairs - 691

Driver Concerns Addressed - 1,925

Vehicle replacement plans will be presented at the April 30th work session

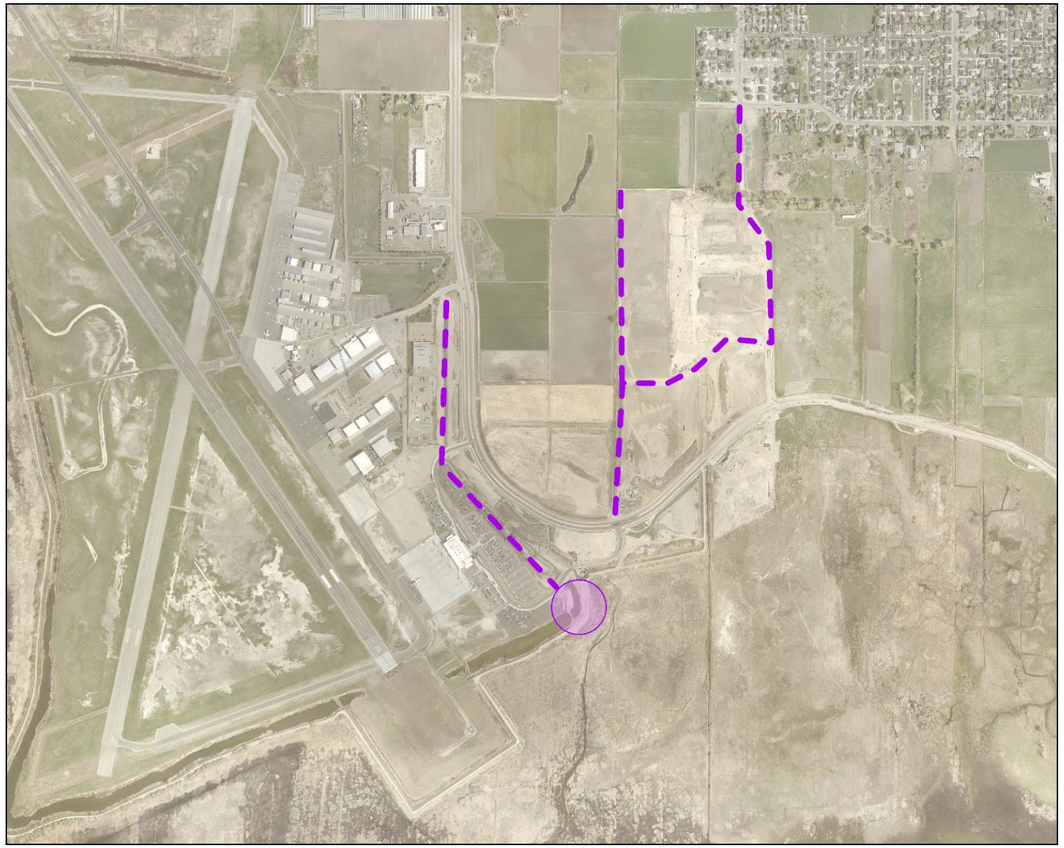


Stormwater Projects Completed

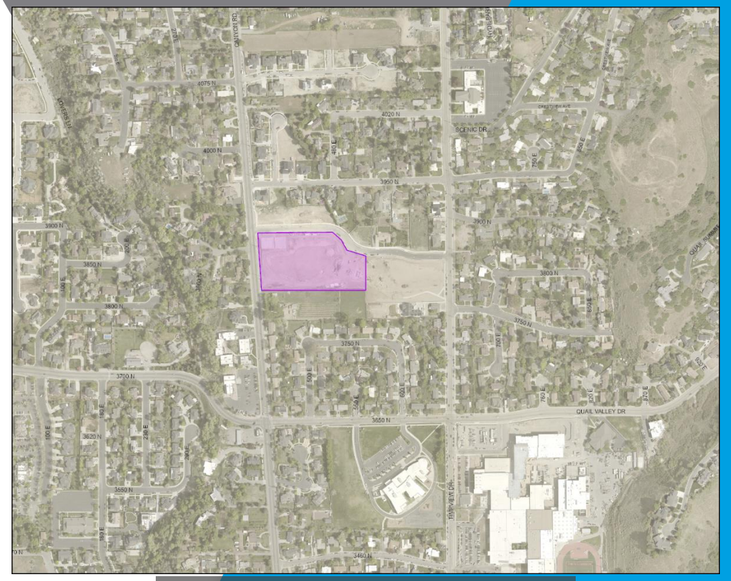
- Southwest Storm Drain Outfall
- Quail Orchard Park Basin
- Wasatch Elementary Coordination
- Airport Storm Piping
- South Airport Pump Station Piping



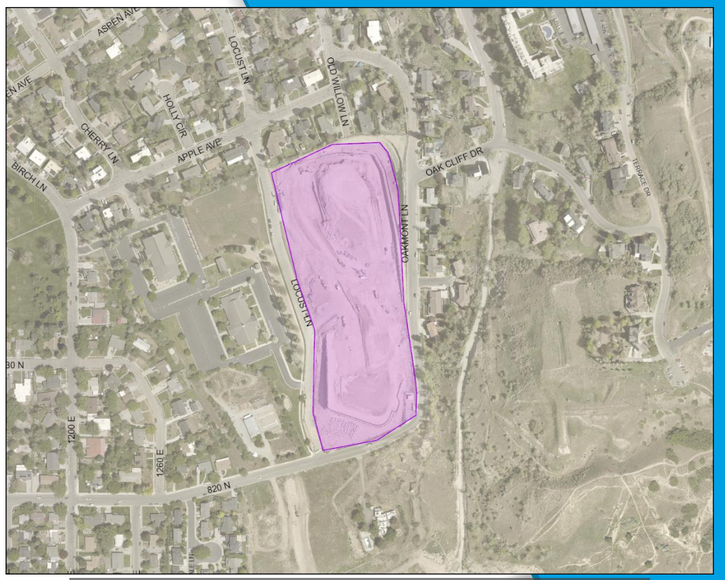
Stormwater Projects Completed



Southwest Storm Drain Outfall & Airport Storm Piping



Quail Orchard Park Basin



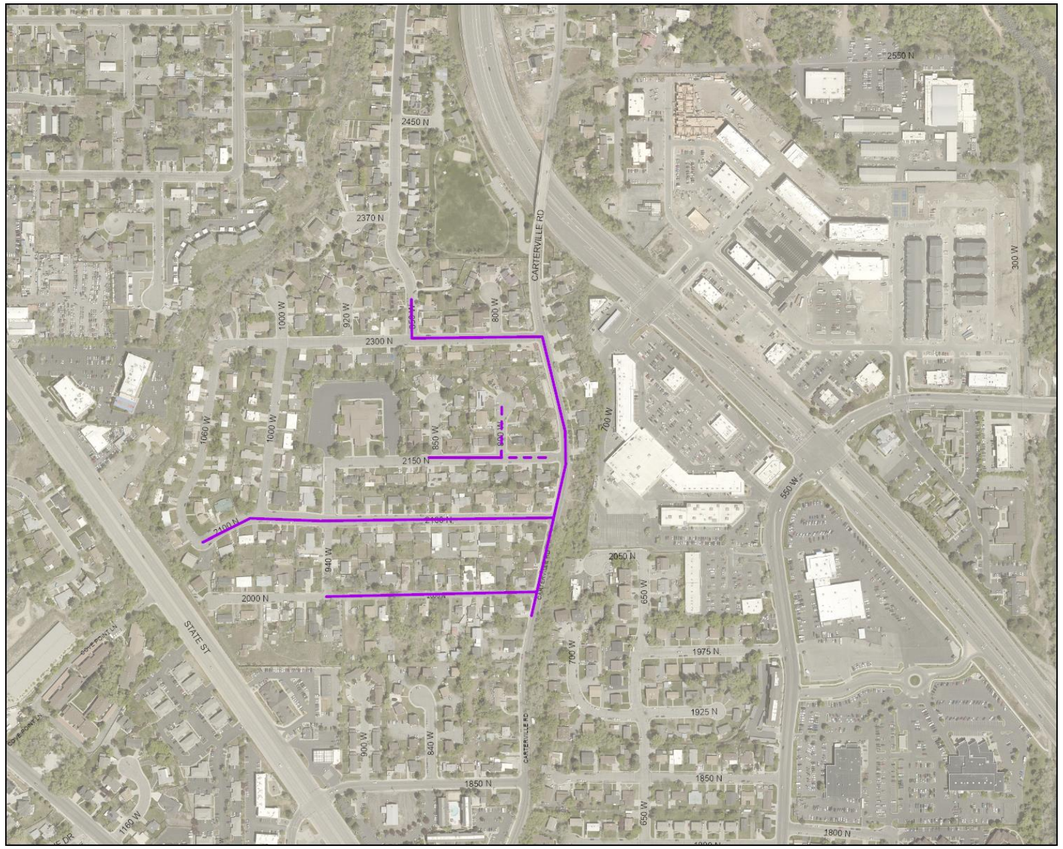
Wasatch Elementary Coordination

Stormwater Projects - Upcoming

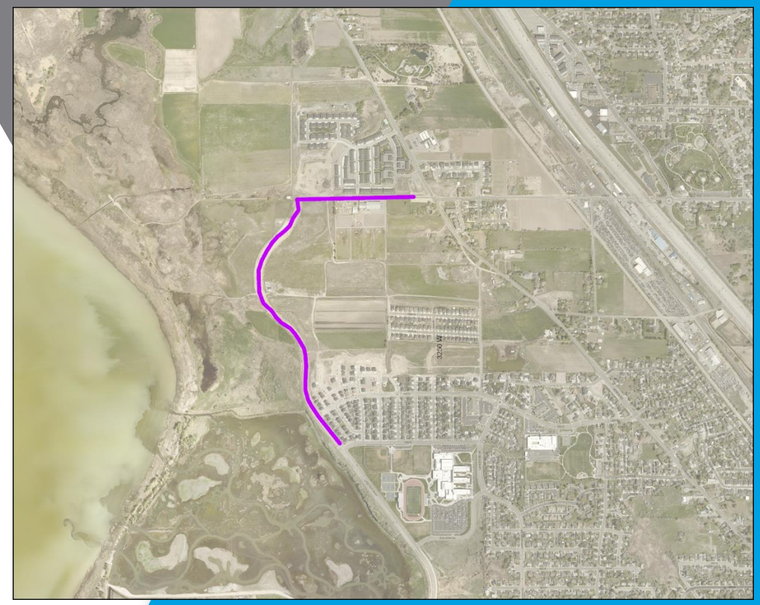


- South Airport Pump Station
- Franklin Area Storm Drain
- Carterville Area Storm Drain
- Lakeview Parkway North Extension and 2000 North

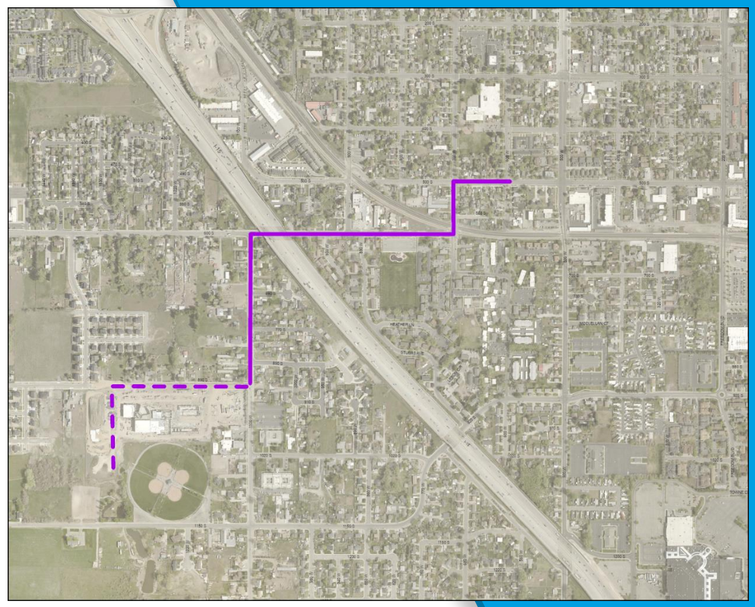
Stormwater Projects - Upcoming



Carterville Area Storm Drain



Lakeview Parkway North Extension and 2000 North



Franklin Area Storm Drain

Stormwater Maintenance



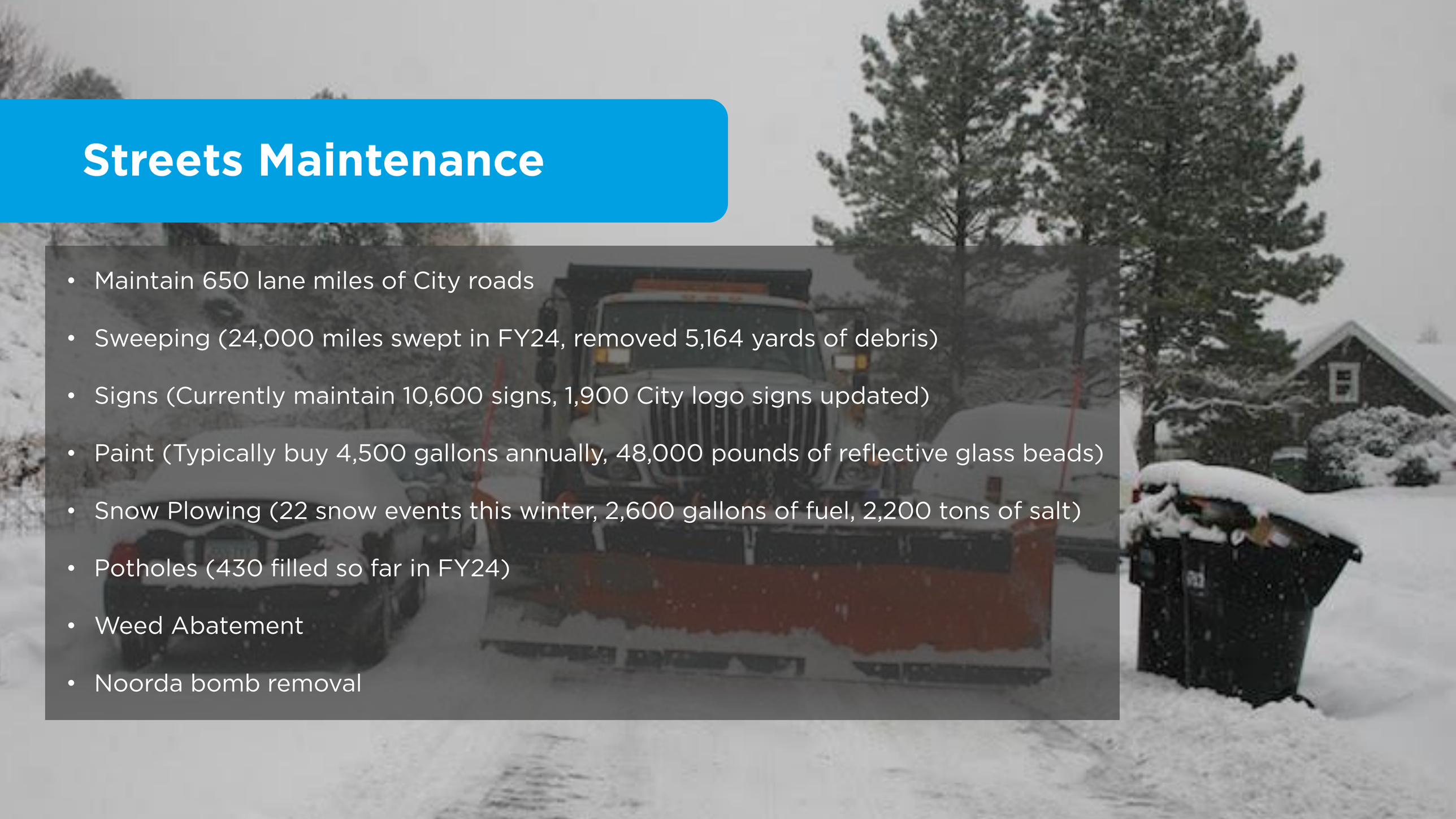
- River Maintenance
- Debris Basin Maintenance
- Preconstruction Potholing
- Pump Stations
- Flood Management
- SWPPP

Streets Projects

- Fire Station #5 Concrete
- City Center Parking Lot
- Airport Parking Lot
- BYU Compost Access pad and road
- 2470 West Road Construction
- Public Works covered parking and parking lot
- Rotary Park parking lot



Streets Maintenance



- Maintain 650 lane miles of City roads
- Sweeping (24,000 miles swept in FY24, removed 5,164 yards of debris)
- Signs (Currently maintain 10,600 signs, 1,900 City logo signs updated)
- Paint (Typically buy 4,500 gallons annually, 48,000 pounds of reflective glass beads)
- Snow Plowing (22 snow events this winter, 2,600 gallons of fuel, 2,200 tons of salt)
- Potholes (430 filled so far in FY24)
- Weed Abatement
- Noorda bomb removal

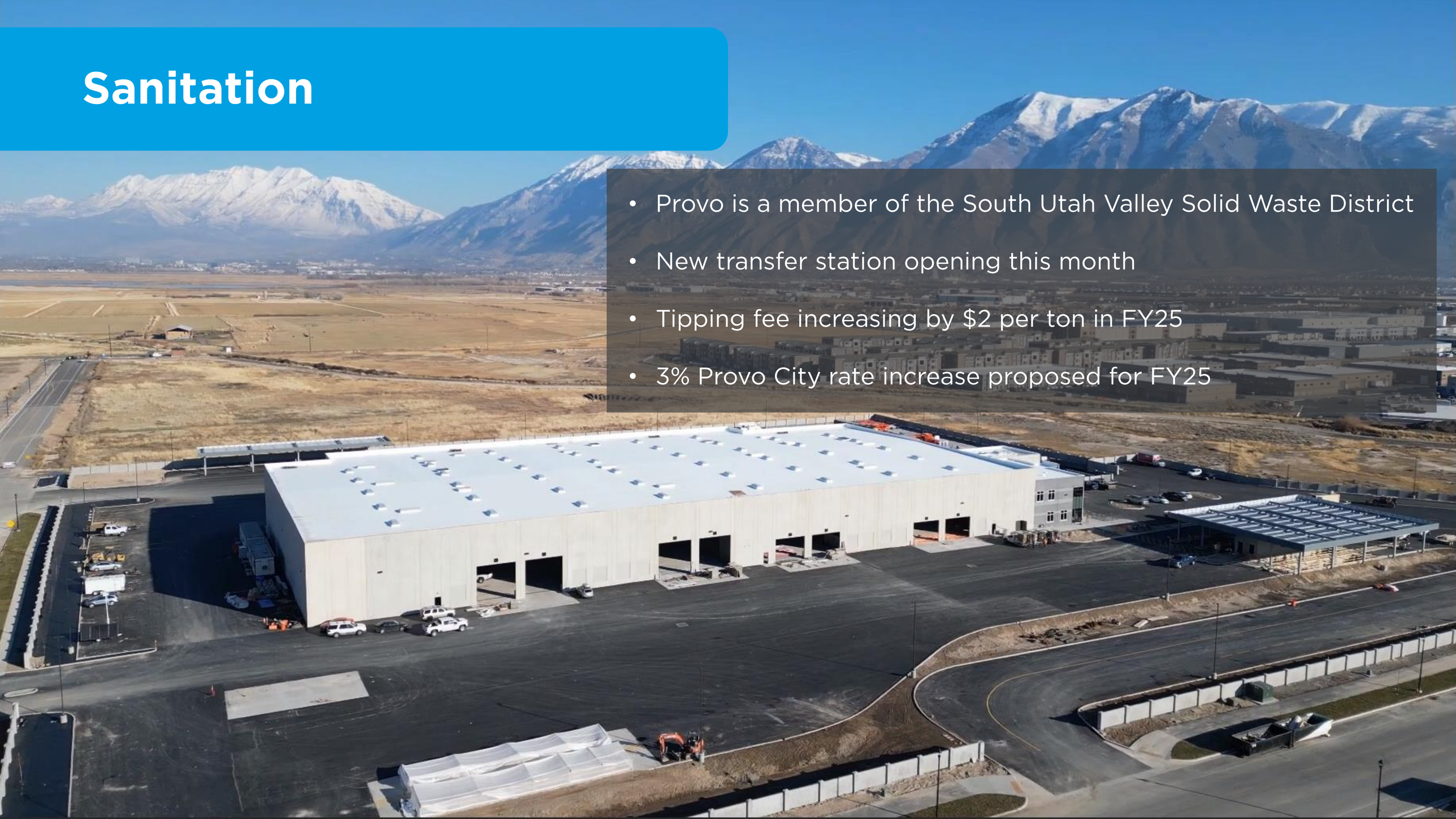
Sanitation

Service	Cans	Cans serviced in 2023	Tonnage
Garbage (Black Can)	23,410	1,217,320	22,711
Recycling (Blue Can)	11,334	589,368	2,595
Green Waste (Green Can)	7,664	306,560	

Community Services

- Spring/Fall Cleanup and My Home Town (Rolloff) 925.72 Tons
- Leaf bag pickup
- Glass recycling and residential recycling locations at Kiwanis Park and the compost yard
- Parks and commercial service for City departments
- Christmas tree pickup
- Freedom Festival assistance

Sanitation



- Provo is a member of the South Utah Valley Solid Waste District
- New transfer station opening this month
- Tipping fee increasing by $2 per ton in FY25
- 3% Provo City rate increase proposed for FY25

Sanitation - Composting



- Composted and sold 6,000 tons (15,000 cubic yards) in 2023
- Operating at max capacity for equipment, and personnel
- We don’t have room for additional operations at current site
- Consistently selling out of material

Sanitation - Recycling

- 11,334 cans collected weekly
- 25% contamination rate, down from 42% in 2021
- New transfer station should reduce contamination further

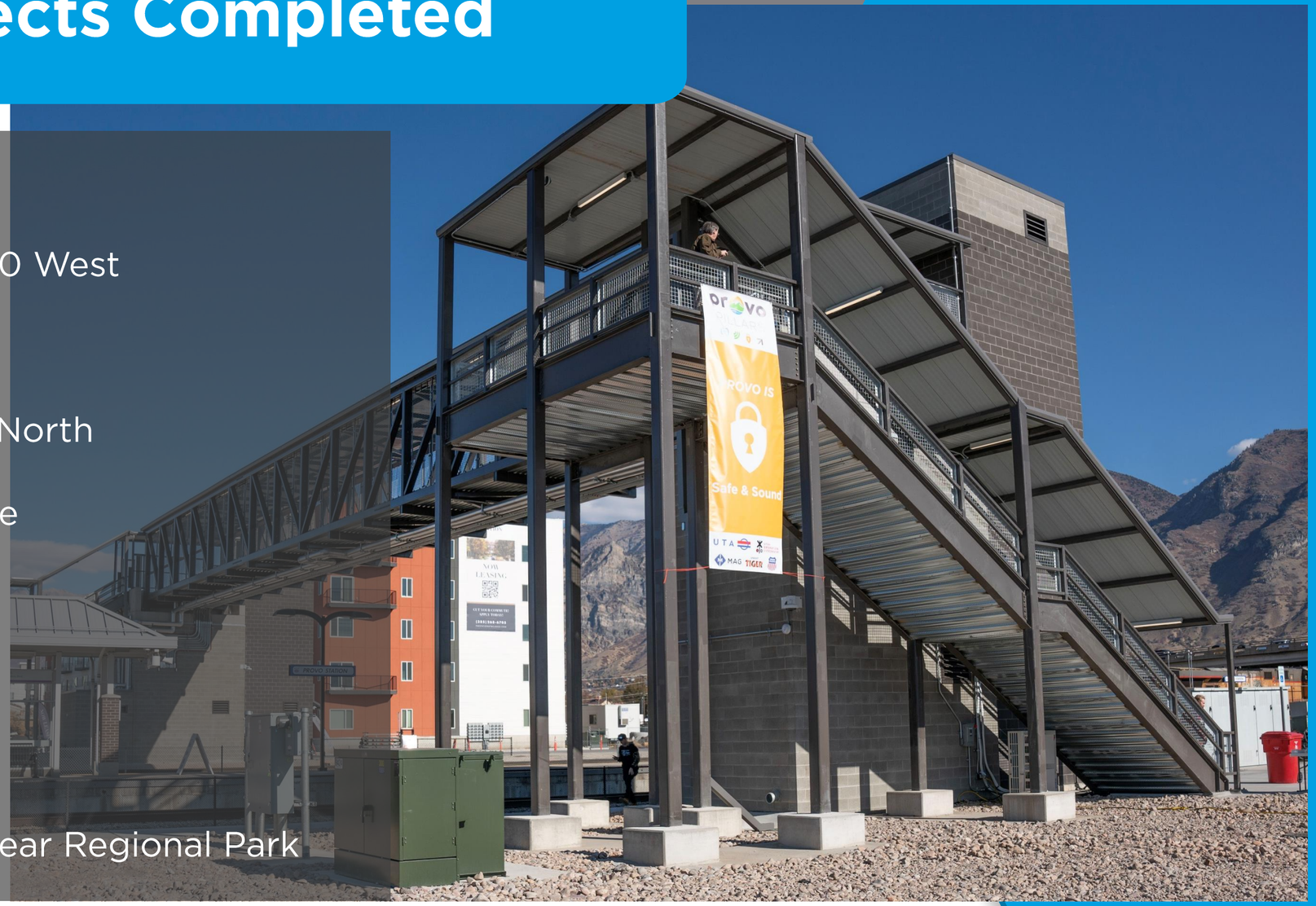


Engineering

- Development/Permitting/Inspection
- Traffic
- Survey
- Public Works GIS
- Road Maintenance

Engineering – Projects Completed

- Pedestrian Bridge
- 1st and Last Mile Improvements – 100 West
- Regional Sports Park Roads
- Road at Quail Orchard Park - 3900 North
- Sierra Vista connection to Springville
- Road Maintenance Projects
- 820 North 900 East Traffic Signal
- Lakeview Parkway South
- Two Signals on Lakeview Parkway near Regional Park



Engineering – Projects Upcoming

- New School Safe Walking Routes Coordination
- Sidewalk Improvements
- UDOT Project Coordination – 300 South, University Ave Bridge, Canyon Road and University Ave Intersection Improvements
- Road Maintenance Projects
- Lakeview Parkway North
- 2000 North
- Provo River Bridge and Trail Project – 820 North

Engineering - Other

- **Development** – 1911 Citywide Permit Applications in 2023 (749 of which were for Public Works permits, 2,234 Public Works inspections, $16.8 Million in current infrastructure bonds, 208 planning applications
- **Public Works GIS** – Mapping data requests, utility data utilization and management, apps and scripts
- **Survey** – Topographic surveys for design, construction stakeouts, subdivision plat reviews, internal creation of subdivision plats and annexations, deeds and easements for City properties, roadways, and right-of-way, collecting GPS information for utilities/GIS

Engineering - Traffic

- Safety Action Plan
- Transportation and Mobility Advisory Committee (TMAC)
- Police, Engineering, and Parking Committee (PEPS)
- Safe Walking Routes
- Active Transportation
- Signals
- Speed
- Traffic Calming



Utility Transportation Fund

- 3% Proposed Increase
- Begin new study summer 2024

AIRPORT BUDGET – FY25



1 GROWTH & DEMAND

2 SUCCESSES

3 NEW REVENUE

4 TERMINAL EXPANSION

AIRPORT BUDGET – FY25



1

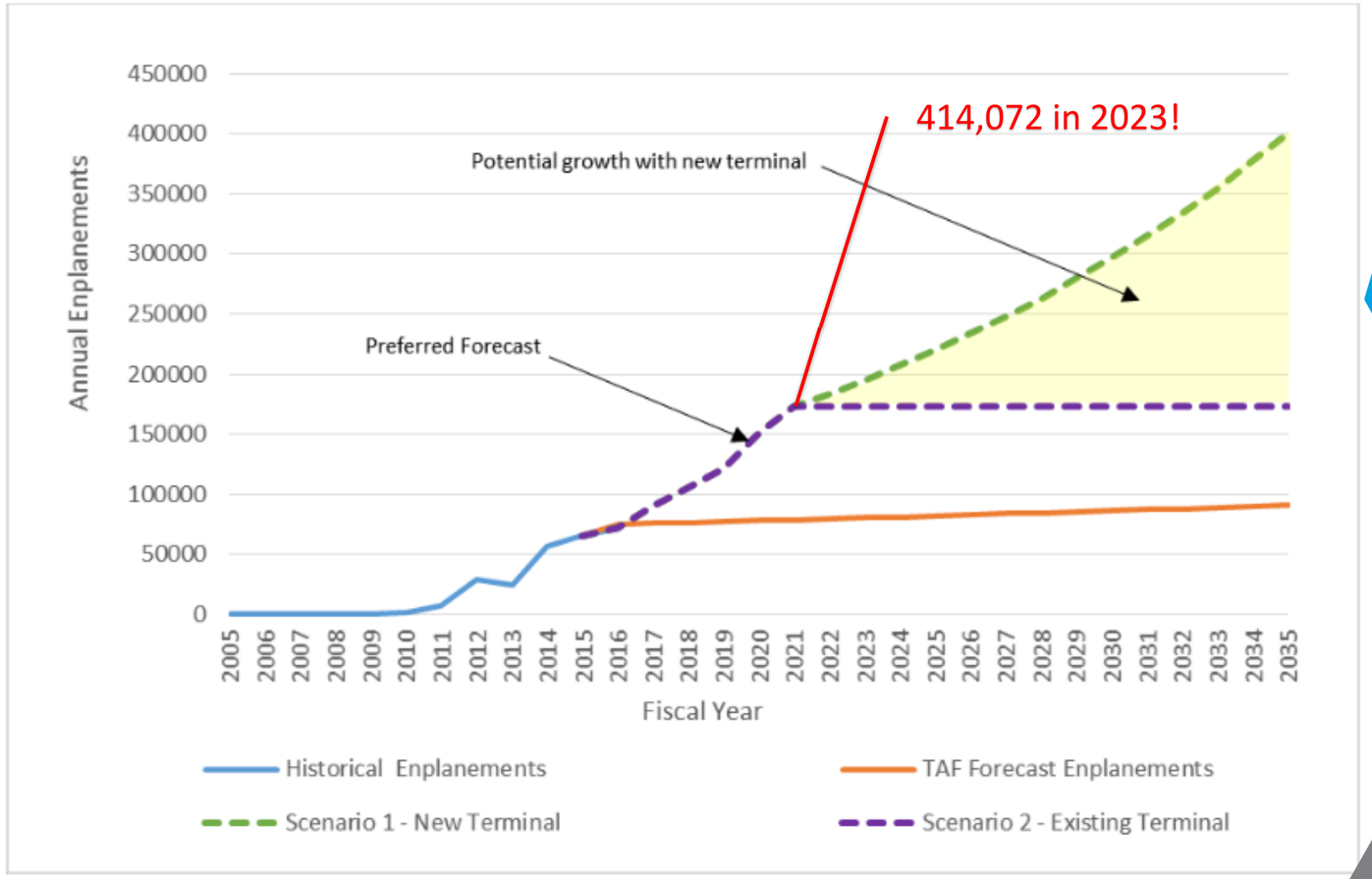
GROWTH & DEMAND

GROWTH & DEMAND

AVIATION DEMAND FORECASTS

- 1 Millionth Passenger in December
- PVU is Allegiant's 15th largest station (of 122 stations)
- Expecting 500,000 enplanements in 2024

FIGURE 2-8
PASSENGER ENPLANEMENT FORECAST



Source: FAA 2016 TAF, RS&H Analysis, 2017

GROWTH & DEMAND

- Averaging 35,000 enplaned passengers per month (70,000 throughput) with the numbers increasing as new routes are added.

- The terminal building is at capacity at peak travel times.



GROWTH & DEMAND

TSA CHECKPOINT

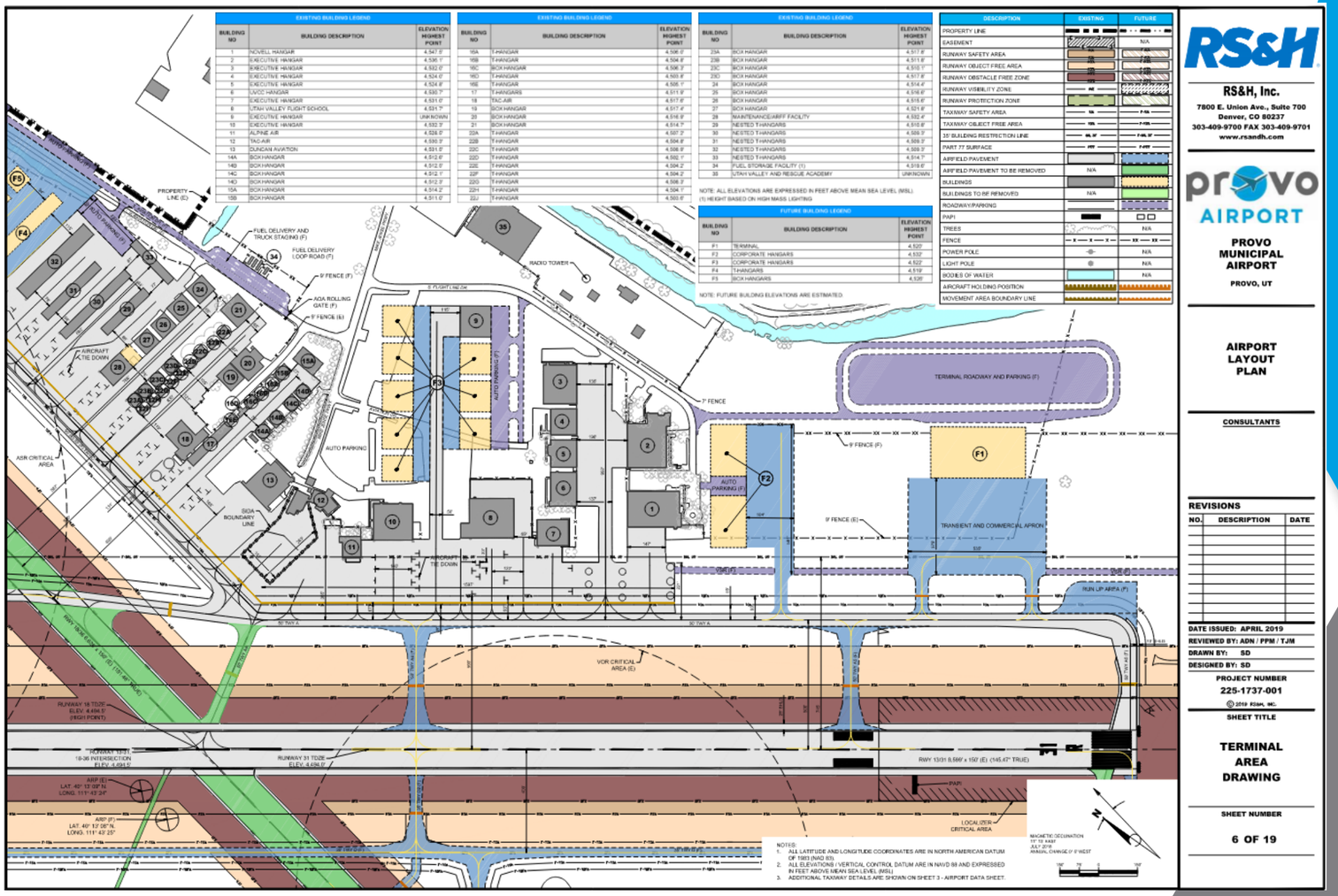
- A 3rd TSA Screening Lane was added in September to accommodate increased screening demand during peak operating hours.



GROWTH & DEMAND

AIRPORT MASTER PLAN UPDATE

- Currently in the process of beginning a master plan update.
- We'll be updating our forecasting for the next 20 years, analyzing the terminal area and assessing future needs, assessing the needs of the airfield to meet operational standards, etc.



AIRPORT BUDGET – FY25



2

SUCCESSES

SUCCESSES

ECONOMIC IMPACT

- $130,787,515 Annual Economic Impact
- $2,217,114 Annual Tax Impact

Exhibit 1: Annual Economic Impact of Nonstop Routes at PVU

Provo Airport Economic Impact of Air Services	Total Allegiant	Total Breeze	Grand Total
A. Annual Visitor Spending			
Direct/Indirect Visitor Spending	$39,296,699	$16,446,776	$55,743,475
Induced Visitor Spending	$24,666,101	$10,323,459	$34,989,560
Total Annual Visitor Spending	**$63,962,800**	**$26,770,235**	**$90,733,034**
B. Annual Passenger Spending			
Direct/Indirect Passenger Spending	$3,192,254	$1,250,737	$4,442,991
Induced Passenger Spending	$2,329,504	$911,186	$3,240,690
Total Annual Passenger Spending	**$5,521,758**	**$2,161,923**	**$7,683,681**
C. Annual Crew Spending			
Direct/Indirect Crew Spending	$7,728,131	$5,987,299	$13,715,431
Induced Crew Spending	$6,187,142	$4,793,432	$10,980,574
Total Annual Crew Spending	**$13,915,273**	**$10,780,731**	**$24,696,005**
D. Annual Airline Spending			
Direct/Indirect Airline Spending	$2,543,877	$1,957,322	$4,501,199
Induced Airline Spending	$1,946,055	$1,227,543	$3,173,598
Total Annual Airline Spending	**$4,489,932**	**$3,184,865**	**$7,674,798**
Total Economic Impacts			
Direct/Indirect Economic Impacts	$52,760,961	$25,642,134	$78,403,096
Induced Economic Impacts	$35,128,802	$17,255,620	$52,384,422
Total Annual Economic Impacts	**$87,889,763**	**$42,897,754**	**$130,787,518**
Economic Impact Per Daily Service	**$17,196,390**	**$14,299,251**	**$16,124,823**
Estimated Total Jobs Generated	**686**	**335**	**1,020**

Exhibit 6: Tax Impacts of Services at PVU

Provo Airport Tax Impact of Air Services	Total Allegiant	Total Breeze	Grand Total
A. Annual Visitor Spending			
Lodging Expenditures	$667,772	$279,481	$947,253
Dining Expenditures	$318,893	$133,466	$452,359
Entertainment Expenditures	$197,216	$82,540	$279,756
Retail Expenditures	$151,705	$63,493	$215,197
Annual Tax Impact Visitor Spending	$1,335,586	$558,980	$1,894,566
B. Annual Passenger Spending			
Concession Expenditure	$120,792	$48,140	$168,932
Annual Tax Impact Passenger Spending	$120,792	$48,140	$168,932
C. Annual Crew Spending			
Flight Crew Expense Per Block Hour	$0	$0	$0
Cabin Crew Expense Per Block Hour	$0	$0	$0
Annual Tax Impact Crew Spending	$0	$0	$0
D. Annual Airline Spending			
Fuel Expenditure	$109,738	$43,878	$153,617
Annual Tax Impact Airline Spending	$109,738	$43,878	$153,617
Total Annual Tax Impacts	**$1,566,116**	**$650,998**	**$2,217,114**

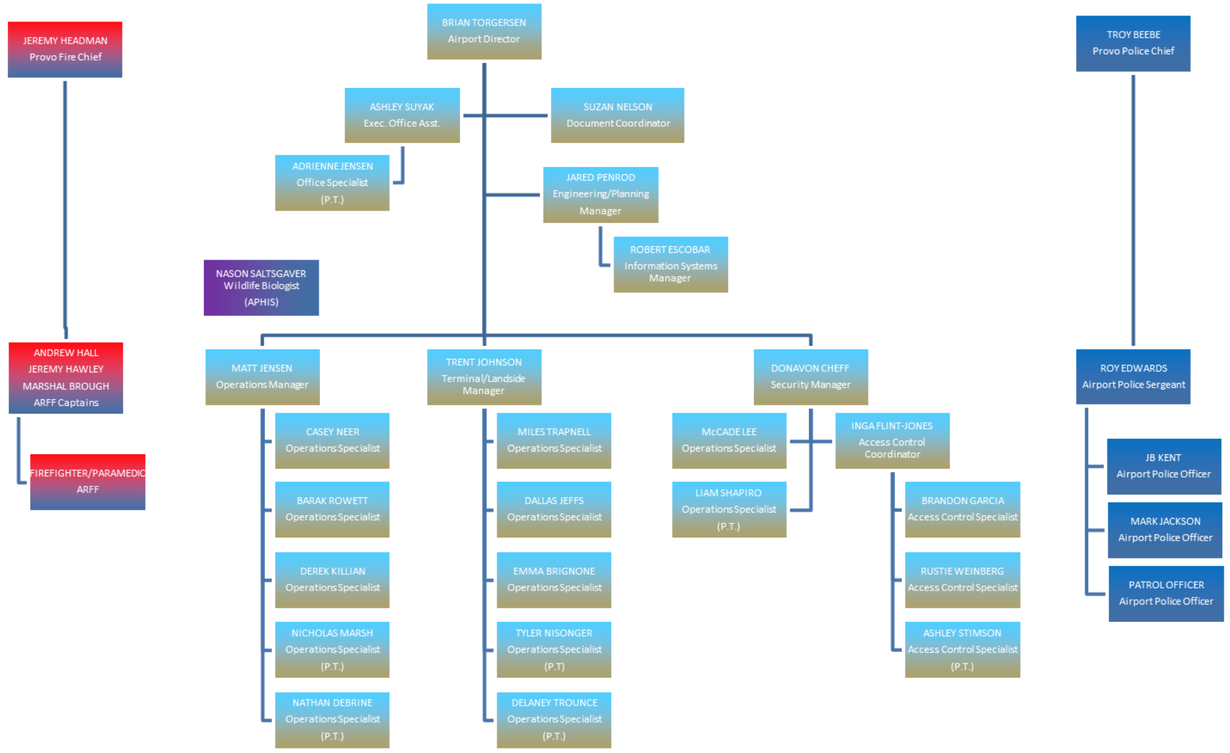
Source: Economic Impact Study of Commercial Air Service – May 16, 2022 – The Meehan Aviation Group

THE MEEHAN AVIATION GROUP

SUCCESSES

AIRPORT STAFF

- 4 Full-time and 3 part-time employees were added this past year.
- The airport operates approximately 20 hours a day, 7 days a week. With busiest times happening on weekends, early mornings, and late nights.
- The work we do would not be possible without these additional employees.
- FAA and TSA compliant
- Thank you!!



SUCCESSES

AIRPORT OPERATIONS AIRPORT RESCUE AND FIRE FIGHTING (ARFF) TRAINING

- 7 Airport Operations Personnel are ARFF certified. An additional 4 will be trained in May 2024.
- These personnel work as a second fire fighter on-duty during certain times of the week.
- Results in a savings of up to $300,000 per year.









SUCCESSES

SNOW REMOVAL EQUIPMENT (SRE)





- Liquid snow melt chemical distribution truck. Allows for the pre-treatment of runways to prevent snow buildup and maintain friction in inclement weather.

- 2 Combination Plow/Broom will be delivered in October 2024

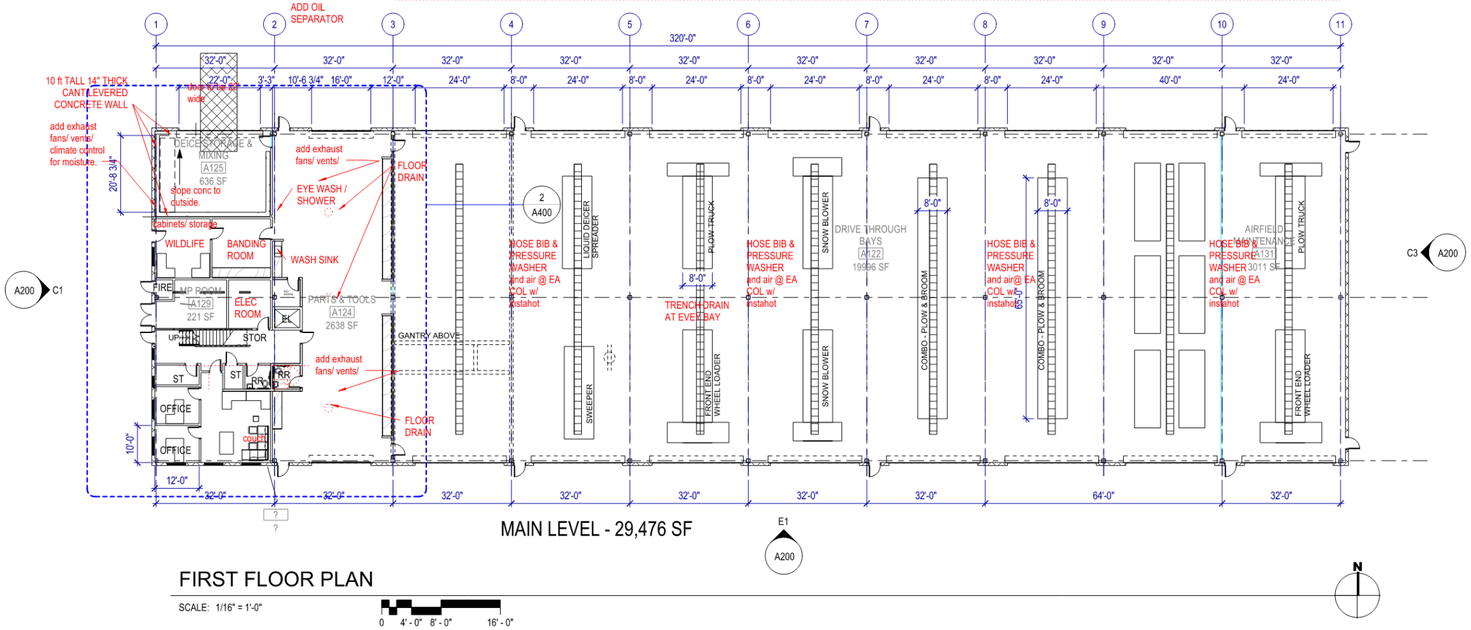


SUCCESSES

SNOW REMOVAL EQUIPMENT (SRE) BUILDING

- 34,000 SQ FT facility that will be used for equipment storage, maintenance bays, and office space for operations personnel.
- Meets the requirements to house federally funded equipment indoors.
- The facility will become the command center for snow events and other Airport Operations work.





SUCCESSES

COMMON USE PASSENGER PROCESSING (CUPPS)

- Ticketing and Gate computers and other hardware are owned and maintained by the Airport.
- Implemented in September 2023
- Allows any airline to use any ticketing counter or gate position without needing to provide their own hardware.



SUCCESSES

PARKING SYSTEM UPGRADES

- A new parking vendor was implemented in September 2023.
- User-friendly and reliable
- Utilizes License Plate Reader (LPR) technology. This increases throughput and speeds up queues at the exit lanes.
- Mobile Pay coming soon!
- Parking revenues have been approximately 30% higher than originally budgeted.



SUCCESSES

TAXIWAY ALPHA RECONSTRUCT

- Constructed Summer and Fall of 2023, including a 2-week runway shutdown in September.

- Crews worked 24/7 to complete the project on-time and under budget while minimizing impacts to general aviation and commercial operations.



SUCCESSES

TAXIWAY ALPHA RECONSTRUCT

- Constructed Summer and Fall of 2023, including a 2-week runway shutdown in September.

- Crews worked 24/7 to complete the project on-time and under budget while minimizing impacts to general aviation and commercial operations.



SUCCESSES

SECURITY BADGING IDENTITY MANAGEMENT SYSTEM (IDMS)

- Honeywell's Pro-Watch software was selected as part of an RFP process to implement new badging software at the Airport

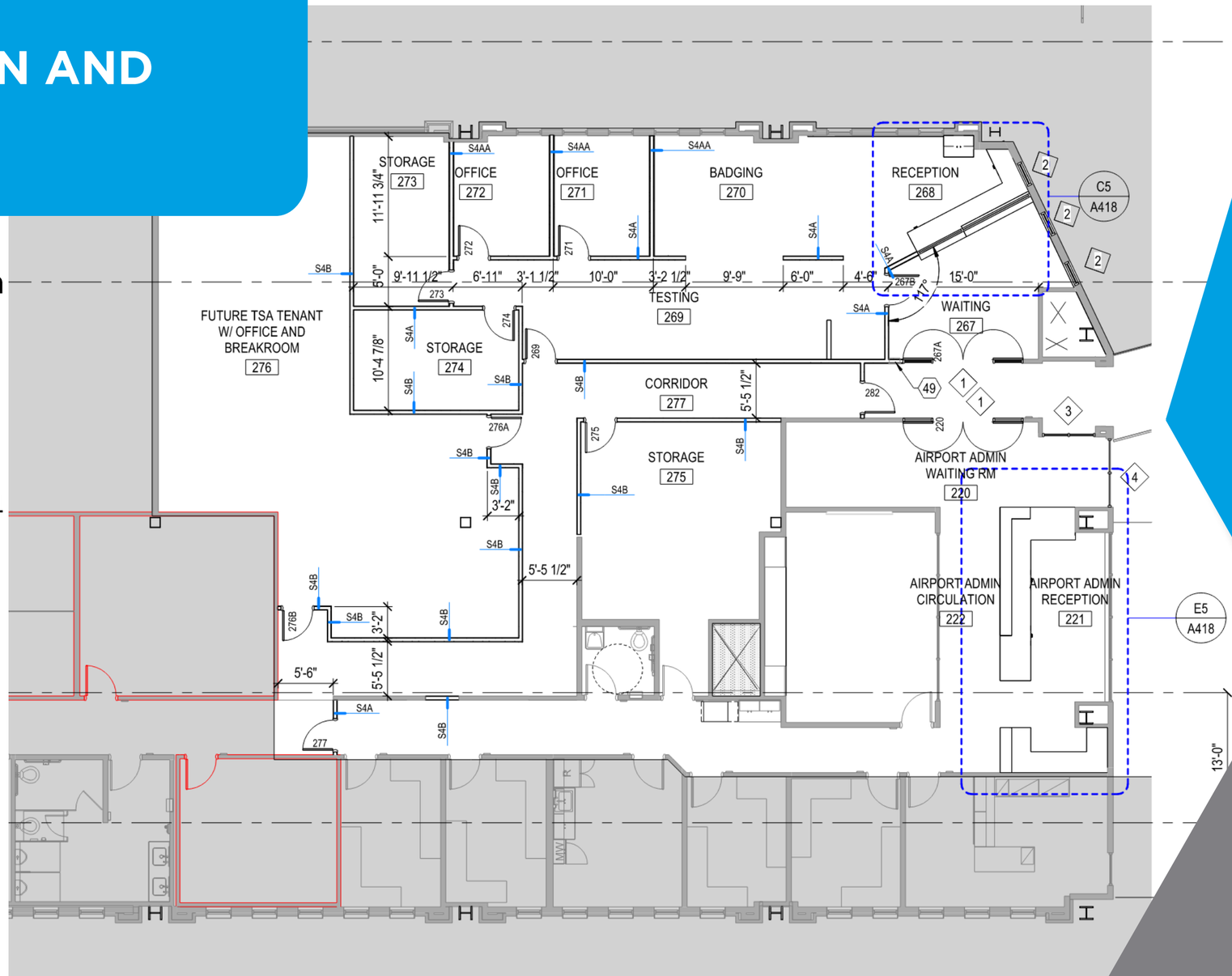
- Currently being implemented and will be operational Q4 of 2024.



SUCCESSES

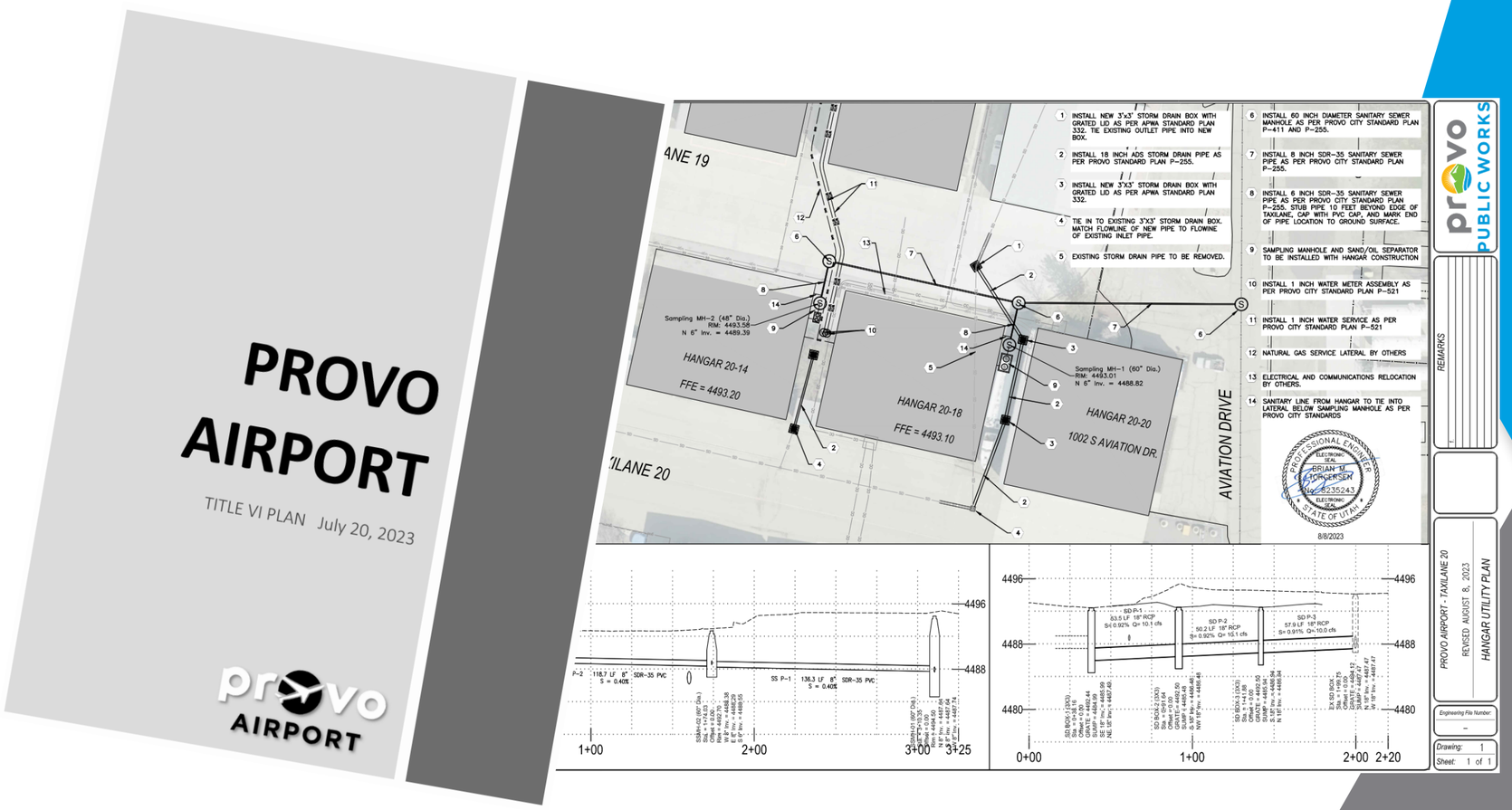
BADGING OFFICE DESIGN AND CONSTRUCTION

- Construction documents have been completed and currently being reviewed by the building department.
- Advertisement for bid in April 2024
- Construction this summer.
- Will move all Airport badging operations from Customer Service to the Airport Terminal.



SUCCESSES

- Public Safety costs covered for FY24
- 4 New Hangars
- Title 6 Compliance



AIRPORT BUDGET – FY25



3

NEW REVENUE

NEW REVENUE
PUBLIC FACILITY CHARGE (PFC)

- Airlines collect $4.50 per enplaned passenger during ticket sales and pass that revenue to the airport each month.
- Began collecting April 2024
- PFCs can fund improvements to the airport approved by the FAA.
- PFCs will provide approximately $2,000,000 in funding each year

Allegiant Air
1201 N. Town Center Drive
Las Vegas, NV 89144

RE: Passenger Facility Charge (PFC) Application 24-01-C-00-PVU
Air Carrier Notification of FAA Acknowledgment

Dear Air Carrier Representative:

Pursuant to 14 CFR Part 158 Subpart C §158.43 - Public Agency Notification to Collect PFC's, Provo City Corporation, Provo, Utah, is notifying you of the Federal Aviation Administration's (FAA) acknowledgement of PFC Application 24-01-C-00-PVU. The FAA acknowledgment letter, dated February 26, 2024, is enclosed for reference.

PFC application details are as follows:

Airport Name: Provo Municipal Airport (PVU)
PFC Application Number: 24-01-C-00-PVU
PFC Type: Impose and Use
PFC Level: $4.50 per enplaned passenger
Charge Effective Date: April 1, 2024
Charge Expiration Date: May 1, 2032
Total Estimated PFC Revenue: $7,874,345

Per the requirements of 14 CFR Part 158 Subpart C - Collection, Handling and Remittance of PFC's, air carriers are obligated to remit PFC's collected to the airport on a monthly basis. Collections should be sent to the following address:

Provo Airport
1331 S. Sky Way
Provo, Utah 84601

Additionally, on a quarterly basis, air carriers should submit their PFC Quarterly Report to the same address.

If you have any questions or require further clarification regarding this new PFC application, please do not hesitate to contact us at (801) 852-6720 or via email at btorgersen@provo.utah.gov.

NEW REVENUE

DIGITAL ADVERTISING

- Demand for advertising is already here.
- With a newly approved consolidated fee schedule we'll begin selling advertising slots for displays around the terminal.
- A digital signage solution is currently being installed and configured.



NEW REVENUE

ADDITIONAL CONCESSIONAIRES

- Cups and Cravings opens this month.
- 5% of gross sales from all concessions goes to the airport.
- Projecting $90,000 in revenue from concessionaires this year.



NEW REVENUE

LANDING FEES

- Landing fees have been implemented for all aircraft that have a Maximum Landing Weight (MLW) over 12,500 lbs. We'll collect approximately $80,000 in landing fees from these aircraft this year.

- Projecting $550,000 in landing fees from commercial aircraft this year.

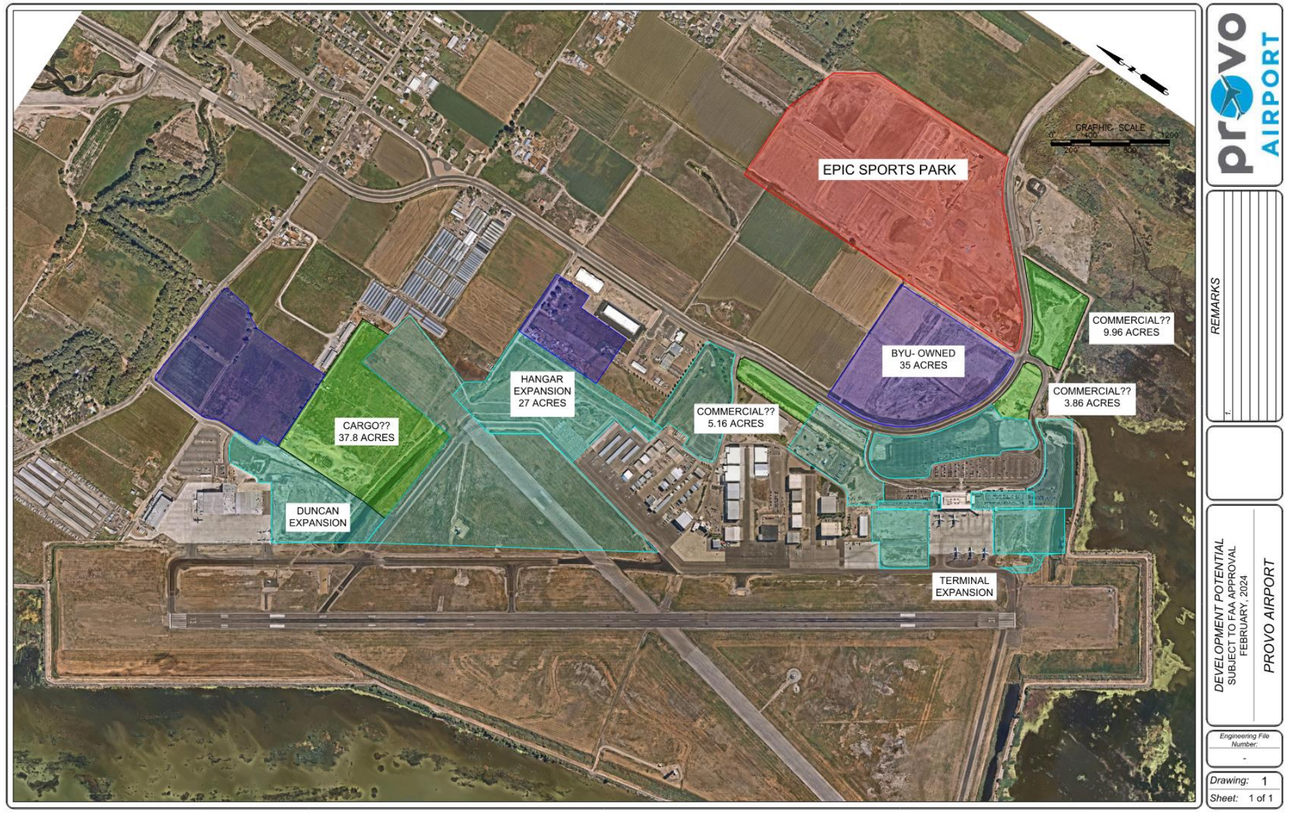
- New route incentives are beginning to expire. Additional landing fees from airlines will be collected this year.



NEW REVENUE

- Fee Schedule Updates
  - Filming
  - Advertising
  - Security Offenses
- Aeronautical Revenue
- New Hangar Development





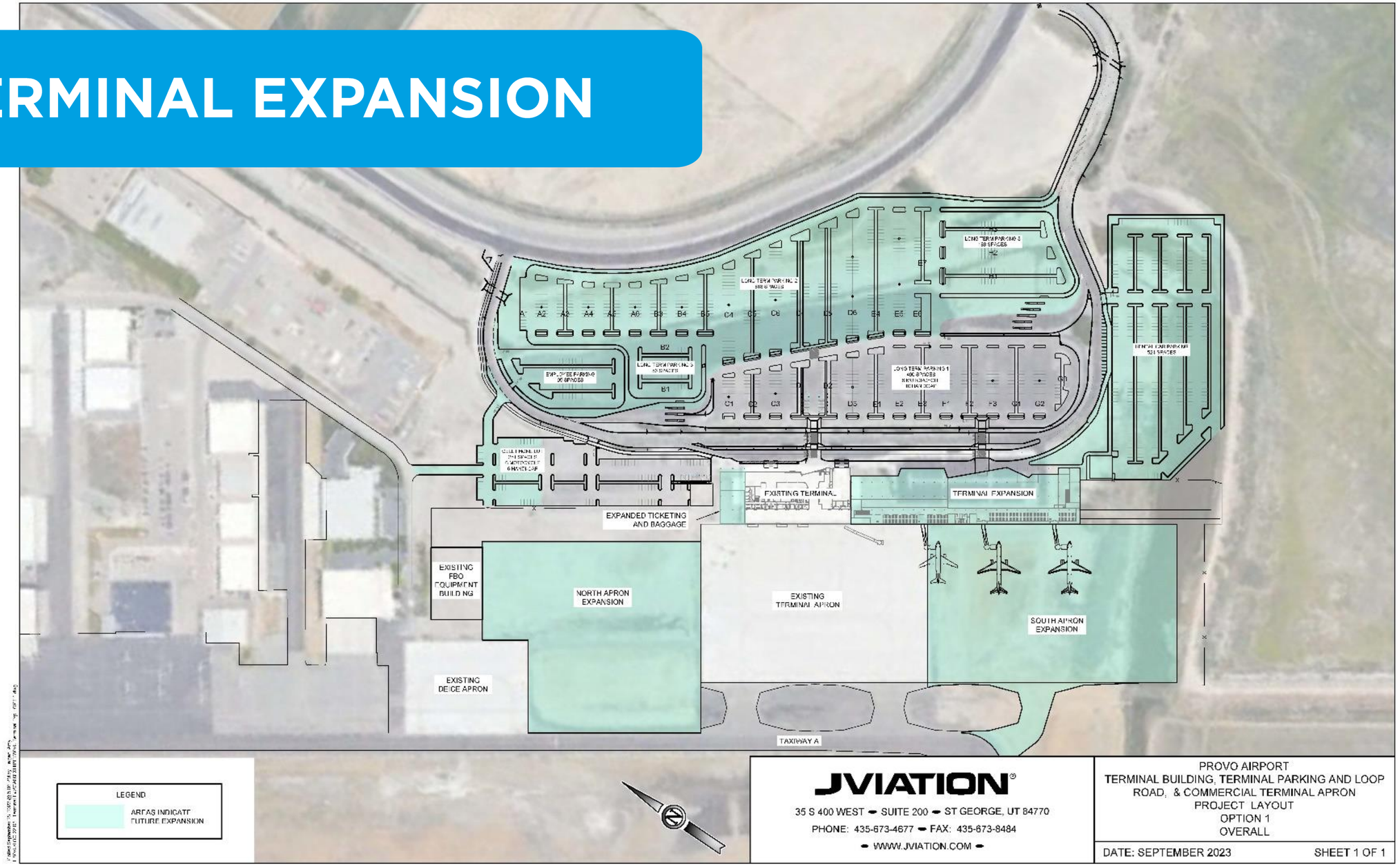
AIRPORT BUDGET – FY25



4

TERMINAL EXPANSION

TERMINAL EXPANSION



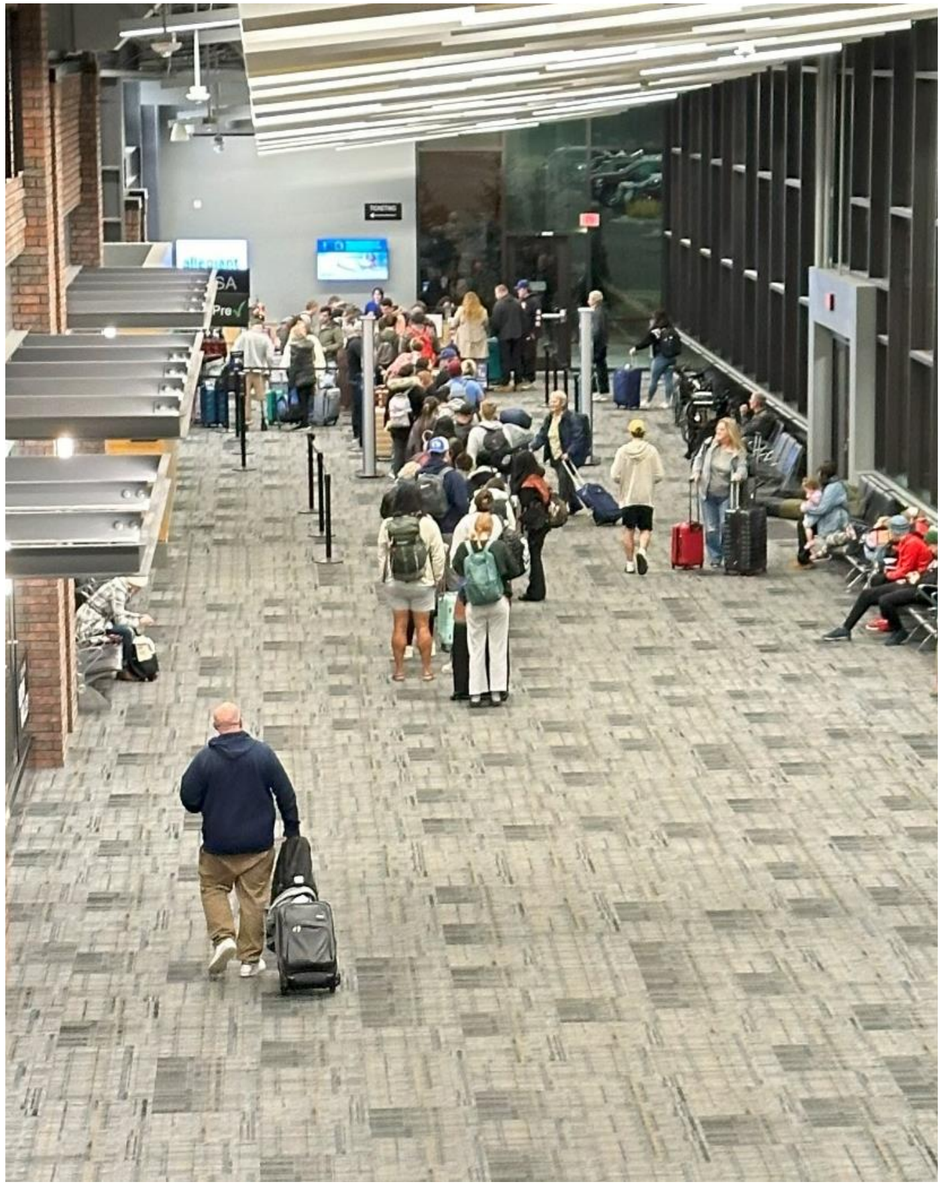
TERMINAL EXPANSION

- Apron surcharge work is currently underway and expected to be completed this month.
- Concrete paving expected to begin Spring of 2025.



TERMINAL EXPANSION

- Ticketing area and Outbound Baggage areas
- 3 additional gates, 2 with international arrival capability
- Area dedicated for U.S. Customs and Border Protection use.
- Expanded pick-up and drop-off areas
- Areas for covered bicycle parking



THANK YOU!

Water Fund

Operating Budget	FY24 Budget
Revenues	17,716,534
Transfers from other funds	583,820
Total Rev & Transfers In	**18,300,354**
Personnel	4,638,099
Operating	3,227,931
Chargebacks	2,000,105
Other	879,824
Total Expenses	*10,745,959*
Transfers to other funds	1,974,756
Total Exp & Transfers out	**12,720,715**

Goals, Priorities, and Needs: Our goal in every utility budget is financial sustainability to maintain the infrastructure and provide the service, in this case the delivery of high quality water to our Provo customers. One of our biggest current challenges is inflation. The increasing costs of providing water (especially construction costs) have diminished the buying power of the revenue we receive through the rates our customers pay for the service. Planning for the future requires balancing the financial impacts the rates have on customers with the need to operate, maintain, and appropriately replace components of the water system. This balance must take into account the tradeoffs of repair versus replacement and the impacts of conservation efforts on sustainable water management, among others.

FY25 Supplemental Requests:

Add one full-time Water Treatment Plant Supervisor

Add one full-time Water Sources Manager

Add two part-time positions for water meter installations

Add one full-time SCADA Integrations Specialist split between Water and Wastewater

Fee Change Proposals:

New Tiered Water Rate Implementation

Vac Truck and Operators Charge—$400/hour

Backflow non-compliance fee—$100/assembly

Fire Hydrant with Backflow Meter Rental—$20/day

Meter Tampering Fee—$100 1st offense, $250 2nd offense

Wastewater Fund

Operating Budget	FY24 Budget
Revenues	26,241,000
Transfers from other funds	0
Total Rev & Transfers In	**26,241,000**
Personnel	4,178,048
Operating	1,722,579
Chargebacks	966,747
Other	1,100,350
Total Expenses	*7,967,724*
Transfers to other funds	3,485,490
Total Exp & Transfers out	**11,453,214**

Goals, Priorities, and Needs: Our goal in every utility budget is financial sustainability to maintain the infrastructure and provide the service, in this case the collection and treatment of wastewater. One of our biggest current challenges is inflation. Increasing costs (especially construction costs) have diminished the buying power of the revenue we receive through the rates our customers pay. Planning for the future requires balancing the financial impacts the rates have on customers with the need to operate, maintain, and appropriately replace components of the wastewater system.

FY25 Supplemental Requests:

Convert one part-time Wastewater Collections maintenance worker to full-time

Add one full-time Reclamation Plant Lab Technician

Add one full-time SCADA Integrations Specialist split between Water and Wastewater

Increase chemical budget by $512,000 for costs associated with new treatment process

Increase electric charges budget by $450,000 due to new plant coming online

Increase contract services budget by $300,000 due to cost of land application changes required by church farm

Increase overtime ($35,000), software maintenance ($8,000), and equipment ($10,000) line item budgets

Fee Change Proposals:

3% utility rate increase

Food service establishment pretreatment non-compliance fine—$100 1st violation, $300 additional violations (per occurrence)

Rename Pretreatment compliance reinspection fine to Pretreatment non-compliance fine

Stormwater Fund

Operating Budget	FY24 Budget
Revenues	5,906,000
Transfers from other funds	0
Total Rev & Transfers In	**5,906,000**
Personnel	1,598,662
Operating	291,353
Chargebacks	746,496
Other	778,150
Total Expenses	*3,414,661*
Transfers to other funds	655,729
Total Exp & Transfers out	**4,070,390**

Goals, Priorities, and Needs: Our goal in every utility budget is financial sustainability to maintain the infrastructure and provide the service, in this case the collection and conveyance of stormwater. One of our biggest current challenges is inflation. Increasing costs (especially construction costs) have diminished the buying power of the revenue we receive through the rates our customers pay. Planning for the future requires balancing the financial impacts the rates have on customers with the need to operate, maintain, and appropriately replace components of the stormwater system.

FY25 Supplemental Requests:

Add one full-time Stormwater Operator

Fee Change Proposals:

3% utility rate increase

Sanitation Fund

Operating Budget	FY24 Budget
Revenues	5,906,000
Transfers from other funds	0
Total Rev & Transfers In	**5,906,000**
Personnel	1,598,662
Operating	291,353
Chargebacks	746,496
Other	778,150
Total Expenses	*3,414,661*
Transfers to other funds	655,729
Total Exp & Transfers out	**4,070,390**

Goals, Priorities, and Needs: Our goal in Sanitation is similar to other Public Works utilities; financial sustainability to fund personnel, maintain and purchase vehicles, and provide curbside collection of municipal waste, recycling, and green waste. Sanitation also manages neighborhood-oriented cleanup programs in the spring and fall of each year.

FY25 Supplemental Requests:

None

Fee Change Proposals:

3% rate increase on all curbside cans

Airport Fund

Operating Budget	FY24 Budget
Revenues	4,198,080
Transfers from other funds	21,778
Total Rev & Transfers In	4,219,858
Personnel	1,629,485
Operating	1,126,148
Chargebacks	1,314,502
Other	15,713,872*
Total Expenses	*19,784,007*
Transfers to other funds	0
Total Exp & Transfers out	19,784,007

Goals, Priorities, and Needs: Our goal at the Airport is to provide a convenient experience for those passing through the terminal, and a safe airfield for commercial and general aviation aircraft. One of our biggest current challenges is adapting to the needs of a new terminal and its growing demand.

*Includes one-time loan repayments covered by MAG funding

FY25 Supplemental Requests:

Add one full-time Airport Engineering Planning Manager

Increase merchant fee line item by $70,000 for increased credit card processing fees offset by additional parking revenue

Increase software maintenance by $66,000 for parking system, common use, and badging software

Increase contract services by $103,000 for employee screening and consultant assistance with FAA requirements

Increase maintenance ($25K), equipment ($23K), certification ($20K), and membership ($13K) line items for terminal and airfield upkeep and employee cross-training.

Fee Change Proposals:

3.5% CPI increase for Terminal Use Fee and Landing Fee

Ground lease fee increase from $0.55 to $0.65 per square foot per year

Electric Vehicle Charging Rate increase from $0.11 to $0.1209 per kWh to match Energy's fee

Office Space Lease increase from $20 to $24 per square foot per year

Security Violation Badge Reinstatement Fee—$50 1st offense, $100 2nd offense

Video Display Advertising—$150 per month

Conference Room Rental—$150 1-4 hour reservation

Filming Activity Location Charge—$100 per hour

Hangar Wait List-$1,000 deposit applied to first month's lease

Streets Operating Budget

Operating Budget	FY24 Budget
Personnel	1,787,714
Operating	421,272
Chargebacks	651,073
Other	0
Total Expenses	*2,860,059*
Transfers to other funds	0
Total Exp & Transfers out	2,860,059

Goals, Priorities, and Needs:

The Streets Maintenance Division is part of the Public Works Department of Provo City. This division is responsible for year-round street maintenance, which includes asphalt repairs, crack sealing, road rehabilitation preparation, road shoulder maintenance (grading), sidewalk replacement, weed abatement on streets right-of-way, street sweeping, and snow removal during winter months. Traffic safety functions are also performed by the Streets Division, including street painting (lane lines, crosswalks, stop bars, road symbols and parking stalls), sign fabrication and installation. This division also manages the City's gravel pit in the mouth of Provo Canyon.

FY25 Supplemental Requests:

Add one full-time Streets Maintenance Worker

Increase Streets Paint budget to cover inflationary costs

Fee Change Proposals:

N/A

Engineering Operating Budget

Operating Budget	FY24 Budget
Revenues	508,800
Transfers from other funds	0
Total Rev & Transfers In	508,800
Personnel	2,493,664
Operating	196,971
Chargebacks	616,543
Other	0
Total Expenses	*3,307,178*
Transfers to other funds	0
Total Exp & Transfers out	3,307,178

Goals, Priorities, and Needs:

The Engineering Division of the Public Works Department provides professional engineering support (design, survey, drafting, traffic engineering development review, records maintenance, utility permits and inspection and public information) to the City Administration, the Municipal Council, the Planning Commission, other City departments, and the public. The Engineering Division also provides administration, design, inspection, and construction management of Public Works capital improvement projects, professional transportation, engineering services, and traffic signal operations for the City.

FY25 Supplemental Requests:

Add one full-time Signal and Electrical Technician

Fee Change Proposals:

N/A

Vehicle Maintenance Fund

Operating Budget	FY24 Budget
Revenues	4,647,925
Transfers from other funds	0
Total Rev & Transfers In	4,647,925
Personnel	1,188,090
Operating	3,378,770
Chargebacks	82,273
Other	81,631
Total Expenses	*4,730,764*
Transfers to other funds	0
Total Exp & Transfers out	4,730,764

Goals, Priorities, and Needs:

The Vehicle Management Fund (Fleet) is responsible for the management and maintenance of the City fleet. The program maintains approximately 850 vehicles and pieces of equipment with the focus on preventive maintenance schedules to reduce downtime and provide safe vehicles and equipment to operate for all our departments. A collaborative effort with all City departments is made to provide transparency and information on program analysis, cost tracking, customer fulfillment, and maximum quality workmanship.

FY25 Supplemental Requests:

Replace current fleet maintenance and repair software

Fee Change Proposals:

N/A

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: RCARON
Department: Council
Requested Meeting Date: 04-16-2024

SUBJECT: A presentation regarding the FY2025 Budget: Water Resources (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: In preparation for the drafting and approval of the FY 2024-2025 budget, each department has been asked to present to the Council. In addition to identifying their priorities, needs, wants, and potential costs, presentations should address:
~ What were the most important accomplishments for your department from FY2024?
~ What needs are currently unfunded or underfunded in your department?
~ What were your supplemental requests in FY2024, and how did you compensate for those that were not funded?
~ Are there current budget constraints within your department that do not allow you to execute the city's long-term vision?
~ What are you asking for in your budget that will increase your department's ongoing operations and maintenance costs?
~ What are your current department performance measures as reported in each fiscal year budget?

The full budget that was approved for Provo City for FY 2023-2024 can be found here: https://www.provo.org/home/showpublisheddocument/22354/638284807636100000

FISCAL IMPACT: TBD

PRESENTER'S NAME: Gary Calder, Water Division Director

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: RCARON
Department: Council
Requested Meeting Date: 04-16-2024

SUBJECT: A presentation regarding the FY2025 Budget: Airport (24-007)

RECOMMENDATION: Presentation Only

BACKGROUND: In preparation for the drafting and approval of the FY 2024-2025 budget, each department has been asked to present to the Council. In addition to identifying their priorities, needs, wants, and potential costs, presentations should address:
~ What were the most important accomplishments for your department from FY2024?
~ What needs are currently unfunded or underfunded in your department?
~ What were your supplemental requests in FY2024, and how did you compensate for those that were not funded?
~ Are there current budget constraints within your department that do not allow you to execute the city's long-term vision?
~ What are you asking for in your budget that will increase your department's ongoing operations and maintenance costs?
~ What are your current department performance measures as reported in each fiscal year budget?

The full budget that was approved for Provo City for FY 2023-2024 can be found here: https://www.provo.org/home/showpublisheddocument/22354/638284807636100000

FISCAL IMPACT: TBD

PRESENTER'S NAME: Brian Torgersen, Airport Division Director

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-007

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 04-16-2024

SUBJECT: Presentation on the Provo River Bridge and Trail Project (24-041)

RECOMMENDATION: Informational only.

BACKGROUND: The Provo River Bridge and Trail project is to replace the existing 820 North bridge with a new structure and to tie into existing improvements surrounding the bridge. The bridge will be designed with the future in mind to accommodate both vehicle, bike, and pedestrian traffic. Traffic modeling has been completed to determine how these modes of transportation will be accommodated in the entire life span of the bridge structure.

FISCAL IMPACT:

PRESENTER'S NAME: Gordon Haight & Thomas McMurtry

REQUESTED DURATION OF PRESENTATION: 45 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: Provo Transportation Master Plan, MAG Transplan 50, Utah's Unified Transportation Plan

CITYVIEW OR ISSUE FILE NUMBER: 24-041

Provo River Bridge &
Trail on 820 North

Agenda

PROVO RIVER
BRIDGE & TRAIL

- Project Goals and Background
- Planning Context
  - Provo City
  - MAG TransPlan50
  - UDOT Environmental
- Potential Cross-sections
- Bridge Location Options
- Public Involvement
- Questions





Provo River Bridge & Trail:

Goals and Background

PROVO RIVER
BRIDGE & TRAIL



Goals of the project

- Improve safety
- Address structural deficiencies of bridge
- Upgrade trail to improved active transportation standards
- Right-size bridge for 75-year life cycle

Provo River Bridge on 820 North



Provo River Bridge on 820 North

- Constructed in 1960
- Bridge Deck 80’ Long and 40’ Wide (3,200 sf)
- Average Daily Traffic – 11,300 (Jan. 2024)
- Design Life 50-70 Years
- National Bridge Inventory Deficiencies
  - Transition standards
  - Approach Guardrail
  - Bridge Guardrail ends
  - Deck Geometry



Existing Issues – Provo River Trail

- Trail Width Under Bridge
- Vertical Clearance
- Trail Grade
- Connectivity to 800 North









Existing Issues – Provo River Bridge

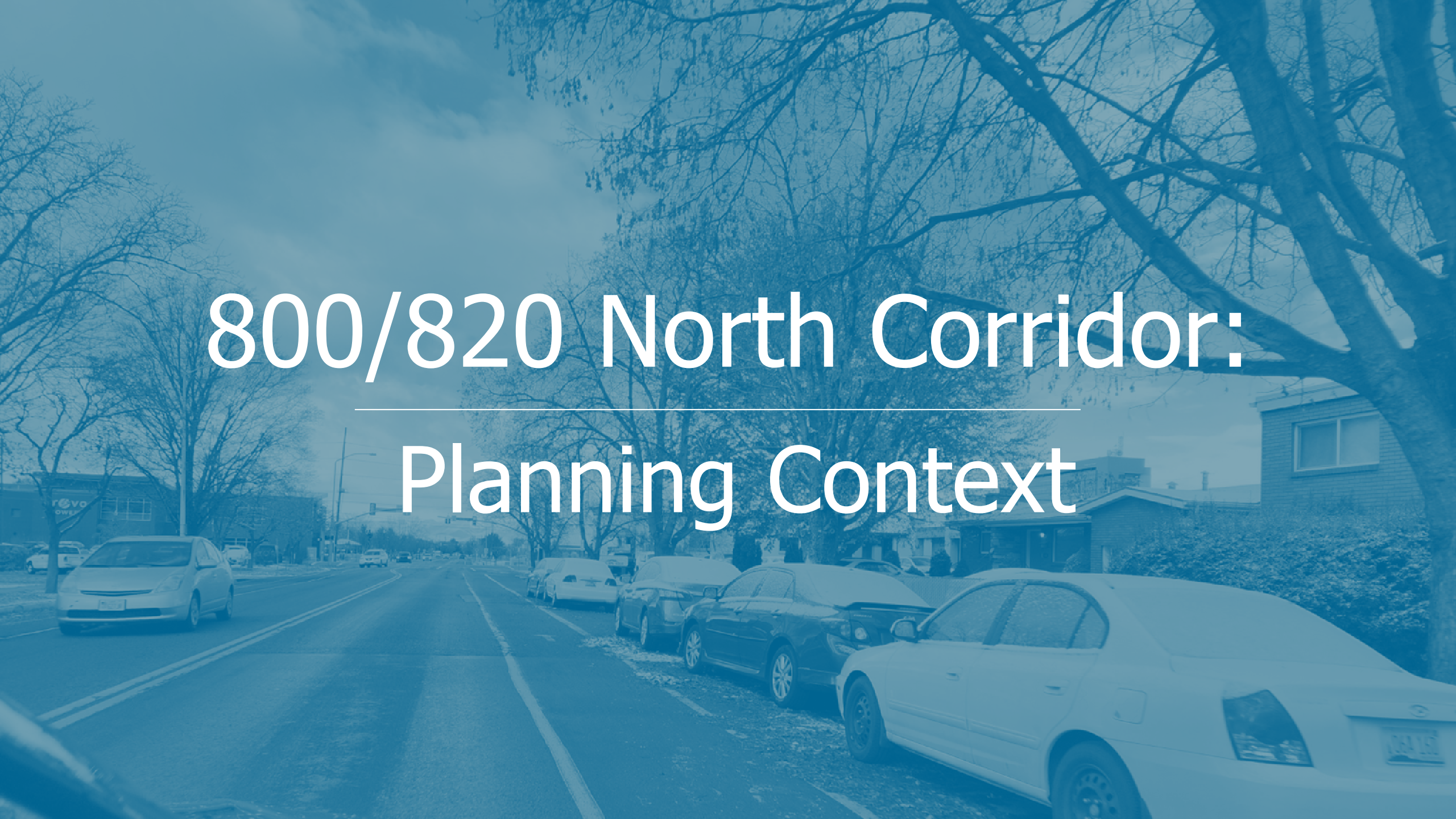
- Sidewalk Width
- Sidewalk Connectivity
- Bike Lane Width
- Parapet Height
- Weight Limit
- Sight Distance









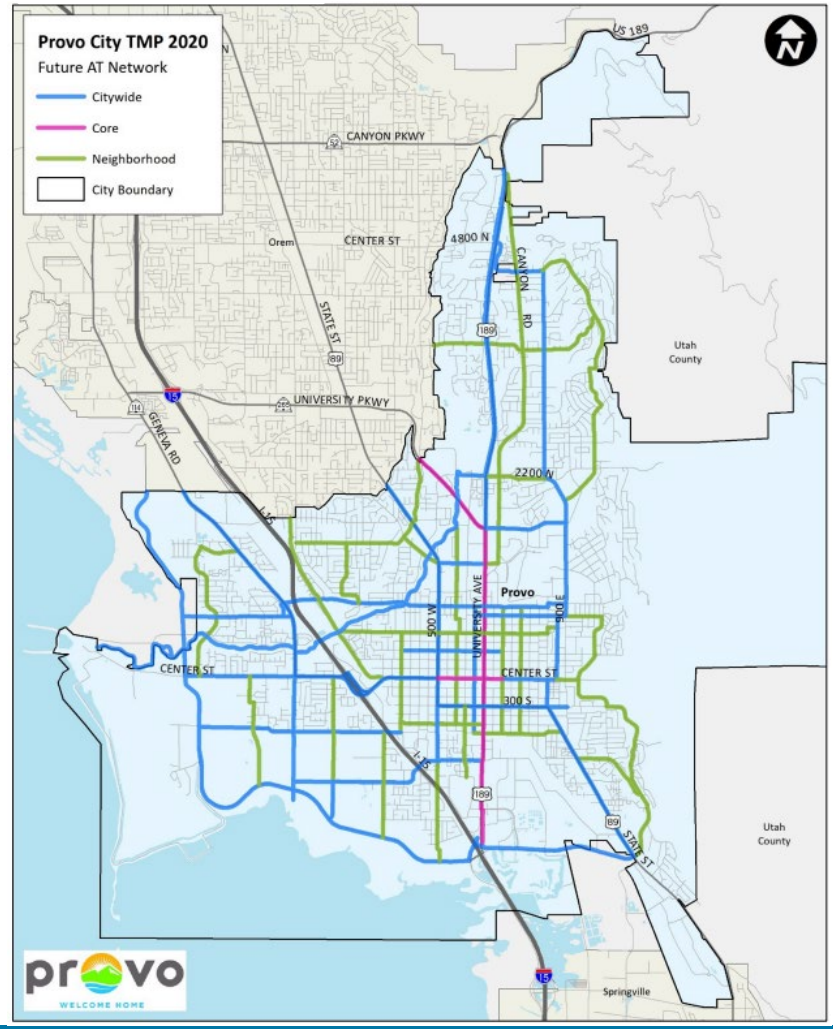


800/820 North Corridor:

Planning Context

Provo Transportation Master Plan – 820 North Active Transportation

- 820 North is a vital active transportation connector
- Multi-use trail on southside of 820 North from Geneva Road to 500 West



Provo Transportation Master Plan – Provo River Trail

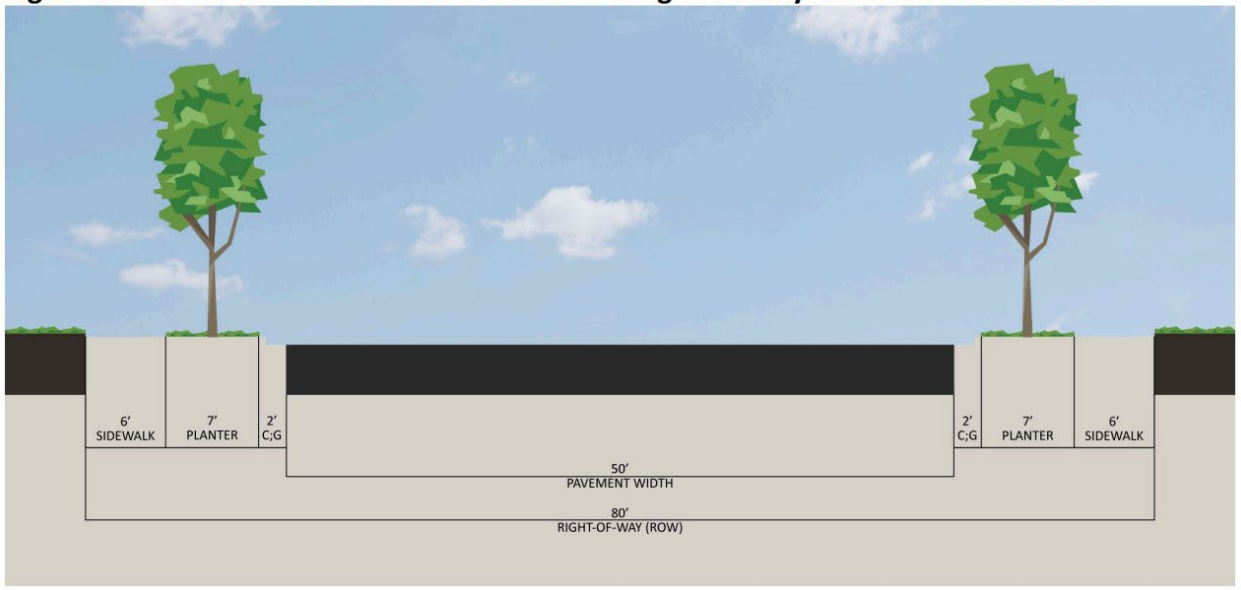
- Provo River Trail is a facility all people use and enjoy
- Varies from 8’-16’ wide
- 8’ under 820 North Bridge

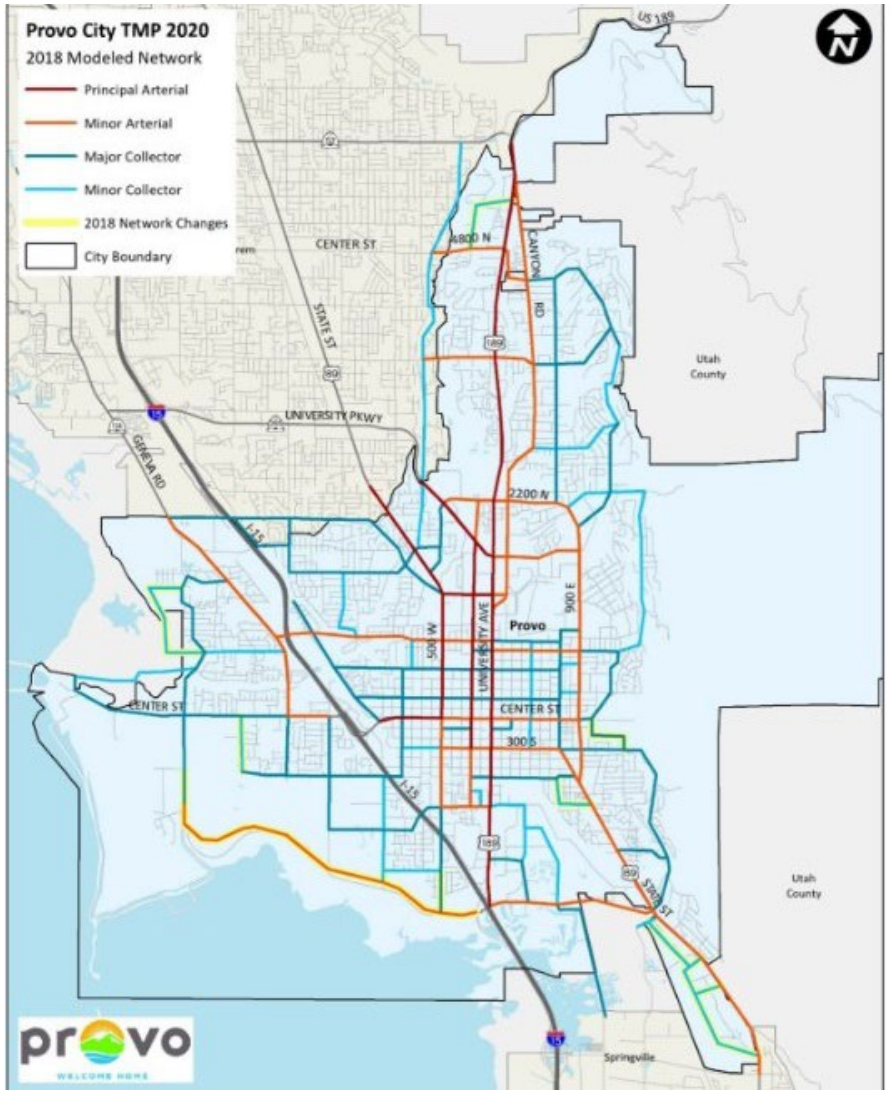


Provo Transportation Master Plan – 820 North Roadway

- Listed on Provo's Plan since 1977
- Minor Arterial – 80' ROW
- 6' Sidewalks
- 50' Pavement

Figure 4.6: Minor Arterial Cross-Section 80 Feet Right-of-Way and 50 Feet Pavement





Provo Transportation Master Plan – Capital Facilities Plan

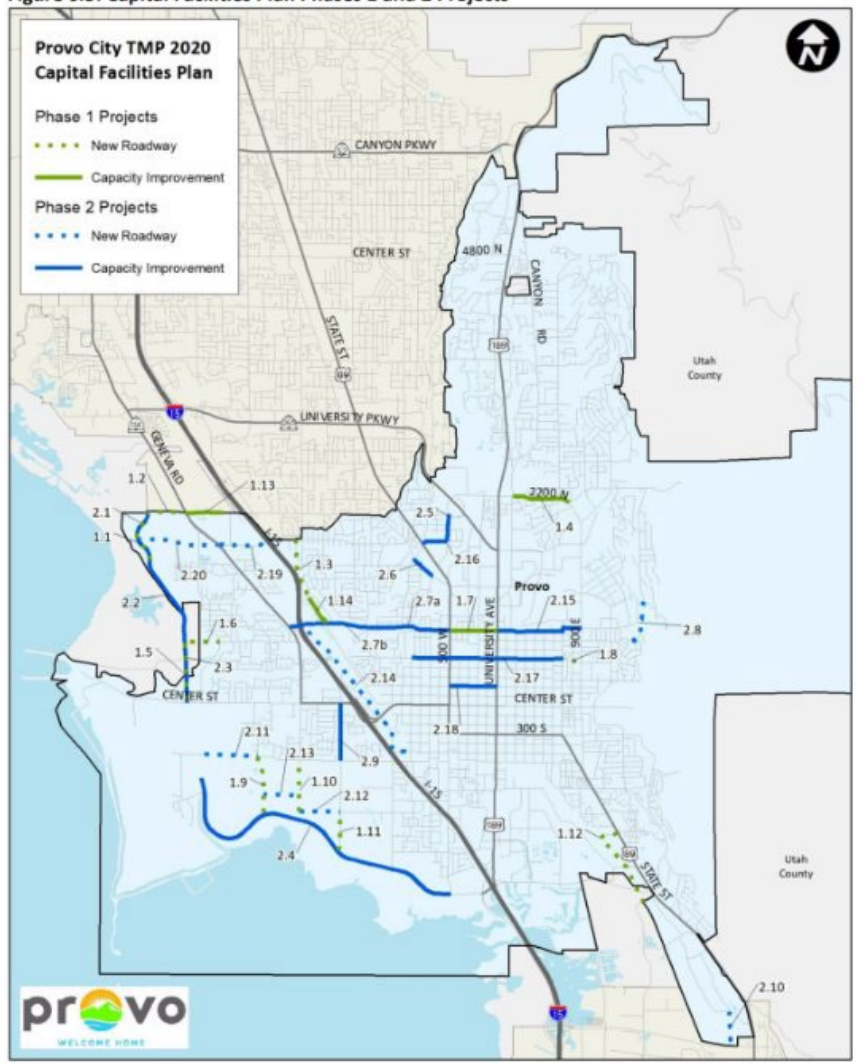
Table 6.1: Capital Facilities Plan Phase 1 Projects (2018-2024)

No.	Street Name	From	To	Notes	Estimated Cost
1.7	820 North	500 West	University Avenue	Widen to 5-lane arterial	$4,877,470

Table 6.2: Capital Facilities Plan Phase 2 Projects (2025-2040)[1]

No.	Street Name	From	To	Notes	Estimated Cost
2.7a	820 North	950 West	800 West	Replace bridge and interim approaches	$12,700,000
2.7b	820 North	Geneva Road	500 West	Capacity, safety, and active transportation improvements	To be determined by future studies[2]

Figure 6.3: Capital Facilities Plan Phases 1 and 2 Projects

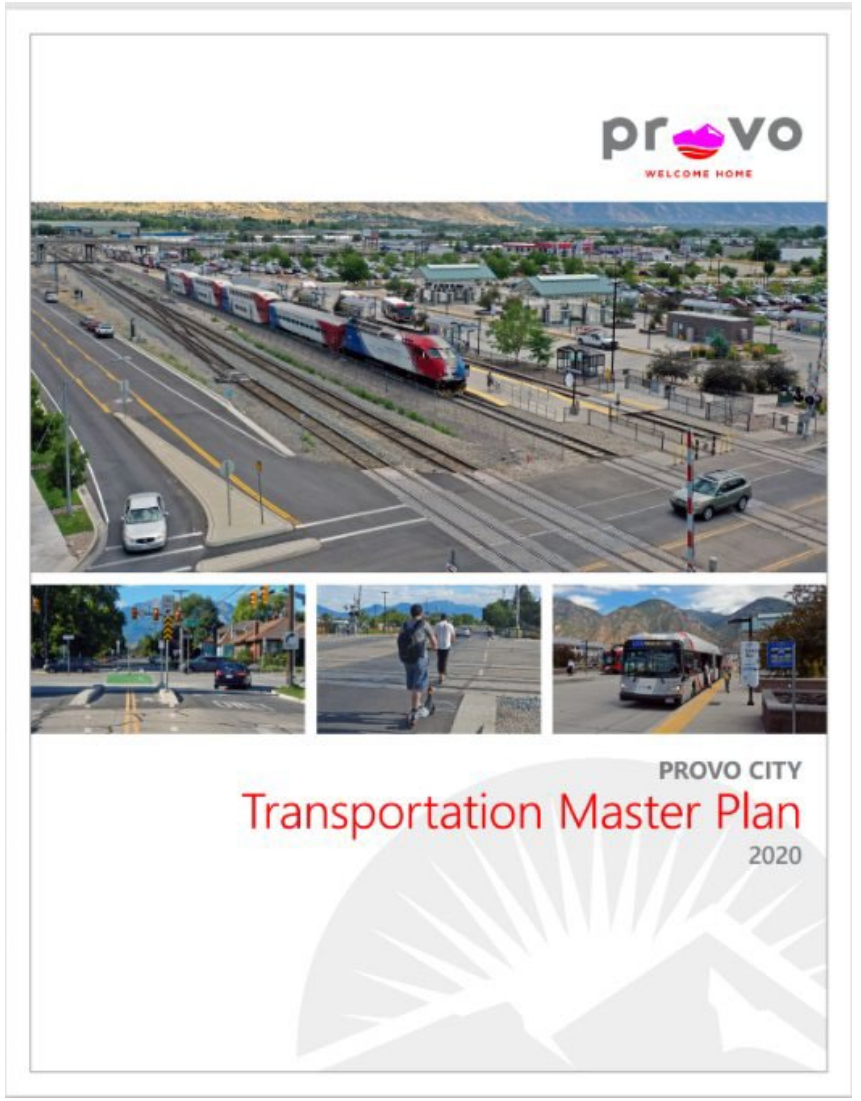


Livable Street Policy

Existing traffic volume on 820 North Bridge is 11,300 vehicles per day.

Table 1.1: Summary of Daily Livable Street Standards Average Annual Daily Traffic

Street Classification	Number of Lanes	Area Type		
		Limited Conflicts	Moderate Conflicts	Many Conflicts
Local[1, 3]	2	1,800	1,400	n/a
Collector	3	16,800[1]	13,500[2]	10,100[2]
Collector[2]	4	30,900	22,700	20,000
Minor Arterial[2]	3	19,100	16,000	13,500
Major Arterial[2]	5	41,000	35,000	33,000
Major Arterial[2]	7	57,000	50,000	46,500



Mountainland Association of Governments (MAG) TransPlan 2050

- 820 North Bridge:
  - Widen bridge over the Provo River
  - Upgrade Grade-Separated AT Crossing
  - Need Now – Funding 2025
- 820 North Corridor:
  - Widen to 5 Lanes
  - Buffered Bike Lanes
  - Need 2023-2032 – Funding 2033-2042
- I-15/820 North Interchange
  - New interchange
  - Grade-Separated AT Crossing
  - Need 2023-2032 – Funding 2033-2042



UDOT Environmental Analysis

- New Interchange will require an environmental document
- Not currently fully funded
- I-15 Interchange Study Area: from University Parkway to Center Street

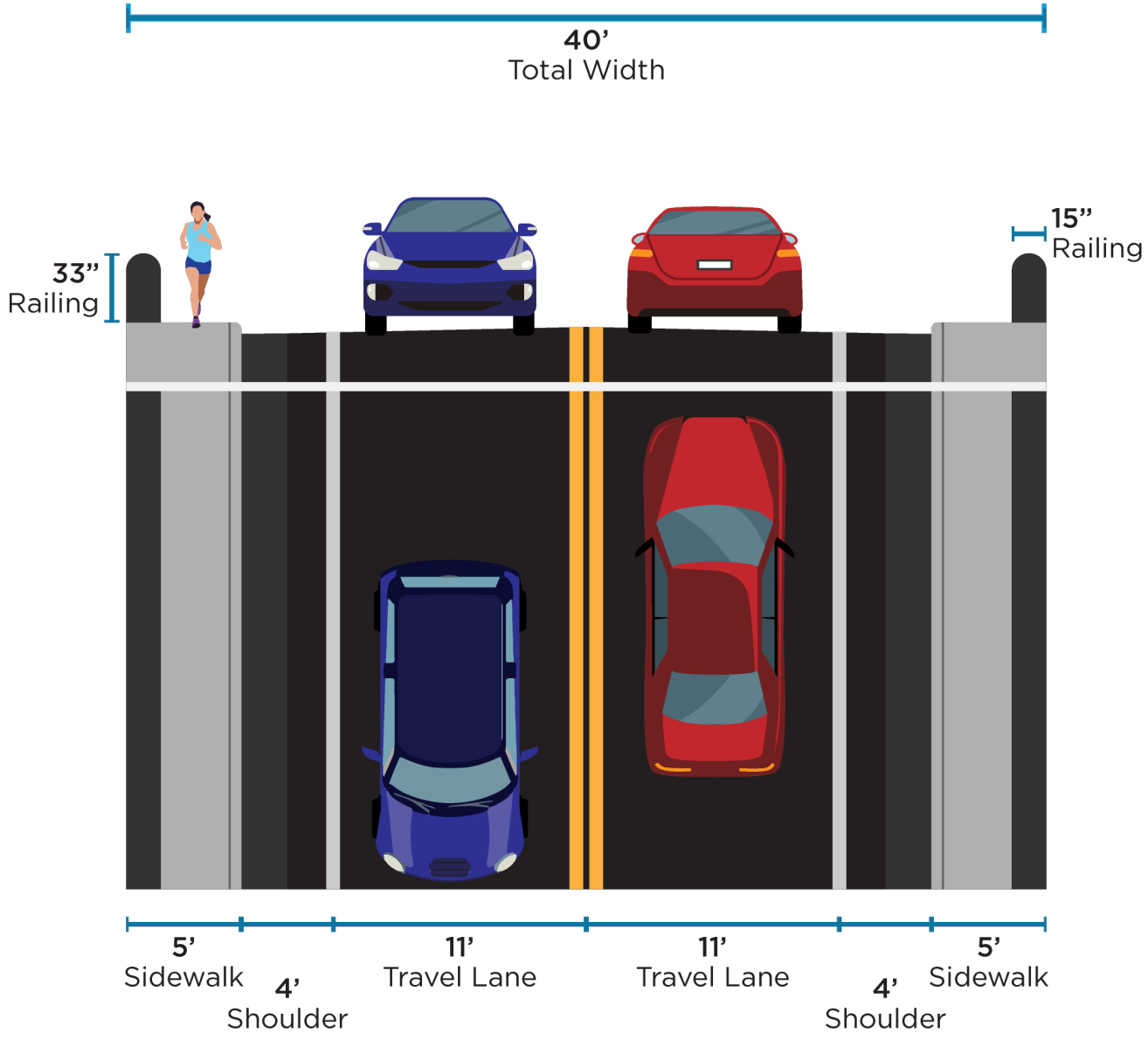




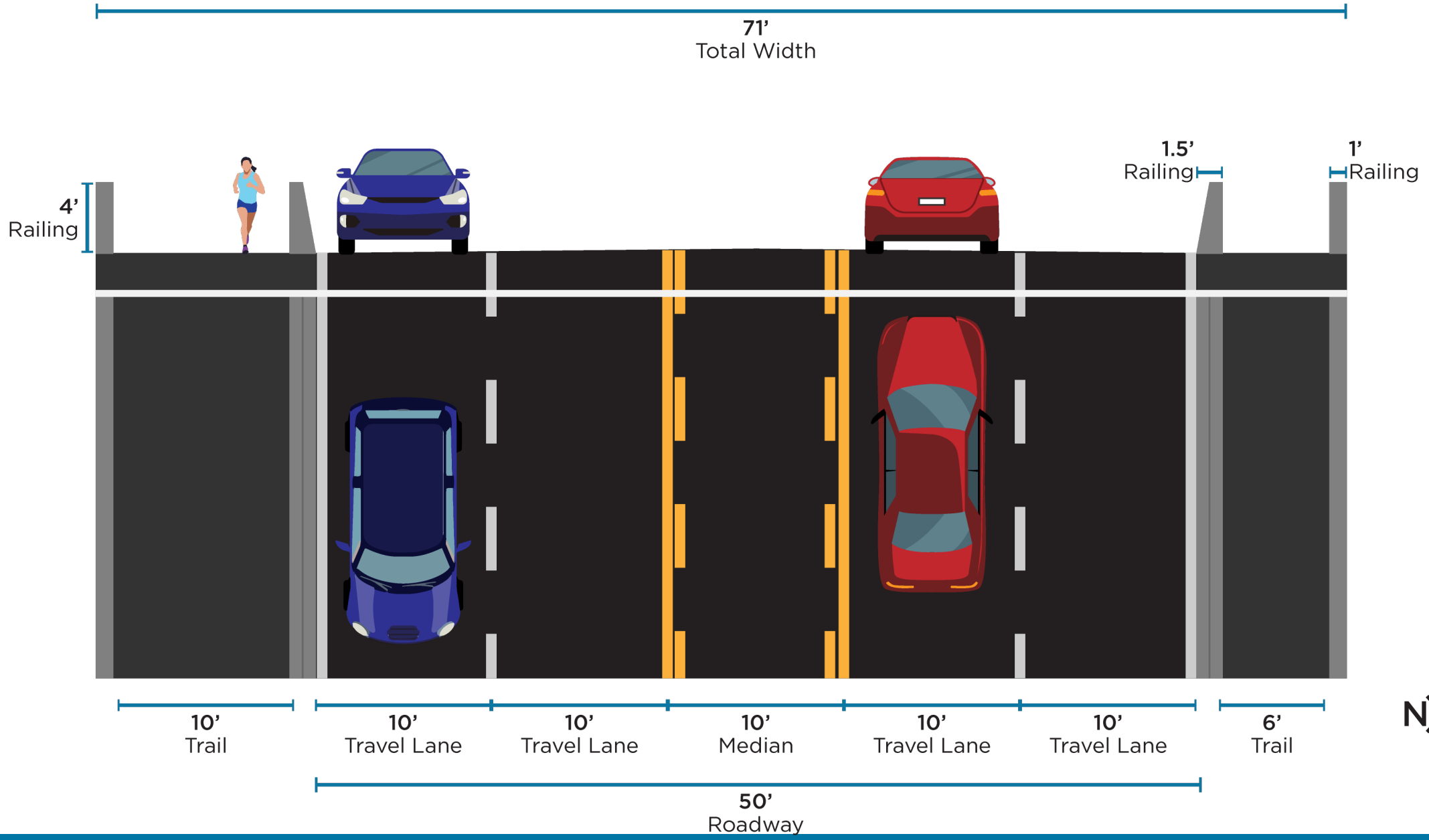
Provo River Bridge & Trail:

Potential Cross-sections

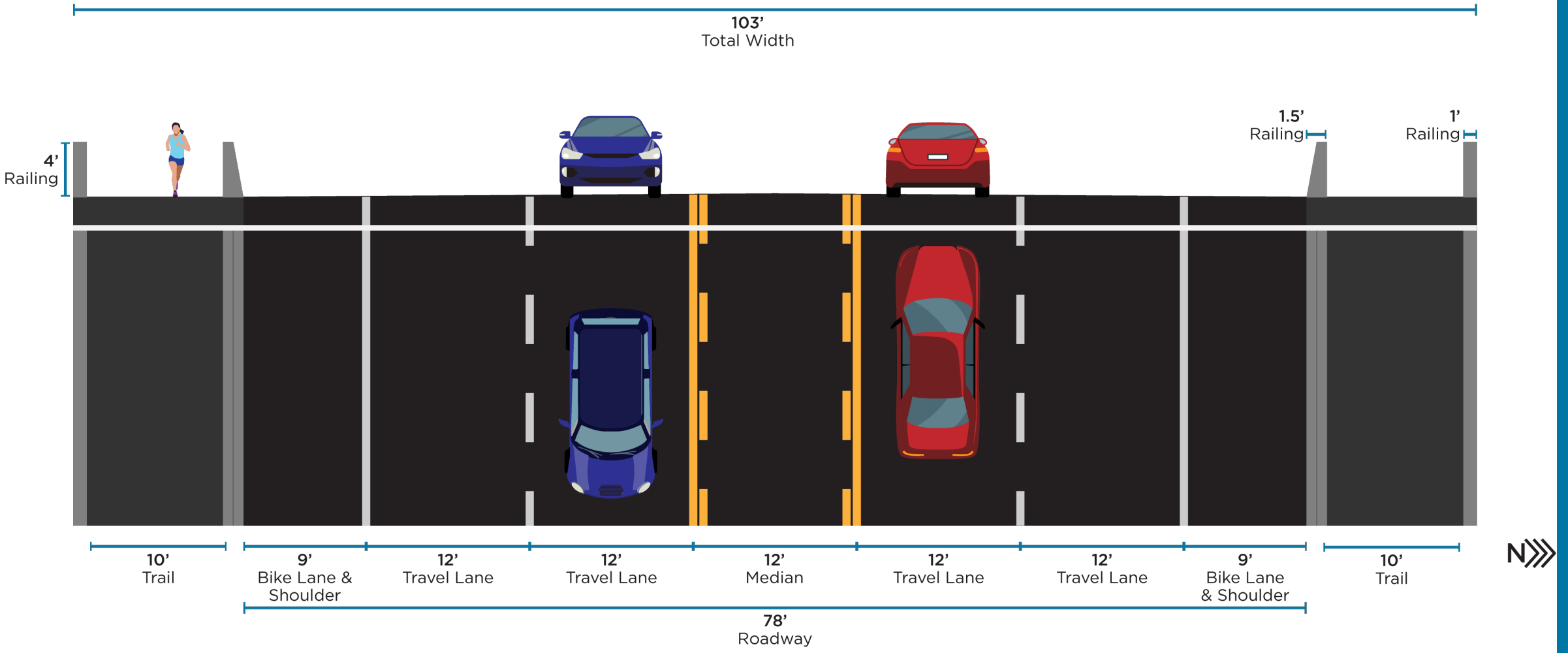
EXISTING BRIDGE



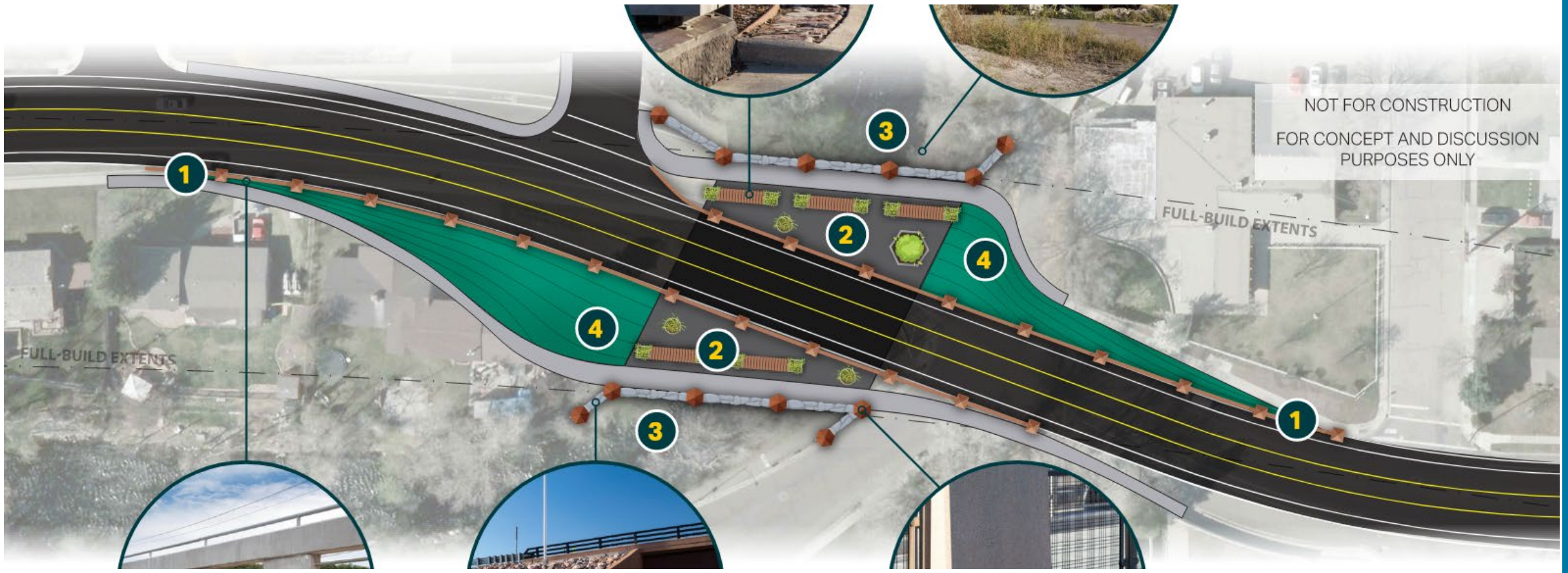
5 LANE MINOR ARTERIAL



5 LANE ARTERIAL



The Bridge could be Transitional





Provo River Bridge & Trail:

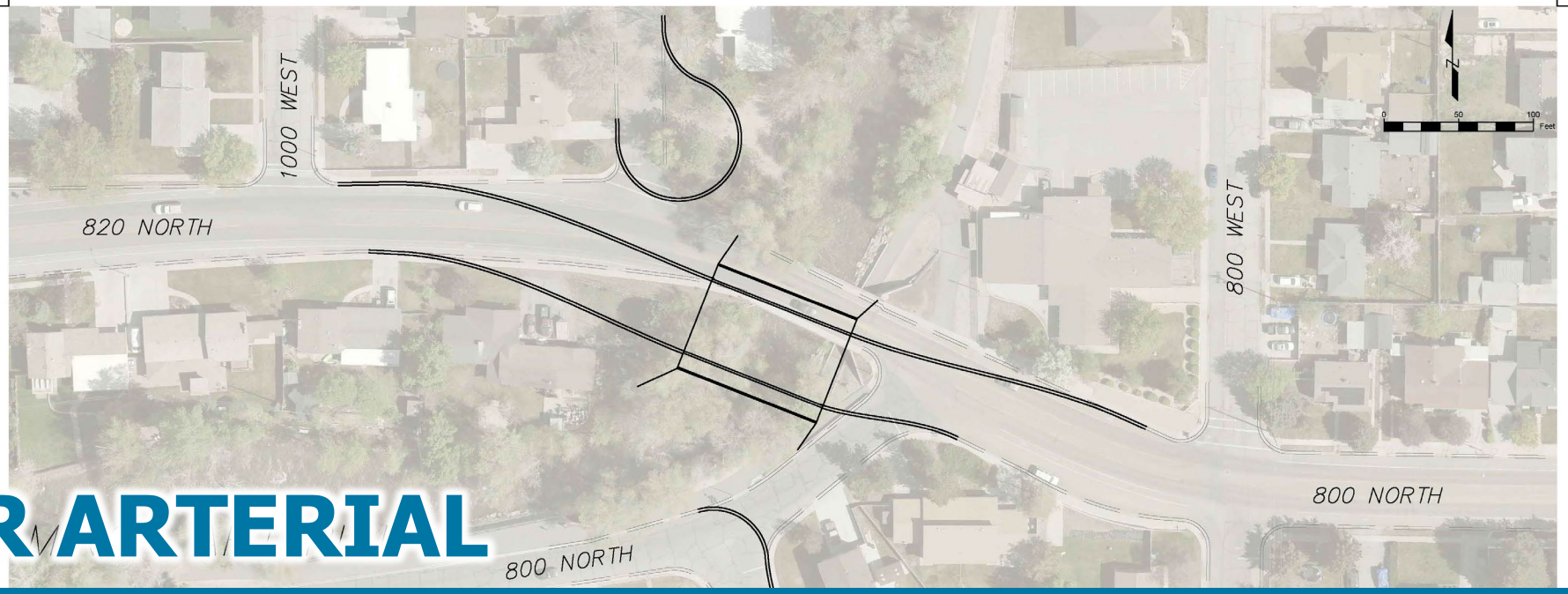
Bridge Location Options

Bridge Location Goal

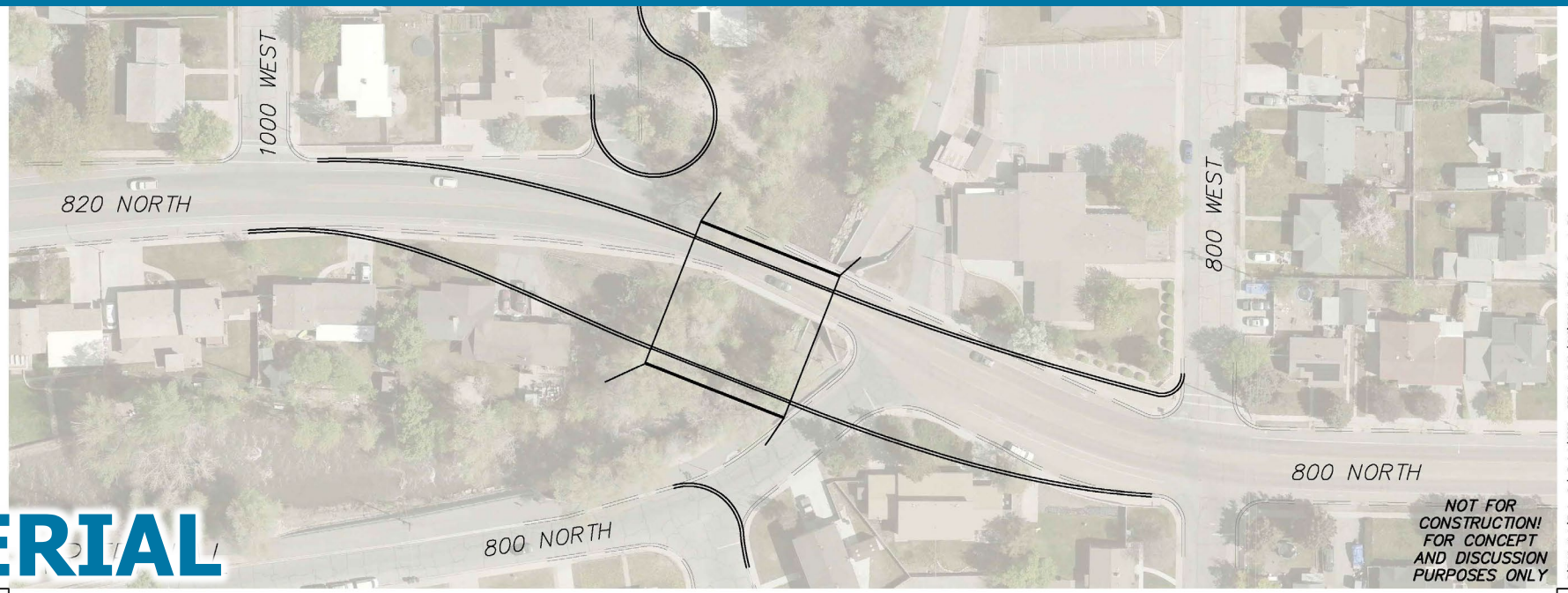
- Locate the bridge in a manner that it allows for all options to be considered for possible future road widening – north, middle, and south
- This will allow for UDOT's environmental analysis to consider all options from Provo's Center Street to University Parkway in Orem including 820 North



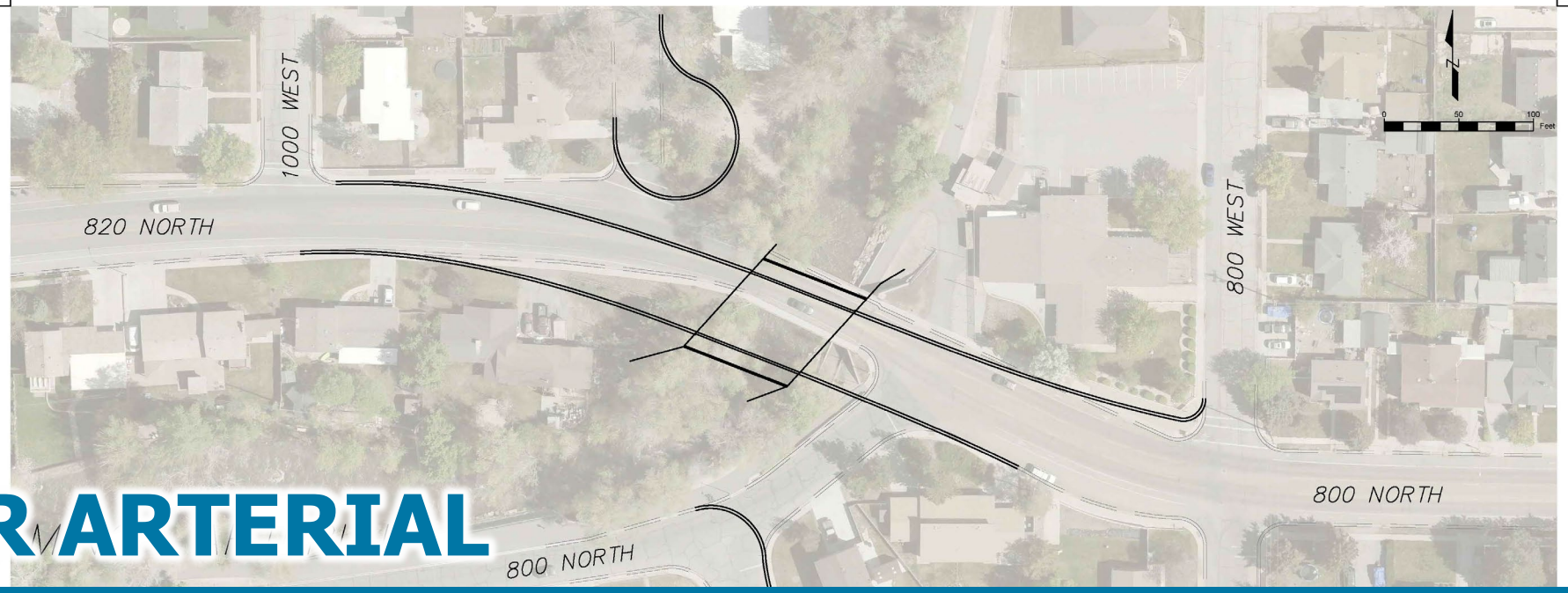
MINOR ARTERIAL



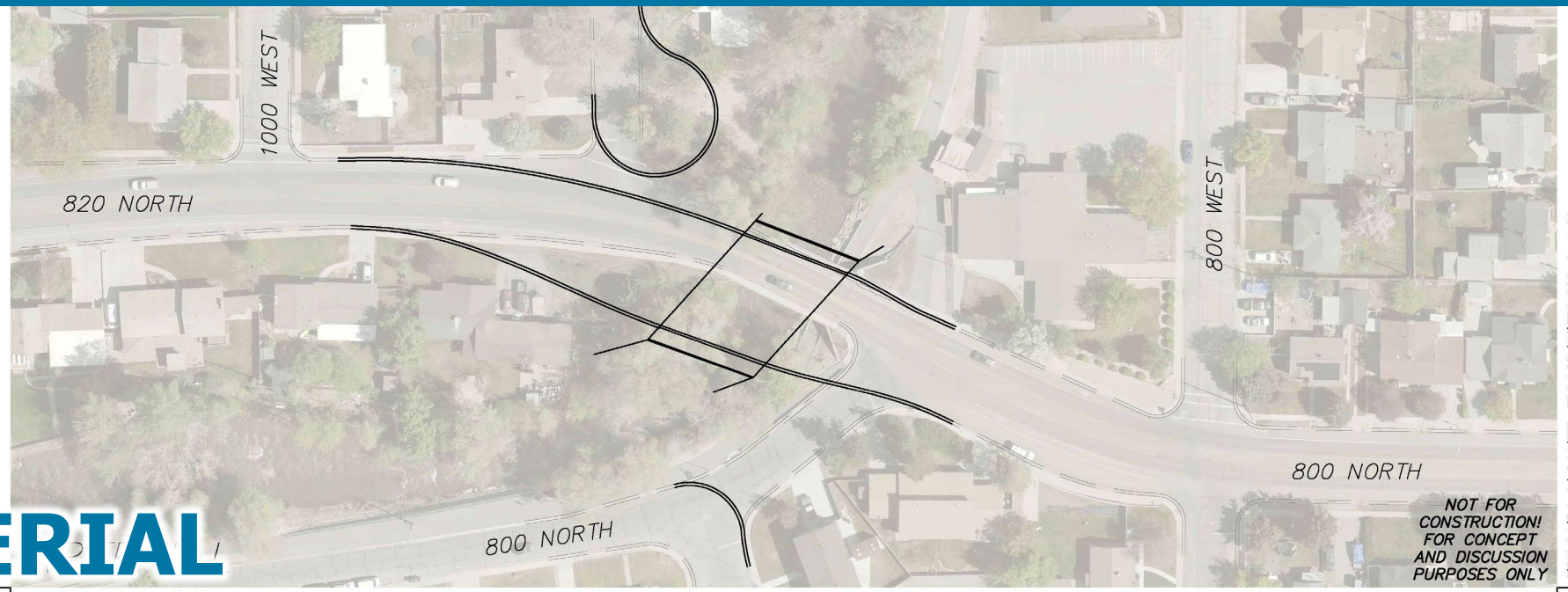
ARTERIAL



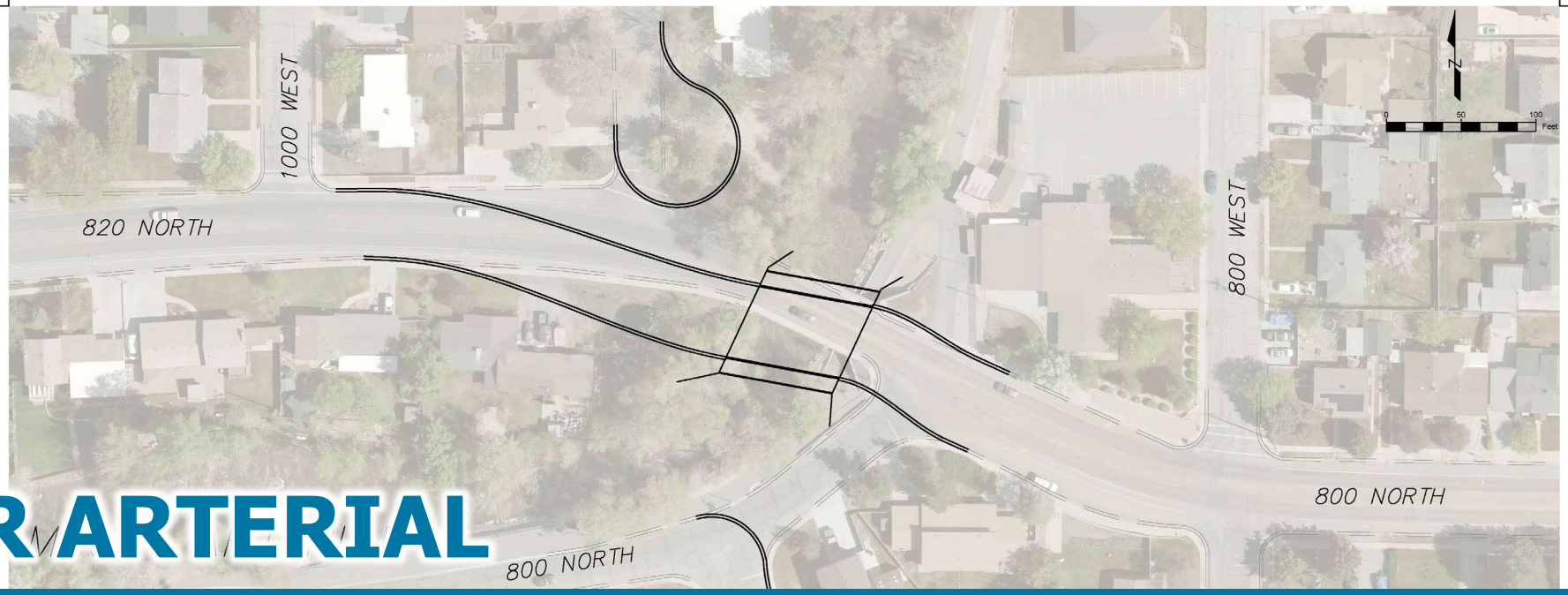
MINOR ARTERIAL



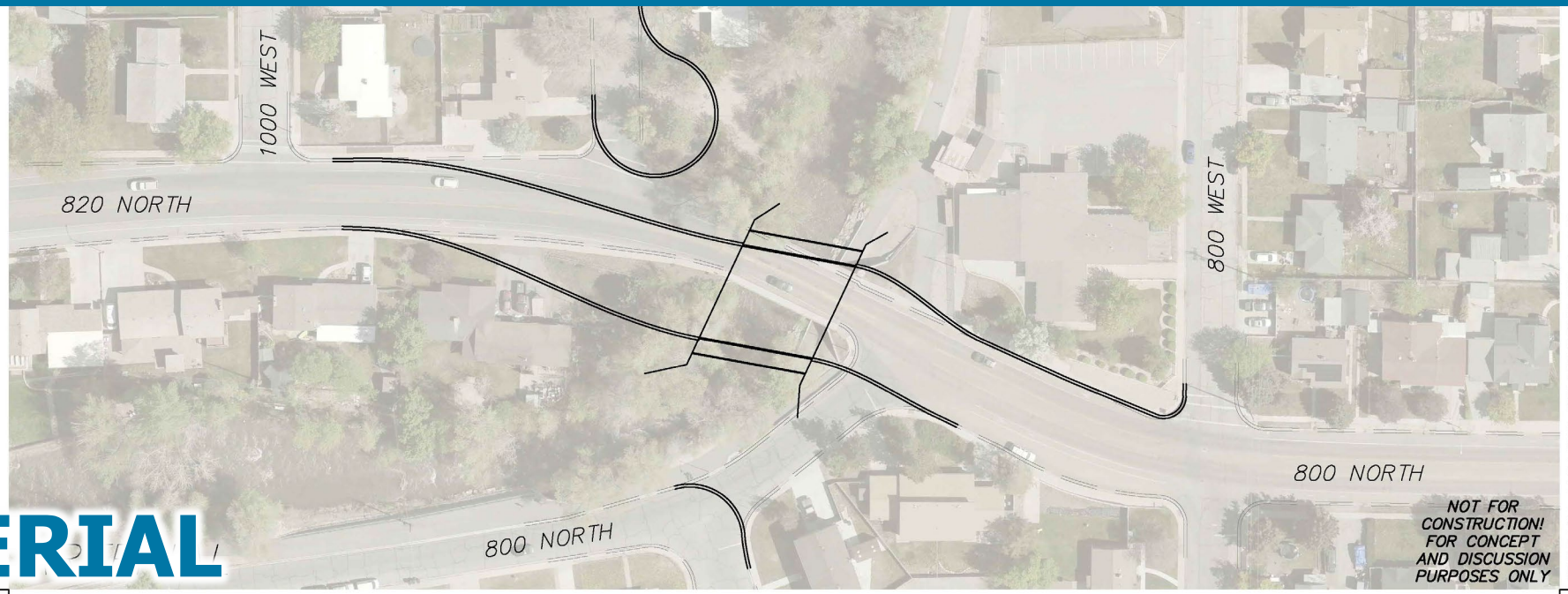
ARTERIAL



MINOR ARTERIAL



ARTERIAL





Provo River Bridge & Trail:

Public Involvement

PI Strategy: Listen, Proactive, Transparent

1. Inform Stakeholders
   - TMAC, Planning Commission, and community groups such as BYU, Intermountain Health, Downtown Provo, Inc., BikeWalk Provo, etc.
2. Neighborhood Outreach
   - Meet with Neighborhood Districts, attend pop-up events, and public open house
3. Citywide Information
   - Provide project website, email, and hotline. Broad distribution of information in newsletters, social media, and utility bills.





Questions