



PROVO MUNICIPAL COUNCIL

Work Meeting

4:00 PM, Tuesday, August 19, 2025

Provo Peaks Conference Room (Room 110)

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

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

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

To listen to the meeting by phone: August 19 Work Meeting: Dial 346-248-7799. Enter Meeting ID 873 5155 1479 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

April 8, 2025 Council Meeting

August 5, 2025 Work Meeting

Business

- 1 A discussion regarding data center policy and zoning considerations. (25-082)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.gov or using their contact information listed at: provo.gov/434/City-Council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at [youtube.com/ProvoCityCouncil](https://www.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, September 9, 2025. 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 kmartins@provo.gov at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

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

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PENDING APPROVAL - DRAFT MINUTES

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



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, April 08, 2025

Council Chambers (Room 100)

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

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

1

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin

Councilor Craig Christensen

Councilor Gary Garrett

Councilor George Handley

Councilor Katrice MacKay

Councilor Rachel Whipple

Council Executive Director Justin Harrison

City Attorney Brian Jones

City Recorder Heidi Allman

Conducting: Chair Gary Garrett

Excused: Councilor Travis Hoban

2

Prayer – Mark Seastrand

3

Pledge of Allegiance – Councilor Whipple

4

Presentations, Proclamations, and Awards

5

1 A recognition of local non-profit organizations regarding donations to the 2024 Giving Machines (25-007) [0:07:39](#)

6

7 Kim Money, representing the Provo Communication Directors for The Church of Jesus Christ of Latter-day Saints, addressed the Council and expressed gratitude for the opportunity to present. She explained
8 that their work extends beyond government relations to include partnerships with nonprofits and
9 business leaders. She noted that Provo has 44 stakes, underscoring the large and active service presence
10 in the community. She shared that a recent Seder event, planned for 400 attendees, had unexpectedly
11 drawn 1,400 participants, including Reverend Danny and Rabbi Joe, and described it as a meaningful
12 experience. Ms. Money thanked the Council and highlighted the importance of continued collaboration
13 with local charities, expressing appreciation for the community's support in their service efforts.
14

15

16 Bruce Money spoke to the Council about the *Light the World* Giving Machine initiative by The Church of
17 Jesus Christ of Latter-day Saints. He shared how the program has helped thousands of individuals and
18 families receive food, clothing, education, and other essentials, promoting self-reliance and service. He
19 highlighted a story of a local family using the machines to teach their children the joy of giving. Since its
20 launch in 2017, the initiative has grown globally, with machines placed in 107 cities across 13 countries
21 and five continents in 2024. Over 450 nonprofits participated, and nearly \$500 million has been donated
22 to date. Mr. Money noted that the Church covers all operational costs, ensuring 100% of donations go to

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23 recipients. He praised the University Place Mall and the Woodbury family for their continued support in
24 hosting one of the most successful Giving Machine locations.

25
26 Kim Money shared key highlights from the 2024 Utah County Giving Machine initiative. She noted that
27 nine charities participated, six of which were based in Provo. The machines processed 16,600
28 transactions and welcomed approximately 70,000 visitors. In total, 45,845 items were purchased,
29 resulting in 386,161 donated meals. Sixty-five percent of donations remained local, while 35% supported
30 global efforts. Despite economic challenges such as inflation and recession, donation totals matched the
31 previous year, underscoring the community’s commitment to service. Ms. Money emphasized that Utah
32 Valley’s Giving Machine is one of the top two in the world, and she celebrated the impact this has had—
33 particularly through local charities like Meals on Wheels, which support the elderly and vulnerable
34 populations. She concluded by recognizing and thanking the local organizations that make this initiative
35 possible.

36
37 Chair Garrett expressed appreciation for the valuable contributions of local nonprofits, noting that their
38 efforts greatly enrich the community. He acknowledged that the group present represented only a small
39 portion of the individuals and organizations doing meaningful work in Provo. He thanked them for
40 attending and stated they were well deserving of the recognition they received.

41

2 **A presentation regarding the recommendations of the Elected Officials Compensation Commission (25-010) [0:20:36](#)**

42

43 Juan Riboldi, representing the Elected Officials Compensation Commission, presented the commission’s
44 salary recommendations for the mayor and city council members, as outlined in Provo City Ordinance
45 4.04.125. He explained that the commission convenes every four years, coinciding with the mayoral
46 election cycle, to evaluate and propose compensation adjustments. Following deliberation, the
47 commission unanimously recommended setting the mayor’s annual salary at \$160,959. This
48 recommendation is based on data showing that the current salary is approximately 6.4% below that of
49 mayors in comparable Utah cities. Factoring in anticipated cost-of-living adjustments of 2% to 2.5% in
50 those cities, the proposed figure would bring Provo in line with the median. Mr. Riboldi also noted
51 Provo’s additional responsibilities, such as managing a municipal airport and power plant, which add
52 complexity to the mayor’s role. For city council members, the commission recommended an annual
53 salary of \$28,846. This figure considers retirement benefits offered in similar cities—valued at roughly
54 15.19% of salary—as well as expected cost-of-living adjustments and allowances for travel and
55 communication. The commission also recommended maintaining the current annual stipend of \$3,300
56 for travel and communication expenses.

57

58 Chair Garrett thanked the commission for their service.

59

Public Comment [0:27:02](#)

60

61 Chair Garrett read the public comment preamble and opened the public comment period.

62

63 John Hale, of Provo, addressed the Council to share his motivations for establishing a sober living home
64 in the city. He referenced motivational speaker Zig Ziglar’s advice about acting without waiting for ideal

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65 conditions and explained that this inspired him to move forward with purchasing a property suitable for
66 sober living. Mr. Hale outlined the criteria he considered in selecting the home, including proper zoning,
67 sufficient bedrooms to foster a supportive group environment, access to public transportation,
68 proximity to 12-step meetings, and closeness to a church. He noted that studies show individuals who
69 regularly attend church have higher sobriety rates. As a real estate investor, he typically looks for below-
70 market opportunities, but in this case, he purchased a home listed on the MLS at full price because it
71 was located directly next to a church that hosts 12-step meetings. He acknowledged that it might not
72 have been a sound financial investment but emphasized that his intent was to support recovering
73 addicts in the community—not to profit. He closed by quoting President Thomas S. Monson, stating that
74 progress is made through action, not just intention.

75
76 Chair Garrett closed the public comment period.

77 Action Agenda

78 **3 A resolution appropriating \$383,532 in the General Fund for Fire Department needs (25-044) [0:31:33](#)**

79 **Motion:** An implied motion to approve Resolution 2025-15, as currently constituted, has been made by council rule.

80
81 Jeremy Headman, Fire Chief, presented a request for a \$383,000 budget appropriation to support
82 essential equipment and training needs within the Fire Department. He explained that \$110,000 would
83 be used to send 10 EMTs to paramedic school, helping the department move closer to its goal of having
84 two paramedics on each ambulance as often as possible. An additional \$65,000 was requested to
85 purchase a second set of personal protective equipment, or turnout gear, for recently hired personnel.
86 He noted that once turnout gear is used in a structure fire, it becomes contaminated with cancer-
87 causing chemicals and must be cleaned, making backup gear critical for safety and readiness. Chief
88 Headman also requested \$29,700 to replace non-functional and outdated automatic external
89 defibrillators (AEDs), many of which are currently out of service or expected to fail soon. Finally, he
90 requested \$178,000 for new automated CPR devices, as the current models will stop functioning in July
91 due to battery expiration. Rather than investing in batteries for outdated equipment, the department
92 plans to upgrade to newer and more reliable devices. He emphasized that all of these items are
93 necessary to maintain the department's emergency response capabilities and ensure the safety of both
94 personnel and the public.

95
96 Chair Garrett opened public comment.

97
98 Peter Johnson, of Provo, spoke in support of the proposed budget. He shared that he comes from a first
99 responder family, noting that his father served as a volunteer firefighter in Delta. He expressed his
100 desire to see the budget approved in recognition of the important work first responders do.

101
102 Elise Campbell, of Provo, voiced her support for the budget resolution benefiting the Fire Department.
103 She stated that she believes the proposed funding will help save lives.

104

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105 Chair Garrett closed public comment and invited a council discussion.

106

107 Councilor Whipple commented that the Council had discussed the Fire Department's request during a
108 recent work meeting. She noted that the department's initial request was lower, but after identifying
109 additional equipment needs, the Council agreed it was important to act quickly. She emphasized that
110 departments can sometimes hesitate to ask for all that they need, but in this case, the items and training
111 requested were critical. She expressed appreciation to Chief Headman for presenting the request and
112 stated she was glad the Council had the opportunity to fulfill it now.

113

114 Chair Garrett called for a vote.

115

Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, Handley,
MacKay, and Whipple in favor.

116

4 **A resolution approving a transfer of \$1 million from the General Fund to the insurance and claims fund (25-043) [0:37:00](#)**

117

Motion: An implied motion to approve Resolution 2025-16, as currently constituted, has been made by council rule.

118

119 John Borget, Director of Administrative Services, presented. He explained that the city had experienced
120 several large insurance claims over the past year, which significantly impacted the insurance claims
121 fund. As a result, the administration recommended transferring \$1 million from the general fund to the
122 insurance claims fund to help stabilize it. He noted that one of the primary purposes of maintaining a
123 healthy fund balance is to be prepared for unforeseen events, and he expressed support for using the
124 fund balance for this purpose.

125

126 Chair Garrett opened public comment. With none, and no council discussion, he called for a vote.

127

Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, Handley,
MacKay, and Whipple in favor.

128

5 **A resolution authorizing the Mayor to approve an interlocal agreement with Utah County to conduct a vote-by-mail election for the 2025 Municipal Primary and General Elections. (25-050) [0:38:48](#)**

129

Motion: An implied motion to approve Resolution 2025-16, as currently constituted, has been made by council rule.

130

131 Heidi Allman, City Recorder, presented. She explained that the interlocal agreement with Utah County
132 to administer the upcoming election is a routine arrangement that occurs each election year. She noted
133 that many experienced city recorders have found it highly beneficial to contract with the county, as it
134 reduces costs by eliminating the need for the city to purchase election equipment or hire poll workers.
135 Ms. Allman stated that the agreement is straightforward, with the final page outlining a cost estimate

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136 and a cap on what the city would pay. She also referenced Exhibit A, which details the responsibilities of
137 both the county and the city. She concluded by offering to answer any questions from the Council.

138

139 Chair Garrett opened public comment. With none, and no council discussion, he called for a vote.

140

Vote: The motion passed 6:0 with Councilors Bogdin, Christensen, Garrett, Handley,
MacKay, and Whipple in favor.

141

6 An ordinance approving a public infrastructure district. (25-016) [0:41:33](#)

142

Motion: An implied motion to approve Ordinance 2025-21, as currently constituted, has been
made by council rule.

143

144 Betsy Fowler Russon, Attorney with White Bear Ankele Tanaka & Waldron, presented. Betsy Fowler
145 Russon addressed the Council to request approval of the governing document and the creation of the
146 Slate Canyon Public Infrastructure District (PID). She noted that the Council had previously discussed the
147 proposal in two work meetings and suggested that a full presentation was unnecessary. Ms. Russon
148 shared her personal connection with Provo, having lived in the city for seven years and attended both
149 undergraduate and law school at BYU. She currently resides in Lehi but expressed gratitude for the
150 opportunity to support this initiative in Provo. She explained that a PID is a separate governmental
151 entity designed to serve as a structured financing tool. She likened it to creating a “sandbox” within a
152 defined area, allowing the district to use financing mechanisms to fund necessary infrastructure. Ms.
153 Russon acknowledged the Council’s prior questions and noted that written responses had been provided
154 and included in the meeting packet. She also introduced her colleagues present at the meeting,
155 including Connie Gonzalez, the underwriter and investment banking team from D.A. Davidson, and
156 representatives from Lennar Homes, the builder and developer involved in the project.

157

158 Councilor Bogdin addressed concerns she had heard from the public regarding the proposed Public
159 Infrastructure District (PID). She noted there appeared to be confusion about who would be financially
160 responsible for the PID and asked for clarification to be provided for the record. Specifically, she
161 requested that it be clearly explained who would be part of the PID and emphasized the importance of
162 making it known that residents outside of the district would not be responsible for repaying its
163 obligations.

164

165 Ms. Russon responded to Councilor Bogdin’s question by clarifying that the Public Infrastructure District
166 (PID) is a separate governmental entity established through the approval of a governing document by
167 the City Council. Once created, the PID exists solely within defined boundaries, specifically the area
168 between Nevada Avenue and Slate Canyon Drive. She explained that the PID can levy taxes or
169 assessments, but only on properties located within its boundaries. These funds are used to repay bonds
170 issued to finance public infrastructure improvements. Importantly, only property owners within the PID
171 are financially responsible for these assessments. Residents outside the district are not affected. At the
172 time of creation, 100 percent of the property within the proposed district is owned by Lennar Homes,
173 and all five members of the initial PID board are representatives of Lennar. As the area is developed and
174 populated, residents within the PID will have the opportunity to serve on the board, gradually
175 transitioning governance to local homeowners. Ms. Russon emphasized that the PID is a tool to bring in

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176 private funding for upfront infrastructure costs and is limited in duration to no more than 30 years or
177 until the bonds are repaid.

178
179 Councilor Bogdin emphasized that the key point for the public to understand is that 100 percent of the
180 property owners within the proposed PID must consent to its creation. She clarified that if someone did
181 not sign an agreement as a property owner, the PID would not affect them or their taxes. She also noted
182 that the PID does not impact the city's financial standing, credit rating, or ability to secure loans, as it
183 functions as an independent and separate entity.

184
185 Chair Garrett opened item for public comment.

186
187 Kimberly Galaxy, of Provo, expressed concern and confusion regarding the Public Infrastructure District
188 and the Buckley Draw development. She asked for clarification on who qualifies as a property owner in
189 this context, questioning whether it refers to individual homeowners or to the developers from whom
190 the properties were purchased. She noted that explanations so far had felt overly technical and not
191 easily understandable to the general public. Ms. Galaxy voiced strong opposition to the Buckley Draw
192 project, describing it as potentially harmful to the area, particularly in relation to existing parking
193 challenges. She felt that current infrastructure issues were already placing a burden on residents and
194 that the proposed development would only worsen the situation. She also expressed frustration over
195 what she perceived as inadequate communication and a lack of transparency. She cautioned that
196 approving the PID could set a concerning precedent, paving the way for additional developments under
197 increasing pressure from state lawmakers. Ms. Galaxy urged the Council to consider the perspective of
198 current residents and to act with empathy, asking them to vote against the Buckley Draw project.

199
200 Elise Campbell, of Provo, asked whether public access to the Bonneville Shoreline Trail would be
201 maintained through the area affected by the proposed development. She shared that she frequently
202 uses that access point and expressed concern after noticing fencing being installed around the site. She
203 asked for clarification on whether the trail would remain open to the public.

204
205 Chair Garrett closed public comment and invited a council discussion.

206
207 Councilor Christensen reiterated that the Public Infrastructure District applies only to the new homes
208 within the proposed development and does not affect residents living outside of that area, including
209 those across the street. He emphasized that the PID's taxes and assessments are limited exclusively to
210 the new properties being built. He also acknowledged the concern raised about access to the Bonneville
211 Shoreline Trail, indicating that it is part of the discussion.

212
213 Councilor Bogdin clarified that access to the Bonneville Shoreline Trail is included in the development
214 agreement associated with the project. She explained that the Public Infrastructure District (PID) is
215 intended to fund public infrastructure, such as the trail, trailhead, restrooms, and other amenities
216 outlined in the agreement. She noted that while the developer is financially stable, they are requesting
217 the PID to allow public infrastructure to be built earlier in the development process rather than waiting
218 until the end. This approach would ensure amenities are in place as the community is established.
219 Councilor Bogdin also explained that while homes in the development would still be sold at affordable

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220 rates, the repayment of the PID would be added to the property tax bills of those homeowners over a
221 30-year period.

222
223 Councilor Whipple noted that this would be the first time the city has used a Public Infrastructure
224 District for a residential development of this nature. She commented that while the development
225 agreement includes many appealing features, cities often worry that developers may delay building
226 public amenities such as trails and open spaces until the very end of construction. This could result in
227 completed homes without the supporting infrastructure in place. She expressed that the PID could help
228 accelerate the construction of these public elements by giving the developer more financing options
229 early in the process. Councilor Whipple also raised a specific question regarding the trailhead, restroom,
230 and other public features. She asked whether the developer would fund and construct these amenities
231 before transferring them to the city for ongoing maintenance, or whether the city would be responsible
232 for building them directly. She emphasized the importance of clarifying who is responsible for these
233 widely used amenities, as they would serve the entire community, not just the new development.

234
235 Justin Harrison, Executive Director of Council, clarified that Lennar and its representatives did not
236 include the trailhead amenities in the PID funding calculations. He confirmed that, according to the
237 development agreement, the city is responsible for constructing the trailhead, bathrooms, and public
238 parking lot associated with those amenities.

239
240 Ms. Russon referred to a map showing the location labeled “public hiking trails,” explaining that this is
241 the area where the public restroom and trailhead parking were planned. She confirmed that while the
242 PID funding includes improvements such as paving and trail connections to existing paths, the amenities
243 like the restroom and parking lot will be the responsibility of the city, as previously explained by Justin
244 Harrison.

245
246 BJ Ryan, of Lennar Homes, responded to concerns about trail access by assuring the public that the
247 streets within the new development will be public, allowing continued access to the planned parking
248 area and restroom that will serve as the new trailhead. He noted that on the north side of the property,
249 which is city-owned, there are existing trails and walkways, including one that resembles a jeep trail.
250 While that particular path may no longer be accessible, he confirmed that trail access will remain
251 available during construction. He explained that the development team will take steps to ensure safety
252 by creating clear boundaries between active construction zones and accessible areas. He also stated that
253 completing the roads and turning the trailhead area over to the city will be a priority. Mr. Ryan
254 expressed a willingness to coordinate with the city, whether that involves the city constructing the
255 amenities directly or the developer doing so with reimbursement.

256
257 Chair Garrett addressed a concern he had previously raised about how future residents of the new
258 development would be informed about the impact of the Public Infrastructure District on their property
259 taxes. He stated that, after speaking with financial representatives, he was assured that buyers would be
260 informed at four separate points in the process, including prior to closing, about the tax implications
261 associated with the PID over the duration of the obligation.

262
263 Councilor Bogdin asked whether the public infrastructure funded by the PID would include stormwater
264 management for debris flow coming from Buckley Draw into Bicentennial Park.

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Mr. Ryan confirmed that it would, explaining that the PID would fund public improvements such as streets, grading, water, and sewer systems. While the debris flow channel is considered a benefit to the community, it is currently private since the property has not yet been turned over to the city. However, it functions as part of the larger system that manages debris and rock fall from the hillside.

Councilor Bogdin summarized that the PID would cover road grading and installation of public utilities, but not the trailhead, parking lot, or restroom facilities.

Mr. Ryan clarified that while the PID would not fund the construction of the restroom or trailhead structures themselves, it would cover grading and utility connections, including water and sewer service to the restroom. He added that the parking lot was included in their design and that they were coordinating with the city’s Parks and Recreation Department on the restroom location and connections to the Bonneville Shoreline Trail. Additionally, the developer is working with the city to improve access to a nearby water tank. Mr. Ryan noted that the PID would also support other infrastructure, such as runoff and sewer facilities, and emphasized that since these are public improvements funded with public dollars, all decisions must be transparent and subject to oversight by auditors and accountants. He clarified that while amenities like pickleball courts and a community garden are part of the development, the pickleball courts would be private, maintained by the homeowners association, and not funded through the PID.

Chair Garrett called for a vote.

Vote: The motion passed 5:1 with Councilors Christensen, Garrett, Handley, MacKay, and Whipple in favor. Councilor Bogdin opposed.

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289

An ordinance amending the Zone Map Classification of real property generally located at 3410 W Center Street, from the A1.10 Zone to the AI Zone. Fort Utah Neighborhood.
PLRZ20240374 [1:07:21](#)

Motion: An implied motion to approve Ordinance 2025-22, as currently constituted, has been made by council rule.

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Aaron Ardmore, Planning Supervisor, presented. He provided an overview of the request and the rationale behind staff’s recommendation for approval. He explained that the area in question, highlighted in red on the map, is located adjacent to Lakeview Parkway and Center Street. While 25 acres to the west have already been zoned Airport Industrial, the remaining 13 acres are currently zoned Agricultural. However, the city’s general plan designates the area for airport-related use, aligning with the proposed zoning. Mr. Ardmore emphasized that the concept plan is tied to the rezone through a development agreement, which includes additional commitments not typically required under the zoning designation. One key offering is a public trail that would wrap around the entire 38-acre property. This trail would include a public access easement, providing new access to the south side of the river, which is currently unavailable to the public. The plan also includes designated amenity areas where people can enjoy the open space along the river corridor. He noted that while two-thirds of the site is already zoned for Airport Industrial, the proposal completes the entitlement process for the entire

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303 project. This would allow the developer to proceed with site-specific plans that meet zoning and
304 development standards. He also addressed concerns raised about existing trees near the river, stating
305 that some must be removed for safety reasons, but that the project would include the planting of at
306 least 570 new trees, based on the zoning requirement of 15 trees per acre. Additionally, the proposed
307 trail would connect to existing and planned trails along Lakeshore Drive, including a tunnel under the
308 Lakeview Parkway bridge, resulting in continuous public trail access on both sides of the river. Mr.
309 Ardmore concluded by affirming that the proposal is consistent with the general plan and provides clear
310 benefits to both the city and the public, and staff therefore recommends approval.

311
312 Chair Garrett invited the developer to add to presentation.

313
314 Eric Yergensen, of Lehi, shared that he had previously met with the Planning Commission about the
315 proposed development, expressing appreciation for their unanimous approval. He stated that the
316 development had been carefully designed to align with the Provo City General Plan, the Airport
317 Industrial Zone regulations, environmental standards, and FEMA guidelines. Mr. Yergensen described
318 the plan to construct three buildings on the 38-acre site, which he noted would bring significant
319 employment opportunities to Provo. He emphasized the project's focus on aesthetics and compliance
320 with all relevant ordinances. In response to the requirement to plant 570 trees, he explained that he had
321 consulted both the Provo City arborist and a private arborist to evaluate the existing trees on the
322 property. Both arborists recommended the removal of most trees located on the southern portion of
323 the riverbank embankment for safety and health reasons. However, Mr. Yergensen clarified that any
324 trees located north of the berm or trail, down the slope to the river, would remain undisturbed.

325
326 Councilor Whipple sought clarification on the location of the tree removals. She summarized that the
327 project site includes a slope leading up to an embankment, followed by another slope down to the river.
328 She confirmed her understanding that trees on the development side of the embankment are
329 recommended for removal, while trees on the river side of the embankment—those closest to the
330 water—would remain in place as long as they are healthy. She concluded by confirming that not all trees
331 between the development and the river would be removed.

332
333 Mr. Yergensen elaborated on the tree removal plans and the condition of the area surrounding the
334 project site. He clarified that the embankment lies between the development and what he referred to as
335 the old Provo River. He explained that from the north side trail, one can see many trees that have
336 already fallen into the riverbed. Some still have visual appeal, but many along the embankment are
337 deteriorating. He noted the presence of concrete structures once used for water diversion and stated
338 that these, along with trees on the north side of the embankment, would be left undisturbed. He
339 emphasized that both arborists consulted had advised removing many of the trees on the south side of
340 the embankment due to disease and damage, including issues caused by beavers in the area. He
341 reiterated that trees closest to the river would be preserved and that the development would
342 incorporate 570 new trees as required by code. He committed to ensuring an aesthetically pleasing
343 buffer between the buildings and the surrounding area, potentially including additional berms, though
344 some design details remain to be finalized in coordination with city staff. Mr. Yergensen concluded by
345 noting the scale of the 38-acre project and its potential to bring significant employment to Provo. He
346 also pointed out the site's location directly under a commercial flight path, describing it as a suitable use

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347 for the property. He anticipated that the current property owners might speak later in the meeting and
348 share their own observations, including the experience of aircraft emissions overhead.

349
350 Councilor Handley referenced an earlier discussion during the work meeting regarding traffic impacts
351 from the proposed warehouse development, particularly concerns related to diesel truck traffic. He
352 asked for additional clarification on that topic and requested a general overview of the anticipated
353 traffic patterns. He also noted that while the developer had identified some dock locations, it was his
354 understanding that the tenants for at least one of the buildings—specifically the one located on the far
355 right—had not yet been determined. As a result, he pointed out that the exact types of businesses that
356 would occupy the space, and therefore the full scope of traffic impacts, remained uncertain. Councilor
357 Handley acknowledged that the developer had described a likely or even conservative scenario
358 regarding traffic generation. However, he emphasized that from the city's perspective, particularly in
359 consideration of nearby neighborhoods, it is important to evaluate the maximum potential impact. He
360 expressed concern about moving forward without a clearer understanding of the volume and type of
361 traffic that could result from the development, stating that having that information is essential for
362 making an informed decision.

363
364 Councilor Bogdin asked how many docks will be there.

365
366 Mr. Yergensen explained that on the concept plan, the triangles represent loading docks, while the
367 squares and circles indicate drive-in doors. He noted that there are approximately 80 loading docks
368 across the three buildings. He clarified that drive-in doors are designed with ramps allowing vehicles,
369 including diesel trucks, to drive directly into the warehouse, whereas loading docks are used for trucks
370 to back up and unload cargo.

371
372 Chair Garrett opened public comment.

373
374 Miles Herrera, a fourth-grade student at Amelia Earhart Elementary and resident of West Provo,
375 addressed the Council to express his opposition to the proposed zoning change. He shared three main
376 concerns. First, he stated that a large industrial warehouse would lead to increased pollution, negatively
377 impacting the air, land, and Utah Lake. Second, he expressed safety concerns, particularly for children,
378 noting that Center Street is already difficult to cross and additional truck traffic would make it more
379 dangerous for students, including those waiting at the middle school bus stop. He also said biking in the
380 area would become more hazardous and frightening. Third, he worried that the development would
381 harm the land, wildlife, scenic views, and overall beauty of West Provo. He urged the Council to vote
382 against the zoning change to keep the area safe and beautiful for children like himself.

383
384 Salvatore Color, of Provo, urged the Council to reject industrial zoning near the Provo River, calling it a
385 misuse of valuable riverfront property. He argued that placing warehouses and large parking lots along
386 the river would harm both the environment and community aesthetics. While acknowledging private
387 property rights, he emphasized that zoning laws exist to protect broader community interests. He
388 challenged the notion that the area contains only low-value trees, noting the presence of native
389 cottonwoods, and called for responsible care rather than removal. Mr. Color encouraged small-scale
390 development with large setbacks to preserve the riparian zone. He warned that once natural resources
391 are lost, they cannot be recovered and urged the Council to protect the river for future generations.

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392

393 Megan Graves, of Provo, expressed strong opposition to the proposed industrial development near the
394 Provo River. She shared that she and her family live nearby and regularly bike along the original Provo
395 River Trail and in the Delta area. She praised the city’s work on the Delta but voiced disappointment in
396 the neglect of the original river trail, calling it a cherished space for her and her child. Ms. Graves echoed
397 previous public comments, particularly the call to preserve natural areas for future generations. She
398 expressed concern about the visual impact of warehouses, the decline in air quality due to diesel
399 emissions, and the ongoing deterioration of the river environment. She emphasized that even if the
400 zoning change aligns with the general plan, the public has only recently become aware of it and does not
401 support the project.

402

403 Thomas Halladay, of Provo, spoke in support of the proposed development, offering perspective as a
404 longtime farmer on the land in question. He explained that his family has farmed the area for many
405 years and currently operates the land. He compared emissions from farming equipment to those from
406 diesel trucks, stating that the emissions from their tractors, often running for extended hours without
407 emission controls, are significantly higher than those produced by modern diesel trucks, which are
408 equipped with emission reduction systems. Mr. Halladay described how trucks would enter the site from
409 Lakeview Parkway, park at loading docks, shut off their engines, and load or unload, resulting in minimal
410 emissions. Drawing on his experience working at BYU with large facilities and multiple loading docks, he
411 emphasized that truck traffic at the proposed site would operate in a similar, low-impact manner. He
412 also pointed out that jet fuel emissions from nearby airport activity contribute far more noticeably to air
413 quality issues in the area than trucks or cars.

414

415 Chris Halladay, of Provo, sharing that he has lived on the property in question for his entire life—58
416 years. He noted that the area has undergone multiple zoning changes over time and emphasized that
417 the south side of the property is currently closed to the public. He explained that if the proposed project
418 is approved, public access, including a new trail, would be opened, which would benefit the community.
419 In response to public opposition, Mr. Halladay suggested that those who disagree with the project
420 should consider purchasing the land themselves if they want to determine its use. He added that if that
421 were to happen, he would then express concerns about their proposals, just as they are doing now. He
422 concluded by stating that the project complies with all zoning regulations and asked the Council to
423 approve it.

424

425 Zane Harker, of Provo, spoke in opposition to the proposed rezoning near the Provo River. While
426 acknowledging the need for growth and private property rights, he emphasized that the project does
427 not meet the city’s standard to minimize impacts on nearby residential areas. He highlighted the
428 massive scale of the proposed warehouse buildings, comparing one to LaVell Edwards Stadium, and
429 estimated that the development could generate 100 to 700 heavy truck trips per day. He expressed
430 concern about increased pollution and the negative effects on the nearby river trail, homes, schools, and
431 an assisted living facility. Mr. Harker urged the Council to vote against the rezoning and to implement a
432 river overlay with greater setbacks to protect the area.

433

434 Avery Finlandson, of Orem, shared concerns about the proposed zoning change. She noted that the
435 presentation was somewhat unclear but understood the request involved expanding the airport
436 industrial zone into an adjacent agricultural area. While she acknowledged not having a personal stake

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437 in the property, she expressed a strong interest in protecting the neighborhood, the trail, the river, the
438 lake, and local wildlife. Ms. Finlandson emphasized the ongoing efforts to preserve the area's natural
439 environment and urged the Council to carefully consider the potential environmental and noise impacts
440 of any new development.

441
442 Chase Sketzelar, of Provo, spoke in opposition to the proposed warehouse development. He expressed
443 appreciation for recent improvements in the area, such as the Provo River Delta project and the creation
444 of a council district for West Provo, but voiced concern that the current plan does not adequately
445 protect the river, lake, or local environment. He emphasized that more warehouses would bring more
446 truck traffic, which in turn would increase pollution. Speaking from personal experience with asthma, he
447 described the health impacts of poor air quality, particularly for children, and the limitations it places on
448 their ability to enjoy outdoor life. He urged the Council to either vote against the proposal or postpone it
449 until stronger environmental protections are in place for the river and air quality. He concluded by
450 stating that West Provo's health, safety, and future are worth protecting.

451
452 Gustavo Reynoso, of Provo, spoke in opposition to the proposed zoning change. As a long-time runner
453 and marathoner, he emphasized that the stretch of the Provo River Trail near the proposed site is the
454 one he uses most, running there two to four times a week since 2008. He recalled the truck activity
455 during the construction of the Provo River Delta, noting that while the fumes were unpleasant, runners
456 tolerated it because the disruption was temporary and led to a valued improvement. In contrast, he
457 expressed concern that this new proposal could bring ongoing traffic and pollution with no clear long-
458 term vision. Mr. Reynoso said he was unsettled by the number of uncertain answers given by the
459 developer, including vague statements that conditions "might change later." He questioned the need for
460 a warehouse in this location and urged the Council not to approve a project filled with so many
461 unknowns.

462
463 Christine Halladay, of Provo, spoke in support of the proposed project. She emphasized that the
464 development fully complies with all relevant Provo City codes and policies. She noted that it has
465 received approval from the neighborhood committee, the Planning Commission, and city staff. Ms.
466 Halladay specifically cited compliance with the Airport Industrial Zone ordinance (Provo City Code Title
467 14.17D), the Stream Corridor Protection Ordinance (14.33A), stormwater regulations (15.05), and
468 floodplain management requirements. She acknowledged the emotional concerns raised by others but
469 urged the Council to focus on the project's alignment with the general plan and city code. She concluded
470 by thanking the Council and noting that this project has been in development for eight years and has
471 met every requirement to move forward.

472
473 Peter Johnson, of Provo, spoke in opposition to the proposed development, expressing a desire to
474 preserve the area in its current state. He acknowledged that improvements are needed along the south
475 side of the river trail but emphasized the importance of maintaining the natural character of the area.
476 Mr. Johnson shared his personal connection to the land, describing himself as a country boy originally
477 from Miller County. He recounted spending time biking along back roads past Stubbs Farms, Amelia
478 Earhart Elementary, and Center Street, all the way out to the airport tower and along the river trail. He
479 highlighted the significant investment made in the Provo River Delta project and expressed concern that
480 the proposed development would undermine that progress. He concluded by urging the Council to vote
481 no.

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482
483 Mindy Peggy, of Provo, spoke in opposition to the proposed development. She lives near 1860 West and
484 shared concerns about the impact of adding 80 loading bays and diesel trucks to an area that is already
485 noisy and congested. She described how the existing traffic makes it difficult to enjoy time outside with
486 her children and noted that vibrations from large trucks already shake nearby homes. Ms. Puggy
487 emphasized that many west side homes, including hers, use swamp coolers, which would pull in
488 additional air pollution from truck emissions. She also raised safety concerns about increased traffic,
489 especially near school zones, bus stops, and areas with new teenage drivers learning to navigate local
490 roads. She shared her personal fear about her own child eventually driving in such conditions.
491 While she acknowledged that development of the property is inevitable, she urged the Council to
492 consider a better, less disruptive option. She concluded by saying she loves her neighborhood and hopes
493 it will continue to improve, not deteriorate.

494
495 Chris Wilcox, of Provo, spoke in support of the proposed development. He stated that the location is
496 ideal due to its direct access from the freeway, which would allow diesel trucks to avoid traveling
497 through town. He shared his appreciation for fishing and noted that the development would provide
498 public access to a section of the stream that is currently private property. Mr. Wilcox addressed
499 concerns about environmental impact, stating that the developer had made clear the stream would not
500 be altered and that the plan includes planting 580 trees to enhance the area's appearance. He
501 emphasized that the site is already zoned for this type of use and that the developer has expressed a
502 willingness to complete the project in a thoughtful and attractive way. He also highlighted the proposed
503 public trail as a benefit, providing a safer alternative for pedestrians and cyclists compared to current
504 conditions along Center Street. He concluded by saying the project offers a practical solution for
505 managing truck traffic and supporting business growth while preserving access to natural amenities.

506
507 Lyssandra Harker, of Provo, a speech-language pathologist specializing in airway disorders, spoke against
508 the proposed warehouse project, citing serious health concerns. She shared firsthand experience with
509 patients affected by air pollution, including chronic lung conditions and cancer in nonsmokers. She
510 argued that the 581,000-square-foot warehouse exceeds what the Airport Industrial zoning should
511 allow, noting it would significantly impact nearby residential areas. Based on traffic estimates, she
512 warned of up to 795 diesel truck trips daily and noise levels above legal limits. She added that Utah's
513 Division of Air Quality identifies diesel trucks as the leading source of nitrogen dioxide pollution in Utah
514 County. She urged the Council to consider a 1,000-foot buffer to protect public health.

515
516 Stacy Halladay, of Provo, spoke in support of the proposed development, addressing concerns about
517 traffic and safety. She clarified that truck traffic would use Lakeview Parkway from the freeway, not
518 Center Street near residential areas and Amelia Earhart Elementary. She emphasized that the
519 development would not impact the Provo River Delta or the public trail system. Ms. Halladay also
520 highlighted property rights, noting that if opponents were in the position of wanting to sell or develop
521 their own land, they might feel different. She pointed out that other major developments, such as
522 Duncan Aviation and the airport expansion, moved forward without the same level of opposition. She
523 stressed that nothing south of the river would be disturbed, and that the developer plans to enhance
524 the area with new trees and landscaping. She concluded by stating that truck traffic would be spread out
525 and not cause the disruption that some fear.
526

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527 Teresa Christensen, of Provo, spoke in support of the proposed warehouse development. She shared
528 that her family has enjoyed the river trail over the years but noted that the area under discussion is
529 currently in poor condition, with fallen trees and visible neglect. She and her husband recently walked
530 the trail and felt the proposed development could help improve and beautify the space, including adding
531 a new trail that could be even nicer than the existing one. She also shared that her daughter and friends
532 had recently visited the area on scooters but were deterred by mosquitoes and unpleasant smells,
533 saying they would not return. While on the trail, Ms. Christensen observed very few people using the
534 space and noted that no one seemed to be paying attention to the area in question. She expressed trust
535 in the city's zoning process and stated her belief that the development would be a good fit for the
536 location.

537
538 Eric Merrill, of Provo, spoke in support of the proposed warehouse development. He stated that he is
539 familiar with the area and believes the project is an appropriate and beneficial use of the land. While
540 acknowledging public concerns, he noted that growth often comes with challenges and reminded the
541 Council that every developed area was once wildlife habitat. Mr. Merrill expressed confidence in the
542 developer's due diligence and commitment to improving the site, including planting over 570 trees, and
543 providing public access to the trail. He emphasized that most people are consumers who will likely
544 benefit from the goods passing through the warehouses. He thanked the Council for providing a space
545 for public input and for maintaining laws and codes that guide development. He added that the project
546 meets legal requirements and will bring needed jobs to the area. He concluded by asking whether truck
547 traffic could be restricted from using Center Street, and upon learning it could not, expressed hope that
548 drivers would still choose the more convenient highway access.

549
550 Jason Barlow, of Provo, spoke in opposition to the proposed development, raising concerns about the
551 responsibility to protect natural resources. He questioned the idea that those opposed to the project
552 should simply buy the land, asking whether that would mean needing to purchase all vulnerable land in
553 Provo to preserve it. Mr. Barlow shared that he and his children have long enjoyed the Provo River Trail
554 and, while he acknowledged the area needs cleanup, he felt that placing a large warehouse next to the
555 river is not the right solution. He also expressed concern about the scale of the zoning change, stating
556 that moving from agricultural use to commercial airport industrial zoning seemed like too significant of a
557 leap.

558
559 Robert Warnley, of American Fork, spoke in support of the proposed development, noting that while he
560 does not live in the area, he believes the project aligns with Provo's general plan and would benefit the
561 community. He referenced the work of the Planning Commission and echoed earlier comments that the
562 plan complies with city policies designed to support economic growth. Mr. Warnley compared the
563 proposal to warehouse development in American Fork, stating that despite a high number of buildings,
564 truck traffic there appears minimal. He also pointed out that with continued airport development, air
565 pollution is already a factor in the area. He concluded by encouraging the Council to move forward with
566 the project, suggesting it makes sense to keep such development out of the city center and closer to the
567 airport.

568
569 Frank Stubbs, of Provo, spoke in favor of the proposed development. He noted that when the city
570 recently built a large soccer field in the area, many trees were removed, yet there were few complaints.
571 He also recalled past remarks from the mayor advocating for revitalizing the airport to bring business,

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572 not necessarily families, into Provo. Mr. Stubbs expressed support for property rights, stating that
573 landowners, like the Halladays, should be allowed to move on when they choose. He acknowledged that
574 letting go of farmland is difficult but emphasized that if a proposal meets the city's rules, it should be
575 allowed to proceed. He concluded with a personal reflection on progress, pointing out that the very spot
576 where the meeting was taking place once had a favorite oak tree where he used to sit and eat ice cream.
577 That tree, he noted, is now gone to make way for needed development, just as this project represents a
578 step forward for the city.

579
580 Hyrum Cook, of Provo, shared that he and his wife attended out of genuine interest and that, as
581 someone who works remotely in finance and values economic development, he initially viewed the
582 project with optimism. He acknowledged the potential for increased productivity the warehouse could
583 bring. However, Mr. Cook raised concerns about truck traffic, specifically on West Center Street. While
584 some have said trucks will use Lakeshore Parkway, he noted others have indicated there is no way to
585 prevent them from using Center Street. He suggested the city consider a restriction or ordinance to limit
586 truck access to designated routes like the Parkway. He also expressed disappointment with how nearby
587 residents have been addressed by some representatives of the development, saying it has created
588 mistrust. He emphasized the importance of transparency and collaboration with the community and
589 encouraged the Council to ensure that residents' voices are respected and considered throughout the
590 process.

591
592 Mark Elliott, of Provo, spoke in opposition to the proposed warehouse development, sharing that his
593 family moved to West Provo primarily for access to the river trail. He emphasized that his family uses
594 the trail daily and expressed concern about the minimal setback between the proposed warehouse
595 buildings and the river. Mr. Elliott noted that while the location of industrial development can be
596 debated, there should be a meaningful buffer between the buildings and the trail that serves so many
597 local residents. He shared that his daughter has respiratory issues, and the proximity of large
598 warehouses and increased emissions raises serious concerns for their family's health and quality of life.
599 He acknowledged the developer's plan to plant over 500 trees but questioned how mature those trees
600 would be and how long it would take to restore the shade and habitat currently provided by existing
601 trees. He urged the Council to vote no on the proposal unless greater setbacks and protections for the
602 trail are included.

603
604 Matt Todd, of Provo, agreed with the previous speaker and shared support for preserving the Provo
605 River and its surrounding trail. He acknowledged the importance of property rights and the free market,
606 referencing advice from his father, a former city manager, that if people want to preserve a view, they
607 should buy the land. However, he emphasized that public goods like air quality, green spaces, and
608 natural beauty cannot be protected by market forces alone and require government action. Mr. Todd
609 described the Provo River Trail as a unique and valuable feature in Utah County, one that is worth
610 preserving. He urged the Council to consider the broader impact of their decision, stating that it sets a
611 precedent for future development. He expressed concern about inadequate setbacks, the loss of mature
612 trees, and the potential environmental impact of increased truck traffic, and asked the Council to
613 prioritize protecting public and natural spaces.

614
615 Wyatt Halladay, of Provo, spoke in support of the proposed development, sharing his personal
616 connection to the farmland where the project is planned. He explained that he has lived on the farm his

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617 entire life and cares deeply for it, but feels it is time to move on. He expressed concern for the well-
618 being of his parents and grandparents, who have worked the land for decades, and said this project
619 provides them with a long-awaited opportunity to retire. He also addressed concerns about the
620 condition of the nearby river area, noting that he frequently visits to fish and has observed a decline in
621 its quality. He described the area as swampy, with few fish and many dead or unattractive trees. Wyatt
622 concluded by stating that he believes the warehouse would benefit the city and represent a step
623 forward in its progress.

624
625 Bryce Johnson, of Provo, spoke in opposition to the proposed development. He shared that his family
626 intentionally moved to a smaller, older home near Exchange Park because of its proximity to the river
627 and the natural environment. They frequently walk, bike, fish, and kayak in the area, which he described
628 as a cherished part of their daily lives. Mr. Johnson expressed concern over how the existing trees,
629 particularly cottonwoods, have been described in previous discussions and documents as "trash" or
630 "invasive." He clarified that while cottonwoods may not be ideal for residential landscaping, they are
631 keystone species in riparian ecosystems like the Provo River. He explained that these trees stabilize
632 riverbanks, filter pollutants, provide wildlife habitat, and help prevent erosion. Replacing them with new
633 plantings, he argued, would not restore the ecological value that is lost. Referencing *The Lorax*, he
634 warned against underestimating the long-term environmental impacts of removing mature trees and
635 disrupting the ecosystem. He also raised concern about future developments in the surrounding area
636 and questioned how this project could proceed without deeper analysis of its effects on the river and
637 Utah Lake.

638
639 Tiffany Cook, of Provo, expressed concern about the impact of the proposed development on traffic
640 along West Center Street. While she stated she is not entirely opposed to development in the area, she
641 emphasized that traffic safety has not been adequately addressed. She noted that many children
642 regularly cross West Center Street, whether heading home from school or walking to nearby churches,
643 and pointed out the presence of a senior living facility nearby. Residents there often use wheelchairs in
644 the bike lanes, sometimes veering outside the lines, which already requires drivers to be cautious. Ms.
645 Cook stressed that the added truck traffic from the development could worsen these safety concerns
646 and that there does not appear to be a clear plan to prevent trucks from using West Center. She urged
647 the Council to take this issue seriously.

648
649 Jeannie Lamb, of Provo, Jeannie Lamb, a resident of west Provo, spoke in support of the proposed
650 development. She acknowledged that growth and progress can be painful but stated her belief that this
651 project is well suited for the area, especially given its proximity to the airport. Based on her experience
652 driving around airport areas, she felt this type of development was appropriate and practical for the
653 location.

654
655 Sheri Wilson, of Provo, expressed support for the Halladays' right to sell their land but urged caution
656 based on past experience. She referenced the Smith's development on Center Street, which never fully
657 materialized after Walmart expanded, leaving the area vacant for decades. While she supports the
658 property owners' retirement plans, she raised concerns about the broader impacts of the proposed
659 industrial project—specifically its proximity to a ropes course used by local students, including her own.
660 She questioned how the development would affect the course's operations, air quality, and safety,
661 especially when the future tenants of the warehouse remain unknown.

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662
663 Brian Larson, of Mona, voiced strong support for property rights, stating they are a foundational
664 American principle. He acknowledged concerns about pollution but pointed out that Utah’s air quality
665 has improved over the years due to advancements like emissions controls and the closure of major
666 polluters such as Geneva Steel. Larson emphasized that growth is essential for a thriving community and
667 that infrastructure like Lakeview Parkway can be used to redirect truck traffic away from residential
668 areas like Center Street. He also noted that having an airport nearby could reduce overall pollution by
669 allowing goods to be flown directly from Provo instead of being transported to Salt Lake. In his view, the
670 city can manage growth responsibly by leveraging technology and thoughtful planning.

671
672 Debbie Snyder, of Provo, shared a few key concerns about the proposed development. She questioned
673 whether approving zoning across the river might set a precedent for additional warehouse expansion in
674 the future, and suggested that clear limits be established now. While she acknowledged that something
675 will eventually be developed on the property, she advocated for larger setbacks to protect the river and
676 trail, allowing for a balance between growth and environmental preservation. Snyder also pointed out
677 the missed opportunity for creating a welcoming destination near the airport and Provo High—such as
678 dining or recreational spots—that could better serve visitors and residents alike.

679
680 Greg Hunt, of Provo, emphasized that the core issue at hand is whether the City will follow its adopted
681 general plan. He noted the plan was recently developed through an extensive process and intentionally
682 extended the airport industrial zone to this area. Since then, growth and infrastructure changes—such
683 as airport expansion, regional traffic improvements, and the upcoming sports park—have only
684 reinforced the area's suitability for this kind of development. He stated that the proposed project meets
685 all current zoning and regulatory requirements and urged the Council to remain consistent with the
686 general plan to maintain public trust and confidence.

687
688 Clark Christensen, of Provo, shared his recent experience visiting the West Provo section of the Provo
689 River Trail, comparing it to the cleaner, more frequently used trail near the hospital. He noted fallen
690 trees blocking parts of the river and a warning sign that caught his attention. Clark, a longtime truck
691 driver involved in local construction projects, including the airport and ballpark, expressed support for
692 the development. He acknowledged concerns about air quality but emphasized that pollution travels
693 throughout the valley. In closing, he voiced his intent to support the project.

694
695 Gabby Duran, of Provo, expressed concern about the uncertainty surrounding the proposed warehouse
696 project. She noted that the developers have not provided details on how many diesel trucks will operate
697 there or what types of businesses will occupy the space, making it difficult for residents to understand
698 the long-term impact. Gabi also raised concerns about increased traffic on Center Street, especially
699 during school and work hours, as well as potential pollution. She emphasized her appreciation for the
700 natural beauty of the river, sharing how much she enjoys watching the beavers at sunset, and
701 encouraged the city to focus on improving and preserving the river instead.

702
703 Kerri Kennard, of Provo, shared that attending the meeting helped her better understand the people
704 who own the land in question, many of whom she knows and cares about. She expressed empathy for
705 the landowners whose futures are currently in limbo while others debate environmental concerns.
706 Acknowledging that Provo has grown significantly, she believes the city has the intelligence and capacity

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707 to find a solution that benefits everyone. Kerri, who has asthma and a child with similar challenges,
708 voiced concerns about worsening air quality. While she recognizes the hard work of farming and sees
709 the value in airport expansion, she urged more careful planning and transparency, especially given the
710 uncertainty surrounding key details of the proposed development. She ended by questioning what the
711 long-term impact of this project might be and encouraged a more thoughtful approach.

712
713 Landry Hawkins, of Provo, shared that he has spent a lot of time on the Provo River Trail throughout his
714 life. He recalled a kayaking trip he took with his family several years ago in the area between the
715 proposed development site and the lake. He described the experience as unpleasant, noting dead fish,
716 fallen trees, and debris along the river. Based on that experience, he expressed support for the
717 proposed project, stating that it could help clean up the area, improve its appearance, and make it more
718 enjoyable and accessible for families. He believes the development and the addition of trees could
719 enhance the area, which is currently underutilized.

720
721 Chair Garrett closed public comment. He thanked everyone who took the time to share their thoughts
722 regarding this project. He said it is clear from the level of participation that there is strong community
723 interest in this decision and a shared desire to ensure all perspectives are carefully considered. We truly
724 appreciate your engagement. He then invited a council discussion.

725
726 Councilor MacKay asked to review the development agreement and its contents.

727
728 Councilor Whipple asked if it had been discussed that this is part of one of the design corridors for the
729 west side.

730
731 Mr. Ardmore explained that the item before the Council was a concept plan. He noted that any future
732 project would be required to comply with the West Center Street Design Corridor standards. He referred
733 to the development agreement displayed on the screen and highlighted several key elements. One of
734 the most significant was the inclusion of a public access easement for the trail that would wrap around
735 the property. He stated that the amenities shown in the concept plan, along with the developer's
736 obligation to build and maintain them, went above and beyond the requirements of the zoning code. He
737 emphasized that while the existing zoning standards were appropriate for the area, the additional
738 commitments proposed by the developer would provide added value to the community.

739
740 Councilor Christensen asked what the current code requires for setback from the river.

741
742 Mr. Ardmore clarified that there is a 40-foot buffer from the top of the riverbank. With that setback, no
743 parking stalls, buildings, or structures of any kind would be allowed. He also reminded the council that
744 these concept plans do contain development renderings, but until a project plan application has been
745 submitted, the plans could be changed.

746
747 Councilor Bogdin asked Mr. Ardmore to elaborate on the transportation plan for the warehouses
748 located near the airport, specifically inquiring about the number of semi-trucks and related traffic
749 typically seen in that area.

750

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751 Mr. Ardmore responded that he did not have specific numbers related to truck traffic. He noted that
752 there were 18 loading doors across the three existing buildings referenced in the study meeting. He
753 added that he was unsure what kind of traffic those buildings had generated and stated that
754 determining how many complaints the City had received regarding those facilities would take more than
755 an hour to research.

756
757 Councilor Bogdin emphasized that the parcel under discussion could not be developed for housing due
758 to various restrictions. However, for conceptual comparison, he asked how many daily vehicle trips
759 might be expected if the land were zoned at three units per acre, consistent with other areas on the
760 west side. He estimated that with 38 acres, which would equate to approximately 114 homes.

761
762 Councilor MacKay responded that such a residential development would generate roughly 2,850 trips
763 per day.

764
765 Councilor Christensen raised another issue that had come up during discussions—the trees. He noted
766 that the Council had the benefit of hearing from the City Forester and stated that it would be helpful to
767 hear a little more about the Forester's assessment. He acknowledged the importance of protecting and
768 preserving as many of the trees as possible. He asked him to share his findings with the Council.

769
770 Chaz Addis, City Forester, reported that during his assessment of the west side of the river, he identified
771 most of the trees as Russian olives, Siberian elms (often misidentified as Chinese elms), black willows,
772 and some cottonwoods. He clarified that cottonwoods are not technically invasive but also not ideal for
773 placement near yards or trails. He stated that the majority of the trees in the area were not in good
774 condition—many were half-dead or falling over onto the property. He noted that all trees on the south
775 side of the river were on property owned by the Halladays and therefore subject to their discretion.
776 However, he observed a few trees along the south side that were healthy and stately enough that they
777 might be worth saving through proper tree protection zones during development.

778
779 Chair Garrett asked whether Mr. Addis was referring to the south or north side of the river.

780
781 Mr. Addis confirmed he was speaking about the south side. He added that the north side was not being
782 impacted by the proposed development and therefore was not part of his assessment. He stated that
783 while there were some trees on the north side—primarily black willows—most were dead or falling into
784 the river. Mr. Addis estimated there were approximately five or six larger, healthier trees on the south
785 side that could potentially be preserved if a tree protection zone were established to safeguard the root
786 systems during development. He explained that the part of the river adjacent to the area was no longer
787 part of the main channel, and limited water flow—maintained primarily for recreational uses like the
788 ropes course—might affect the long-term viability of trees that were originally established when the
789 river flowed fully. He cautioned that without strict adherence to a tree protection plan, development
790 activities could damage root systems, which extend at least three times the width of a tree's canopy.
791 Disruption of these roots could cause healthy trees to die within several years, ultimately creating safety
792 hazards for future structures in the area.

793

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794 Councilor Whipple noted that with the lower flow of water in the area, there was simply less of that
795 resource available for the trees to compete for. She asked Mr. Addis whether it would be advisable, in
796 order to preserve the healthiest trees, to proactively clear out those that were already damaged.
797

798 Mr. Addis stated that, from a development perspective and for the sake of preserving the existing
799 healthy trees, it would be beneficial to remove many of the volunteer trees, particularly the Russian
800 olives and some box elders, as well as any trees that were already hazardous. He explained that his crew
801 is trained to identify problematic trees, especially those that could cause issues during high runoff years.
802 While acknowledging the value of wildlife, he also pointed out that beavers posed significant challenges
803 for those who manage the river corridor. Mr. Addis emphasized that if the area were to be developed, it
804 could be improved by planting adaptive tree species. He noted that 570 new trees were already planned
805 and added that his department currently holds a \$300,000 federal grant that could be used to plant
806 additional trees if the development moved forward in the near future.
807

808 Councilor MacKay noted that the trees on the north side of the river would not be touched, although
809 she acknowledged that some could likely benefit from attention. She compared the situation to the loss
810 of mature trees along Center Street, describing the impact of losing them all at once as devastating due
811 to the loss of shade and character. She expressed concern that a similar decline was occurring along this
812 section of the river, with many trees either dying or already unhealthy, and only a few remaining in good
813 condition. She emphasized the need to consider the long-term impact, stating that while current
814 residents may not enjoy the immediate benefits, replanting the area now would ultimately provide
815 significant value for future generations. She added that increasing tree cover would enhance shade
816 along the river and the new trail. Councilor MacKay then asked how long it would take for two-inch
817 caliper trees to mature enough to provide substantial shade and screening.
818

819 Mr. Addis explained that different tree species have varying growth rates. He noted that he had
820 provided the developer with his recommended planting list earlier that day. He also mentioned that the
821 City had just completed a new tree selection guide and tour, which was currently being printed. The
822 guide includes a variety of trees with different growth characteristics. One tree highlighted by the
823 developer, Eric, was the tulip poplar, which is part of the cottonwood family and is known for its
824 relatively fast growth. Mr. Addis stated that if a sufficient number of poplar trees were planted along the
825 riverbank, it would be reasonable to expect them to reach approximately 15 to 20 feet in height within
826 five years.
827

828 Councilor MacKay noted that ideally, trees should not be planted directly in the river and should be
829 spaced appropriately. She emphasized the importance of placing trees strategically to avoid root
830 systems encroaching on the proposed 10-foot trail and damaging it over time. She suggested that
831 landscaping protocols be followed to ensure thoughtful and sustainable planting.
832

833 Mr. Addis agreed and explained that any new trees planted would require supplemental water, noting
834 that Provo is located in a high mountain desert and most trees in the valley are not native but adaptive.
835 He added that the development would need to include irrigation, and the developer would be
836 responsible for providing that irrigation system.
837

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838 Councilor Whipple thanked the public for their engagement and acknowledged the concerns raised,
839 noting that much of the confusion may have stemmed from information shared outside official City
840 channels. She explained that the Council had previously approved a rezone for this property, but it did
841 not proceed because a development agreement was never finalized. The current proposal reflects a
842 renewed effort and aligns with the City’s adopted General Plan. She noted that the proposed
843 development agreement includes added benefits not required by the zoning code, such as a public-
844 access trail and green space on the south side of the river—an area that is currently private property.
845 This would give the City an opportunity to improve river access and create new amenities. Councilor
846 Whipple supported revisiting the City’s floodplain standards in the future to consider a wider buffer but
847 did not support applying new standards retroactively to this project. She emphasized that two-thirds of
848 the property had already been approved with similar conditions and believed the remaining third should
849 follow suit. She addressed concerns about tenant uncertainty, stating that it was premature to expect
850 firm commitments before the land was rezoned or purchased. She expressed confidence in the
851 protections provided by the development agreement and in City staff to ensure compliance through
852 inspections and permitting. Councilor Whipple also acknowledged concerns about emissions and public
853 health but believed the scale and location of the project would not reach harmful levels. She concluded
854 by stating her full support for the project, citing the added public benefits and its consistency with prior
855 Council decisions.

856
857 Chair Garrett noted that two-thirds of the property had already been zoned Airport Industrial, and this
858 presented an opportunity to address concerns raised about the ecosystem, trail, habitat, and traffic as
859 the Council considered zoning the remaining 13 acres. He expressed interest in increasing the setback, if
860 feasible, and stated a desire for more commercial development to serve West Provo, which he believed
861 would follow in time. He acknowledged the land had already been designated for this use in the General
862 Plan but emphasized the importance of using this moment to influence the project to better support
863 environmental, trail, and traffic concerns. While the City could not require the developer to limit traffic
864 on Center Street, he suggested exploring options with the traffic engineer, similar to truck restrictions
865 seen on University Avenue. He concluded by recognizing the helpful public feedback and the
866 opportunity to shape the project in a way that benefits the area and city.

867
868 Councilor Christensen expressed concern about the proposed setbacks, emphasizing that this property
869 was unique due to the City’s significant investment in the delta project. He stated that current zoning
870 did not adequately protect the Provo riverbanks and advocated for a 75-foot buffer with no commercial
871 development. He felt the existing 40-foot requirement was insufficient for this parcel and that approving
872 the rezone without a larger, guaranteed buffer would not protect Provo’s legacy or past investments.
873 For these reasons, he stated he could not support the rezone request.

874
875 Councilor Bogdin addressed the recurring concerns about Center Street traffic, explaining that legally
876 the City could not prohibit truck traffic on Center Street, as it is classified as a major roadway. She noted
877 that traffic engineers have confirmed this limit, though they are working on improving routing through
878 GPS systems to direct trucks to Lakeview Parkway, which was designed for higher-capacity travel. She
879 emphasized her support for larger river setbacks and additional commercial development on the west
880 side, particularly near the sports park and expanding airport. While recognizing that warehouse uses are
881 allowed under the current zoning, she expressed interest in encouraging a broader mix of uses and
882 slowing down warehouse expansion to allow for alternatives. Councilor Bogdin also acknowledged the

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883 importance of honoring property rights and the right of farmers to move on. She noted that the west
884 side's general and master plans had been developed with extensive public outreach and participation,
885 especially from residents in the area now under discussion. She concluded by expressing appreciation
886 for the community's engagement and reaffirmed the Council's commitment to doing what is best for the
887 west side.

888
889 Councilor MacKay stated that she agreed with Councilors Bogdin and Christensen in supporting a
890 minimum setback of at least 50 feet. She felt this was a reasonable request and believed the overall
891 development would benefit the area. She noted that, in her experience, commercial developments tend
892 to do a better job maintaining amenities and trails, and she believed this project would be a significant
893 asset to the community.

894
895 Councilor Handley said that this decision had been particularly difficult for him, noting that he is not
896 usually indecisive. He appreciated the public comment, especially a resident who encouraged more
897 listening and civility, and acknowledged that people on both sides of the issue had raised valid points.
898 He praised Councilor Bogdin for her dedication and advocacy for the west side, acknowledging her
899 leadership on this issue. Councilor Handley shared his deep personal connection to the area and his
900 pride in the Provo River Delta Restoration Project and the conservation efforts made in partnership with
901 the Nature Conservancy. He noted his affection for the cottonwood trees, likening them to old friends,
902 while also acknowledging City Forester Chaz Addis's comments about invasive species and the need for
903 cleanup on the south side of the river. He recognized the benefits of this development in terms of
904 maintenance and oversight. However, he expressed concern about the airport industrial zoning,
905 particularly the lack of a clear relationship between the proposed use and airport functions. He found
906 this troubling, especially given that the zone implies compatibility with airport-related business and
907 includes language about avoiding negative impacts on noise and aesthetics. He noted the absence of
908 guarantees or clarity about those impacts and felt that uncertainty limited his ability to support the
909 proposal confidently. Councilor Handley also expressed a desire for larger setbacks from the river.
910 Ultimately, he concluded that, in weighing the benefits and potential costs, he struggled to see how the
911 benefits of the project would outweigh the concerns.

912
913 Mr. Yergensen stated that a 50-foot buffer would be very acceptable and expressed full support for that
914 distance, noting that it would be a great solution.

915
Motion: Councilor MacKay made a motion to approve the implied motion, with an amendment to the development agreement to include a 50-foot setback requirement. Seconded by Chair Garrett.

916
917 Chair Christensen confirmed that the proposed 50-foot buffer from the river would mean no commercial
918 structures or parking within that area.

919
920 Mr. Ardmore clarified that the buffer would be measured from the top bank of the river, and while it
921 prohibits structures and parking, it would still allow for a trail or open space use.

922
923 Chair Garrett called for a vote on the substitute motion.

924

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Vote: The motion passed 5:1 with Councilors Bogdin, Christensen, Garrett, MacKay, and Whipple in favor. Councilor Handley opposed.

925

8 An ordinance amending Provo City Code to add data centers as a permitted use in Airport Zones. PLOTA20240373 [3:26:31](#)

926

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

927

928 Nancy Robison, City Planner, explained that Power, Public Works, and Development Services have been
929 meeting regularly to discuss data centers due to their significant impact on city infrastructure. She noted
930 that data centers are unlike other industrial uses and that staff recently realized many zones across the
931 city already permit them—totaling nearly 3,000 acres. Some of these zones are better equipped
932 infrastructure-wise than the airport industrial zone. Given this, staff do not see a need to open
933 additional zones to data centers and will bring back recommendations on restricting their use in certain
934 questionable zones, such as Residential Conservation.

935

936 Chair Garrett opened public comment.

937

938 Ann Allen, of Provo, expressed concern about placing a data center near the lake, noting that the
939 community has spent decades working to improve air quality and preserve the lake environment. She
940 acknowledged the city's efforts to grow the airport and support development but emphasized that data
941 centers often bring pollution, consume significant resources, and are met with resistance in many
942 communities. While she appreciated the developer's efforts to use a closed water system, she warned
943 that potential chemical leaks could harm groundwater near the lake. She urged the Council to delay the
944 decision, suggesting that better options or technologies may become available in the future.

945

946 Zane Harker, of Provo, shared that while he does not feel entitled to a strong opinion, he wanted to
947 offer a few insights based on his experience working for a local software company that uses AI
948 technologies. He expressed concern that the environmental impact of data centers outweighs their
949 benefits, noting they create very few jobs relative to their size and resource use. He mentioned a
950 conversation with someone working at the Eagle Mountain data center who described long periods of
951 inactivity, suggesting the facilities largely run themselves. Harker also warned that the current AI boom
952 might be part of a typical tech hype cycle—comparable to the dot-com bubble—and that
953 overinvestment in AI infrastructure now may not align with long-term demand.

954

955 Maria Davis, a Lindon resident representing Conserve Utah Valley—a grassroots organization focused on
956 protecting land and water resources—shared concerns about allowing data centers in Provo's airport
957 industrial zone. While she emphasized that the organization does not oppose data centers in general
958 and understands their role in the digital age, she highlighted significant environmental and planning
959 issues related to this specific location. First, she expressed concern over the proximity of the proposed
960 site to Utah Lake, noting the lake's already fragile ecosystem and susceptibility to harmful algal blooms
961 and water quality issues. She explained that even with natural gas as the proposed power source,
962 emissions could still contribute to pollution through nitrogen oxides, thermal impacts, and particulate
963 matter. Second, she pointed to unanswered questions surrounding the proposed data center's water

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964 and power demands, referencing a staff report from earlier this year that identified several unknowns.
965 Lastly, she urged the Council to delay any zoning changes until Provo adopts clear data center
966 guidelines. These guidelines, she said, should include a detailed environmental assessment, evaluation
967 of alternative locations, and enforceable environmental protections. Davis concluded by affirming the
968 group’s support for responsible technological advancement while emphasizing the importance of
969 safeguarding the lake and its surrounding environment.

970
971 Chase Sketzelar, of Provo, shared that, while he agreed with concerns already raised about pollution and
972 the environment, he wanted to focus on a different aspect—how the proposed data center fits within
973 the purpose of the airport industrial zone. He questioned whether a data center truly aligns with the
974 intended uses for that area, especially compared to other facilities like warehouses, retail, or sports
975 centers, which provide more direct benefits to West Provo residents. He emphasized that data centers
976 require a great deal of energy but offer minimal local employment or community utility in return.
977 Sketzelar expressed doubt about the relevance of a data center to airport-related activity and noted that
978 this particular area sits near a fragile lake ecosystem that needs protection. He concluded by urging the
979 Council to carefully weigh whether the growth occurring in the airport zone, particularly the addition of
980 a data center—truly supports the long-term interests of the surrounding community.

981
982 Megan Graves, of Provo, expressed concern about the overall direction of development in West Provo,
983 particularly in light of the recent Council decision. She acknowledged that while a general plan has
984 existed for years, it has not always been easily accessible to the public, despite social media efforts.
985 Drawing on her experience working near the West Valley airport, she shared her perception that areas
986 surrounding airports often become unattractive and industrialized, places where people do not want to
987 live, especially long-term residents or families. Ms. Graves worries that West Provo is heading in a
988 similar direction, with developments like the proposed data center reinforcing that trend. She
989 emphasized that many West Provo residents moved there to enjoy open space, farmland, and a quieter
990 lifestyle away from urban density. While she recognizes that development is inevitable, she urged the
991 Council to consider more thoughtful, community-centered growth—such as adding restaurants and
992 aesthetically pleasing spaces, rather than focusing primarily on industrial uses and sports fields. Her
993 broader concern is that, if current patterns continue, West Provo could become dominated by
994 unattractive buildings and short-term renters, rather than maintaining the charm and livability that long-
995 term residents value.

996
997 Carollyn Jardine, of Provo, who also serves on the Provo City Energy Board, expressed cautious optimism
998 following staff’s apparent recommendation not to move forward with the proposed data center rezone.
999 However, she used her time to raise a broader concern about data center development in Provo.
1000 Drawing on her career in the tech industry, she emphasized that the companies driving the demand for
1001 data centers are ultimately accountable to their investors—not to the communities where they operate.
1002 She recommended that the City form a short-term task force made up of citizens and elected officials to
1003 proactively establish parameters for evaluating future data center proposals. Jardine stressed the
1004 importance of defining Provo’s priorities and expectations before projects are proposed, noting that she
1005 is aware of multiple additional proposals currently in discussion. Referencing her experience on the
1006 Energy Board and participation at the recent UMPA conference, she shared that experts advising data
1007 center companies said the most successful outcomes occur in cities that have clear goals and criteria in

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1008 place from the outset. Her overall message was a call for thoughtful, collaborative planning—so the City
1009 can respond to this growing trend in a way that protects its long-term interests.

1010
1011 Haleigh Perry, of Provo, shared that her main concern about the proposed data center site is its
1012 proximity to her children’s school, located at 4100 West Center. She clarified that contrary to earlier
1013 comments suggesting no nearby schools, there is, in fact, a fully outdoor preschool operating just a few
1014 blocks from the site. The program serves approximately 300 preschoolers throughout the week, with
1015 morning and afternoon sessions held entirely outside. Additionally, during the summer, about 300
1016 campers attend a similar outdoor program. She emphasized that the children are regularly exposed to
1017 the surrounding environment for several hours each day, and any emissions or environmental impacts
1018 from the development would directly affect them. She also noted that the school frequently crosses the
1019 street to access Utah Lake and the nearby boardwalk, highlighting potential safety and health concerns
1020 related to traffic and air quality. Perry urged the Council to take these factors into account and
1021 reconsider the proposal.

1022
1023 Avery Finlandson, of Orem, noted that the proposed data center is located in the same zone recently
1024 discussed and acknowledged that it may be a low-traffic enterprise, which is worth considering.
1025 However, she expressed that environmental pollution concerns should take priority over traffic
1026 considerations. Based on those concerns, she stated that she is personally opposed to the proposal and
1027 thanked the Council for their time.

1028
1029 Lyssandra Harker, of Provo, expressed her opposition to data centers, not necessarily because of the
1030 centers themselves, but due to the associated self-serve power stations that emit nitrogen dioxide
1031 (NO₂). She stated it was unfortunate that NO₂ emissions from diesel trucks were previously dismissed
1032 and appreciated that the Council appeared to be giving emissions more serious consideration in this
1033 context. Lyssandra also questioned how data centers align with the intended use of the Airport
1034 Industrial Zone, particularly since they do not directly support or enhance airport operations. She raised
1035 concerns about rumors suggesting the data center could be built on the same lot recently discussed,
1036 emphasizing the lack of certainty about how rezoned land will ultimately be used. She noted that the
1037 property in question is uniquely surrounded by recreation areas, school-related activities, and
1038 residential uses—including one home adjacent to the south border. She urged the Council to carefully
1039 consider the impact on nearby residents before moving forward.

1040
1041 Chair Garret closed public comment and invited a council discussion.

1042
1043 Councilor MacKay stated that she agrees with Lyssandra Harker in opposing data centers within the
1044 Airport Industrial Zone. She expressed concern about the significant emissions generated by data
1045 centers, which she believes far exceed those of other industrial uses like warehouses. Councilor MacKay
1046 also questioned the employment figures, noting that while 150 jobs were mentioned, her research and
1047 conversations with other mayors suggest a much lower number, typically between 15 and 30. She
1048 emphasized that there are more beneficial uses for this land on the west side, such as hotels,
1049 restaurants, commercial development, or a pharmacy, which are amenities the community needs. For
1050 these reasons, she voiced her opposition to allowing data centers in additional zones within the city.

1051

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1052 Councilor Handley asked for clarification for the public regarding where data centers are currently
1053 allowed in the city. He stated his understanding that within the approximately 3,000 acres mentioned by
1054 staff earlier, data centers are only permitted if they are five megawatts or lower. He invited staff to
1055 correct him if that understanding was inaccurate.

1056
1057 Brian Jones, City Attorney, clarified that there is currently no megawatt cap on data centers in the city's
1058 code. He explained that his earlier comment during the work session was about the need to consider
1059 adding such a limit. He referenced a table compiled by Mr. Peperone, which had been shared with the
1060 council, outlining the zones where data centers are allowed as either a permitted or conditional use, as
1061 well as where electric sub-regulating substations are conditional. He emphasized that while no cap
1062 currently exists, it does not mean a large data center could simply be approved today due to other
1063 factors, including contractual obligations with UMPA (Utah Municipal Power Agency), which would
1064 restrict projects that violate the city's all-requirements contract. He reiterated that the city should revise
1065 the code to make these requirements clearer to developers.

1066
1067 Jonathan Jensen, the applicant, acknowledged the late hour and expressed appreciation for the
1068 Council's time. He recognized and empathized with the community's concerns, noting that data centers
1069 are large and resource-intensive, and those concerns are valid. He emphasized that cities have the
1070 benefit of planning for the long term, while applicants bear the pressure of the proposal process. Jensen
1071 explained that the proposed location near the airport is attractive due to its proximity to critical
1072 infrastructure, including a high-pressure gas line and strong internet and fiber connectivity. He clarified
1073 that data centers today require far more electricity than what cities can typically provide, which is why
1074 they require self-sufficient power generation. He added that Provo's proximity to I-15, nearby colleges,
1075 and educated population make it a highly appealing site for data centers. He described the physical
1076 appearance of the proposed facility, stating it would be similar to existing peaking power plants in the
1077 area and would blend in rather than appear as a massive industrial structure. Addressing emissions
1078 concerns, he admitted that while the project would not produce zero emissions, it would use clean and
1079 modern technology. He claimed the project had already submitted paperwork to UMPA and successfully
1080 obtained an air permit by beating EPA emission standards by 5%. Regarding jobs, Jensen noted that
1081 while data centers do not generate many positions, the ones they do create are high-paying tech jobs.
1082 He estimated 40 to 80 direct jobs, with an economic impact equivalent to 160 to 200 average jobs due
1083 to higher wages. He also pointed out the minimal impact on roads and schools compared to other types
1084 of development. Overall, he acknowledged the complexity of the decision and the need to balance
1085 growth with community and environmental concerns.

1086
1087 Councilor MacKay asked Mr. Jensen to clarify whether the data center would really employ 40 people.
1088

1089 Mr. Jensen explained that employment numbers vary depending on the type of data center. A typical
1090 hyperscale center serving a single large client like Meta or Google generally employs 15 to 30 people.
1091 However, a co-location data center—like the one he is proposing—hosts many smaller clients (e.g.,
1092 ESPN, CNN, banks), and those clients bring their own staff to manage their servers. In such cases, the
1093 site can support up to 1,000 people due to the need for customer office space and on-site server
1094 management. Jensen confirmed that their proposed model does not have a large single client but would
1095 instead serve multiple smaller clients, making the higher employment estimate more realistic. Mr.
1096 Jensen responded to a question about the technology used in his proposed data center by stating that it

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1097 would utilize cleaner, more advanced emissions technology than Provo's existing power plants. He
1098 clarified that Provo's plants were permitted under older, less stringent standards, whereas modern data
1099 centers must meet much higher regulatory thresholds—so high, he said, that most cities would not
1100 undertake such efforts on their own. He acknowledged that emissions do still exist but emphasized that
1101 his facility had exceeded the required air quality benchmarks by 5%, which he considered a meaningful
1102 achievement. He then shifted to a broader point, explaining that the data center could also support city
1103 infrastructure needs. By capturing and reusing heat from its servers, the facility could generate steam
1104 and chilled water, which could be sold to hotels or other large users nearby. This would lower those
1105 businesses' energy costs and carbon footprint. He said this type of system requires infrastructure like
1106 piping and coordination with stakeholders but noted that the proximity of the airport area to potential
1107 users could make it feasible. He framed this idea not as part of the current proposal, but as an
1108 opportunity the city could consider for long-term benefit.

1109
1110 Councilor Whipple pointed out that while Mr. Jensen had shared several compelling reasons for
1111 choosing Provo—such as infrastructure, education, and connectivity—those reasons did not specifically
1112 relate to the airport industrial zone site in question. She then asked whether he had considered other
1113 areas in Provo where data centers are already permitted under existing zones.

1114
1115 Mr. Jensen explained that while there are other zones in Provo where data centers are technically
1116 allowed, those areas present significant challenges, especially for projects requiring self-generated
1117 power rather than relying on the city's electrical grid, which he referred to as "Island Power." He said
1118 that most of the other suitable zones are on the east side of Provo near the mountains, which makes it
1119 nearly impossible to obtain the necessary air permits due to environmental factors. He gave the
1120 example of BYU's 18-megawatt facility, which barely received an air permit, and noted that such a
1121 facility likely could not get approval today. He further explained that the mountains cause downdrafts
1122 that trap emissions, preventing them from dispersing properly. This leads to higher concentrations of
1123 pollutants in one area, which could be unhealthy for workers and nearby residents. Because of these
1124 conditions, Mr. Jensen stated he would never propose a data center with on-site power generation on
1125 the east side of the city. For developers like himself, the west side, specifically the A1 zone near the
1126 airport, is one of the only viable locations for a facility of this scale that can meet modern industry
1127 demands.

1128
1129 Councilor Whipple stated that, based on recent discussions and briefings, she understood that UMPA
1130 currently does not want any island power stations. She asked Mr. Jensen to respond to that concern,
1131 acknowledging that the concept seemed extreme and requesting an explanation as to why it may not
1132 be.

1133
1134 Mr. Jensen explained that using a standalone power plant not connected to the grid is standard practice
1135 for large energy users like petrochemical plants, and they are now applying that model to data centers
1136 because there's simply not enough grid capacity. He emphasized that a 100-megawatt plant, while
1137 massive by city standards, is now necessary and feasible to build within 18 months. He noted that power
1138 entities like UMPA initially struggled to grasp the scale but acknowledged it as a growing need.

1139
1140 Councilor Whipple shared her initial skepticism about data centers, shaped by common concerns like
1141 high water and electricity use, emissions, e-waste, depreciation, and limited city value. She clarified that

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1142 she is open to learning and wants to see proof that the proposed technology is not just theoretical but
1143 has been used successfully elsewhere. She emphasized the need for the City to develop a
1144 comprehensive policy to evaluate future proposals based on data and real-world performance.
1145

1146 In response, Mr. Jensen advised that Provo create a clear policy framework that sets city expectations
1147 first, then allows developers to seek UMPA approval second, rather than forcing them into a loop of
1148 uncertainty between the city and utility. He warned that more developers would soon approach the city
1149 due to its strong infrastructure, and having a clear process would avoid confusion and missed
1150 opportunities. He also addressed a major misconception about water use. While older data centers
1151 might use hundreds of millions of gallons annually, his proposal uses a closed-loop system that would
1152 only require 3.3 to 10.9 million gallons per year—dramatically less than traditional centers. He
1153 emphasized that the outdated water-intensive model is no longer industry standard.
1154

1155 Councilor Whipple appreciated the clarification and reiterated the importance of establishing a
1156 thoughtful and coordinated city policy in partnership with UMPA to avoid pushing developers into a
1157 frustrating back-and-forth approval process. She acknowledged receiving materials from Mr. Jensen and
1158 expressed sincere interest in reviewing them to better understand the technologies being proposed.
1159

1160 Chair Garrett thanked Mr. Jensen for his presentation, describing it as interesting, helpful, and
1161 impressive. He acknowledged that the discussion had prompted valuable conversation among the
1162 Council. He referenced a previous motion directing staff to help develop policies related to data centers,
1163 recognizing that proposals like this will likely continue to come before the City. He then asked if there
1164 were any additional questions or discussion from the Council before calling for a vote on the implied
1165 motion.
1166

Vote: The motion failed 6:0 with Councilors Bogdin, Christensen, Garrett, Handley, MacKay,
and Whipple opposed.

1167

Adjournment

1168

1169 The meeting was adjourned by unanimous consent at approximately 9:37 PM.

Please note: These minutes have been prepared with a timestamp linking the agenda items to the video discussion.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

3:30 PM | August 5, 2025

Provo Peak Room

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

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

Agenda

Roll Call

Council Chair Gary Garrett, conducting
Council Vice-Chair Rachel Whipple
Councilor Katrice MacKay
Councilor Craig Christensen
Councilor George Handley
Councilor Becky Bogdin (Excused)
Councilor Travis Hoban
Mayor Michelle Kaufusi

Approval of Minutes

July 22, 2025 Work Meeting

July 22, 2025 Council Meeting

Approved by unanimous consent.

Business

Item 1: An ordinance amending the zone map classification of real property, generally located at 1400 South State Street, from the one-family residential (R1) zone to the light manufacturing (M1) zone. Spring Creek neighborhood. (PLRZ20250222) [0:01:28](#)

Planning Supervisor Aaron Ardmore presented the proposal to the Council. He explained that in 2017, the entire corridor between the tracks and State Street was rezoned to R1 single-family residential to encourage multifamily rezones consistent with the neighborhood plan. The property in question, owned by Pro Steel Hill, is seeking to reverse the 2017 zoning action.

Ardmore noted the current R1 zoning has caused the property and its use to become non-conforming, preventing expansion or modification of the existing buildings or site. The proposed rezoning to the M1 zone would allow Pro Steel Hill to construct an additional office building, providing showroom space on the ground level and office space above. Ardmore highlighted the city's benefit from this proposal, including right-of-way improvements along South State Street.

Councilor Rachel Whipple expressed support and enthusiasm for the proposal, appreciating Pro Steel Hill's longstanding presence and ongoing investment in Provo. Councilor Whipple's inquiry confirmed that Pro Steel has been operating at the location since the 1940s.

Ardmore confirmed that neither staff nor the Planning Commission had reservations about the rezoning request and considered it a positive adjustment.

Councilor Garrett raised a scheduling concern regarding the presentation at the District 2 Neighborhood meeting initially set for July 30th and subsequently rescheduled. Community Relations Coordinator Rachel Breen clarified that developers are no longer required to present to neighborhoods under the new district program. Spring Creek neighborhood representatives were informed and encouraged to seek neighbor feedback, although none had been received.

Item 2: An ordinance amending the zone map classification of real property, generally located at 71 West 880 North, from the residential conservation (RC) zone to the campus residential (CR) zone. North Park neighborhood. (PLRZ20250033) [0:06:40](#)

Planner Dustin Wright presented this proposal to the Council. The applicant, Terry, requested the rezoning of his property situated at 71 West 880 North, near the BYU campus.

Currently, the property hosts a single-family home which would be demolished to accommodate a new 5-unit apartment building. Wright explained that the existing RC zoning does not permit the creation of new residential units, leading to the request for a change to the campus residential (CR) zone, consistent with neighboring property zoning to the south.

Councilor Katrice MacKay asked about the current parking arrangements on the property. Wright clarified that Terry also owns an adjacent apartment building on the corner and is presently using the available space for paid parking as a temporary measure. It was noted that the parking appears to be rented individually to students rather than serving a specific apartment complex.

Wright affirmed that the Planning Commission recommended approval of this rezoning request.

Closed Meeting

Councilor Garrett considered a motion to close the meeting.

Motion: To close the meeting for the purposes of discussing pending litigation and the character, professional competence, or physical or mental health of an individual. Motion made by Councilor Handley and seconded by Councilor Christensen.

The motion passed 7-0.

Adjournment

LAND USE REQUIREMENTS FOR DATA CENTERS IN PROVO CITY CODE

14.27.020 Permitted Uses. (M1 Zone)

...

(4) *Permitted Principal Uses.* The following principal [uses](#) and [structures](#), and no others, are permitted in the M1 [zone](#):

...

Use No.	Use Classification
6550	Data Processing Services, NEC (data centers with aggregate power loads of fifty megawatts or less (≤ 50 MW), subject to the standards of Section 14.34.250(13)(a-e), Provo City Code and must provide signed copies of an Interconnection Agreement and Power Purchase Agreement per Utah Municipal Power Agency policies)

...

(6) *Conditional Uses.* The following [uses](#) and [structures](#) are permitted in the M1 [zone](#) only after a [Conditional Use](#) Permit has been issued, and subject to the terms and conditions thereof and the standards of Section [14.34.250](#), Provo City Code.

Use No.	Use Classification
6550	Data Processing Services, NEC (data centers with aggregate power loads exceeding fifty megawatts (50 MW), subject to the standards of Section 14.34.250, Provo City Code)

14.29.020 Permitted Uses. (PIC Zone)

...

(4) *Permitted Principal Uses.* The following principal [uses](#) and no others are permitted in the PIC [zone](#):

...

Use No.	Use Classification
---------	--------------------

6550	Data Processing Services, NEC (data centers with aggregate power loads between five and fifty megawatts (5-50 MW), subject to the standards of Section 14.34.250(13)(a-e), Provo City Code and must provide signed copies of an Interconnection Agreement and Power Purchase Agreement)
------	---

...

(6) *Conditional Uses.* The following [uses](#) and [structures](#) and no others are permitted in the PIC [zone](#) only after a [Conditional Use](#) Permit has been issued, and subject to the terms and conditions thereof and the standards of Section [14.34.250](#), Provo City Code.

Use No.	Use Classification
6550	Data Processing Services, NEC (data centers with aggregate power loads exceeding fifty megawatts (50 MW), subject to the standards of Section 14.34.250, Provo City Code)

14.34.250 Standards for Conditional Uses.

A [conditional use](#) permit is required for the following [conditional uses](#) when permitted in the [zone](#) and shall only be approved in compliance with Section [14.02.040](#), Provo City Code. The [uses](#) shall comply with the requirements of this Section and shall also comply with any additional conditions resulting from a [Planning Commission](#) hearing.

...

(13) *Data Centers and Server Farms.*

- (a) Data centers may be allowed only in the M1 and PIC zones and must meet all zone requirements in addition to the requirements in this section, Provo City's Data Center Policy and Application Procedures, Utah Municipal Power Authority (UMPA) Data Center Policies, and state regulations.
- (b) No data center shall be located closer than two hundred (200) feet to any school, park, or residential property, measured in a straight line between the closest property lines of lots on which the respective uses are located.
 - (i) Equipment that produces emissions in excess of state and federal base limits (or that requires emissions reduction credits to operate) shall not be located closer than five hundred (500) feet to any school, park, or residential property, measured in a straight line between the

closest wall enclosing the equipment and the closest property lines of lots on which the respective uses are located.

- (c) The data center must establish a mechanism (e.g., performance bond, etc.) to cover any financial obligations in the event of a default.
- (d) Independent “islanded” power plants are prohibited. Any new power plants must be integrated with the existing Utah Municipal Power Agency (UMPA) grid (see (c) in this section). Data centers may provide on-site energy through renewable sources (e.g., geothermal, solar, etc.) and are encouraged to draw from energy produced on-site to meet demand during times of heightened grid demand.
 - (i) On-site battery energy storage systems (BESS) must be appropriately encased to prevent leaking. On-site BESS must comply with the latest safety standards and certifications.
- (e) Developers must provide the following additional information when applying for a conditional use permit:
 - (i) A project narrative and development timeline, including construction milestones and phasing;
 - (ii) A detailed power load and generation plan;
 - (iii) A site plan including all utility infrastructure (electric, water, wastewater);
 - (iv) Legal entity disclosures,
 - (v) Emissions credits, if required, shall be acquired within 90 days of the issuance of the conditional use permit, or the permit will be revoked.
 - (vi) Noise studies to ensure compliance with [9.06.040](#) and any requirements of the zone;
 - (vii) A Community Benefit Plan including workforce training, infrastructure investments, renewable energy projects, and tax revenue projections;
 - (viii) An irrevocable guarantee to offset risks to taxpayers;
 - (ix) Identification of opportunities for renewable energy investments or water reuse systems (e.g., purple pipe irrigation);
 - (x) An environmental review including an air quality analysis and mitigation plan, demonstrating and explaining strategies used to reduce emissions produced and water consumed (e.g., using high-

efficiency systems, strategic layout and clustering of servers to improve efficiency, sourcing energy from lower-emitting options, trapping emissions);

- (xi) A statement demonstrating and explaining strategies used to reduce vibrations (e.g., vibration isolation systems for heavy equipment, floating floors under heavy equipment, structural dampening in building design);
 - (xii) A statement demonstrating and explaining strategies used to reduce water consumption (e.g., recycled water systems, high-efficiency cooling systems); and
 - (xiii) An end-of-life plan for all technological and other hazardous waste, which must be disposed of at an e-waste recycling facility licensed by the Department of Environmental Quality.
 - (xiv) An agreement with UMPA to ensure adequate compensation for the use of UMPA and Provo Power's transmission and distribution infrastructure.
- (f) A new power generation facility (plant) must be constructed and must be sufficient to cover the projected load for data centers with aggregate power loads exceeding fifty megawatts (50 MG), per UMPA policy.
- (i) Developers must provide a site plan that includes the details of the new power generation facility. The site plan must be reviewed and approved by UMPA.
 - (ii) The construction of the plant must be completed and operational before the data center's load requirement exceeds fifty megawatts (50 MW).
 - (iii) The developer is responsible for all costs associated with the development, design, construction, and operation of the new plant. The developer is also responsible for any costs to update the local power grid infrastructure to accommodate the increased load and for any associated system load studies. Once the construction and commissioning of the power plant are complete, the plant will be transferred to UMPA, with ownership of the plant to be negotiated.

Provo City

Data Center Policy and Application Procedures

Adopted: [Date]

DRAFT

Table of Contents

1. Purpose and Overview
2. Policy Objectives and Goals
3. Applicability and Scope
4. Criteria for Data Center Consideration
5. Public Benefit Requirements
6. Application and Approval Process
7. Financial Safeguards
8. Transparency and Disclosure Requirements
9. Ownership, Oversight, and Monitoring
10. Prohibited Practices
11. Review and Amendment
12. Appendix: UMPA Policies

1. Purpose and Overview

This policy establishes a clear regulatory and procedural framework for the review, permitting, approval, development, and operation of data centers in Provo City. It aligns with Provo's Council-Mayor form of government (Utah Code § 10-3b-2), incorporates the Utah Technology Governance Act (Utah Code § 63A-16), and ensures compliance with Utah Municipal Power Agency (UMPA) policies and agreements.

2. Policy Objectives and Goals

- Safeguard Provo Power's 40,000 customers and fiscal integrity.
- Ensure UMPA compliance, including the S-1 bond covenants and generation agreements.
- Require full cost recovery from developers for infrastructure and operations.
- Promote community, economic, and infrastructure benefits, including job creation and tax base expansion.
- Encourage alignment with Provo's General Plan, particularly land use, sustainability, and innovation objectives.
- Establish clear, consistent expectations for developers.

3. Applicability and Scope

This policy applies to:

- Data centers 5–50 MW: Must comply with UMPA Policy #1 (Appendix A).
- Data Centers >50 MW: Must construct their own generation facility per UMPA Policy #2 (Appendix B).
- Data centers are subject to Provo City zoning and utility rate ordinances.

4. Criteria for Data Center Consideration

To be eligible for consideration, proposed data center projects must:

- Be located in an appropriately zoned area (PIC and M1).
- Be cited near substations or capable of co-developing a substation.
- Submit integrated plans for utilities, road access, stormwater, and fire safety. Including, but not limited to: Transmission and distribution, Water (potable and recycled), Wastewater and stormwater, Road access and utility corridors.
- Prohibit generation islanding and safeguard Provo's electric grid; all energy must be integrated via UMPA.
- Demonstrate compliance with federal and state environmental and air quality regulations and secure air quality permits per non-attainment zone requirements.
- Align with neighborhood compatibility and urban form.

5. Public Benefit Requirements

Developers must:

- Submit a Community Benefit Plan including workforce training, Infrastructure investments, Renewable energy projects, Tax revenue projections.
- Provide advance financial security and performance bonding.
- Offset risks to ratepayers through irrevocable guarantees.
- Identify opportunities for renewable energy investments or water reuse systems (e.g., purple pipe integration).

6. Application and Approval Process

A. Pre-Application Conference

Applicants must request a coordination meeting with:

- Provo City Council Office
- Provo Fire
- Provo Development Services

- Provo Power
- Provo Public Works
- UMPA

B. Submission Requirements

Applications must be submitted to Provo Development Services and include:

- Project narrative and development timeline
- Detailed power load and generation plan
- Site plan with all utility infrastructure (electric, water, wastewater)
- Environmental review documentation, air quality analysis, and mitigation plan.
- Legal entity disclosures
- Power Purchase Agreement (PPA)
- Construction milestones and phasing
- Financial instruments (bonding, deposits)

C. City Processing

1. Technical Review

- UMPA and Provo Power: interconnection and load studies
- Provo Fire: safety and emergency backup compliance
- Planning Division: zoning and neighborhood compatibility

2. Administrative and Legislative Review

- City Council reviews fiscal impact, risk, and public benefit
- Final PPA and interconnection agreements approved

3. Permit Issuance & Monitoring

- Issued upon Council approval and compliance confirmation

7. Financial Safeguards

- All infrastructure, interconnection, and generation costs are borne by the applicant.
- Required instruments: performance bonds, letters of credit, cost deposits.
- City may establish a utility tariff for local cost recovery.

8. Transparency and Disclosure Requirements

- Annual reports on emissions, water/electric use, and community benefits.
- UMPA/Provo Power reserve rights to audit and review performance as necessary.
- Projects must demonstrate progress toward clean energy alignment per Utah Code § 63A-16.

9. Ownership, Oversight, and Monitoring

- All >50 MW generation must be transferred to UMPA for operation.
- Substation and distribution infrastructure must meet Provo Power standards.
- Compliance oversight resides with Provo Power and the Provo Energy Board.

10. Prohibited Practices

- No 'islanded' power generation. All power must be integrated with UMPA under established PPA.
- No cost burden may be placed on Provo Power ratepayers or other UMPA member cities.
- Unapproved deviations from approved plans are grounds for revocation.

11. Review and Amendment

This policy shall be reviewed biennially or as needed due to changes in:

- UMPA policy
- Utah Code § 63A-16 and 10-3b-2
- Provo City Code

12. Appendix

Appendix A: UMPA Policy #1 – Data Centers Connecting in Member Cities From 5 MW to 50 MW

Appendix B: UMPA Policy #2 – Data Centers Connecting in Member Cities over 50 MW

DRAFT



UMPA Data Center Policy #2

Data Centers Connecting in Member Cities over 50 MW

Purpose

This policy outlines the requirements and obligations for data centers seeking to connect to the electrical grid in Provo, Spanish Fork, Salem, Nephi, Manti and Levan, member cities of Utah Municipal Power Agency (UMPA) that are greater than 50 MW. The policy ensures that the costs and risks associated with the interconnection, power supply, and related infrastructure are appropriately managed and that member cities are fairly compensated for the use of their transmission and distribution resources.

Scope

This policy applies to any new or expanding data center facilities with an aggregate power load requirement that exceeds 50 MW within the jurisdiction of UMPA and a member city.

Policy Requirements

Any data center developer planning to install or expand data center operations that result in an aggregate power load of more than 50 MW must meet the following conditions:

1. **New Power Plant Requirement:** A new power generation facility must be constructed to supply the increased demand caused by the new data center operations. This facility must be sufficient to cover the projected load and ensure system reliability.
2. **Developer's Responsibility:** The developer is responsible for all costs associated with the development, design, construction, commissioning and operation of the new power plant. This includes, but is not limited to:
 - a) Site selection and acquisition
 - b) Environmental and regulatory compliance
 - c) Engineering and design
 - d) Procurement of generation equipment
 - e) Transmission infrastructure upgrades or additions, if necessary
 - f) Integration with the existing grid infrastructure
 - g) Fuel cost



3. **Transfer of Operational Control:** Once the construction and commissioning of the power plant are complete, operation of the plant will be transferred to UMPA. Ownership of the resource to be negotiated.

UMPA Responsibilities:

- a) **Operational Management:** UMPA will be responsible for the day-to-day operations, including maintenance, monitoring, scheduling and optimization of the power plant to ensure reliability and efficiency.
 - b) **Grid Integration:** UMPA will ensure the seamless integration of the new plant into the grid, providing necessary operational oversight to maintain grid stability.
 - c) **Schedule:** UMPA will schedule the power generation to match the data center's load requirements and integrate it into the overall power supply plan for the region.
4. **Cost Recovery:** The developer will bear all financial responsibility for the construction and commissioning of the power plant, including all costs for upgrades to the local power grid infrastructure that may be necessary to accommodate the increased load.
 - a) No costs for upgrades, expansions, or construction will be passed on to UMPA or member cities.
 - b) Any required transmission line upgrades or other grid enhancements to support the new load must be financed and completed by the developer.
 - c) All costs associated with system load studies by the member city and RMP will be paid by the developer.
 5. **Compliance and Regulatory Approvals:** The developer must ensure that the new power plant complies with all local, state, and federal regulations, including environmental standards. All necessary permits and approvals must be obtained before construction begins.
 - a) UMPA will review all plans for the new facility to ensure compliance with operational and technical standards.
 - b) Any failure to comply with these requirements may result in penalties, delays, or denial of the data center's connection to the grid.
 6. **Timeline and Milestones:** The construction of the new power plant must be completed and operational before the data center's load requirement exceeds 50 MW.
 - a) UMPA and the developer will establish a mutually agreed-upon project timeline, including key milestones and deadlines for permitting, construction, and commissioning.
 - b) Any delays in the power plant's completion will delay the commissioning and power-up of the data center facility.



7. Default and Liability Protection

- a) In the event of a default by the data center, other ratepayers in UMPA member cities shall bear no financial liability. The data center must provide financial guarantees to cover any potential losses or liabilities arising from a default, ensuring that member cities and their ratepayers are fully protected.
- b) The data center must establish a mechanism, such as a performance bond or other suitable financial instrument, to cover the cost of any damages, unpaid bills, or other financial obligations in the event of a default.

8. Compensation for Transmission and Distribution Capacity

- a) UMPA member cities must receive adequate compensation for the use of their transmission and distribution infrastructure. The compensation will be determined based on the extent of the capacity used by the data center and the impact on the local grid.
- b) The terms of compensation will be included in the member cities' new tariff approved for the project and must ensure that member cities are fairly remunerated for the maintenance and costs associated with the data center's use of the grid.

Limitations

- a) Electricity acquired by UMPA pursuant to this Policy is not and shall not be deemed to be "S-1 Electricity" within the meaning of the Power Sale Agreements S-1 dated as of January 1, 2016 (Power Sale Agreements) between UMPA and the member cities.
- b) All costs, expenses and charges incurred by UMPA pursuant to this Policy shall be paid by the applicable data center and shall not be recovered through the "S-1 Rate Schedule" under (and as such term is defined in) the Power Sale Agreements.

Implementation

Failure to comply with the terms of this policy may result in the denial of interconnection.

Review and Amendment

This policy will be reviewed periodically and may be amended as necessary to reflect changes in technology, market conditions, or regulatory requirements. Any amendments will be subject to approval by the UMPA Board of Directors.



Effective Date

This policy is effective immediately upon approval by the UMPA Board of Directors. All new data center interconnection requests received after this date will be subject to the terms of this policy.



UMPA Data Center Policy #1

Data Centers Connecting in Member Cities From 5 MW to 50 MW

Purpose

This policy (Policy) outlines the requirements and obligations for data centers seeking to connect to the electrical grid in Provo, Spanish Fork, Salem, Nephi, Manti and Levan, member cities of Utah Municipal Power Agency (UMPA). The policy ensures that the costs and risks associated with the interconnection, power supply, and related infrastructure are appropriately managed and that member cities are fairly compensated for the use of their transmission and distribution resources.

Scope

This policy applies to data centers whose load is between 5 MW and 50 MW with a load factor greater than 90% seeking to establish a new electrical interconnection within UMPA member cities. Loads greater than 50 MW must supply their own generation as required in a separate policy. All data centers less than 5 MW must comply with member cities' codes and approved rate schedules.

Policy Requirements

1. Interconnection Cost Responsibility

- a) Data centers applying to connect to the electrical grid within a UMPA member city are required to enter into an interconnection agreement (Interconnection Agreement) with the member city and bear 100% of the interconnection costs. This includes all costs associated with procurement, design, construction, testing, and commissioning of the necessary infrastructure to connect to the grid.
- b) All costs associated with system load studies required by PacifiCorp and/or Rocky Mountain Power (RMP) and the member city will be covered by the data center.
- c) The interconnection cost also covers any upgrades or modifications to existing transmission and distribution infrastructure required to accommodate the data center's load.
- d) UMPA will assist member cities in negotiating Interconnection Agreements.
- e) Data centers applying to connect to the electrical grid within a UMPA member city must understand that the timeline in which a data center is able to interconnect is subject to the timelines identified in the various interconnection studies.



2. Power Purchase Agreement (PPA)

- a) Data centers must negotiate a Power Purchase Agreement (PPA) with UMPA and the member city. The PPA will specify the terms and conditions of the power supply, including pricing, duration, and any specific requirements related to the data center's energy needs. UMPA will have primary responsibility for negotiation of the PPA and will consult regularly with the member city.
- b) The PPA must be structured in a manner that ensures the data center's energy requirements are met without imposing risk or cost on UMPA, the member city that serves the data center or the other member cities.

3. Default and Liability Protection

- a) In the event of a default by the data center, the ratepayers in the member city that serves the data center and the ratepayers in the other member cities shall bear no financial liability. The data center must provide financial guarantees to cover any potential losses or liabilities arising from a default, ensuring that UMPA, the member cities and their ratepayers are fully protected.
- b) The data center must establish a mechanism, such as a performance bond or other suitable financial instrument, to cover the cost of any damages, unpaid bills, or other financial obligations in the event of a default.

4. Advance Payment and Financial Security

- a) Data centers are required to make advance payments for power purchases as stipulated in the PPA. This includes prepayment for expected energy consumption, as well as any associated transmission and distribution costs.
- b) To secure these obligations, the data center must provide a financial security instrument in the form of a deposit, an irrevocable line of credit, or a bond acceptable to UMPA and the member city that serves the data center. The amount of the financial security will be determined based on the anticipated energy usage and associated costs.

5. Member City Rate Tariff for Service to Data Center Customers

- a) Prior to serving a data center, the member city will adopt a rate schedule or tariff (Tariff) that governs the services it provides to data centers that fall within the Scope of this Policy. The Tariff will reference and, to the extent applicable, incorporate the requirements of this Policy and will include such other terms and provisions as the member city deems necessary or desirable.
- b) The Tariff shall provide that the rates and charges payable by the data center shall be as set forth in the Interconnection Agreement and the PPA. UMPA member cities



- must receive adequate compensation for the use of their transmission and distribution infrastructure. The compensation will be determined by the member cities based on the extent of the capacity used by the data center and the impact on the local grid.
- c) The terms of compensation will be included in the Interconnection Agreement and must ensure that member cities are fairly remunerated for the maintenance and costs associated with the data center's use of the grid.
 - d) Through the PPA, the Interconnection Agreement and/or the Tariff, member cities may also impose margins for their services and such additional charges as they deem necessary to recover their administrative and general expenses reasonably allocable to serving data centers.

6. Data Center Request to Provide Generation (buy all/sell all metering)

- a) Data centers requesting to provide generation shall sign a PPA with UMPA. All power generated by the data center will be purchased by UMPA and compensated at UMPA's avoided cost.
- b) The data center shall purchase the energy generated from the member city at the rate established in section 5.

Limitations

- a) Electricity acquired by UMPA pursuant to this Policy is not and shall not be deemed to be "S-1 Electricity" within the meaning of the Power Sale Agreements S-1 dated as of January 1, 2016 (Power Sale Agreements) between UMPA and the member cities.
- b) All costs, expenses and charges incurred by UMPA pursuant to this Policy shall be paid by the applicable data center and shall not be recovered through the "S-1 Rate Schedule" under (and as such term is defined in) the Power Sale Agreements.

Implementation

Failure by a data center to comply with the terms of this Policy may result in the denial of interconnection or termination of the PPA.

Review and Amendment

This policy will be reviewed periodically and may be amended as necessary to reflect changes in technology, market conditions, or regulatory requirements. Any amendments will be subject to approval by the UMPA Board of Directors.

Effective Date

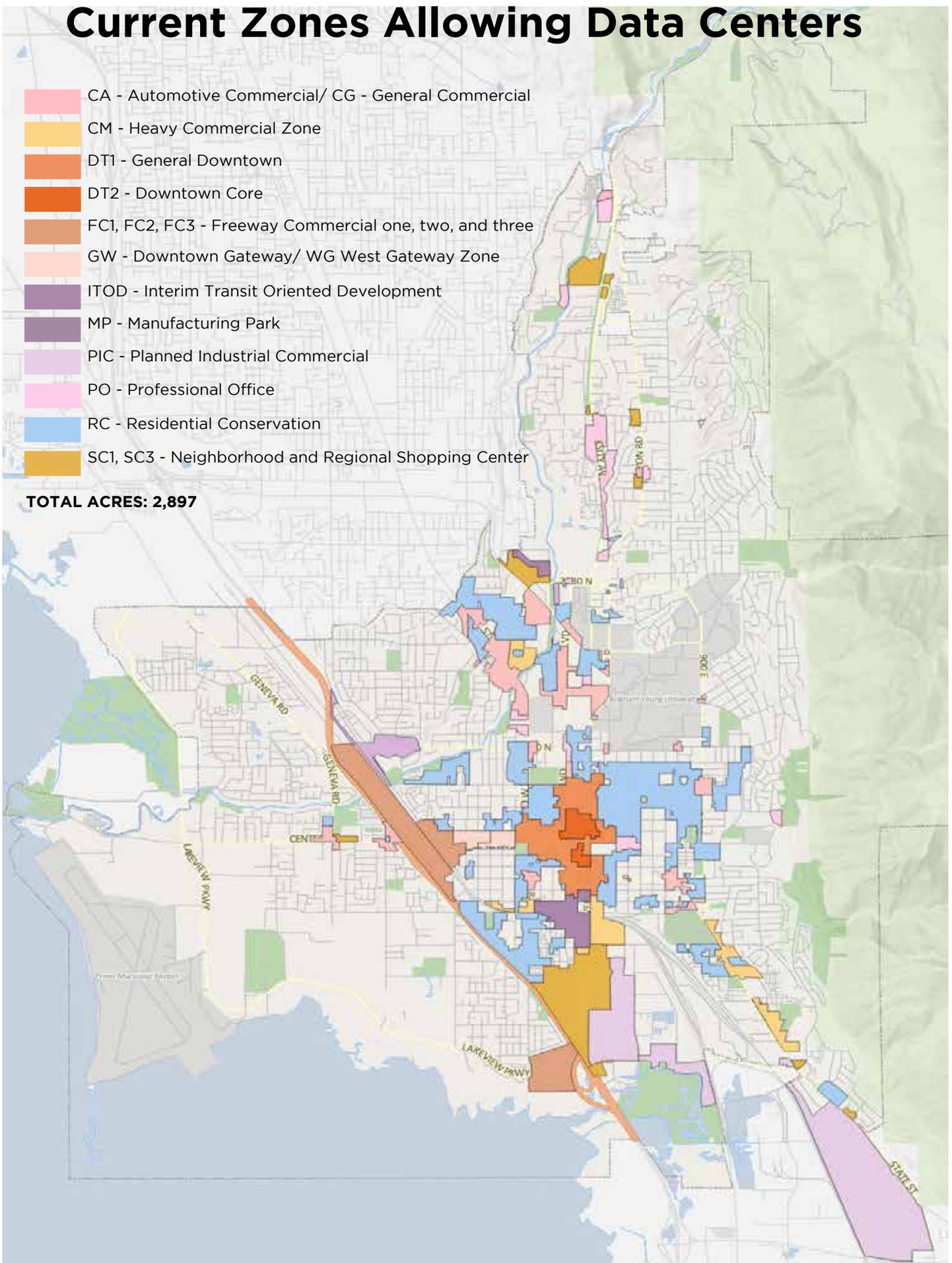


This policy is effective immediately upon approval by the UMPA Board of Directors. All new data center interconnection requests received after this date will be subject to the terms of this policy.

Current Zones Allowing Data Centers

- CA - Automotive Commercial/ CG - General Commercial
- CM - Heavy Commercial Zone
- DT1 - General Downtown
- DT2 - Downtown Core
- FC1, FC2, FC3 - Freeway Commercial one, two, and three
- GW - Downtown Gateway/ WG West Gateway Zone
- ITOD - Interim Transit Oriented Development
- MP - Manufacturing Park
- PIC - Planned Industrial Commercial
- PO - Professional Office
- RC - Residential Conservation
- SC1, SC3 - Neighborhood and Regional Shopping Center

TOTAL ACRES: 2,897



Proposed Zones for Data Centers



M1 - Light Manufacturing



PIC - Planned Industrial Commercial

TOTAL ACRES: 677



**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: MDAYLEY
Presenter: Hannah Salzl, City Planner & Justin Harrison, Council Executive Director
Department: Recorder
Requested Meeting Date:
Requested Presentation Duration: 30 minutes
CityView or Issue File Number: 25-082

SUBJECT: 1 A discussion regarding data center policy and zoning considerations. (25-082)

RECOMMENDATION: Discussion seeking Council motion on next steps

BACKGROUND: During the April 8, 2025 Council Work Meeting, direction was given to Council staff to begin working on a data center policy establishing a clear regulatory and procedural framework for the review, permitting, approval, development, and operation of data centers in Provo City. Council staff has been working with city Provo City departments including, Development Services, Public Works, Provo Power, and partner agency UMPA to establish a policy that meets the following objectives:

- Safeguard Provo Power’s 40,000 customers and fiscal integrity.
- Ensure UMPA compliance, including the S-1 bond covenants and generation agreements.
- Require full cost recovery from developers for infrastructure and operations.
- Promote community, economic, and infrastructure benefits, including job creation and tax base expansion.
- Encourage alignment with Provo's General Plan, particularly land use, sustainability, and innovation objectives.
- Establish clear, consistent expectations for developers.

FISCAL IMPACT: N/A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

N/A