



PROVO CITY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT
Planning Commission Agenda
September 10, 2025

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION

The Provo City Planning Commission will hold a public hearing on September 10, 2025 at 6:00 PM. Located at: Council Chambers 445 West Center Street. The items listed below will be discussed, and anyone interested is invited to participate and provide comment. Hearings can be viewed live and on-demand at: YouTube youtube.com/user/ProvoChannel17 and on Facebook facebook.com/provochannel17.

NOTICE OF PUBLIC MEETING BEFORE PROVO MUNICIPAL COUNCIL

On Tuesday, **October 7, 2025**, at 5:30 PM. the Provo Municipal Council will consider the items noted below with a star (*). Items noted on the agendas with a star require legislative action by the Municipal Council. Council agendas can be viewed at the Provo City Council web site on the Thursday prior to the Council meeting at <http://agendas.provo.gov>. For more information, call (801) 852-6120.

Unmarked items are administrative and require the approval only of the Planning Commission. Decisions on the unmarked items may be appealed to the Board of Adjustment by making application by 6:00 PM. **within 14 days of the Planning Commission decision.**

Public Hearings

- Item 1 Claudia Estaba requests a Conditional Use Permit for a dance hall (SLU 7396) for space within an existing building in the DT2 (Downtown Core) Zone, located at 86 N University Ave, Suite 110. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLCUP20250233
- *Item 2 Allen and Joanna Ludlow request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20250427
- *Item 3 Development Services requests Ordinance Text Amendments to Title 14 to remove data centers as permitted or conditional uses through all zones. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20250458
- *Item 4 Development Services proposes adoption of city policy and amendments to Provo City Code Title 14 to address Data Processing Services, Electricity Regulating Substations and Electric Small Generation as Permitted Principal or Conditional Uses. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20250182

Preceding the public hearing, there will be a Study Session at 5:00 PM. at the Provo Peak Conference Room, 445 W Center Street. The Study Session is open to the public; however, formal presentation of items, public comment and actions will be reserved for the public hearing at 6:00 PM.

To send public comments to Planning Commission members, email them at dspublichearings@provo.gov. Please submit public comment emails before 3:00 PM the day of the hearing. Additional information can be found at provo.gov/publiccomments.

Copies of the agenda materials, public hearing procedure, and staff recommendations are available the week of the hearing at a reasonable cost at 445 W Center Street, Suite 200, Provo between the hours of 7:00 AM. and 6:00 PM., Monday through Thursday. Agendas and staff recommendations are also generally available on the Provo City Development Services web site the week of the meeting at provo.gov/planningcommission.



PROVO CITY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT
Planning Commission Agenda
September 10, 2025

Provo City will make reasonable accommodations for all citizens interested in participating in this meeting. If assistance is needed to allow participation at this meeting, please call the Development Services Department at (801) 852-6400 before 12:00 PM. the day before the meeting to make arrangements.

By order of the Provo City Planning Commission
Planning Secretary, (801) 852-6424



ITEM 1 Claudia Estaba requests a Conditional Use Permit for a dance hall (SLU 7396) for space within an existing building in the DT2 (Downtown Core) Zone, located at 86 N University Ave, Suite 110. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLCUP20250233

<p>Applicant: Claudia Estaba</p> <p>Staff Coordinator: Aaron Ardmore</p> <p>Property Owner: Harris Investment Group, LLC</p> <p>Parcel ID#: 49:600:0001</p> <p>Square Footage: 4,291</p> <p>Number of Properties: 1</p> <p>ALTERNATIVE ACTIONS</p> <ol style="list-style-type: none">1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 24, 2025 at 6:00 P.M.</i>2. Deny the requested conditional use permit. <i>This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.</i>	<p>Current Legal Use: Vacant space on floor one of a commercial office building.</p> <p>Relevant History: This space was most recently an Acaydia Spa and school for aesthetics. This application for a dance hall conditional use permit was submitted in May 2025. Staff were able to confirm code compliance on the proposal through CRC on August 25th.</p> <p>Neighborhood Issues: This item was not heard as a discussion item in the Neighborhood District meeting, and staff have not received any public feedback at this time.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• A dance hall is a conditional use in the DT2 Zone and must comply with PCC 6.15 and 14.34.250(3).• Parking allocated to this use from the Wells Fargo parking garage is 135 spaces, limiting occupancy to 540 people. <p>Staff Recommendation: That the Planning Commission approve a conditional use permit for a dance hall at 86 N University Ave, Suite 110, with the following conditions:</p> <ol style="list-style-type: none">1. That the business complies with, and is subject to, PCC 6.15 at all times.2. That occupancy is held at or below 540 people.
---	--

OVERVIEW

Claudia Estaba proposes to open a dance hall at 86 N University Ave, Suite 110, called "The Venue". Dance halls are a conditional use in the DT2 Zone and must be reviewed and approved by the Planning Commission, which may establish conditions on the use to mitigate impacts to the health, safety, or general welfare of persons or property. There are standard conditions for any dance hall or entertainment venue in the city, found in Provo City Code (PCC) 6.15 that establish limitations on hours, sound, and describe requirements for event management and security. Additional criteria for dance hall establishments are found in PCC 14.34.250(3), describing location and parking standards.

The location for the dance hall, suite 110, is on the first floor of the Wells Fargo building, in the southwest corner of the structure. Parking will be provided in the adjacent parking garage (56 E 100 N), where a letter from the property owner describes the 135 stalls dedicated to this space. Based on the requirements of PCC 14.37.060, this number of spaces will allow up to 540 people for dance hall events (1 space for every 4 persons), subject to any more restrictive occupancy standard given from building or fire codes.

There are a variety of other business, office, and residential uses within the building at 86 N University Ave. The building and the adjacent properties in each direction are all zoned DT2, with the DT1 (General Downtown) Zone extending past that to fill the block. The closest residential zone is the RC (Residential Conservation) Zone to the northeast, approximately 740 feet from the front door of the dance hall. This proposed location falls within the distance restrictions of PCC 14.34.250(3).

STAFF ANALYSIS

Staff have reviewed this request and are confident it meets the standards of PCC 14.34.250(3), conditions for dance halls. As they move forward, we hope that they will continue to comply with these standards, as well as those in PCC 6.15. The location is in the core of downtown and should not create adverse impacts for any property users around the site. Further analysis is given by reviewing the criteria for a conditional use permit, as follows:

The following standards shall apply to any request for a Conditional Use Permit:

- (a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.
- (b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity:
 - (i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

Staff Response: Access and parking for the site is sufficient for the use, the location being on the corner of two arterial-class streets and having 135 parking spaces

dedicated in an established parking garage; staff do not anticipate any unreasonable risks associated with traffic, parking, or gatherings.

- (ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

Staff Response: The use is in a downtown environment and should not interfere with the lawful use of any of the surrounding property.

- (iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met; or

Staff Response: The location has all essential city services, and the proposed use should not create any additional needs. If Provo Fire or Provo Police see an increase in services needed for the venue, the conditional use should be reviewed again, in accordance with PCC 14.02.070

- (iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

Staff Response: Staff do not see a way that the use should be detrimental to the health, safety or general welfare of people or property in the vicinity, so long as they comply with the city standards for dance halls.

APPLICABLE ZONING CODES

PCC 6.15 – Commercial Entertainment Business Security
(<https://provo.municipal.codes/Code/6.15>)

PCC 14.34.250(3) – Standards for Conditional Uses, *Dance Halls*
(<https://provo.municipal.codes/Code/14.34.250>)

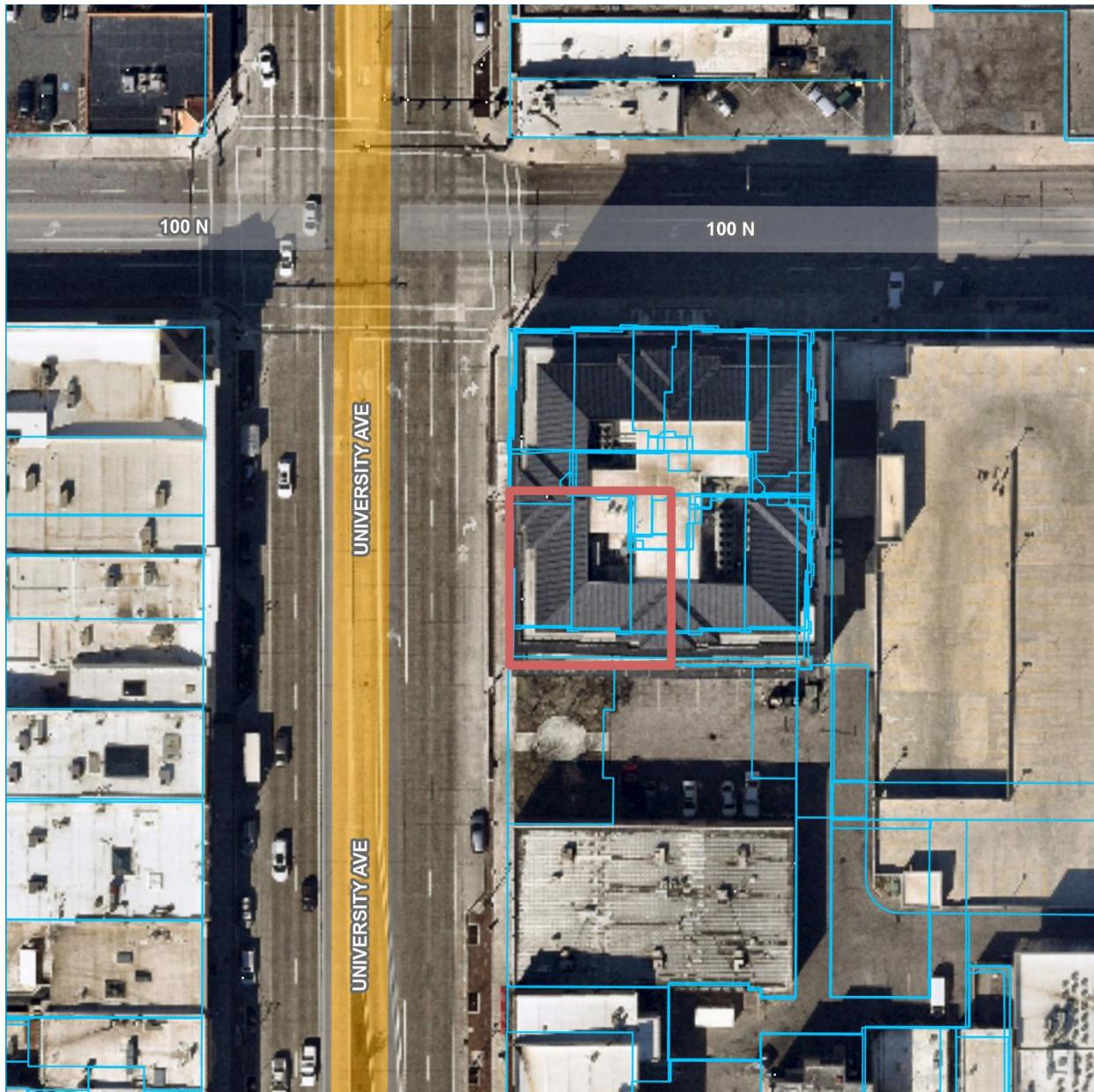
CONCLUSIONS

Staff have ensured that the proposed dance hall has met all city standards and should be able to move forward with the conditions listed in this report.

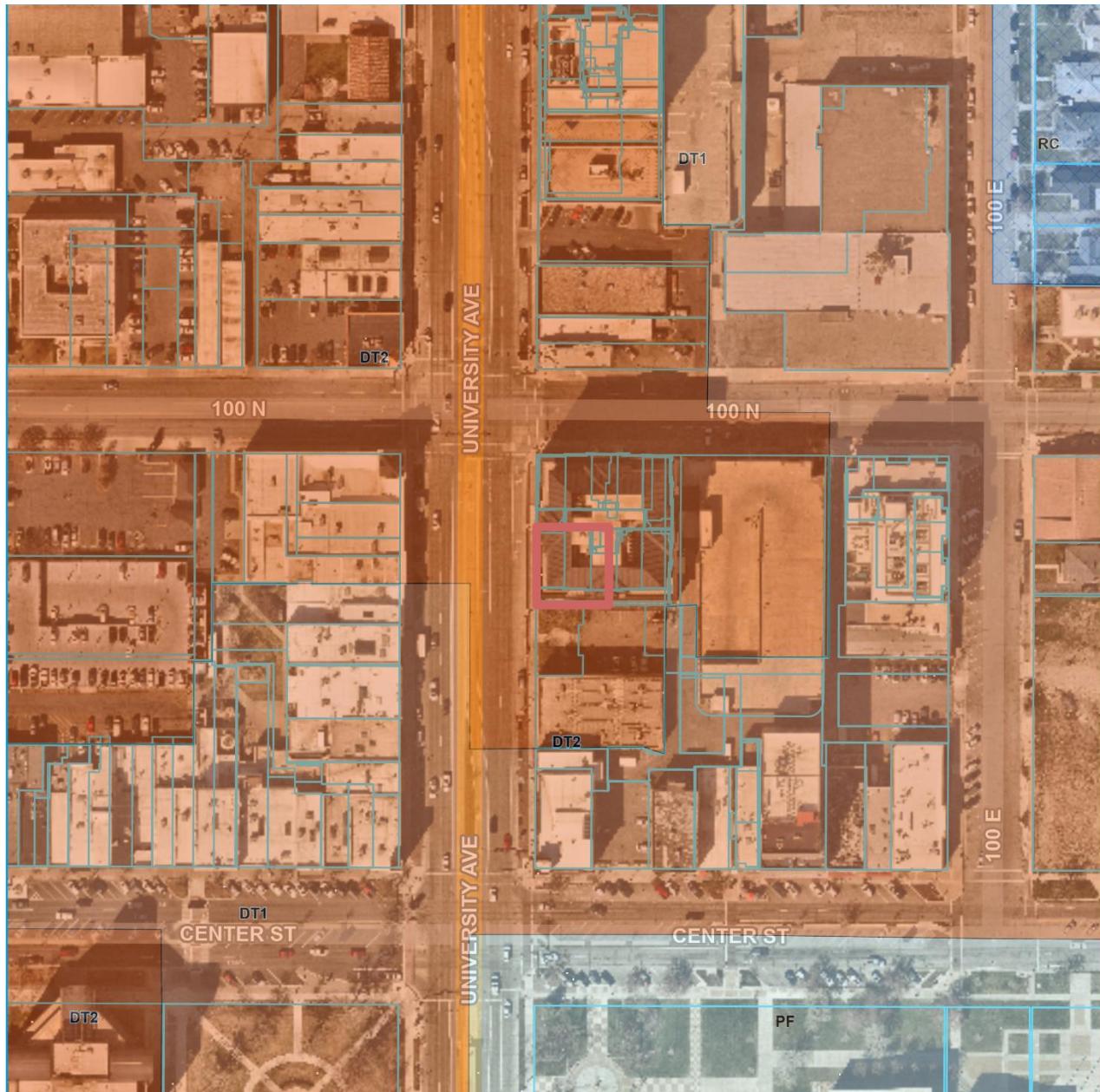
ATTACHMENTS

1. Area Map
2. Zone Map
3. Floor Plan
4. Parking Letter

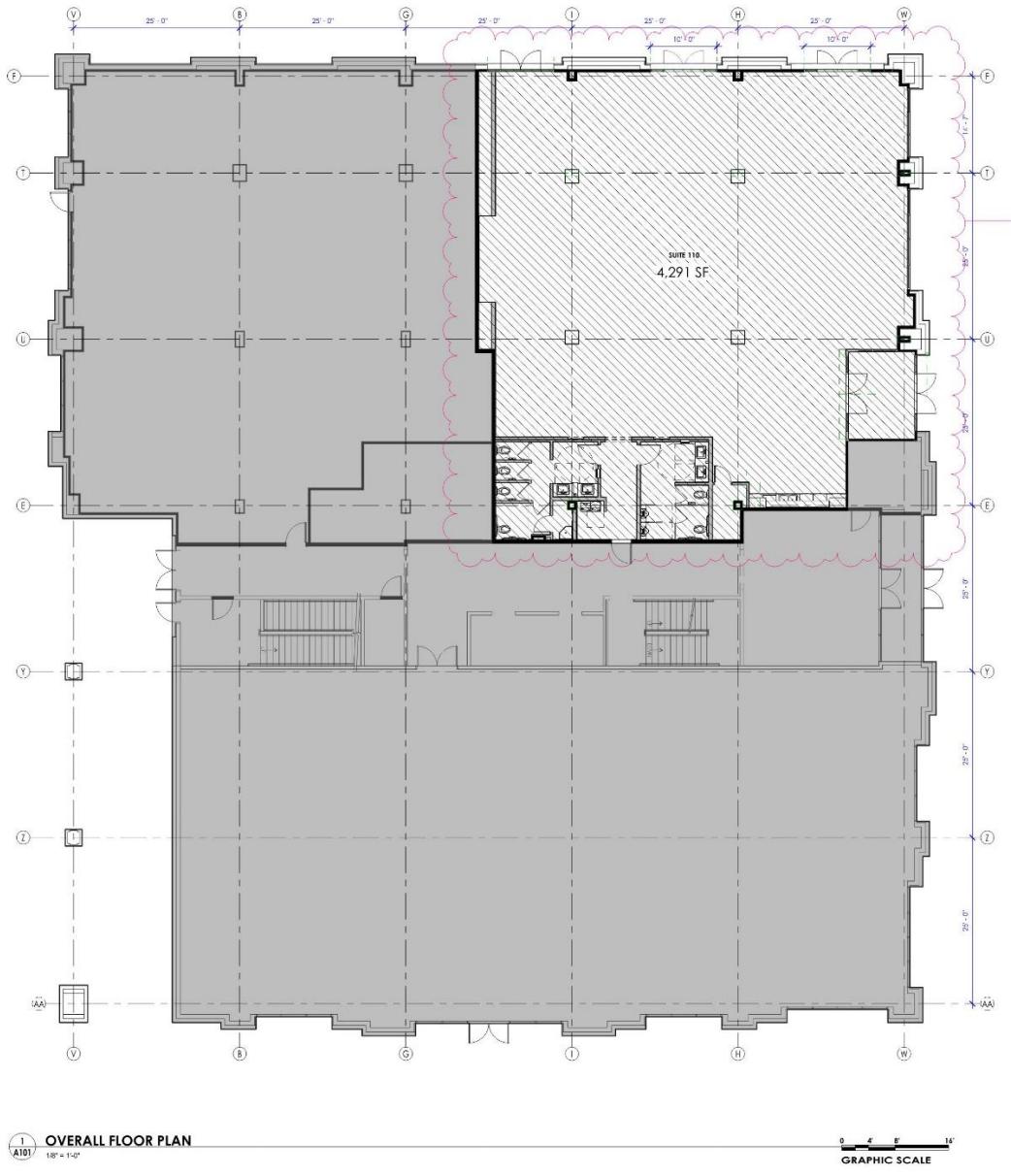
ATTACHMENT 1 – AREA MAP



ATTACHMENT 2 – ZONE MAP



ATTACHMENT 3 – FLOOR PLAN



ATTACHMENT 4 – PARKING LETTER



Letter of Authorization

Date: August 22, 2025

To whom it may concern,

Harris Investment Group, LLC hereby verifies that “The Venue” a new tenant at Suite 100 at 86 N University Avenue has negotiated to be allocated 135 parking stalls in the adjacent parking garage for its exclusive use. The parking garage is owned by the ownership of the first 4 commercial floors of the office building at 86 N University Ave. Harris Investment Group is the owner / manager of three of these floors. The specific parking stalls allocated to “The Venue”, are not those 204 stalls which the City of Provo has oversight over. The parking garage has a total of 500 parking stalls.

Sincerely,

**Chuck Matheny
Harris Investment Group, COO**

***ITEM 2** Allen and Joanna Ludlow request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20250427

<p>Applicant: JoAnna Ludlow LUDLOW, ALLEN J & JOANNALUDLOW, ALLEN J & JOANNA</p> <p>Staff Coordinator: Jessica Dahneke</p> <p>Property Owner: LUDLOW, ALLEN J & JOANNA</p> <p>Parcel ID#: 48:019:0005</p> <p>Acreage: 0.31</p> <p>Number of Properties: 1</p> <p>Number of Lots: 1</p> <p>ALTERNATIVE ACTIONS</p> <ol style="list-style-type: none">1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 24, 2025, at 6:00 P.M.</i>2. Deny the requested ordinance text amendment. <i>This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.</i>	<p>Current Legal Use: Single-Family Dwelling in the R1.10 Zone</p> <p>Relevant History: In November of 2024, Code Enforcement staff received a complaint regarding occupancy at the property at 1841 N 1550 E. The complaint stated that there was an apartment being used at the property. Investigation confirmed use of a basement apartment. JoAnna and Allen Ludlow are applying for an ordinance text amendment to permit the property at 1841 N 1550 E to have an accessory apartment. While a known violation exists at the property, this application is being pushed forward since 17.03.100 of Provo City Code states that “The City shall not withhold permits or approvals when necessary to obtain a notice of compliance...”</p> <p>Neighborhood Issues: A complaint was raised regarding the potential accessory apartment.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• The property cannot establish an accessory dwelling unit without the ordinance text amendment.• The applicant obtained the required signatures from the surrounding neighbors stating they had no objections to an accessory dwelling unit at the property.• 17.03.100 of Provo City Code allows the planning application to be moved forward as approval would bring the property into compliance. <p>Staff Recommendation: <u>Recommend Approval</u> of the requested Ordinance Text Amendment. <i>This action would be consistent with the recommendations of the Staff Report.</i></p>
--	---

OVERVIEW

JoAnna and Allen Ludlow are seeking to establish an accessory dwelling unit at 1841 North 1550 East. The R1.10 zone does not allow accessory dwelling units, as such an ordinance text amendment to 14.30.020 of Provo City Code to include 1841 North 1550 East in the area where accessory dwelling units are allowed is necessary.

In November 2024, a complaint was filed regarding the property at 1841 North 1550 East. Following an investigation, Code Enforcement Staff discovered that an accessory dwelling unit was being occupied on the property. The property owners were subsequently notified of this violation and advised of their options moving forward. The ordinance text amendment process stated in 14.30.040 gives the property owner the opportunity to legally establish an accessory dwelling unit at the property. Section 17.03.100 of Provo City Code allows the planning application to continue through the approval process if the approval of the ordinance text amendment would bring the property into compliance. The property owners are aware that if the ordinance text amendment is not approved, they cannot rent the accessory living space at the property.

STAFF ANALYSIS

In evaluating documents uploaded with the application, the applicant has shown that they obtained the signatures of at least 66% of the surrounding neighbors and they meet the owner occupancy and parking requirements to establish an accessory dwelling unit. The code analysis below shows that establishing an accessory dwelling unit aligns with the goals and policies of the General Plan.

CODE ANALYSIS

14.02.020, Provo City Code below: (staff responses in bold)

(a) Public purpose for the amendment in question

Staff Response: The purpose of the amendment is to include the property at 1841 North 1550 East as part of area permitting ADUs.

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

Staff Response: The text amendment creates an additional dwelling unit in the area providing an additional housing option in the neighborhood.

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

Staff Response: This amendment aligns with the following General Plan Goal:

4.1 Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points including ADUs.

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

Staff Response: There are no conflicts with the General Plan's "timing and sequencing".

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

Staff Response: Staff do not see any conflicts from the proposed amendment with the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff Response: The code requires that the property be owner occupied and provide off-street parking for the ADU there should not be any adverse impact on the surrounding landowners.

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

Staff response: The General Plan shows this area as "Residential". The proposed ordinance text amendment maintains this area as residential.

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

Staff Response: There is no conflict between the General Plan Map and the General Plan Policies.

FINDINGS OF FACT

1. The application submitted a complete application for an ordinance text amendment as required in 14.30.040.
2. The property currently has additional living space that is being used as an accessory dwelling unit.
3. 17.03.100 allows the application to proceed through the approval process

APPLICABLE ZONING CODES

17.03.100 Prohibition Against Issuance of Municipal Permits and Administrative Approvals.

The City shall withhold business licenses; permits for kennels; any permits or approvals for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property; and any permits or approvals pertaining to the use and development of the real property or the structure where a violation is located. Where a notice of violation has been issued, the City shall not process any requests or applications, proceed with any review or approval process, or grant an approval of any type in relation to the property, business, use, or structure with which the violation is associated. The City shall withhold such permits and approvals until a notice of compliance has been issued by the Director. The City shall not withhold permits or approvals when necessary to obtain a notice of compliance or to correct serious health and safety violations.

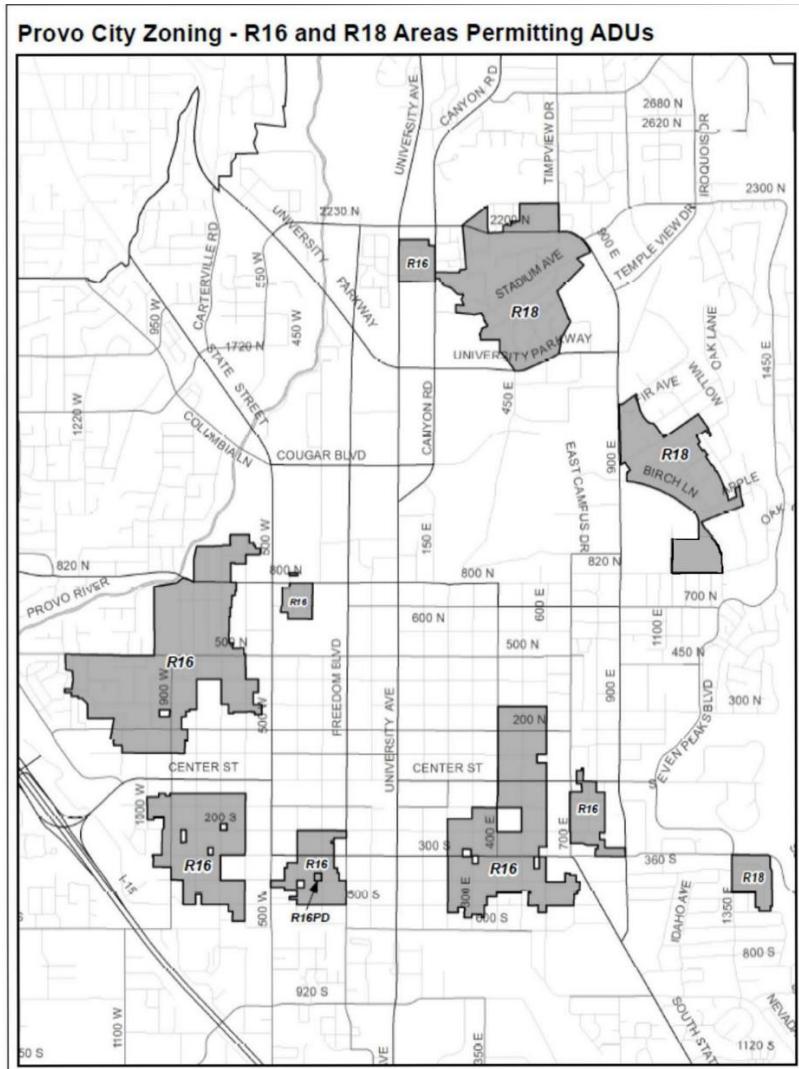
(Enacted 1999-40, Am 2023-12)

14.30.020 Permitted Use of Accessory Dwelling Units.

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

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

- (a) All Project Redevelopment Option (PRO) zones;
- (b) R2 zones with a Performance Development Overlay (R2PD);
- (c) Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development Overlay, except as shown in the map below:



(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15, except the Specific Development Plan Overlay zone 5 (SDP-5) and R2 zones with a Performance Development Overlay (R2PD).

(Am 2021-46, Am 2022-46, Am 2024-03, Am 2024-20, Am 2024-21)

14.30.040 Special Use Permit for Accessory Dwelling Unit.

A property owner, or the owners of multiple contiguous properties, seeking to allow an accessory dwelling unit on a parcel, or parcels, in an area where such units are otherwise prohibited by Chapter 14.30 (Accessory Dwelling Units), Provo City Code, may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the applying properties. The application must comply with Section 14.02.020, Provo City Code, except that:

- (1) The specific filing fee for this type of application, as listed on the Consolidated Fee Schedule, is required instead of the standard amendment fee; and
- (2) The application does not need to comply with Section 14.02.020(1), Provo City Code, but instead must include the following:
 - (a) A list of addresses including the applying property, or properties, and all immediately adjacent residential properties. For purposes of this Section, “immediately adjacent residential property” means any property:
 - (i) For which residential use is a permitted use; and
 - (ii) That shares a common boundary with, is directly across from, is diagonally adjacent to, or is within the same cul-de-sac as an applying property, including any property separated from an applying property only by a local street, canal, right-of-way, or similar feature.
 - (b) The names, addresses, and signatures of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(a)(ii) of this Section, indicating that they are in support of the amendment; and
 - (c) A completed rental dwelling license application that meets the requirements of Chapter 6.26 (Rental Dwellings), Provo City Code, for each applying property.
- (3) Submission of the signatures required by Subsection (2)(b) of this Section does not guarantee approval of the application. They serve to demonstrate a degree of neighborhood support to the Council and are required in place of the standard text amendment fee in order to have the application considered. If an applicant wishes to apply without the required signatures, the application must meet all requirements of Section 14.02.020(1), Provo City Code, including payment of the standard amendment application fee and submission of a written petition to the Planning Commission meeting all the requirements in that Section. Final approval or denial of both types of application is at the sole discretion of the Provo City Municipal Council.

(Enacted 2022-46, Am 2024-03, Am 2024-61)

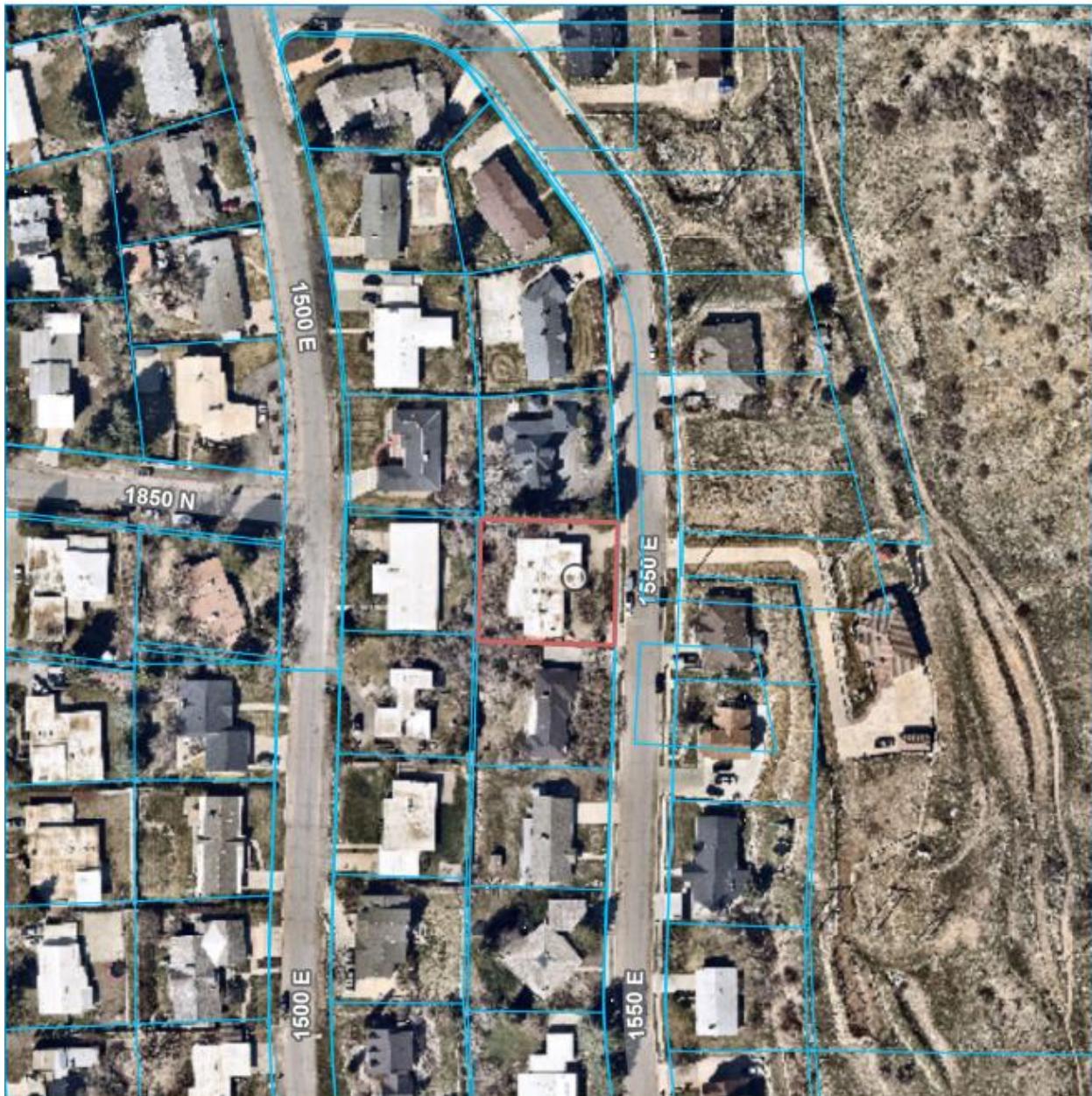
CONCLUSIONS

The General Plan encourages the establishment of accessory dwelling units as a tool to provide an additional housing option in the city. Since the applicant has provided all the documents required by code showing that if the ordinance text amendment is approved an accessory dwelling unit at the property would be legally occupied Staff recommend that the Planning Commission recommend approval to the Municipal Council.

ATTACHMENTS

1. Aerial Image of the Property
2. Signatures of the Surrounding Property Owners

ATTACHMENT 1 – AERIAL IMAGE OF THE PROPERTY



ATTACHMENT 2 – SIGNATURES OF THE SURROUNDING PROPERTY OWNERS

provo
DEVELOPMENT SERVICES

DEVELOPMENT SERVICES
TEL (801) 852-6400
445 W Center St.
PROVO, UT 84601

Accessory Dwelling Unit Special Use Permit

Dear Neighbor,

The purpose of this letter is to seek your input regarding a request for a Special Use Permit. If granted, this permit would allow an Accessory Dwelling Unit (ADU) on the property located at 1841 N 155E, owned by DeAnna Lundow. This request is being made pursuant to Provo City Code Section 14.30.040.

In applying for a Special Use Permit, the applicant must provide the name, address, and signature of the owners of at least 66% of the properties considered to be an immediately adjacent residential property indicating their support of the Accessory Dwelling Unit. Your property is an immediately adjacent residential property to that of the applicant, and thus your input is requested.

Requirements for which a property/owner must meet to establish and operate an ADU can be found at the following link: <https://provo.municipal.codes/Code/14.30>

If you have any questions or concerns regarding this request, you may call the Provo City Zoning Division at 801-852-6427 or visit us at 445 W Center, Suite 200. (Mon-Thurs 7 AM – 6 PM).

To indicate your support of this request, please mark the appropriate box below, fill in your address, print, sign, and date this form. When completed, please return this form to the applicant.

I am in support of this Special Use Permit request.
 I am NOT in support of this Special Use Permit request.

I am the owner of the property located at 1810 N 155E.
Printed: Christy Mahr Signed: John Date: 8/12/25

provo
DEVELOPMENT SERVICES

DEVELOPMENT SERVICES
TEL (801) 852-6400
445 W Center St.
PROVO, UT 84601

Accessory Dwelling Unit Special Use Permit

Dear Neighbor,

The purpose of this letter is to seek your input regarding a request for a Special Use Permit. If granted, this permit would allow an Accessory Dwelling Unit (ADU) on the property located at 1841 N 1550 E, owned by JoAnna Ludlow. This request is being made pursuant to Provo City Code Section 14.30.040.

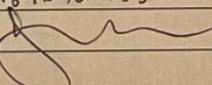
In applying for a Special Use Permit, the applicant must provide the name, address, and signature of the owners of at least 66% of the properties considered to be an immediately adjacent residential property indicating their support of the Accessory Dwelling Unit. Your property is an immediately adjacent residential property to that of the applicant, and thus your input is requested.

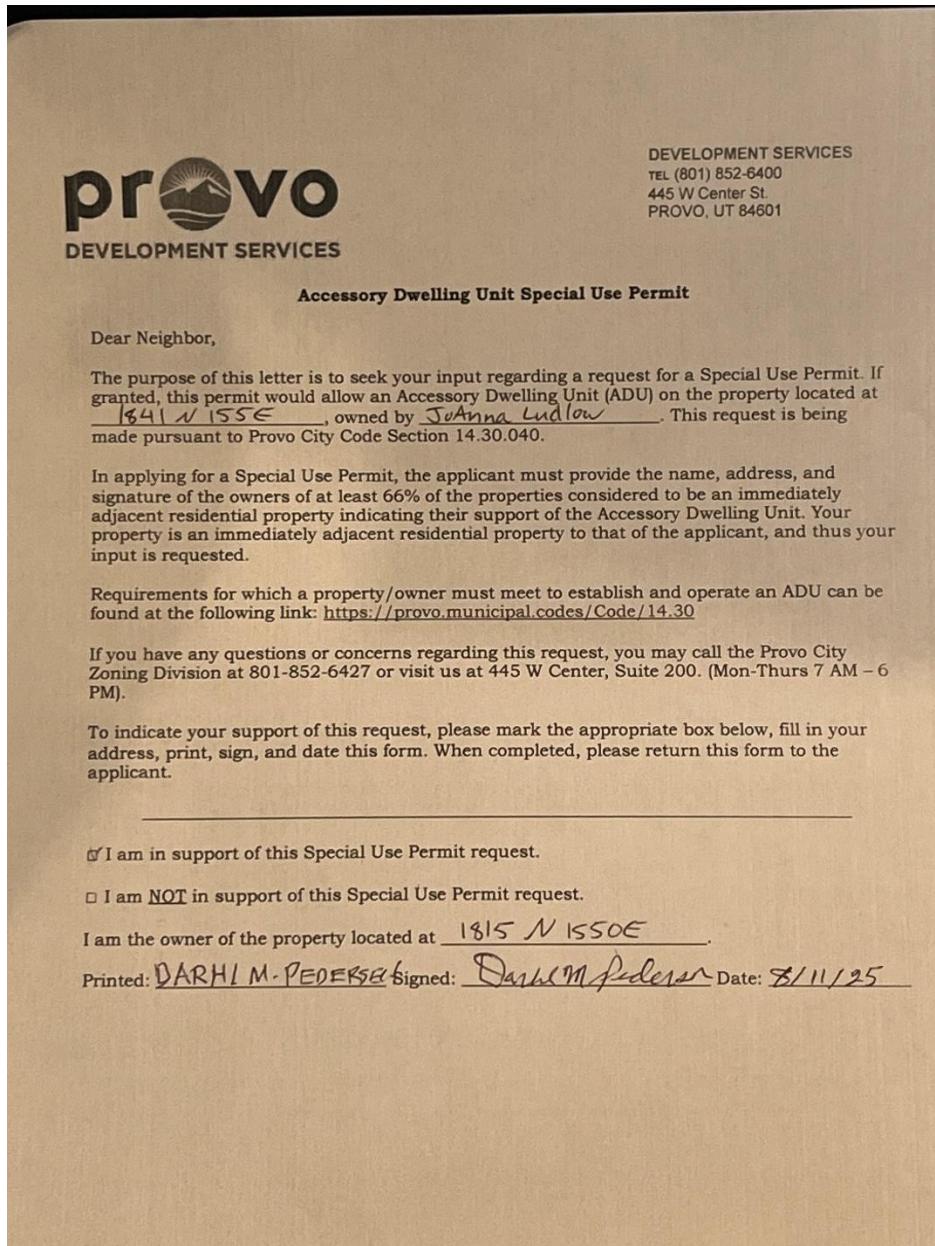
Requirements for which a property/owner must meet to establish and operate an ADU can be found at the following link: <https://provo.municipal.codes/Code/14.30>

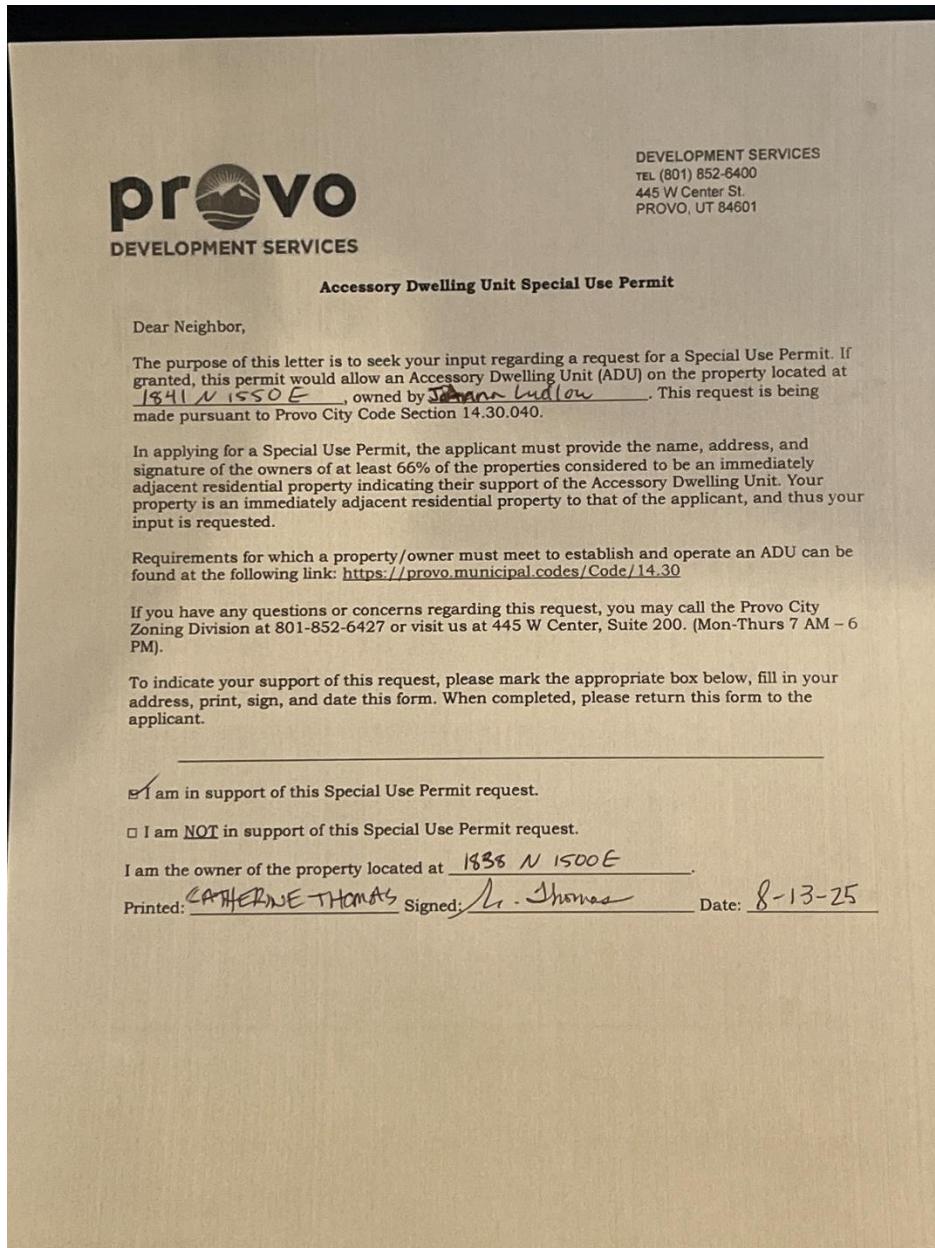
If you have any questions or concerns regarding this request, you may call the Provo City Zoning Division at 801-852-6427 or visit us at 445 W Center, Suite 200. (Mon-Thurs 7 AM - 6 PM).

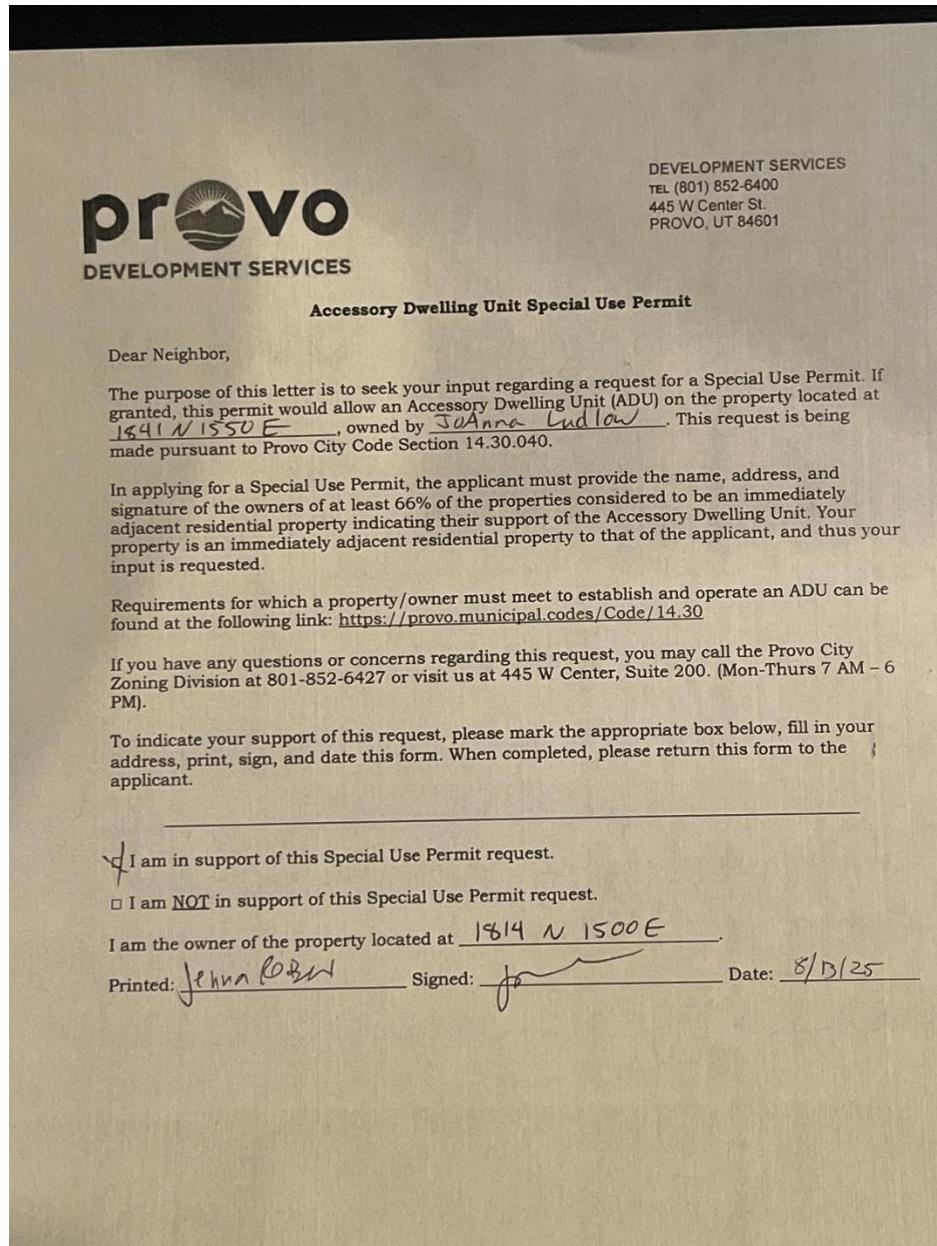
To indicate your support of this request, please mark the appropriate box below, fill in your address, print, sign, and date this form. When completed, please return this form to the applicant.

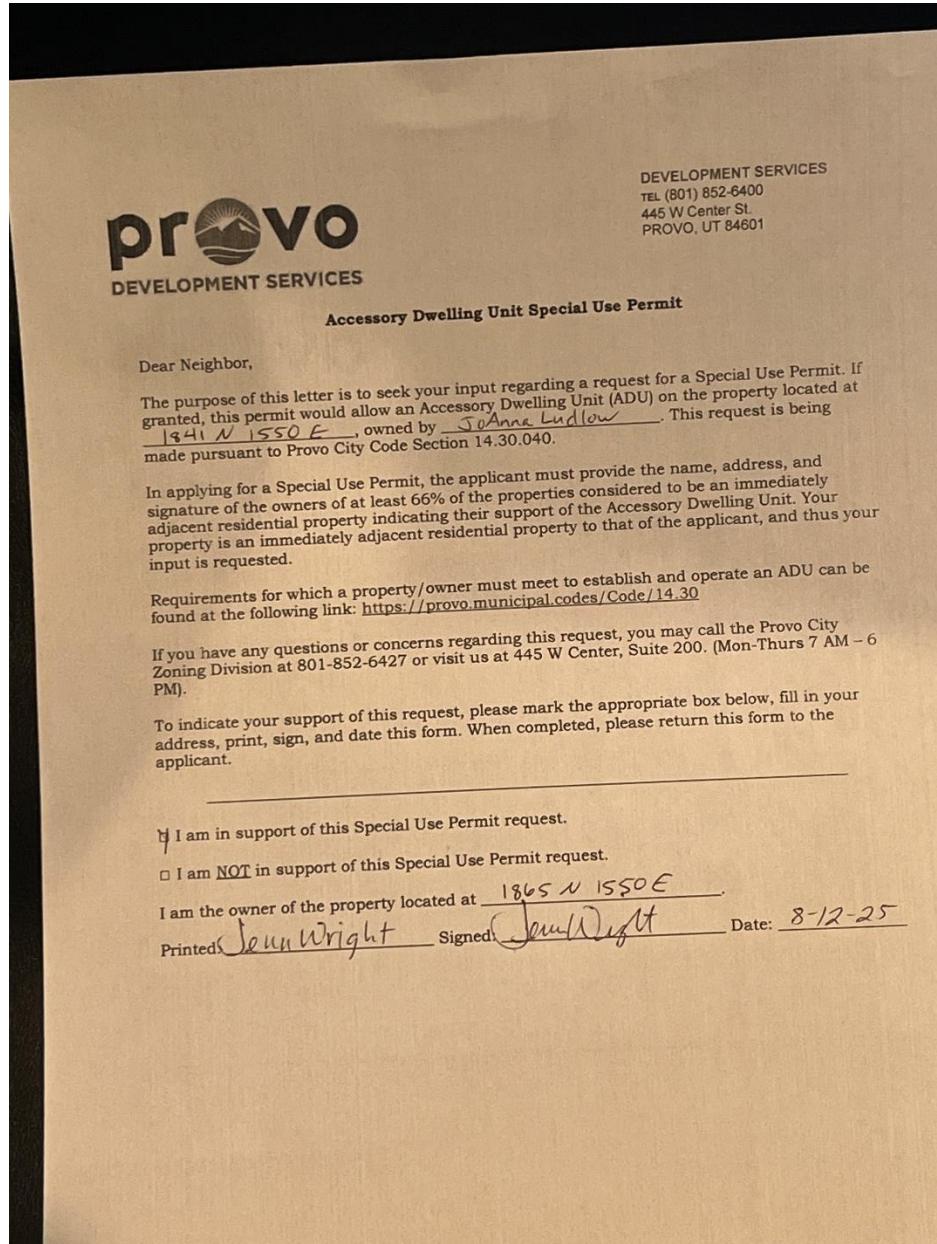
I am in support of this Special Use Permit request.
 I am NOT in support of this Special Use Permit request.

I am the owner of the property located at 1876 N 1550 E.
Printed: Christy M. M. Signed:  Date: 8/12/25









**Planning Commission Hearing
Staff Report**
Hearing Date: September 10, 2025

***ITEM 4** Development Services proposes adoption of city policy and amendments to Provo City Code Title 14 to address Data Processing Services, Electricity Regulating Substations and Electric Small Generation as Permitted Principal or Conditional Uses. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20250182

Applicant: Development Services

Staff Coordinator: Hannah Salzl

Relevant History: Provo City has discussed data center land use policies for the last several months, and the moratorium on new applications ends on October 23.

In January 2025, the Utah Municipal Power Agency (UMPA) in collaboration with Provo Power adopted policies for data centers and power generation.

The Council is considering application requirements for data centers that have not yet been adopted. They focus on economic and social protections and leave land use and environmental concerns to this proposed text amendment.

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

Summary of Key Issues:

- Provo City currently has no land use standards specific to data centers.
- UMPA's policies protect other electricity customers from additional financial burdens.
- Environmental impacts will need to be evaluated on a case-by-case basis as the technology is too varied and changing to set universal standards; instead, the new text proposes requiring early environmental analysis and mitigation plans.

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

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is September 24, 6:00 P.M.*
2. **Recommend Denial** of the requested Ordinance Text Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

OVERVIEW

Staff are working to get reasonable data center policies in place before the pending legislation ends on October 23 and current data center applicants get vested rights under the standards in place at the time they applied. If the Planning Commission feels that additional points should be considered in the future, staff will convey their list to the Council to determine whether staff should pursue a second set of updates and amendments.

Because Rocky Mountain Power the Utah Associated Municipal Power Systems have effectively closed their doors to data centers, they will increasingly rely on their own power generating facilities (as in Eagle Mountain) and areas whose power providers are open to data centers (like the Utah Municipal Power Agency). This puts increasing pressure on UMPA member cities like Provo.

Staff propose an overlay zone that could be applied only to the Light Manufacturing (M1) and Planned Industrial Commercial (PIC) Zones. These zones total 677 acres combined, and some sites within those zones would be unsuitable for data centers due to utility requirements. This allows for data centers in Provo while limiting their applicability. This legislation would require each data center developer to seek a rezone to apply the overlay zone to their parcel but only within an M1 or PIC zone.

The UMPA policies in tandem with the proposed Data Center Overlay Zone (DC Overlay) in this application attempt to address the six major areas of concern around data centers:

- Increased rates for utility customers
- Energy use
- Air pollution
- Water use
- Noise pollution
- Vibrations

The proposed DC Overlay also includes that applicants must show how the data center furthers the goals of the General Plan and Conservation and Resiliency Plan.

Data centers provide some benefits for their communities. The primary benefit in Provo would be the revenue generated from the sale of energy. Provo Power transfers a portion of its revenue to the General Fund, so the sale of energy could benefit programs citywide, help Provo Power balance its budget and meet increasing service needs, and potentially fund further renewable energy projects. Additionally, while data centers create few jobs, they attract tech businesses that want to be located near data centers.

Because data center systems vary widely and there are no universal baselines or standards, staff recommend extensive reporting requirements so that future data center applicants are required to prove that their data center sufficiently balances the costs and benefits. Planning Commissioners and Councilors can then evaluate each application on a case-by-case basis to determine whether the data center has done sufficient work to mitigate environmental concerns or not.

Increased rates for utility customers will be entirely prevented by the data center policies adopted by the Utah Municipal Power Agency (UMPA) in January (see Attachments 2 and 3). The policies require data centers to cover 100% of costs. They also specify that data centers must provide financial guarantees to protect against default. As stated in the policy: "In the event of a default by the data center, the ratepayers in the 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" (UMPA Data Center Policy #1 3(a); UMPA Data Center Policy #2 7(a))."

Energy use varies by the size of the data center, and UMPA's scaled policies establish requirements based on how easily they could provide sufficient power for the data center. UMPA's policies require a power purchasing agreement for all data centers over 5 megawatt hours (MWH), with increased power generating requirements for data centers over 50 MWH. See the table below for a breakdown of policies and UMPA's energy sourcing plans.

Size	Policy	Energy Sourcing
<5 MWH	None	Energy can be supplied by current sources.
5-50 MWH	UMPA Data Center Policy #1	Energy can be purchased on the market. Data centers must bear 100% of costs of procuring energy and of any new infrastructure.
>50 MWH	UMPA Data Center Policy #2	Data centers must construct a new power generation facility sufficient for their energy load (subject to UMPA review and approval) and transfer operation of the plant to UMPA with ownership to be negotiated.

UMPA also requires that any power generating facilities must be connected to the grid (i.e., not "islanded") and must be under UMPA operation.

Air pollution from data centers comes almost entirely from fossil fuel-based energy generation. Even those under 50 MW that do not have their own power generation facility typically have diesel-powered backup generators in the event of a power outage. Data centers that get electricity from UMPA without an additional energy generation facility will get a mix of whatever renewable and non-renewable sources are available on the market, which might be different from UMPA's portfolio mix where roughly 45% of energy comes from renewable sources. Data centers that build a new energy generation facility almost always build for natural gas, which is cleaner than coal but still produces carbon dioxide. See the table below for a comparison of annual carbon emissions from natural gas-powered energy generation at different levels.

Scale	Energy Consumption	CO ₂ Emissions	Homes Powered
Small Commercial Building	1 MWh	0 tons (910 lbs)	0.10
Large Commercial Facility	10 MWh	5 tons (9.1K lbs)	0.95
30 MWh Data Center	30 MWh	14 tons (27.3K lbs)	2.90
50 MWh Data Center	50 MWh	23 tons (45.5K lbs)	4.80

100 MWh Data Center	100 MWh	46 tons (91.0K lbs)	9.50
200 MWh Data Center	200 MWh	91 tons (182.0K lbs)	19.00
500 MWh Data Center	500 MWh	228 tons (455.0K lbs)	48.00

There are no baseline standards for air pollution that could serve as a legal limit. Data centers report a power use efficiency (PUE) rating that is a ratio of total energy used by the data center compared against the energy used for computing; therefore, the greater the value over a perfect ratio of 1:1, the more energy is spent on cooling and systems maintenance. However, PUEs vary widely depending on what type of cooling system the center uses. Water-intensive cooling systems have much lower PUEs, and so if Provo were to require a low PUE, it could push data centers to adopt more water-intensive methods.

Instead, staff recommend that data centers be required to not only show their energy efficiency strategies but also show what common industry practices they considered but did not use, and why.

Natural gas generation also produces volatile organic compounds (VOCs, which break down into ozone in sunlight) and nitrous oxide (NOx). Regional emissions of these pollutants are limited by the state Division of Air Quality credits program. Businesses that produce over the legal limit for these pollutants must purchase credits for the excess amount. Credits are capped, so if a data center wanted to purchase credits and none were available, they would have to either negotiate the purchase of the credits from current holders, not operate at such highly emitting levels, or pay heavy fines. In Utah County at the time of this report, there were not many NOx/VOC/PM2.5 credits (a combined set). There are enough for some large data centers and their power generation facilities but not many, according to local experts.

Staff recommend a setback of 200 feet between data centers and energy generating facilities and schools, parks, or residential properties. For buildings that produce excessive emissions and require credits, staff recommends increasing the setback to 500 feet.

Water use varies depending on the type of cooling system, as discussed in the air pollution section. As with air pollution, there is no universal standard for water use. The national average for data centers that use water-based cooling is roughly 95 gallons per MWh. The gallons/MWh ratio is much lower for those that use non-water-based cooling methods or hybrid methods, though non-water coolers have higher energy demands. Limiting the amount of water used could push data centers toward more energy-intensive systems, requiring the construction of larger energy generation facilities and more air pollution.

Again, staff recommend that data center applicants be required to provide an environmental review that includes water and wastewater strategies used as well as those considered and not used, and why.

Provo City has sufficient water to sell to data centers. Public Works is considering a higher tier for water users that divert water without returning it to the system, as is commonly the case with evaporative cooling systems.

Noise pollution levels for industrial uses are already established in the noise limits in 9.06.040. Limits are based on the property receiving the noise, rather than the property generating it.

Classification of Property Receiving the Noise	At Property Line or Beyond (10 PM-7 AM)	At Property Line or Beyond (7AM-10 PM)
Residential	Maximum of 55 dBA	Maximum of 65 dBA

Because noise limits are already well established, staff recommend that data center applicants be required to provide noise studies to ensure compliance.

Vibrations from data centers have been problems in the past, but data centers building to current industry norms tend not to have vibrations that are discernable from adjacent properties. For the sake of caution, staff recommend requiring data center applicants to provide an estimate of vibrations produced from operations and an explanation of strategies used to reduce vibrations.

STAFF ANALYSIS

Staff support the proposal to create the Data Center Overlay Zone.

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

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

(a) Public purpose for the amendment in question.

Staff response: The amendment establishes location, setback, and environmental analysis requirements for data centers in order to allow future policy makers to evaluate applicants on a case-by-case basis.

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

Staff response: Staff believe that the proposed amendment serves the public by allowing for a service that provides for an ever-increasing need.

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

Staff response: The amendment furthers the following General Plan goals and strategies:

- 1. Economic Development Strategy 2. Attract additional employers that provide higher-paying jobs, especially in the tech sector.**

2. **Economic Development Strategy 3. Develop policies and practices to support thriving economic centers, including infrastructure.**
3. **Economic Development Goal 1b. Attract technology-related business and other outside employers to Provo.**
4. **Resource Management Strategy 1. Adopt best practices in water use reduction and reuse.**
5. **Resource Management Strategy 2. Adopt policies to improve indoor and outdoor air quality, to the extent possible.**
6. **Resource Management Strategy 3. Support the goals in the Conservation and Resiliency Plan.**
7. **Resource Management Goal 1b. Promote the use of water conservative practices, including landscaping.**

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

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

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

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

(f) Adverse impacts on adjacent landowners.

Staff response: Staff do not foresee any adverse impacts on adjacent landowners if the proposed conditions and limitation included in this legislation are met.

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

Staff response: This proposal does not conflict with zoning or the General Plan.

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

Staff response: There is not a conflict.

FINDINGS OF FACT

1. Provo City has no specific land use or environmental standards for data centers, though UMPA policies sufficiently protect other electricity customers in Provo from any increased rates due to data centers.
2. Provo should expect to see an increase in data center applications in the coming years.
3. There are no baseline standards for energy or water for data centers. To work around this, data center developers could be required to provide environmental analyses and mitigation plans. If future Policy Commissioners and Councilors find the plans to be insufficient, they could reject the DC Overlay rezone application.

4. The six major areas of concern (increased rates for utility customers, energy use, air pollution, water use, noise pollution, vibrations) are all addressed in the proposed text for the DC Overlay Zone or resolved by UMPA policies.

CONCLUSIONS

Data centers bring costs and benefits to their communities. Since data center systems can vary widely and the technology is constantly shifting, there are no universal quantifiable standards. That puts the burden on staff and policymakers to evaluate each data center application individually, though the DC Overlay's heavy reporting requirements shift some of that burden to the applicants to justify how their data centers' financial benefits are worth the environmental costs. Future Planning Commissioners and Councilors will have the discretion to deny applications for projects as they see fit. Staff recommend approval of the proposed overlay zone.

ATTACHMENTS

1. Proposed Language for the Data Center Overlay Zone
2. UMPA Data Center Policy #1: Data Centers Connecting in Member Cities from 5 MW to 50 MW
3. UMPA Data Center Policy #2: Data Centers Connecting in Member Cities over 50 MW

ATTACHMENT 1 – PROPOSED LANGUAGE FOR THE DATA CENTER OVERLAY ZONE

Chapter 14.34A DC – DATA CENTER OVERLAY ZONE

Sections:

- 14.34A.010 Purpose and Objectives.**
- 14.34A.020 Permitted Uses.**
- 14.34A.030 Lot Standards.**
- 14.34A.040 Project Plan Approval.**
- 14.34A.050 Development Standards for Data Centers of All Sizes.**
- 14.34A.060 Development Standards for Large Data Centers.**
- 14.34A.070 Other Requirements.**

14.34A.010 Purpose and Objectives

The Data Center Overlay Zone (DC Overlay) is established to provide prudent development standards for data centers and similar digital infrastructure facilities as well as any associated power generation facilities. The provisions of this zone are intended to minimize the negative environmental effects of data centers and power generation, especially to air quality, water use, and energy demands.

14.34A.020 Permitted Uses

The following principal uses and no others are permitted in the DC Overlay:

- (1) Data centers;
- (2) Energy generation facilities and transmission infrastructure, subject to Utah Municipal Power Authority (UMPA) policies.

14.34A.030 Lot Standards

Each lot or parcel in the DC Overlay must comply with PCC Section 15.03.100 (Adequate Public Facilities).

14.34A.040 Project Plan Approval

See PCC Sections 15.03.300 and 15.03.310.

14.34A.050 Development Standards for Data Centers of All Sizes.

- (1) The DC Overlay may only be combined with Light Manufacturing (M1) and Planned Industrial Commercial (PIC) Zones. Development within the DC Overlay must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.
- (2) Data centers must also comply with all requirements listed in Provo City's Data Center Policy and Application Procedures as well as UMPA Data Center Policies.
- (3) No data center or energy generation may 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.
 - (a) Equipment that produces emissions in excess of state and federal base limits (or that requires emissions reduction credits to operate) may 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.
- (4) Data centers must establish a mechanism (e.g., performance bond, etc.) to cover any financial obligations in the event of a default as an irrevocable guarantee to offset risks to taxpayers.
- (5) The following additional information must be provided as part of the Zone Map Amendment application:
 - (a) A project narrative and development timeline, including construction milestones and phasing;
 - (b) Legal entity disclosures;
 - (c) A Community Benefit Plan including workforce training, infrastructure investments, renewable energy projects, and tax revenue projections;
 - (d) A statement of how the data center furthers the environmental goals in the Provo City General Plan and the Conservation and Resiliency Plan.
 - (e) An agreement with UMPA to ensure adequate compensation for the use of UMPA and Provo Power's transmission and distribution infrastructure;
 - (f) A detailed power load and generation plan;
 - (g) A site plan including all utility infrastructure (electric, water, wastewater);
 - (h) Noise studies to ensure compliance with PCC Section 9.06.040 and any requirements of the zone;

- (i) An estimation of vibrations produced from operations and an explanation of strategies used to reduce vibrations (e.g., vibration isolation systems, floating floors, structural dampening);
- (j) An environmental review that includes the identification and explanation of conservation strategies for the following resources, noting unused practical industry strategies and justification for not pursuing them on this project:
 - i. Energy efficiency (e.g., server clustering, high-efficiency cooling systems),
 - ii. Renewable energy,
 - iii. Water and wastewater (e.g., purple pipe irrigation, water alternatives);
- (k) An air quality analysis and mitigation plan that includes CO₂, NO_x, VOCs, ozone, PM_{2.5}, PM₁₀, methane, and any other pollutants produced at the site;
- (l) Confirmation of emissions credits, if required, which must be acquired within three months of approval of the Zone Map Amendment, or the Zone Map Amendment will be revoked;
- (m) 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.

(6) The following additional standards apply to all energy generation facilities in the DC Overlay.

- (a) Independent “islanded” power plants are prohibited. Any new power generation, whether renewable or non-renewable, produced by the data center to serve its own power demand must be interconnected with Provo City and follow UMPA policies.
- (b) Data centers may also 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. 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.

14.34A.060 Development Standards for Large Data Centers.

- (1) This section applies to all data centers with aggregate power loads exceeding fifty megawatts (50 MW), per UMPA Data Center Policies.
- (2) A new power generation facility (plant) must be constructed and must be sufficient to cover the projected load.

- (3) As part of the Zone Map Amendment application, the developers must submit a site plan that includes the details of the new power generation facility. The site plan must be reviewed and approved by UMPA.
- (4) The construction of the plant may be scaled but must be completed and operational before the data center's load requirement exceeds fifty megawatts (50 MW).
- (5) 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.

14.34A.070 Other Requirements

- (1) *International Building Code.* The requirements of the International Building Code, as adopted by the Provo Municipal Council (the IBC), apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.
- (2) The operator of a use permitted in this Chapter must comply with all other license requirements of the City or any public agency related to the use.

**ATTACHMENT 2 – UMPA DATA CENTER POLICY #1: DATA CENTERS
CONNECTING IN MEMBER CITIES FROM 5 MW TO 50 MW**



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.

ATTACHMENT 3 – UMPA DATA CENTER POLICY #2: DATA CENTERS CONNECTING IN MEMBER CITIES OVER 50 MW



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.

**Planning Commission Hearing
Staff Report**
Hearing Date: September 10, 2025

***ITEM 3** Development Services requests Ordinance Text Amendments to Title 14 to remove data centers as permitted or conditional uses through all zones. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20250458

Applicant: Development Services

Staff Coordinator: Hannah Salzl

Relevant History: Provo City has discussed data center land use policies for the last several months, and the moratorium on new applications ends on October 23.

Staff have discussed removing data centers from all other zones and limiting them only to the M1 and PIC zones in the Council Work Meeting on August 19 and in the Planning Commission Study Session on August 27.

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

Summary of Key Issues:

- Provo City currently allows data centers in 19 zones.
- This item is preparatory to a proposed Data Center Overlay Zone that could be applied only in the M1 and PIC zones.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is September 24, 6:00 P.M.*
2. **Recommend Denial** of the requested Ordinance Text Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

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

OVERVIEW

As discussed in the Council Work Meeting on August 19 and in the Planning Commission Study Session on August 27, Development Services staff propose reducing the areas of the city in which data centers could be permitted and creating a Data Center Overlay Zone (DC Overlay). It is proposed that this overlay could be applied only in the Light Manufacturing (M1) and Planned Industrial Commercial (PIC) Zones.

This Item #3 removes data centers as permitted and conditional uses in all zones where they are currently allowed. Item #4 on the September 10 agenda proposes the creation of the DC Overlay.

Data centers are currently permitted in 17 zones as shown on the map in Attachment 2, plus the One-Family and Two-Family Residential Zones (R1 and R2, not included on the map) for a total of 19 zones. Attachment 3 shows the M1 and PIC zones where the DC Overlay could potentially be applied, though infrastructure and site limitations further reduce the total viable acreage.

STAFF ANALYSIS

Staff support the proposal to remove data centers as permitted and conditional uses in all zones, preparatory to the creation of the Data Center Overlay Zone.

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

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

(a) Public purpose for the amendment in question.

Staff response: The amendment removes data centers as permitted and conditional uses in all zones to restrict areas where data centers could be permitted.

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

Staff response: Staff believe that the proposed amendment serves the public by limiting areas where data centers could be permitted, especially near residential areas.

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

Staff response: The amendment furthers the following General Plan goals and strategies:

1. Land Use Strategy 1. Promote sustainable urban design.

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

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

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

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

(f) Adverse impacts on adjacent landowners.

Staff response: Staff do not foresee any adverse impacts on adjacent landowners if the proposed conditions and limitation included in this legislation are met.

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

Staff response: This proposal does not conflict with zoning or the General Plan.

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

Staff response: There is not a conflict.

FINDINGS OF FACT

1. Provo City currently allows data centers in 19 zones – the 17 shown in the map in Attachment 2 plus the R1 and R2 zones.
2. Data centers are not compatible uses in all of these zones.
3. Staff propose a Data Center Overlay Zone that could be applied only in the M1 and PIC zones, which would allow data centers in more restricted, target areas and establish more strict application standards than are currently allowed.

CONCLUSIONS

Data centers are currently permitted or conditional uses in 2,897 acres across Provo, not including the R1 and R2 zones. Staff recommends restricting the areas where data centers could be permitted to only the M1 and PIC zones, subject to a rezone application to apply the proposed Data Center Overlay Zone. This would both limit the areas that allow data centers and create more specific requirements. Staff recommend approval of the proposed amendment to remove data centers as permitted and conditional uses.

ATTACHMENTS

1. Proposed Text Removing Data Centers as Permitted and Conditional Uses in 19 Zones
2. Map of Zones that Currently Allow Data Centers (Not Including the R1 and R2 Zones)
3. Map of Zones Compatible with the Proposed Data Center Overlay Zone

ATTACHMENT 1 – PROPOSED TEXT REMOVING DATA CENTERS AS PERMITTED AND CONDITIONAL USES IN 19 ZONES

14.10.020 Permitted Uses. (R1 Zone)

...
(6) *Conditional Uses.* The following uses and structures are permitted in the R1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code:

Use No.	Use Classification
6500	Professional services (except 6513 through 6518 and 6550 ; and only in historic buildings as defined in this Title)

...

14.11.020 Permitted Uses. (R2 Zone)

...
(6) *Conditional Uses.* The following uses and structures are permitted in the R2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code:

Use No.	Use Classification
6500	Professional services (except 6513 through 6518 and 6550 ; and only in historic buildings as defined in this Title)

...

14.16.020 Permitted Uses. (PO Zone)

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

Use No.	Use Classification
6500	Professional Services (except 6513, 6515 Behavior, drug and alcohol treatment and 6550 Data processing services ; office only, no lodging or bed facilities, 6516)

...

14.18.020 Permitted Uses. (SC1 Zone)

...
(3) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC1 zone:

Use No.	Use Classification
6500	Professional services (except 6550 and 6515-6516)

14.20.020 Permitted Uses. (SC3 Zone)

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No. Use Classification
6550 ~~Data processing services~~

14.20A.020 Permitted Uses. (FC1 Zone)

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC1 zone.

Use No. Use Classification
6550 ~~Data processing services~~

14.20B.020 Permitted Uses. (FC2 Zone)

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC2 zone:

Use No. Use Classification
6550 ~~Data processing services~~

14.20C.020 Permitted Uses. (FC3 Zone)

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC3 zone:

Use No. Use Classification
6550 ~~Data processing services~~

14.21A.020 Permitted Uses. (DT1 Zone)

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT1 zone:

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks and 6550 Data processing services)

14.21B.020 Permitted Uses. (DT2 Zone)

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT2 zone:

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks and 6550 Data processing services)

14.21C.020 Permitted Uses. (GW Zone)

(6) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the GW zone:

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks and 6550 Data processing services)

14.21D.020 Permitted Uses. (WG Zone)

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the WG zone:

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks and 6550 Data processing services)

14.22.020 Permitted Uses. (CG Zone)

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

...
Use No. **Use Classification**
6500 Professional services ([6550](#))

14.23.020 Permitted Uses. (ITOD Zone)

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

...
Land use categories below are allowed as a permitted use only if they are two thousand (2,500) square feet or less in size (gross square footage). Land use categories below that consist of gross building square footage in excess of two thousand five hundred (2,500) square feet shall be approved only as a conditional use.

...
Use No. **Use Classification**
6500 Professional services (except 6515 Behavior, drug and alcohol treatment **and** [6550 Data processing services](#); office only)

14.24.020 Permitted Uses. (CM Zone)

...
(4)(c) The following uses shall be permitted in the CM zone:

...
Use No. **Use Classification**
6500 Professional services (except 6515 **and** [6550](#))

14.25.020 Permitted Uses. (CA Zone)

...
(4) *Permitted Principal Use.* The following principal uses or structures and no others are permitted in the CA zone:

...
Use No. **Use Classification**
6500 Professional services (except 6513, 6515, **and except** 6516, **and** [6550](#))

14.26.020 Permitted Uses. (MP Zone)

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

Use No.	Use Classification
6500	Professional Services (except 6513, Hospitals (public or private); 6515, Behavior, Drug and Alcohol treatment centers; and 6516, Convalescent, Rest Home and Nursing Home Service; and 6550 Data processing services)

14.29.020 Permitted Uses. (PIC Zone)

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

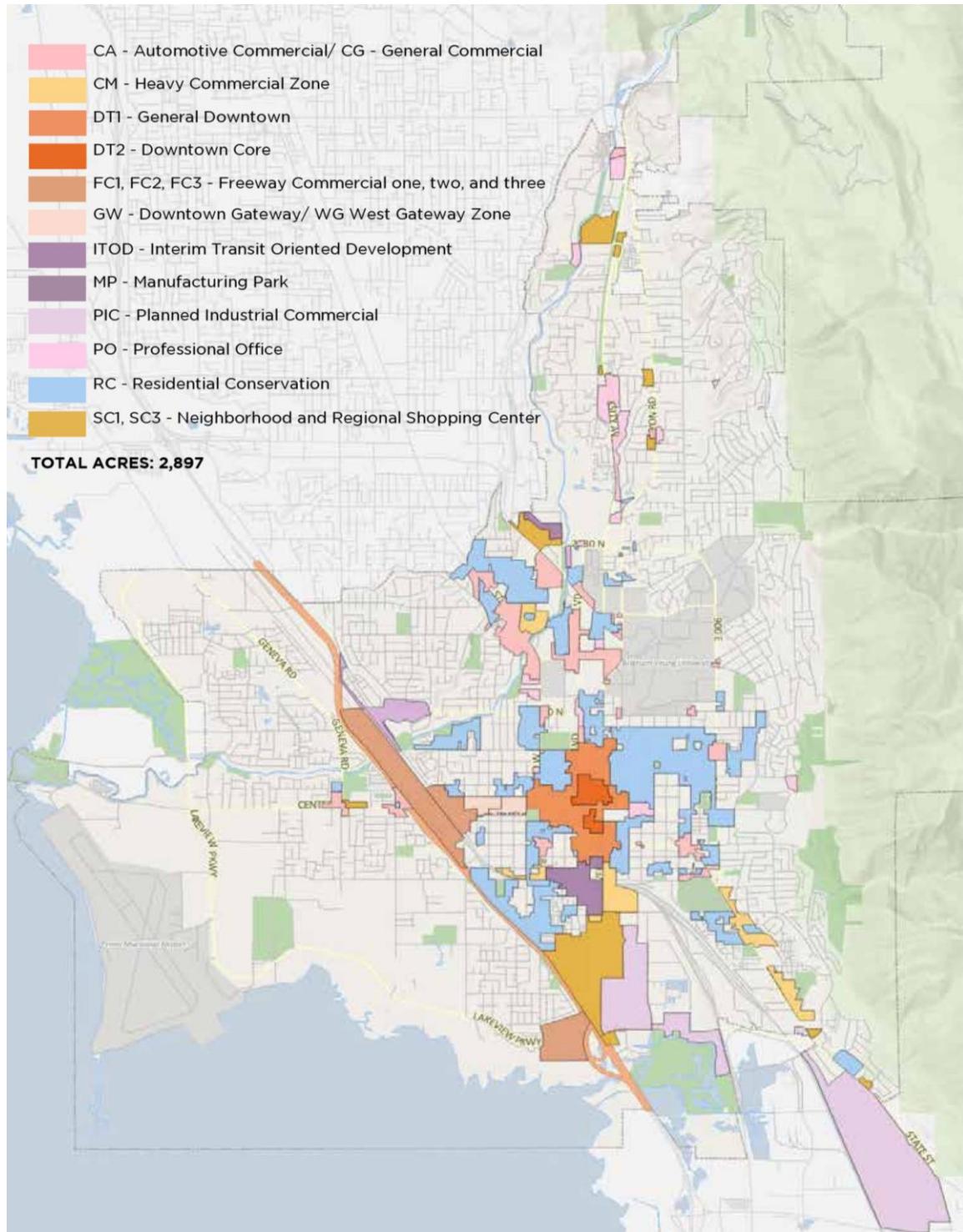
Use No.	Use Classification
6500	Professional services (except 6515 behavior drug and alcohol treatment centers and 6550 data processing services)

14.32.020 Permitted Uses. (RC Zone)

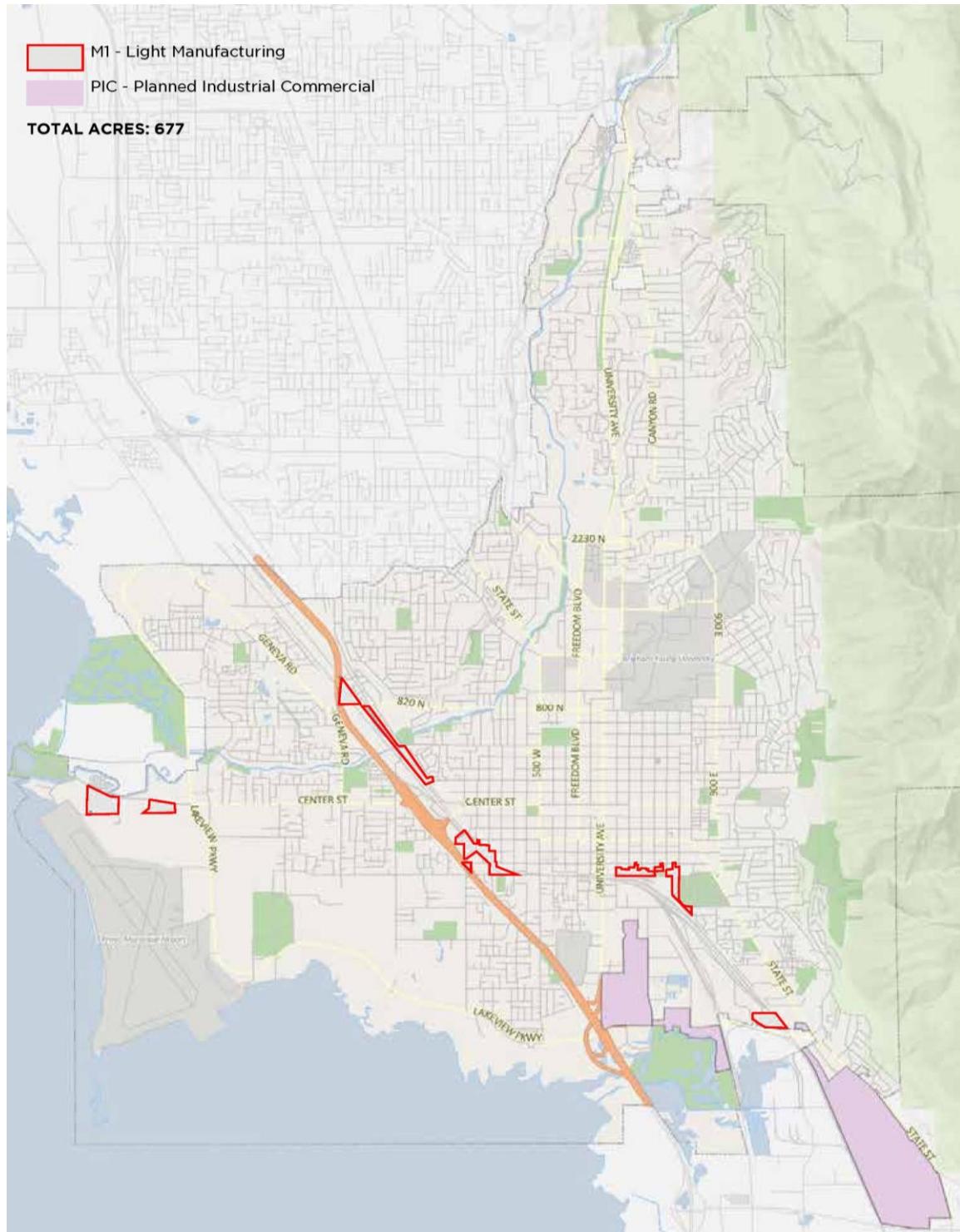
...
(6) *Conditional Uses.* The following uses and structures are permitted in the RC zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code.

Use No.	Use Classification
6500	Professional services (except 6513 to 6518 and 6550 ; only in existing commercial structures)

**ATTACHMENT 2 – MAP OF ZONES THAT CURRENTLY ALLOW DATA CENTERS
(NOT INCLUDING THE R1 AND R2 ZONES)**



ATTACHMENT 3 – MAP OF ZONES COMPATIBLE WITH THE PROPOSED DATA CENTER OVERLAY ZONE



David Morin | September 10, 2025

Opposition to Dance Hall Permit at Harris Building (86 N University Ave)

Dear Provo Planning Commission Members,

I am writing as the property manager for several condominiums in the Harris Building (86 N University Ave), where both owners and tenants have raised serious concerns regarding the proposed dance hall/event center on the street level (formerly occupied by Acadia beauty school). While we value downtown development and understand the desire to attract business, the proposed use is not compatible with the interests of the residents of this building.

Sound carries easily within the structure, and even in the past when Spark hosted occasional live music, residents could feel and hear the bass from inside their units. Already, tenants regularly experience noise from nearby activities—festivals, street performers, and live music venues like Velour. Adding a dance hall or event space that will host frequent gatherings, especially on weekends, will greatly increase disturbances and significantly impact residents' ability to quietly enjoy their homes.

As a property manager, I regularly hear from my tenants about quality-of-life concerns, and noise is already a top issue here, particularly for our many elderly residents and families with young children. Approving this permit will inevitably lead to conflict between residents and the operators of the event center, which is neither fair to tenants nor conducive to maintaining a healthy residential environment.

On behalf of the condo owners and tenants I represent, I respectfully urge the Commission to deny the dance hall permit for this location.

Thank you for your time and careful consideration.

Sincerely,

David Morin
Property Manager for Condos 503, 507, 606 & 610

Mark Roney | September 9, 2025
Dance Hall Permit 86 N University Ave

Hello, my name is Mark Roney and I reside at 86 N. University Ave., #605 PROVO UT 84601.

I would like to voice my opposition to the issuance of a dance hall permit in our building. There are 20 residences above that space and the noise from against Hall will be a nuisance and will deprive us of the quiet enjoyment of our properties.

Years ago, there was a restaurant in that same space that did live music from time to time and the noise from those few times was a nuisance. I could especially feel the base beat reverberating through the building.

I already hear the music from the street whenever there are events such as the festivals on Center Street, the street performers on the corner of Center Street and University Avenue. the preachers who use megaphones on that same corner and events at Velour when their doors are open.

I respectfully encourage a denial of the dance hall permit.

Thank you,
Mark Roney

Mark Hedengren | September 9, 2025
The impact of the future downtown Dance Club on my business and others.

I learned that Provo City is in the process of opening a Dance Club next to my business (Red Finch Lab). Another location of my business (Red Finch Rental) had a dance club next door for a few years, and it sent crime through the roof, including a break-in at my store. Orem City shut the dance club down. Below are my thoughts on this proposed dance club and the reality of downtown Provo.

Provo downtown's problem is that it's a Bar-Pawn-Shop-Dance-Club district, an arts district, a commercial district, and the family fun district all at the same time.

It's not working. There is more hustle and bustle in downtown Midway, Utah, on a Saturday at 2 pm than on Center Street in Provo. My landlord is selling his collection of buildings on the corner of Center and University Ave, it's 30,000+ square feet, is listed for 6.4 million dollars. It's been listed for sale for two years. By contrast, downtown Payson has a 5,000-square-foot [building](#) listed for \$1.2 million. Again, this is downtown PAYSON. It's been on the market for 10 days. Downtown Heber has an 8,000 sq ft building listed for \$3.2 million. I tried to find examples in historic districts of Pleasant Grove, Springville, and American Fork,

but there was nothing for sale. But the values around there are significantly higher than downtown Provo. Downtown Provo's real estate values lag other historic downtown areas in Utah County despite being the county seat and home to two major universities. Go to downtown Midway on a Saturday afternoon, and you will see why. On a personal note, the Poblano Mexican restaurant next door to mine closed a few days ago. This was a big hit to the family that was running it. Provo City Government's choices have real effects on real people. Whenever you see a business close in downtown Provo, which is often, someone's life is thrown into chaos.

The Bar-Pawn-Shop-Dance-Club district ultimately hurts the other three districts because it attracts crime, as evidenced by the fact that 10% of all reported assaults in the US occur at nightclubs or bars each year (see links at the bottom of this article). I recommend relocating the Bar-Pawn-Shop-Dance-Club district to another part of the city where redevelopment is desired, and allowing the art and commercial parts of downtown to grow. The crime in downtown Provo has already been a problem, so maybe it's just not a good fit for my business. For example, on crimegrade.org, Provo has a rating of C+ for violent crime, B for property crime, and C for other crimes. In contrast, Vineyard has an A-, A-, and A rating. Provo, due to its culture (even though I feel this is changing), has discussions around Bar-Pawn-Shop-Dance-Club Districts (Bars, Dance Clubs, Pawn Shops). It shares many similarities with the Victorian Era in the USA, when people may have thought, "bars-pawnshops-dance clubs, districts just shouldn't exist," but the truth is that they do exist, and so it's about managing them rather than pretending they don't exist. And you can have bars, dance clubs, pawn shops, family entertainment, arts, and commercial establishments, but you can't have them all in the same place.

I recall the time when downtown Provo was primarily known as the bar-pawn-shop-dance-club district. Complete with a strip club.

Then I remember when the Nu Skin building was full of employees. It was a real estate market boon, turning the Bar-Pawn-Shop-Dance Club district into a commercial district almost immediately, and that's probably why there's all this confusion about what Downtown Provo is now. Also, the fact that bars, pawn shops, and dance clubs remained in downtown Provo is probably why no other major company ever followed Nu Skin to be stationed in Downtown Provo.

The Nu Skin building is now mostly empty. I've only seen light on in two floors; the cafeteria is closed, and there is no one at reception.

What we have now is a thriving arts district, which has the potential to grow into a commercial district if crime doesn't hinder its growth.

Having a bar-pawn-shop-dance-club street is a common thing in many cities. In For example, see the Houston Chronicle article below about their nightlife on a street. In New Orleans, it's Bourbon Street. I recommend visiting these places to get a sense of what they are like. If you want to make Center Street in Provo the Bar-Pawn-Shop-Dance-Club district, own it and make it happen. But don't try to be everything to everyone. That's just not honest because the negative externality of crime that comes from bars, pawn shops, and club districts make it impossible to do family fun and commercial endeavors. More precisely and immediately, putting a dance club next to a bank on University Ave. is crazy.

Articles about bars and dance club crime:

https://popcenter.asu.edu/sites/g/files/litvpz3631/files/problems/assaultsinbars/PDFs/Finney_2004.pdf?utm_source=chatgpt.com

https://popcenter.asu.edu/content/assaults-and-around-bars-2nd-ed?utm_source=chatgpt.com

https://www.jurispro.com/files/articles/dennismsavardthomasmkelleyjosephjaksandanieldkennedyviolentcrimeinbarsaquantitativeanalysisjournalofappliedsecurityresearch142019369389_1404.pdf?utm_source=chatgpt.com

https://www.houstonchronicle.com/news/houston-texas/joy-sewing/article/third-ward-nightlife-chaos-emancipation-avenue-20369936.php?utm_source=chatgpt.com

Michelle Blake | September 9, 2025

Public Hearing Sep 10 2025 - Item #1 Dance Hall

I would like to express my concerns as one of the 20 residents at 86 N University Ave, Provo, UT. Our building comprises 20 residential units, with commercial tenants occupying floors 1-4 and 7. We have generally enjoyed a harmonious environment with our commercial tenants; however, a recent request for a "Dance Hall" permit has raised significant concerns among the residents.

Our primary concerns regarding a dance hall permit are centered around public safety, noise control, and zoning compliance. Such a venue often involves large crowds, loud music extending late into the evening, and potential for increased alcohol-related activity. While a tenant might propose complying with restrictions to secure the permit, we believe it becomes challenging to enforce these once granted, as business profitability often dictates operations. Furthermore, the possibility of the business being sold means that a

new owner might not adhere to the same agreements.

Considering that this building includes a previously approved and zoned residential component, we respectfully request that you deny the application for a dance hall permit at this location to ensure the continued peace and quiet for its residents.

Sincerely,

Michelle Blake
86 N University Ave #604
Provo, UT 84601

Brad Moss | September 9, 2025

Dance Hall (SLU 7396) at 86 N University Avenue

The residents of 86 N University Avenue have received a post-card notification for a Conditional Use permit for a Dance Hall in our building.

We have a number of concerns regarding this potential Conditional Use permit:

- Control of Property - Security at venue, within building common areas and parking structure;
- Noise that will likely reverberate the steel and concrete structure of the building;
- Hours of Operation - that will likely disturb sleep of parents, children and other residents;
- Potential for Disorderly Conduct - intoxicated persons - smoking; and
- Compliance with other Conditional Use conditions.

In speaking with the General Contractor of this Venue, the intent of the space is for business events and wedding receptions. It appears from our review, a "Dance Hall" expands beyond the scope of this stated intent.

As the owner of Condominium #501, we oppose the granting of this permit.

Sincerely,

Brad & Dana Moss

Vanessa DeHart | September 9, 2025

PUBLIC HEARING: Opposition to Dance Hall Permit for the Venue at 86 N University Ave, Suite 110 SLU 7396

Vanessa & Dirk DeHart
86 N University Ave Apt 505
Provo, Utah 84601

September 9, 2025

RE: Opposition to Dance Hall Permit for the Venue at 86 N University Ave, Suite 110

SLU 7396

Dear Planning Commission Members,

I am writing on behalf of the residents who live at 86 N University, which includes both residential and commercial tenants, to formally express our opposition to the approval of a dance hall permit for the event center located at 86 North University Suite 110, SLU 7396.

This building is designated as mixed-use and, as such, requires a careful balance between commercial activity and residential quality of life. Approving a dance hall permit, by its very nature, introduces multiple disruptions that are incompatible with residential occupancy, particularly during the evening and nighttime hours.

My husband and I bought and have lived in a condo in this building for the past 20 years. During this time, we have experienced the thrills and noise of city life. Traffic accidents, daily sirens of first responders, festivals, races, parades, protesters, and various street musicians, including, but not limited to, guitars, bagpipes, and, for two summers, a man who played the drums on an orange bucket for hours each weekend.

Over the years, we have come to accept these external sounds. As we are often reminded by law enforcement, "That's just what you get when you live in the City."

However, today we are not talking about the noise of the city. We are talking about noise that will occur inside the building in which we live. When we purchased, and for those who rent, we did so above a bank and other offices. Most of which are closed and vacated in the evening/nighttime hours. We did not choose to live over an event venue that functions primarily after business hours.

While there are concerns about possible loitering, public intoxication, parking, and the potential of a dance hall negatively impacting the property values of the residential units, our main concern is the inevitable noise from the sound system. That is, music that will be heard and the vibration from the bass that will be felt through the floors of the building.

This is not speculative. In the summer of 2008, a restaurant, SPARKS, was opened in the same space. Dance parties were held. The music and the vibration from the bass were both heard and felt in our homes. In an attempt to work with residents, the owner turned down

the music somewhat. However, the adjustments were not enough to simultaneously satisfy the residents and those at the party. Fortunately, for residents, the restaurant soon closed, and the space was occupied by a cosmetology school, which better suited the character of the building.

Around 2003, when Provo City approved this building for mixed use, it accepted responsibility to uphold residents' rights to the quiet enjoyment and peaceful use of their homes, to prevent foreseeable nuisances, and to protect the livability and safety of shared residential environments.

The Wells Fargo Bank Building does have an HOA. If you have the thought to defer the mitigation of this issue to them, I urge you to reject it. The residents' influence and voting power are grossly unbalanced at 2-5 votes in the commercials' favor. Choosing to lay this issue with the HOA will be an act of abdication of the city's responsibility in issuing a permit, and knowingly subjecting the residents to unnecessary burden with little hope of relief.

In requesting this permit, the commercial side has already shown, at best, its insensitivity to the residents. At its worst, a complete disregard for the impact such a permit's approval will have on our quality of life. In fact, there has been no communication between the residents and the owner of this space. The residents are grateful for the due diligence of the City in posting notice for this hearing and sending the notice of public hearing to each unit owner. Without such, we would have had no knowledge of the permit request.

We are not asking the City of Provo to change our external environment. The city noise of sirens, festivals, races, and yes, even a guy beating on a bucket will continue.

We are asking those in power, we are pleading, to please not approve a permit that will change the internal environment of our home.

An additional event center will not bring anything unique to Provo City or to the one-mile radius around our building. However, approving the Dance Hall permit will bring a unique burden to the building's residents.

Please reject the approval of this Dance Hall permit and any future requests that will disrupt or change the character of this peaceful office and residential building.

Thank you.

Sincerely,

Vanessa DeHart

Dirk DeHart

Michelle Blake

Jo Ann Knight	Greg & Annette Krainik
Mark Roney	Art Wing
Eddie Goitia	Gary Pryor
Stephanie & Matthew Lewis.	Scott Stornetta
Wesley Eames	Michelle & Chris Markarian

*We can provide additional residential names if needed.

Bailey Wood | September 10, 2025

ADU Oak Hills

To Whom it May Concern,

I'm writing this email to oppose the upcoming ADU approval for a home in my neighborhood of Oak Hills. Specifically address 1841 N 1550 E. I do not agree that ADU's should be allowed or exceptions should be made for anyone. We all purchased homes in this area for a reason and ADU's threaten to change that. We are concerned about more vehicles, traffic and our kid's safety. I do not believe the owners have gotten neighbor's support in the best way, but have avoided answering certain questions and used guilt tactics to sway opinions. Ultimately, I strongly oppose ADU approval for anyone in the neighborhood and urge you to require more specific resident input in the future approval process. Some of their support comes from residents who won't be directly affected by this decision. Thank you for your time.

Bailey Wood

Sarah Ashby | September 10, 2025

Opposition to ADU Amendment at 1841 N 1550 E

Letter to Planning Commission opposing Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

September 7, 2025

Dear Planning Commission,

I am writing in response to the application that Allen and Joanna Ludlow have made to request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

I am writing as a long-time resident of the Oak Hills Neighborhood to express my opposition to the proposed ordinance amendment that would allow an accessory dwelling unit (ADU) in our neighborhood. While I understand the city's interest in expanding housing options, I am concerned about the long-term consequences of this change on our community.

Our neighborhood was intentionally zoned for single-family residences to preserve its character, safety and livability. Allowing ADUs would undermine this balance in several ways:

1. **Parking and Traffic:** Increased residential density will directly contribute to road congestion and on-street parking shortages. Many of us have children who bike, walk and skateboard every day in our neighborhood. Increased traffic will make our roads less safe for our kids.
2. **Land Use and Zoning Intent:** Homeowners purchased here with the understanding that zoning would maintain a single-family environment. Introducing multi-unit arrangements changes the density and feel of the neighborhood, diminishing the qualities that drew residents here in the first place. This erodes the predictability and fairness that zoning is designed to provide.
3. **Property Values:** This is a two-part problem. 1) Having a legal ADU increases the value of the affected property, making it more difficult for a single family to ever be able to afford it. 2) Higher density development often leads to declining property values - especially in homes around the rental unit. This risks destabilizing what has been a long-standing stable community.
4. **Infrastructure:** Our utilities, water, sewer, and stormwater systems are scaled to current zoning limits.

I encourage the Planning Commission to carefully consider the unintended consequences of this ordinance amendment. Allowing a legal ADU will set a precedent for other home owners to request an exception. If this ordinance amendment passes, it will then be more difficult to deny future homeowners ordinance exceptions.

I encourage the Planning Commission to carefully consider the unintended consequences of this ordinance amendment. Allowing a legal ADU will set a precedent for other home owners to request an exception. If this ordinance amendment passes, it will then be more difficult to deny other home owners ordinance exceptions. This has happened in other Provo neighborhoods. In addition, even with the current ordinance in place, we have seen that enforcement is a challenge. Approving an exception to the ordinance will only make this problem worse.

While I understand there are housing needs in our city, there are more appropriate areas for ADU development with better infrastructure, transit access, and planning capacity. Thank you for your time and consideration.

Respectfully,

Sarah Ashby
1685 N 1500 E
Provo, UT 84604

Additional Concerned Residents Who Support this Letter and Oppose this Amendment:

Gary and Mildred Watts	1763 N 1500 E
------------------------	---------------

Mike and Ruth Stouder	1785 N 1500 E
Judy and Heidi Shimmin	2002 N 1450 E
Michael Stevens	1685 N 1500 E
Michele and Jim Woodard	1922 N 1550 E
Gregg and Terri Taylor	1932 N 1450 E
Linda Sullivan and Gary Stott	1744 N 1500 E
Pat and Mike Esplin	1915 N 1450 E
Richard and Penny Lohner	1720 N 1450 E
Sam and Kristina Parkinson	1888 N 1450 E
Bailey and Brock Wood	1680 N 1450 E
Seth and Stephanie Hawes	1717 N 1450 E
Sally and Samuel Clayton	1811 N 1450 E
Emily and Eddie King	1880 N 1450 E
Aaron and Pam Speirs	2292 N 1430 E
Sharon Gibson	1911 N 1500 E
Randy and Cathy Wade	1910 N 1450 E
Frank and Ella Santiago	1919 N 1550 E
Greg Goodwin	1460 E 2050 N
Martha and Joe Ballantyne	1815 N 1450 E
Owen Jacobson	2009 N 1450 E
Kristin and Craig Nuttall	2050 N 1500 E
Tamara and Kim Thompson	1985 N 1500 E
Martha and Joe Ballantyne	2277 N 1450 E
Helen and Lloyd Patterson	1480 E 2050 N
Frank and Marianne Hayne	1812 N 1450 E
Carolina Nunez and Kendall Hulet	2109 N 1450 E
Racquel and Josh Esplin	1764 N 1450 E
Dan and Kelli Tuttle	2175 N 1450 E

Rian Krommenhoek | September 10, 2025

Item 2 for Public Hearing Sept 10th Allen and Joanna Ludlow, Oak Hills Neighborhood

Provo Municipal Council,

We are writing in as neighborhood members concerning the amendment request by Allen and Joanna Ludlow. We oppose the granting of their request on the grounds that zoning laws should be respected and followed. We bought our home in this neighborhood specifically to avoid the overcrowding of multiple family occupancy houses. If they are allowed to rent out a portion of their home then all homes should be afforded the same and that is not the neighborhood that we have all 1) made the decision to purchase a home in 2) spent years and decades building. Everyone one should be able to buy their homes in good

faith that the city will uphold the zoning laws that they committed to when purchasing their homes. The city cannot play favorites or encourage bullying of neighbors by those seeking to break the rules that were in place long before their arrival. Joanna acted in bad faith by stopping neighbors as they were pulling out of their driveway, insisting they sign a paper "to allow us to keep our downstairs kitchen," and has since upset many as they discovered her intentionally deceitful communication. Similarly, and preceding their move into this neighborhood, they made the decision to purchase knowing the rules. We encourage the City Council to deny the request of the Ludlows and are prepared to legally take action against the city if governance proves incapable of upholding zoning laws. The zoning laws are clearly stated by the city and should stand for something. We believe that if the Ludlows request is granted the city will be encouraging others to break zoning laws and showing that by deceit and online harassment neighbors can defy ordinances and city governance. We ask that you do not encourage this behavior.

Sincerely,

Sid and Rian Krommenhoek
1721 N 1500 E
Oak Hills Neighborhood
Provo, Utah 84604

Kristina Parkinson | September 9, 2025

Amendment to city code 14.30.020

Hi Jessica, my name is Kristina Parkinson and I live at 1888 N. 1550 E., Provo. My neighbors the Ludlow's are trying to get the city to permit ADU's at their residence. About a month ago Joanna Ludlow asked if she could add my name to a list of people in support of the amendment, and I said yes. I have since done more research and actually don't want to support that. I feel bad because I like the Ludlow's and don't want to cause them any problems, but I wanted to let you know that I'm against my neighbors having ADU's. I will not be able to attend the meeting on Wednesday, because of a prior commitment.

Thanks for all you do!

Kristina Parkinson

Kara Stowers | September 9, 2025

ADU public hearing for 1841 N 1550 E

Hello,

I cannot be at the public hearing but was told that someone could read the paragraphs below on my behalf:

Our neighborhood has been established for decades as a single-family community, with many families having lived here for over 50 years. Many of them even have bought the houses that they grew up in and are raising their own children there. The stability of this zoning has preserved the character of the area and provided a safe environment for *generations*. Granting this exception would undermine that stability and set a precedent that could encourage many similar requests, fundamentally altering the well-established nature of the neighborhood.

While ADUs can serve young families well which would be in alignment with Provo's goals as stated by the committee, the more likely outcome in our area—given its proximity to the university—is *occupancy by multiple college students*. This has already been happening illegally in multiple houses in the neighborhood. Therefore, this ADU change would cement this zoning to the neighborhood for multiple houses, bring increased traffic, parking congestion, and *frequent turnover of residents*. Additional cars on our already narrow streets pose a real safety concern for neighborhood children.

Most importantly, community input should mean more than collecting signatures. Long-time residents who have invested in this neighborhood for decades deserve to have their voices heard and their concerns weighed which have not been done with proper attention in this proposal.

Thank you. Kara Stowers 1700 N. 1450 E. Provo Utah 84604

Kara Stowers | September 9, 2025
ADU Concerns regarding 1841 N 1550 E

Letter to Planning Commission opposing Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

Sept. 9, 2025

Dear Provo City Planner (via Ms. Jessica Dahneke),

I am writing as a resident of Oak Hills, where my family has lived for the past eight years. I am concerned about the requested Ordinance Text amendment change requested by Allen and Joanna Ludlow at 1841 N 1550 E in which they are asking for a zoning change to allow an

ADU at that address.

Our neighborhood has been established for decades as a single-family community, with many families having lived here for over 50 years. Many of them even have bought the houses that they grew up in and are raising their own children there. The stability of this zoning has preserved the character of the area and provided a safe environment for *generations*. Granting this exception would undermine that stability and set a precedent that could encourage many similar requests, fundamentally altering the well-established nature of the neighborhood.

While ADUs can serve young families well which would be in alignment with Provo's goals as stated by the committee, the more likely outcome in our area—given its proximity to the university—is *occupancy by multiple college students*. This has already been happening illegally in multiple houses in the neighborhood. Therefore, this ADU change would cement this zoning to the neighborhood for multiple houses, bring increased traffic, parking congestion, and *frequent turnover of residents*. Additional cars on our already narrow streets pose a real safety concern for neighborhood children.

Above this, it is important that zoning decisions be consistent and fair. Many of us have accepted restrictions on how we use our homes in order to comply with single-family zoning. We also understand the legacy of the neighborhood and the character that has been cultivated here. *Granting an exception to one household while others are expected to follow the rules would be inequitable and would make enforcement even more challenging*. Especially when the rules are already difficult to enforce.

Most importantly, community input should mean more than collecting signatures. Long-time residents who have invested in this neighborhood for decades deserve to have their voices heard and their concerns weighed which have not been done with proper attention in this proposal.

For these reasons, I respectfully ask you to deny the proposed zoning change. Thank you for your service and for protecting the integrity and safety of our neighborhoods.

Sincerely,
Kara Stowers
1700 N 1450 E

Sally Clayton | September 8, 2025
Opposition to ADU code exception request in Oak Hill

Hi Planning Commission,

I would like to submit my opposition to the Ordinance Text Amendment to add an ADU to 1841N 1550E, Oak Hills neighborhood. Our neighborhood is not zoned for any additional rental income units and should be preserved as a single family home neighborhood.

Provo will be a better city if we set and stick to thoughtful zoning practices. When too many exceptions for ADU's are given in neighborhoods meant for single family homes, then we begin to lose the strong permanent residence population that Provo needs.

I moved to Oak Hills so I could raise my kids in a neighborhood where we can ride bikes and walk to neighbor houses. With ADU units in this neighborhood specifically this quickly becomes impossible.

We do not have any infrastructure for the parking needed to accommodate ADU's, and in many sections we don't have sidewalks. Permitting ADU's on an exception basis actual devalues the rest of the homes as part of a strong single family residence neighborhood.

Housing is so critical in Provo right now and we need to be able to support our student population with rental housing that makes sense for them. Our neighborhood is not practical or convenient for this. Instead of working to grant ad-hoc exceptions within specific neighborhoods, the Planning Commission and City Council should be spending more time working with BYU to plan pragmatic housing options that will solve the housing crisis facing students, young adults, and many other populations within Provo today.

Sally Clayton
1811N 1500E

Sarah Ashby | September 8, 2025
opposition to ADU at 1841 N 1500 E

I would like to submit this letter in opposition to the petition for a legal ADU to be established at 1841 N 1550 E. Thank you for your attention. Sarah Ashby

Letter to Planning Commission opposing Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

September 7, 2025

Dear Planning Commission,

I am writing in response to the application that Allen and Joanna Ludlow have made to request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in

the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

I am writing as a long-time resident of the Oak Hills Neighborhood to let you know of the way in which the request for this amendment has affected me, and our neighborhood in general.

Joanna Ludlow used an LDS ward text list with over 100 members of the neighborhood to ask everyone to support her application. Over the course of several weeks, she then spread incorrect information to us, claiming that the city would be coming in “with a vengeance” (her words) to rip out all the second kitchens in the neighborhood. She also stated to these 100+ residents that the ADU exception would be granted to only their family – that it would not stay with the house. She claimed that if they moved, the new owners of the house would have to start the process over and apply for an exception themselves. My understanding from the City is that once the legal ADU is established, it remains with the house.

I am concerned that the residents of our neighborhood were misled. Although people on the thread tried to correct the misinformation on several occasions, Joanna continued to claim that what she said was correct.

I let Joanna and other neighbors know I would be writing a letter opposing the amendment because of my objection to ADUs in the neighborhood. Joanna then began messaging me personally saying that I would be responsible for the student renters in her basement becoming homeless, and that I would be responsible for damage to neighbors’ homes because of all the kitchens getting ripped out. She claimed I was personally attacking their family. These texts felt threatening and retaliatory.

I know at least two of the required signatures (of the 66% of adjacent neighbors) were obtained from neighbors who felt very pressured to sign. They felt that if they didn’t sign, there would be personal backlash against them.

I bring this to your attention for a few reasons. First, I don’t think the current process is a good fit for a community where there is so much interaction because of LDS wards. People don’t feel like they can speak their minds because it may affect them on many levels – not just as a neighbor. For example, I have one neighbor in a church leadership position who doesn’t feel like he can give his opinion because of his church position.

Second, I am worried that despite efforts to give neighbors correct information, it has not been possible to contact all of them. It’s possible the number of neighbors who would have opposed the amendment is an underrepresentation. I don’t think support for an amendment that was obtained by misinforming individuals en masse should be considered, let alone approved.

Thank you for your time and consideration.

Respectfully,

Sarah Ashby
1685 N 1500 E
Provo, UT 84604

Provo City Planning Commission

Report of Action

September 10, 2025

ITEM 1 Claudia Estaba requests a Conditional Use Permit for a dance hall (SLU 7396) for space within an existing building in the DT2 (Downtown Core) Zone, located at 86 N University Ave, Suite 110. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLCUP20250233

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 10, 2025:

CONTINUED

On a vote of 6:1, the Planning Commission continued the above noted application.

Motion By: Barbara DeSoto

Second By: Matt Wheelwright

Votes in Favor of Motion: Barbara DeSoto, Matt Wheelwright, Jonathon Hill, Melissa Kendall, Lisa Jensen, Joel Temple

Votes Against the Motion: Daniel Gonzales

Jonathon Hill was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff gave an overview of the staff report and responded to Planning Commission questions regarding residential uses/zones in the area, uses in the building, and differences between similar event uses and how they are administered in Provo. Staff also verified sound and security provisions in the code for this use and discussed potential conditions that could be placed on this permit.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- The Neighborhood District Chair determined that a neighborhood meeting would not be required.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- The Commission Chair noted that the Planning Commission received letters from David Warren, Mark Roney, Mark Hedengren, Michelle Blake, Brad Moss, Vanessa DeHart, Dirk DeHart, Jo Ann Knight, Eddie Goitia, Stephanie & Matthew Lewis, Wesley Eames, Greg & Annette Krainik, Art Wing, Gary Pryor, Scott Stornetta, and Michelle & Chris Markarian.
- Vanessa DeHart commented on her concerns with the Staff Report and potential noise to the residents of the building, noting past users of the suite.

- Brad Moss detailed the different ownerships of the building and questioned whether the parking space allocation for the proposed use was accurate. He also mentioned the exemptions listed under PCC 6.15.040 and wondered if the use could fit under these exemptions.
- Mark Hendengren noted his experiences with other venues at other locations and the crime associated with that business. He stated his concerns with the proposal and its impact on Provo downtown.
- Greg Krainik questioned the ingress/egress on the suite and the security of the other parts of the building. He also noted concerns with food preparation, alcohol service, and sound.
- John Singler doesn't believe that the sound regulations will be adhered to with this proposal and has concerns with bathroom availability and security for events.
- Dirk DeHart has concerns with sound coming through the building and vibrations through the steel beams and detailed past experiences with noise issues from past users of the space.

APPLICANT RESPONSE

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

- Claudia Estaba (architect/applicant) provided additional information and details about the space to be used for the dance hall/event center and responded to Planning Commission questions regarding noise, efforts to block the noise, and ingress/egress from the suite. She indicated that sound testing could be done to verify the location could work. She described that the space would be primarily focused on corporate events but also open to weddings and other events.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners verified with the applicant that the space would be more of an event center than a night club, and that there are no outside spaces associated with the use.
- Commissioners were concerned about how the parking/occupancy would be managed (the applicant did not know the plan for this).
- Commissioners talked with staff about adding conditions to the use and what options they have, verifying that there are no standards for vibration in the code.
- Commissioners discussed security provisions in the code and that the adjacent property owners are within the building and any impact on them could be an issue.
- Staff verified with the Commission that the parking that was allocated by the Harris Investment group.
- Commissioners were concerned about the number of occupants, noting that building code and/or fire code could restrict the occupancy beyond what parking counts would provide.
- The Commission discussed options for securing the space to the rest of the building, proposing "emergency exit only" on doors that could pose a concern.
- The Commission verified with the applicant that the plan does not show a food preparation area, and she also indicated that a sound study could show what improvements to the space could occur to offset noise impacts to the rest of the building. Ms. Estaba also clarified that the upper floors are only accessible to people with a fob to access those areas.
- Commissioners stated frustration that the owner of the building and/or the proposed business were not in attendance to address questions on the use and help address concerns.
- The Commission discussed the things that make them feel uncomfortable approving the CUP, specifically, the noise impacts on the above residential units, how the parking and occupancy would be managed, when security would be used, and what the food and drink services would be.
- Daniel Gonzales expressed his desire to turn the CUP down because he believes it would be detrimental to the general welfare of those in the vicinity (residential units on upper floors) and did not think it is an appropriate location. He needs objective evidence that the use won't have negative impacts.
- Commissioners discussed the risk of the proposal interfering with the lawful use of the adjacent properties (within the building). They expressed a desire to get a sound test done so they could know what conditions could mitigate the noise.
- Jonathon Hill floated the idea of verifying compliance with sound standards prior to a certificate of occupancy for the unit. Others supported this idea but would also support a continuance to verify there is no sound issue.
- Barbara DeSoto suggested that staff research separating a dance hall use from other event center uses in the future.

- Commissioners discussed the hesitation to approve something that may not work and just get shut down shortly after opening, they would rather verify it can meet the standards first and then come back for approval.
- Discussion about the need to verify details with the business led to listing things that the commission would want answered at the next hearing for this item.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation: That there were not enough details on the proposal to make a decision. They listed the following items as requests to the business owner and applicant to come back with:

1. That a decibel study at property lines is conducted and reported on (with doors open and closed);
2. How the parking and occupancy will be managed;
3. How and when security would be used for events; and
4. Details of the planned food and beverage service.



Planning Commission Chair



Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Provo City Planning Commission

Report of Action

September 10, 2025

*ITEM 2 Allen and Joanna Ludlow request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20250427

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 10, 2025:

RECOMMENDED APPROVAL

On a vote of 4:3, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Daniel Gonzales

Second By: Joel Temple

Votes in Favor of Motion: Matthew Wheelwright, Daniel Gonzales, Barbara DeSoto, Joel Temple

Votes against the Motion: Melissa Kendall, Lisa Jensen, Jonathon Hill

Jonathon Hill was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

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

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD AND PUBLIC COMMENT

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

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Sarah Ashby, Oak Hills resident, stated she bought a home in this area specifically because it does not allow for ADUs. She has concerns that with an apartment that large it will be rented to more than the allowed number of tenants and that the city will not be able to enforce the code. She also stated that information some members of the neighborhood had received from the applicant was contradictory to what the city was explaining.
- Sally Clayton, Oak Hills resident, said that the ADU exception is problematic as she chose to live in an area that didn't allow for ADUs. She also stated that the process for an ADU exception is confusing and broken.
- McKay Jones, Provo resident, said that he was in favor of the ADU at the property as it would make more housing available and that all neighborhoods need to make more housing available. He also stated that apartment was original to the house, it was not added by the current owners and that he believed the applicants to be responsible homeowners that would take good care of the property.
- Kim Santiago, Provo resident, stated that she feels single-family neighborhoods are going extinct and that she has seen other neighborhoods completely torn apart by ADUs and over occupancy. She explained that she doesn't feel that it is the right of every homeowner to change the code and it is not the duty of the neighborhood to help

someone afford their home or make money off their home. She bought in this neighborhood specifically because it doesn't allow for ADUs.

- Greg Taylor, Oak Hills resident, said that the applicant knew the zoning when they bought the home and he believes that the changes from allowing the ADU will negatively impact the whole neighborhood.
- Annie Auernig, Oak Hills resident, said that she picked this neighborhood because it was a better environment for her kids and the proposed ADU doesn't benefit the neighborhood. She is opposed to the ADU.
- Mario, Oak Hills resident, explained that he was in favor of an ADU at the property. He believes that the opposition is based in fear and that code should change according to the needs of the population.
- Joseph Ballantyne, Oak Hill resident, expressed that he was concerned that the applicant might use the ADU as an in-home physical therapy clinic instead of an ADU.
- Heather Jones, Oak Hill resident, stated that families have grown up in this neighborhood and that neighborhoods change. She would hate anyone to feel this neighborhood has become too nice for people to live there. She doesn't feel that the what ifs & the maybes outweigh the positives.
- Craig Goodwin, Oak Hills resident, explained that he is not concerned about approving one apartment, but the fact that this sets a precedent for future approvals at other homes.
- John Payne, Oak Hills resident, explained that he grew up in the neighborhood and that the home has been used as a single-family dwelling with no apartment for all of its existence. He is against the ADU because it opens the door for more ADUs in the neighborhood.
- Stephine Haws, Oak Hills resident, asked if the applicant researched the property before buying and if they were aware that this wasn't allowed. She also wondered how much the signatures weighed into the approval of an ADU in the area when some of the additional signatures weren't property owners. She also stated that there is aging infrastructure and has concerns about adding multiple ADUs in the neighborhood making things like water pressure less reliable. Lastly, she stated that there was a lot of confusion around having a second kitchen at the property. She stated that the information the applicant was giving about second kitchens was unclear.
- Allen Ludlow, co-owner of the subject property, explained that they paid a premium to be in the neighborhood and that ADUs don't lower property values. He stated that the process has been confusing and that the information regarding second kitchens hasn't been clear. He also stated that apartments have existed in the neighborhoods for decades and clarified that there was no intention of building an in-home physical therapy clinic.
- Mike S., Oak Hills resident, said that this is a family neighborhood and he isn't sure how all these rentals happen. His main concern is that approving this ADU will encourage the establishment of more ADUs in the neighborhood.
- Byron Bennion, Oak Hills resident, stated his concern about just the Ludlow's being under investigation and wants to know what is happening to other rentals in the area.
- Emily King, Oak Hills resident, explained that she is against the ADU, she specifically picked a neighborhood that didn't allow ADUs. She also stated that this process is unclear and confusing.
- Mike Stoud, Oak Hills resident, posed a question to the commission based on the public comment for the item, what was the original intent of the ordinance and single-family zoning and has or should that intent change?
- Michael Stevens, Oak Hills resident, stated that he does not like that the applicant bought a home in this neighborhood that doesn't allow ADUs and is trying to establish one anyway. He also stated that the process for approving an ADU is a bad process.
- Jim Woodard, Oak Hills resident, stated that he is concerned about adding to the number of rentals as there are already illegal rentals in the neighborhood and doesn't think adding another rental is appropriate. He asked if the city is currently struggling to enforce current zoning laws why add more complications.
- Martha Cox Ballantyne, Oak Hills resident, stated that she is opposed to the ADU, the applicant signed the mortgage knowing what they were getting into. She also stated that the process has created a fight in the neighborhood.

APPLICANT RESPONSE

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

- The applicant highlighted that their plan is for this home to be their forever home. They will rent to long-term tenants for the near future, but the apartment will mostly be rented to family members.
- She mentioned that there have always been apartments in the neighborhood.

- She explained that the impact on traffic will be minimal and showed that she would be providing the required amount of off-street parking.
- The applicant highlighted that she went through the process of establishing an accessory apartment at her previous home.
- The applicant stated that there was no intention to use the apartment as a short-term rental.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Jensen stated that the Commission has discussed the same problems that reoccur, one of which is people misrepresenting themselves when enforcement goes out. Commissioner Jensen also asked if there was a second kitchen agreement signed at the property. Staff clarified that this property was built well before the second kitchen agreement was created.
- Commissioner Kendal explained that if there is a second kitchen the occupancy can be family members or if the property owners are over 60 they can apply for an elderly persons extra living space
- Commissioner Jensen asked if there are so many illegal rentals why do we care so much when someone is trying to go through the process legally. She stated that this is something that they discuss every time an ordinance text amendment of an ADU is brought before them to review. She stated that a property that has an ADU recognize has more restrictions around it giving the neighborhood more of a safety net even though it's not perfect. She also stated that based on the public comments it seems like there was a lot of misunderstandings about the process and she doesn't like the process either, but this is what is currently on the books. She felt that this is the type of property that is a good fit for the ADU, so she does not know how to address it when it meets the intent of the ordinance but does not have neighborhood support.
- Commissioner Kendall reiterated the question asked previously "what is the intent of a single-family zoning" because it was a good question and hopes that City Council can give more clarity to that matter. She stated that she doesn't feel comfortable making a recommendation when the process creates as much confusion as it currently does when it's not fair to anyone. She also pointed out that they are making a decision for the property not for the people.
- Commissioner DeSoto highlighted that there are points of contradiction that the General Plan wants to preserve single-family housing and provide different housing options throughout the city. She also pointed out that everyone has the opportunity to apply for an ordinance text amendment or a rezone, but applying doesn't mean approval. She agreed with Commissioner Jensen that this property meets the intent of the ordinance but understands the concern since this change is a text amendment and will not only apply to the current property owners. She believes this process should be a conditional use process. Her other concern is that enforcement still creates a point of conflict because it does require neighbors to report on each other.
- Commissioner Kendall agreed with the idea of making this a conditional use. She highlights the concern that the public raised of allowing one ADU will encourage many other property owners to establish ADUs could be what happens and since they will now run with the property that will hypothetically create a bunch of permanent ADUs in this area.
- Commissioner DeSoto referenced the history to the changing of how ADUs are approved, and she would like to see this process more stabilized going forward.
- Commissioner Wheelwright stated that he was sad about the contention that this has caused and hopes that will be evaluated going forward. He then asked a few questions regarding ADUs first was regarding the size staff explained that the only size requirement for detached ADUs to stay smaller than the main dwelling. He's second question was about HOAs/CC&R being a method for controlling ADUs as well which is correct. His third question was regarding the process for future owners. Staff explained the rental dwelling license process. His fourth question was regarding infrastructure and if the impact of ADUs could be measured in this area. Staff explained that this is an older neighborhood so the infrastructure might not be as good at supplying water pressure; however, most of these homes are now occupied by less people than they historically have been so getting an accurate comparison on that would be tough. His final question was whether there was parking enforcement in this area. Staff explained that they are public streets so people can park there, but parking enforcement can issue tickets for code violations like inoperable or abandoned vehicles.
- Commissioner Temple asked staff about the impact a single-family dwelling with an ADU vs. without as far as utilities. Staff explained that it's considered to not have any greater impact than a standard single-family dwelling.

- Commissioner Gonzales expressed his concerns about this issue stating that Planning Commission has wrestled with ADUs and where they are permitted many times over his time on the commission. He stated that his focus is on the property and the code and not on the finances of the situation. He highlighted that some of the comments about parking and overcrowding in the neighborhood contradict what is shown seeing that the property in question is large and has a lot of space to provide parking.
- Commissioner Temple stated that an ADU is an attempt to formalize the natural path for many families who have a mother-in-law move in or another family member. He stated that one of the possible reasons that so many properties have second kitchens and illegal ADUs is because this is how the home was used before, but now it's unrelated individuals not just family members.
- Commissioner Hill stated that ADUs are a hard problem to tackle because you hear that it will make your home worth more but that it makes homes affordable, which is contradictory in nature. He also pointed out that the Commission spends hours on a single ADU when in many cases they can approve a 60-unit apartment complex that would provide homes for a lot more people than one ADU. He stated his personal experience is that an ADU doesn't impact a neighborhood that much but could see a threshold where a certain number could create a noticeable impact. He felt that the ADU discussion has distracted from focusing on other approaches to help increase affordable housing that have a far more measurable impact.
- Commissioner Kendall highlighted that she loves that the city has provisions where many uses are already allowed such as the Elderly Persons Extra Living Space or having elderly parents move in.
- Commissioner Hill stated it is important to acknowledge that different neighborhoods do have different values.
- Commissioner Jensen restated that she hates the process, but she still believes that this property meets the intent of the code.
- Commissioner DeSoto agreed and stated that she hopes council will review the process so that the Commission and Council don't have to spend this much time on every single ADU to be applied for as it is not sustainable.



Planning Commission Chair



Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Bailey Wood | September 10, 2025

ADU Oak Hills

To Whom it May Concern,

I'm writing this email to oppose the upcoming ADU approval for a home in my neighborhood of Oak Hills. Specifically address 1841 N 1550 E. I do not agree that ADU's should be allowed or exceptions should be made for anyone. We all purchased homes in this area for a reason and ADU's threaten to change that. We are concerned about more vehicles, traffic and our kid's safety. I do not believe the owners have gotten neighbor's support in the best way, but have avoided answering certain questions and used guilt tactics to sway opinions. Ultimately, I strongly oppose ADU approval for anyone in the neighborhood and urge you to require more specific resident input in the future approval process. Some of their support comes from residents who won't be directly affected by this decision. Thank you for your time.

Bailey Wood

Sarah Ashby | September 10, 2025

Opposition to ADU Amendment at 1841 N 1550 E

Letter to Planning Commission opposing Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

September 7, 2025

Dear Planning Commission,

I am writing in response to the application that Allen and Joanna Ludlow have made to request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

I am writing as a long-time resident of the Oak Hills Neighborhood to express my opposition to the proposed ordinance amendment that would allow an accessory dwelling unit (ADU) in our neighborhood. While I understand the city's interest in expanding housing options, I am concerned about the long-term consequences of this change on our community.

Our neighborhood was intentionally zoned for single-family residences to preserve its character, safety and livability. Allowing ADUs would undermine this balance in several ways:

1. **Parking and Traffic:** Increased residential density will directly contribute to road congestion and on-street parking shortages. Many of us have children who bike, walk and skateboard every day in our neighborhood. Increased traffic will make our roads less safe for our kids.
2. **Land Use and Zoning Intent:** Homeowners purchased here with the understanding that zoning would maintain a single-family environment. Introducing multi-unit arrangements changes the density and feel of the neighborhood, diminishing the qualities that drew residents here in the first place. This erodes the predictability and fairness that zoning is designed to provide.

3. **Property Values:** This is a two-part problem. 1) Having a legal ADU increases the value of the affected property, making it more difficult for a single family to ever be able to afford it. 2) Higher density development often leads to declining property values - especially in homes around the rental unit. This risks destabilizing what has been a long-standing stable community.

4. **Infrastructure:** Our utilities, water, sewer, and stormwater systems are scaled to current zoning limits.

I encourage the Planning Commission to carefully consider the unintended consequences of this ordinance amendment. Allowing a legal ADU will set a precedent for other home owners to request an exception. If this ordinance amendment passes, it will then be more difficult to deny future homeowners ordinance exceptions.

I encourage the Planning Commission to carefully consider the unintended consequences of this ordinance amendment. Allowing a legal ADU will set a precedent for other home owners to request an exception. If this ordinance amendment passes, it will then be more difficult to deny other home owners ordinance exceptions. This has happened in other Provo neighborhoods. In addition, even with the current ordinance in place, we have seen that enforcement is a challenge. Approving an exception to the ordinance will only make this problem worse.

While I understand there are housing needs in our city, there are more appropriate areas for ADU development with better infrastructure, transit access, and planning capacity. Thank you for your time and consideration.

Respectfully,

Sarah Ashby
1685 N 1500 E
Provo, UT 84604

Additional Concerned Residents Who Support this Letter and Oppose this Amendment:

Gary and Mildred Watts	1763 N 1500 E
Mike and Ruth Stouder	1785 N 1500 E
Judy and Heidi Shimmin	2002 N 1450 E
Michael Stevens	1685 N 1500 E
Michele and Jim Woodard	1922 N 1550 E
Gregg and Terri Taylor	1932 N 1450 E
Linda Sullivan and Gary Stott	1744 N 1500 E
Pat and Mike Esplin	1915 N 1450 E
Richard and Penny Lohner	1720 N 1450 E
Sam and Kristina Parkinson	1888 N 1450 E
Bailey and Brock Wood	1680 N 1450 E
Seth and Stephanie Hawes	1717 N 1450 E
Sally and Samuel Clayton	1811 N 1450 E
Emily and Eddie King	1880 N 1450 E
Aaron and Pam Speirs	2292 N 1430 E
Sharon Gibson	1911 N 1500 E
Randy and Cathy Wade	1910 N 1450 E
Frank and Ella Santiago	1919 N 1550 E
Greg Goodwin	1460 E 2050 N
Martha and Joe Ballantyne	1815 N 1450 E

Owen Jacobson	2009 N 1450 E
Kristin and Craig Nuttall	2050 N 1500 E
Tamara and Kim Thompson	1985 N 1500 E
Martha and Joe Ballantyne	2277 N 1450 E
Helen and Lloyd Patterson	1480 E 2050 N
Frank and Marianne Hayne	1812 N 1450 E
Carolina Nunez and Kendall Hulet	2109 N 1450 E
Racquel and Josh Esplin	1764 N 1450 E
Dan and Kelli Tuttle	2175 N 1450 E

Rian Krommenhoek | September 10, 2025

Item 2 for Public Hearing Sept 10th Allen and Joanna Ludlow, Oak Hills Neighborhood

Provo Municipal Council,

We are writing in as neighborhood members concerning the amendment request by Allen and Joanna Ludlow. We oppose the granting of their request on the grounds that zoning laws should be respected and followed. We bought our home in this neighborhood specifically to avoid the overcrowding of multiple family occupancy houses. If they are allowed to rent out a portion of their home then all homes should be afforded the same and that is not the neighborhood that we have all 1) made the decision to purchase a home in 2) spent years and decades building. Everyone one should be able to buy their homes in good faith that the city will uphold the zoning laws that they committed to when purchasing their homes. The city cannot play favorites or encourage bullying of neighbors by those seeking to break the rules that were in place long before their arrival. Joanna acted in bad faith by stopping neighbors as they were pulling out of their driveway, insisting they sign a paper "to allow us to keep our downstairs kitchen," and has since upset many as they discovered her intentionally deceitful communication. Similarly, and preceding their move into this neighborhood, they made the decision to purchase knowing the rules. We encourage the City Council to deny the request of the Ludlows and are prepared to legally take action against the city if governance proves incapable of upholding zoning laws. The zoning laws are clearly stated by the city and should stand for something. We believe that if the Ludlows request is granted the city will be encouraging others to break zoning laws and showing that by deceit and online harassment neighbors can defy ordinances and city governance. We ask that you do not encourage this behavior.

Sincerely,

Sid and Rian Krommenhoek
1721 N 1500 E
Oak Hills Neighborhood
Provo, Utah 84604

Kristina Parkinson | September 9, 2025

Amendment to city code 14.30.020

Hi Jessica, my name is Kristina Parkinson and I live at 1888 N. 1550 E., Provo. My neighbors the Ludlow's are trying to get

the city to permit ADU's at their residence. About a month ago Joanna Ludlow asked if she could add my name to a list of people in support of the amendment, and I said yes. I have since done more research and actually don't want to support that. I feel bad because I like the Ludlow's and don't want to cause them any problems, but I wanted to let you know that I'm against my neighbors having ADU's. I will not be able to attend the meeting on Wednesday, because of a prior commitment.

Thanks for all you do!

Kristina Parkinson

Kara Stowers | September 9, 2025
ADU public hearing for 1841 N 1550 E

Hello,

I cannot be at the public hearing but was told that someone could read the paragraphs below on my behalf:

Our neighborhood has been established for decades as a single-family community, with many families having lived here for over 50 years. Many of them even have bought the houses that they grew up in and are raising their own children there. The stability of this zoning has preserved the character of the area and provided a safe environment for *generations*. Granting this exception would undermine that stability and set a precedent that could encourage many similar requests, fundamentally altering the well-established nature of the neighborhood.

While ADUs can serve young families well which would be in alignment with Provo's goals as stated by the committee, the more likely outcome in our area—given its proximity to the university—is *occupancy by multiple college students*. This has already been happening illegally in multiple houses in the neighborhood. Therefore, this ADU change would cement this zoning to the neighborhood for multiple houses, bring increased traffic, parking congestion, and *frequent turnover of residents*. Additional cars on our already narrow streets *pose a real safety concern for neighborhood children*.

Most importantly, community input should mean more than collecting signatures. Long-time residents who have invested in this neighborhood for decades deserve to have their voices heard and their concerns weighed which have not been done with proper attention in this proposal.

Thank you. Kara Stowers 1700 N. 1450 E. Provo Utah 84604

Kara Stowers | September 9, 2025
ADU Concerns regarding 1841 N 1550 E

Letter to Planning Commission opposing Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

Sept. 9, 2025

Dear Provo City Planner (via Ms. Jessica Dahneke),

I am writing as a resident of Oak Hills, where my family has lived for the past eight years. I am concerned about the requested Ordinance Text amendment change requested by Allen and Joanna Ludlow at 1841 N 1550 E in which they are asking for a zoning change to allow an ADU at that address.

Our neighborhood has been established for decades as a single-family community, with many families having lived here for over 50 years. Many of them even have bought the houses that they grew up in and are raising their own children there. The stability of this zoning has preserved the character of the area and provided a safe environment for *generations*. Granting this exception would undermine that stability and set a precedent that could encourage many similar requests, fundamentally altering the well-established nature of the neighborhood.

While ADUs can serve young families well which would be in alignment with Provo's goals as stated by the committee, the more likely outcome in our area—given its proximity to the university—is *occupancy by multiple college students*. This has already been happening illegally in multiple houses in the neighborhood. Therefore, this ADU change would cement this zoning to the neighborhood for multiple houses, bring increased traffic, parking congestion, and *frequent turnover of residents*. Additional cars on our already narrow streets *pose a real safety concern for neighborhood children*.

Above this, it is important that zoning decisions be consistent and fair. Many of us have accepted restrictions on how we use our homes in order to comply with single-family zoning. We also understand the legacy of the neighborhood and the character that has been cultivated here. *Granting an exception to one household while others are expected to follow the rules would be inequitable and would make enforcement even more challenging*. Especially when the rules are already difficult to enforce.

Most importantly, community input should mean more than collecting signatures. Long- time residents who have invested in this neighborhood for decades deserve to have their voices heard and their concerns weighed which have not been done with proper attention in this proposal.

For these reasons, I respectfully ask you to deny the proposed zoning change. Thank you for your service and for protecting the integrity and safety of our neighborhoods.

Sincerely, Kara Stowers 1700
N 1450 E

Sally Clayton | September 8, 2025
Opposition to ADU code exception request in Oak Hill

Hi Planning Commission,

I would like to submit my opposition to the Ordinance Text Amendment to add an ADU to 1841N 1550E, Oak Hills neighborhood. Our neighborhood is not zoned for any additional rental income units and should be preserved as a single family home neighborhood.

Provo will be a better city if we set and stick to thoughtful zoning practices. When too many exceptions for ADU's are given in neighborhoods meant for single family homes, then we begin to lose the strong permanent residence population that Provo needs.

I moved to Oak Hills so I could raise my kids in a neighborhood where we can ride bikes and walk to neighbor houses. With ADU units in this neighborhood specifically this quickly becomes impossible.

We do not have any infrastructure for the parking needed to accommodate ADU's, and in many sections we don't have sidewalks. Permitting ADU's on an exception basis actual devalues the rest of the homes as part of a strong single family residence neighborhood.

Housing is so critical in Provo right now and we need to be able to support our student population with rental housing that makes sense for them. Our neighborhood is not practical or convenient for this. Instead of working to grant ad-hoc exceptions within specific neighborhoods, the Planning Commission and City Council should be spending more time working with BYU to plan pragmatic housing options that will solve the housing crisis facing students, young adults, and many other populations within Provo today.

Sally Clayton
1811N 1500E

Sarah Ashby | September 8, 2025
opposition to ADU at 1841 N 1500 E

I would like to submit this letter in opposition to the petition for a legal ADU to be established at 1841 N 1550 E. Thank you for your attention. Sarah Ashby

Letter to Planning Commission opposing Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

September 7, 2025

Dear Planning Commission,

I am writing in response to the application that Allen and Joanna Ludlow have made to request an Ordinance Text Amendment to Provo City Code 14.30.020 to add a property in the R1.10 (One Family Residential) Zone to areas permitting ADUs, located at 1841 N 1550 E. Oak Hills Neighborhood.

I am writing as a long-time resident of the Oak Hills Neighborhood to let you know of the way in which the request for this amendment has affected me, and our neighborhood in general.

Joanna Ludlow used an LDS ward text list with over 100 members of the neighborhood to ask everyone to support her application. Over the course of several weeks, she then spread incorrect information to us, claiming that the city would be coming in "with a vengeance" (her words) to rip out all the second kitchens in the neighborhood. She also stated to these 100+ residents that the ADU exception would be granted to only

their family – that it would not stay with the house. She claimed that if they moved, the new owners of the house would have to start the process over and apply for an exception themselves. My understanding from the City is that once the legal ADU is established, it remains with the house.

I am concerned that the residents of our neighborhood were misled. Although people on the thread tried to correct the misinformation on several occasions, Joanna continued to claim that what she said was correct.

I let Joanna and other neighbors know I would be writing a letter opposing the amendment because of my objection to ADUs in the neighborhood. Joanna then began messaging me personally saying that I would be responsible for the student renters in her basement becoming homeless, and that I would be responsible for damage to neighbors' homes because of all the kitchens getting ripped out. She claimed I was personally attacking their family. These texts felt threatening and retaliatory.

I know at least two of the required signatures (of the 66% of adjacent neighbors) were obtained from neighbors who felt very pressured to sign. They felt that if they didn't sign, there would be personal backlash against them.

I bring this to your attention for a few reasons. First, I don't think the current process is a good fit for a community where there is so much interaction because of LDS wards. People don't feel like they can speak their minds because it may affect them on many levels – not just as a neighbor. For example, I have one neighbor in a church leadership position who doesn't feel like he can give his opinion because of his church position.

Second, I am worried that despite efforts to give neighbors correct information, it has not been possible to contact all of them. It's possible the number of neighbors who would have opposed the amendment is an underrepresentation. I don't think support for an amendment that was obtained by misinforming individuals en masse should be considered, let alone approved.

Thank you for your time and consideration.

Respectfully,

Sarah Ashby
1685 N 1500 E
Provo, UT 84604

Provo City Planning Commission

Report of Action

September 10, 2025

*ITEM 3 Development Services requests Ordinance Text Amendments to Title 14 to remove data centers as permitted or conditional uses through all zones. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20250458

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 10, 2025:

RECOMMENDED APPROVAL

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

Motion By: Lisa Jensen

Second By: Melissa Kendall

Votes in Favor of Motion: Joel Temple, Barbara DeSoto, Melissa Kendall, Jonathon Hill, Lisa Jensen, Daniel Gonzales, Matt Wheelwright

Jonathon Hill was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

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

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide Application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- One resident expressed a desire to do whatever the City could do limit data centers, citing concerns about water and energy use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Hill asked about the definition of data centers and what qualifies as a data center. Staff explained that data centers are centralized off-site server racks for data processing and do not include blockchain work or cryptocurrency.

- Commissioner Jensen supported limiting where data centers could be built and thought they were too broadly permitted in zones before.
- Commissioner DeSoto wanted to ensure that no parties remained private in data center applications, which would be addressed by the Legal Entities Disclosure requirement.



Planning Commission Chair



Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

ORDINANCE 2025-____.

AN ORDINANCE AMENDING PROVO CITY CODE TITLE 14 TO REMOVE DATA CENTERS AS PERMITTED OR CONDITIONAL USES. (25-____)

RECITALS:

It is proposed that Provo City Code Title 14 be amended to remove data centers as permitted and conditional uses from all zones in order to create a tailored overlay zone; and

On September 10, 2025 the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended approval to the Municipal Council by a vote of 7:0; and

On September 23, 2025 the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

PART I:

Provo City Code Title 14 is hereby amended as set forth in Exhibit A.

PART II:

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

Exhibit A

14.10.020 Permitted Uses. (R1 Zone)

...
(6) *Conditional Uses.* The following uses and structures are permitted in the R1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code:

...
Use No. Use Classification

6500 Professional services (except 6513 through 6518 [and 6550](#); and only in historic buildings as defined in this Title)

...

14.11.020 Permitted Uses. (R2 Zone)

...
(6) *Conditional Uses.* The following uses and structures are permitted in the R2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof and the standards of Section 14.34.250, Provo City Code:

...
Use No. Use Classification

6500 Professional services (except 6513 through 6518 [and 6550](#); and only in historic buildings as defined in this Title)

...

14.16.020 Permitted Uses. (PO Zone)

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

...
Use No. Use Classification

6500 Professional Services (except 6513, 6515 Behavior, drug and alcohol treatment; office only, no lodging or bed facilities, 6516; [and 6550 Data processing services](#))

...

14.18.020 Permitted Uses. (SC1 Zone)

...
(3) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC1 zone:

Use No.	Use Classification
6500	Professional services (except 6515-6516 and 6550)

14.20.020 Permitted Uses. (SC3 Zone)

...
(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
6550	Data processing services

14.20A.020 Permitted Uses. (FC1 Zone)

...
(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC1 zone.

Use No.	Use Classification
6550	Data processing services

14.20B.020 Permitted Uses. (FC2 Zone)

...
(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC2 zone:

Use No.	Use Classification
6550	Data processing services

14.20C.020 Permitted Uses. (FC3 Zone)

...
(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC3 zone:

Use No.	Use Classification
6550	Red text: Data processing services

...

14.21A.020 Permitted Uses. (DT1 Zone)

...

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT1 zone:

...

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment; and 6518 Blood banks, and 6550 Data processing services)

...

14.21B.020 Permitted Uses. (DT2 Zone)

...

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT2 zone:

...

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment; and 6518 Blood banks; and 6550 Data processing services)

...

14.21C.020 Permitted Uses. (GW Zone)

...

(6) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the GW zone:

...

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment; and 6518 Blood banks; and 6550 Data processing services)

...

14.21D.020 Permitted Uses. (WG Zone)

...

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the WG zone:

...

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment; and 6518 Blood banks; and 6550 Data processing services)

and 6518 Blood banks; and 6550 Data processing services)

...

14.22.020 Permitted Uses. (CG Zone)

...

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

...

Use No.	Use Classification
6500	Professional services (except 6550 Data processing services)

...

14.23.020 Permitted Uses. (ITOD Zone)

...

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

...

Land use categories below are allowed as a permitted use only if they are two thousand (2,500) square feet or less in size (gross square footage). Land use categories below that consist of gross building square footage in excess of two thousand five hundred (2,500) square feet shall be approved only as a conditional use.

...

Use No.	Use Classification
6500	Professional services (except 6515 Behavior, drug and alcohol treatment, office only; and 6550 Data processing services)

...

14.24.020 Permitted Uses. (CM Zone)

...

(4)(c) The following uses shall be permitted in the CM zone:

...

Use No.	Use Classification
6500	Professional services (except 6515 and 6550)

...

14.25.020 Permitted Uses. (CA Zone)

...

(4) *Permitted Principal Use.* The following principal uses or structures and no others are permitted in the CA zone:

...

Use No.	Use Classification
6500	Professional services (except 6513, 6515, and except 6516, and 6550)

...

14.26.020 Permitted Uses. (MP Zone)

...

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

...

Use No.	Use Classification
6500	Professional Services (except 6513, Hospitals (public or private); 6515, Behavior, Drug and Alcohol treatment centers; and 6516, Convalescent, Rest Home and Nursing Home Service; and 6550 Data processing services)

...

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
6500	Professional services (except 6515 behavior drug and alcohol treatment centers and 6550 data processing services)

...

14.32.020 Permitted Uses. (RC Zone)

...

(6) *Conditional Uses.* The following uses and structures are permitted in the RC 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
6500	Professional services (except 6513 to 6518 and 6550 ; only in existing commercial structures)

...

Provo City Planning Commission
Report of Action

September 10, 2025

*ITEM 4 Development Services proposes adoption of city policy and amendments to Provo City Code Title 14 to address Data Processing Services, Electricity Regulating Substations and Electric Small Generation as Permitted Principal or Conditional Uses. Citywide Application. Hannah Salzl (801) 852-6423
hsalzl@provo.gov PLOTA202501

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 10, 2025:

RECOMMENDED APPROVAL WITH CONDITIONS

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

Conditions of Approval:

- Add that the environmental analysis must include a requirement that the analysis include a comparison of water and power usage for data centers of similar size and for other industries of similar scales and lot size.
- Add a definition of data centers that establishes a minimum level for data centers to distinguish them from general server racks and also clarifies that they do not work with cryptocurrency.
- Add a requirement that data center applicants over a certain threshold must pay a fee to cover an independent environmental review by a third party of the City's choosing.

Motion By: Daniel Gonzales

Second By: Matt Wheelwright

Votes in Favor of Motion: Joel Temple, Barbara DeSoto, Melissa Kendall, Jonathon Hill, Lisa Jensen, Daniel Gonzales, Matt Wheelwright

Jonathon Hill was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

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

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide Application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- One resident expressed a desire to do whatever the City could do limit data centers, citing concerns about water and energy use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners Jensen and Gonzales expressed a desire for more information against which to compare applications. Staff lacks the expertise, and the City lacks the resources to hire a specialist. After discussing options, staff and the Commissioners agreed that the City could require developers of larger data centers to cover the cost of a third-party analysis by an independent expert. Commissioners also suggested adding a requirement that the analysis include a comparison of water and power usage for data centers of similar size and for other industries of similar scales and lot size.
- Commissioner Jensen asked for clarification about who would review the required power load and generation plan. That requirement came from UMPA, and UMPA and Provo Power would review them. She had similar questions about the performance bond requirement, which is also required by UMPA and would be negotiated with them. Commissioner Jensen appreciated how UMPA's policies allowed data centers but set a high bar to protect the community.
- Commissioner Hill asked that a definition of what qualifies as a data center, especially clarification about at what point is a data center and not just a server rack in an office.
- Commissioner Wheelwright expressed concerns about reported weights of data centers. A basic geotechnical analysis is already required and would find any site issues.
- Commissioner Temple expressed concerns about intensive water use while Utah is in the middle of a drought.



Planning Commission Chair



Director of Development Services

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

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

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

EXHIBIT A

ORDINANCE 2025-____.

AN ORDINANCE AMENDING PROVO CITY CODE TITLE 14 TO CREATE A DATA CENTER OVERLAY ZONE. (25-____)

RECITALS:

It is proposed that Provo City Code Title 14 be amended to add chapter 14.34A Data Center Overlay Zone; and

On September 10, 2025 the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended approval to the Municipal Council by a vote of 7:0; and

On September 23, 2025 the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

PART I:

Provo City Code Title 14 is hereby amended as set forth in Exhibit A.

PART II:

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

Exhibit A

Chapter 14.34A DC – DATA CENTER OVERLAY ZONE

Sections:

- 14.34A.010 Purpose and Objectives.**
- 14.34A.020 Permitted Uses.**
- 14.34A.030 Lot Standards.**
- 14.34A.040 Project Plan Approval.**
- 14.34A.050 Development Standards for Data Centers of All Sizes.**
- 14.34A.060 Development Standards for Large Data Centers.**
- 14.34A.070 Other Requirements.**

14.34A.010 Purpose and Objectives

The Data Center Overlay Zone (DC Overlay) is established to provide prudent development standards for data centers and similar digital infrastructure facilities as well as any associated power generation facilities. The provisions of this zone are intended to minimize the negative environmental effects of data centers and power generation, especially to air quality, water use, and energy demands.

14.34A.020 Permitted Uses

The following principal uses and no others are permitted in the DC Overlay:

- (1) Data centers;
- (2) Energy generation facilities and transmission infrastructure, subject to Utah Municipal Power Authority (UMPA) policies.

14.34A.030 Lot Standards

Each lot or parcel in the DC Overlay must comply with PCC Section 15.03.100 (Adequate Public Facilities).

14.34A.040 Project Plan Approval

See PCC Sections 15.03.300 and 15.03.310.

14.34A.050 Development Standards for Data Centers of All Sizes.

- (1) The DC Overlay may only be combined with Light Manufacturing (M1) and Planned Industrial Commercial (PIC) Zones. Development within the DC Overlay must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.
- (2) Data centers must also comply with all requirements listed in Provo City's Data Center Policy and Application Procedures as well as UMPA Data Center Policies.
- (3) No data center or energy generation may 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.

- (a) Equipment that produces emissions in excess of state and federal base limits (or that requires emissions reduction credits to operate) may 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.
- (4) Data centers must establish a mechanism (e.g., performance bond, etc.) to cover any financial obligations in the event of a default as an irrevocable guarantee to offset risks to taxpayers.
- (5) The following additional information must be provided as part of the Zone Map Amendment application:
 - (a) A project narrative and development timeline, including construction milestones and phasing;
 - (b) Legal entity disclosures;
 - (c) A Community Benefit Plan including workforce training, infrastructure investments, renewable energy projects, and tax revenue projections;
 - (d) A statement of how the data center furthers the environmental goals in the Provo City General Plan and the Conservation and Resiliency Plan.
 - (e) An agreement with UMPA to ensure adequate compensation for the use of UMPA and Provo Power's transmission and distribution infrastructure;
 - (f) A detailed power load and generation plan;
 - (g) A site plan including all utility infrastructure (electric, water, wastewater);
 - (h) Noise studies to ensure compliance with PCC Section 9.06.040 and any requirements of the zone;
 - (i) An estimation of vibrations produced from operations and an explanation of strategies used to reduce vibrations (e.g., vibration isolation systems, floating floors, structural dampening);
 - (j) An environmental review that includes the identification and explanation of conservation strategies for the following resources, noting unused practical industry strategies and justification for not pursuing them on this project:
 - i. Energy efficiency (e.g., server clustering, high-efficiency cooling systems),
 - ii. Renewable energy,
 - iii. Water and wastewater (e.g., purple pipe irrigation, water alternatives);
 - (k) An air quality analysis and mitigation plan that includes CO₂, NO_x, VOCs, ozone, PM_{2.5}, PM₁₀, methane, and any other pollutants produced at the site;
 - (l) Confirmation of emissions credits, if required, which must be acquired within three months of approval of the Zone Map Amendment, or the Zone Map Amendment will be revoked;
 - (m) 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.

(6) The following additional standards apply to all energy generation facilities in the DC Overlay.

- (a) Independent “islanded” power plants are prohibited. Any new power generation, whether renewable or non-renewable, produced by the data center to serve its own power demand must be interconnected with Provo City and follow UMPA policies.
- (b) Data centers may also 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. 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.

14.34A.060 Development Standards for Large Data Centers.

- (1) This section applies to all data centers with aggregate power loads exceeding fifty megawatts (50 MW), per UMPA Data Center Policies.
- (2) A new power generation facility (plant) must be constructed and must be sufficient to cover the projected load.
- (3) As part of the Zone Map Amendment application, the developers must submit a site plan that includes the details of the new power generation facility. The site plan must be reviewed and approved by UMPA.
- (4) The construction of the plant may be scaled but must be completed and operational before the data center’s load requirement exceeds fifty megawatts (50 MW).
- (5) 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.

14.34A.070 Other Requirements

- (1) *International Building Code.* The requirements of the International Building Code, as adopted by the Provo Municipal Council (the IBC), apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council’s adoption of the IBC.
- (2) The operator of a use permitted in this Chapter must comply with all other license requirements of the City or any public agency related to the use.