



# PROVO MUNICIPAL COUNCIL

## Redevelopment Agency Governing Board

### Work Meeting

2:00 PM, Tuesday, November 11, 2025

Provo Peaks Conference Room (Room 110)

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

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

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

**To listen to the meeting by phone: November 11 Work Meeting: Dial 346-248-7799. Enter Meeting ID 814 4096 9830 and press #. When asked for a participant ID, press #.**

## Agenda

### Roll Call

### Approval of Minutes

October 7, 2025 Council Meeting Minutes

October 21, 2025 Work Meeting

October 21, 2025 Council Meeting

October 23, 2025 Joint Meeting with the Provo City School District Board

## Business

1. A presentation Regarding the Provo City Housing Authority RAD Conversion (25-102)
2. A discussion regarding possible code changes to the Neighborhood District Program (25-093)
3. An update regarding reimagining code enforcement & civil fines (25-053)
4. An ordinance amending Provo City Code to reformat a map related to some ADUs and to repeal the section related to special applications for ADUs (PLOTA20250562)
5. An ordinance adjusting design standards in the Provo City Code for certain development in the Campus Residential Zone. (PLOTA20250535)

6. An ordinance amending an existing development agreement for a 58-unit single family subdivision in the R1.8(PD) Zone, located approximately at 2480 W 960 N. Lakeview North Neighborhood. (PLFSUB20240046)

## **Redevelopment Agency Governing Board**

7. A resolution of the Redevelopment Agency of Provo City designating a survey area and authorizing related actions for a potential community reinvestment project area. (25-103)

## **Closed Meeting**

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

## **Adjournment**

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

Materials and Agenda: [agendas.provo.org](http://agendas.provo.org)

Council meetings are broadcast live and available later on demand at [youtube.com/ProvoCityCouncil](http://youtube.com/ProvoCityCouncil). To send comments to the Council or weigh in on current issues, visit [OpenCityHall.provo.org](http://OpenCityHall.provo.org).

The next Work Meeting will be held on Tuesday, December 2, 2025. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

## **Notice of Compliance with the Americans with Disabilities Act (ADA)**

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email [kmartins@provo.gov](mailto:kmartins@provo.gov) at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at [youtube.com/ProvoCityCouncil](http://youtube.com/ProvoCityCouncil).

## **Notice of Telephonic Communications**

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

## **Notice of Compliance with Public Noticing Regulations**

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

# DRAFT MINUTES

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



## PROVO MUNICIPAL COUNCIL

### Regular Meeting Agenda

5:30 PM, Tuesday, October 07, 2025

Council Chambers (Room 100)

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

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

1

#### Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin

Councilor Gary Garrett

Councilor Katrice MacKay

Deputy Mayor Isaac Paxman

Council Executive Director Justin Harrison

City Recorder Heidi Allman

Conducting: Chair Gary Garrett

Excused: Councilor Travis Hoban

Councilor Craig Christensen

Councilor George Handley

Councilor Rachel Whipple

Chief Administrative Officer Scott Henderson

City Attorney Brian Jones

2

**Prayer** – Jameson Moody

3

**Pledge of Allegiance** – Councilor Garrett

4

**Presentations, Proclamations, and Awards**

5

1. **A ceremony for the pinning of badges for newly sworn police officers. (25-007) [00:02:41](#)**

6

7 Chief Beebe expressed appreciation to the Council for the opportunity to present the police  
8 department's newest peace officers. He explained that the badge pinning ceremony is a proud law  
9 enforcement tradition symbolizing a major milestone for those who have chosen to serve and protect  
10 the community. The badge, he said, represents dedication, integrity, and the public's sacred trust. Chief  
11 Beebe emphasized that this ceremony also honors the families of the officers, acknowledging their love,  
12 patience, and unseen support that make this calling possible. He concluded by introducing the newest  
13 members of Provo's law enforcement family and sharing their stories and accomplishments as they  
14 received their badges. The officers recognized were Hannah Teebles, Stephen Johnstun, Crystal Coates,  
15 Eric Tryon, Jake Fisher, and David Hallam.

16

17 Deputy Chief Geyerman introduced and recognized the following: Joshua Webster, David Strebe,  
18 Johnathan Blodgett, Eric Littlefield, Alvaro Nicolia, and Katie Tillman.

19

20 Heidi Allman, City Recorder, administered the oath of office to the group.

21

# **DRAFT MINUTES**

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22 Chief Beebe thanked the Council and community for their continued support and encouragement of the  
23 police department and its officers. He expressed appreciation for the genuine care and trust shown by  
24 the community and invited everyone to join the department for a gathering in the community room  
25 across the hall.

26  
27 Chair Garrett thanked Chief Beebe and expressed appreciation for the dedication of the city's police  
28 officers, noting that the Council feels honored to be served by such outstanding men and women. He  
29 also extended gratitude to the families, friends, and community members who came to support the new  
30 officers during the pinning ceremony.  
31

## **Public Comment**

32  
33 Chair Garrett read the public comment preamble and opened the public comment period.  
34  
35 Aaron Gallegos, representing the Kingdom Hall of Jehovah's Witnesses at 491 North 1280 West, shared  
36 a safety concern about street parking along 500 North between 1375 West and 1280 West. He explained  
37 that parked cars in this area block visibility for drivers entering and exiting the church parking lot,  
38 creating a hazard. Following recent on-site construction, several near misses occurred, prompting the  
39 request for the city to review the area and consider designating it as a no-parking zone to improve  
40 safety.  
41

42 Chair Garrett closed the public comment period.  
43

## **Adjournment**

44  
45 The meeting was adjourned by unanimous consent at approximately 5:51 PM.  
46

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



## PROVO MUNICIPAL COUNCIL

### Work Meeting Minutes

3:30 PM | October 21, 2025

Provo Peak Room

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or  
<https://www.youtube.com/provocitycouncil>

## Agenda

### Roll Call

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

### Approval of Minutes

- October 7, 2025 Work Meeting Minutes

Approved by unanimous consent.

### Council Business

#### **Item 1: A report regarding the Victim Services Program (25-018) [00:00:54](#)**

Kim Thayne, Victim Services Coordinator, presented an update on the Victim Services Program alongside Captain Robert Patrick and advocates Becky Draut and Estrella Farias Sanchez. Thayne explained that biannual updates are required as part of the department's Victims of Crime Act (VOCA) grant obligations.

Thayne shared program statistics for January through September 2025, noting that while the data does not encompass all cases served, it highlights those with the greatest community impact. The report included 120 adult physical assault cases, 161 adult sexual assault cases, 195 cases against children, 365 domestic violence cases (the highest category), and 256 stalking and harassment cases. The team provided 2,820 total services, including 63 crisis interventions and safety planning sessions, 30 law enforcement interview accompaniments, 205 notifications of criminal justice events, and 365 incidents related to protective orders and stalking injunctions.

Draut shared several success stories illustrating the program's impact. One involved a woman run off the road by her ex-husband while transporting her children; advocates assisted her in obtaining both civil and criminal protective orders and accompanied her to court hearings. When the ex-husband continued to violate the order, they collaborated with the Lehi Police Department to deploy Digi, a canine trained to detect electronic tracking devices, to ensure the client's vehicle was clear of trackers.

Another case involved an incarcerated ex-partner violating a protective order by repeatedly calling the victim. The advocate discovered the order had not been properly served to the prison. After coordination with detectives and the warden, the issue was corrected, enabling future enforcement. The client later expressed gratitude and increased confidence.

A third case concerned a sexual assault victim abused by a person in a position of trust. With the program's support and therapy resources, the victim gained the courage to share her story, encouraging additional victims to come forward.

Sanchez recounted cases including one where she assisted a Spanish-speaking sexual assault victim by providing interpretation and facilitating a U Visa certification. Another involved working with the Community Oriented Policing Team to amend a stalking injunction, allowing confiscation of firearms used to intimidate the community.

Councilor MacKay inquired whether stalking victims must disclose frequented locations on protective orders. Thayne clarified that while personal and family addresses can be protected, public places cannot, though distance restrictions still apply. Captain Patrick added that protective orders often require respondents to leave any location where the protected person is present.

Councilor Whipple asked about staffing and funding levels. Thayne stated that while VOCA grant funding has declined over successive cycles, the city has covered the shortfall, keeping the program stable. She described caseloads as manageable though variable by season and circumstance.

Chair Garrett requested information on year-over-year trends. Thayne and Captain Patrick explained that numbers fluctuate with school schedules and broader social factors. Patrick noted that an audit showed 4,806 services provided in the previous 12 months, suggesting current levels remain consistent. He commended Thayne's leadership and team collaboration.

Councilor MacKay expressed appreciation, noting, "I've had friends use you, and it was invaluable. They loved it. So thank you."

**Item 2: A discussion regarding an amendment to Parks and Recreation Master Plan (25-100) [00:18:57](#)**

Council Analyst Kevin Martins presented a proposal sponsored by Councilors Becky Bogdin and Craig Christensen to amend Chapter 7.1 of the Parks and Recreation Master Plan by removing

the second bullet point under Slate Canyon Park's plan, which addresses potential residential development possibilities in the area.

Martins provided background on the subject including the largest neighborhood district meeting in Provo's history held on April 30, 2025, which drew 279 attendees and 200 public comments, most of which expressed opposition or concern about the Splash Summit development proposal for Slate Canyon property. He noted that on July 7, 2025, the mayor announced that "Slate Canyon is not for sale," reflecting administrative alignment with the proposed amendment.

Parks and Recreation Director Doug Robbins and Foster Watabe informed Martins that they have no plans to entertain development proposals in Slate Canyon and that the department intends to remove the bullet point during the master plan rewrite next year regardless of council action.

Councilor George Handley expressed support for immediate action, stating, "I won't be here to vote for it later."

Councilor Rachel Whipple requested a map showing all city-owned property and the portion designated for future park use, expressing concern about understanding what property the city owns beyond the park boundaries. She noted that removing the language would not prevent the city from selling property outside the designated park area if needed.

Chair Garrett highlighted the removed bullet point's language about evaluating parcels for residential development to fund park development, asking whether residents would support selling a small portion for that purpose. Scott Henderson explained this was the consultant's suggestion for funding a 100-acre park, which could cost similar to the rec center construction. However, Councilors MacKay and Bogdin indicated citizens would prefer the land remain undeveloped as open space rather than see any development. Councilor Bogdin referenced the sale of Buckley Draw for housing to fund Bicentennial Park, recalling public opposition and stating, "I don't think there is a public appetite at this point in time to even sell off any portion of Slate Canyon."

Councilor Handley added that removing the language would protect the city from future development pressure: "This is going to help the city solve its problem. And I think it's just better that we don't raise that question." He suggested that funding questions be revisited during the upcoming master plan rewrite, recommending public surveys to gather feedback.

Councilor Whipple agreed, stating that removing the "tempting bait language" would not alter the city's options but would clearly signal the council's intentions. Chair Garrett concurred, affirming, "I don't think any of us in this room have any appetite for selling this property for any reason whatsoever."

Councilor MacKay moved to direct staff to proceed with the process of amending the Parks and Recreation Master Plan. The motion was seconded by Councilor Handley. The motion passed 5-0, with Councilors Hoban and Christensen excused.

Martins concluded by noting that the Planning Commission is expected to hear the item on November 12, 2025, with potential Council consideration on December 2, 2025.

## RDA Business

### **Item 3: A discussion regarding the potential sale of an RDA property (25-098) [00:33:23](#)**

Redevelopment Agency (RDA) Director Melissa McNalley presented a proposal from The Harris Group to purchase a small parklet located south of their building (the former Wells Fargo building) for the purpose of expanding venue space. The parklet, depicted in photos as a small grassy area with trees and benches, was appraised at \$315,000 (approximately \$104 per square foot). McNalley noted this appraisal appeared high when compared to the 2023 appraisal of the former City Hall property at \$68 per square foot. The Harris Group initially offered \$20,000, which the RDA declined, later increasing their offer to \$90,000.

Jason Harris explained that their independent appraisal, which accounted for current zoning and lack of development potential, valued the parcel at \$25,000. The 0.069-acre parcel lacks utilities, parking, and development access. Carrie Harris described plans to develop a high-end luxury event venue on the first floor of their building, integrating the parklet into an indoor-outdoor European modern-style space. The proposed venue aims to attract destination events such as weddings, drawing visitors from outside the area and providing economic benefits to local restaurants, hotels, and businesses.

Renderings of the proposed transformation included pavers, fountains, and garden features. When asked about seasonal use, Carrie Harris said the outdoor area would likely close during winter. Board Member George Handley asked about public access; the Harrises indicated they plan to enclose the space with a gate for privacy but maintain an appealing streetscape with arborvitae trees along the sidewalk.

Board Member Becky Bogdin asked if this was the same controversial event space recently discussed by the Planning Commission. Jason Harris confirmed, clarifying that the “dance hall” designation was an architect’s filing error. Some neighborhood and business concerns had been raised, which they plan to address. Board Chair Rachel Whipple remarked she had viewed the Planning Commission meeting and did not recall mention of the outdoor space, which the Harrises confirmed was not included since they do not yet own the property.

Chair Whipple voiced concern over losing public open space, comparing the situation to prior proposals to develop Joaquin Park. She emphasized that while the parcel may have limited development potential, it contributes to downtown’s pedestrian streetscape. She acknowledged that the Harris proposal would beautify the space but stated, “You’re also cutting it off from the community, and it won’t be that open and public space anymore.”

Board Member Handley admitted he had not previously noticed the parklet, describing it as an “afterthought” space with little use. Board Member Bogdin disagreed, stressing that as downtown density increases along the Bus Rapid Transit (BRT) route, even small open spaces

become more valuable. She expressed concern about the precedent of selling public land and the cost of replacing lost green space.

Jason Harris argued that nearby public areas, such as the temple grounds and courthouse plaza, provide alternatives for public respite, though others noted limited access to those spaces. He offered to share time-lapse footage demonstrating minimal parklet usage. Chuck Matheny, speaking from the audience, emphasized the proposal's potential to draw 1,000–2,000 event attendees downtown annually, stimulating the local economy.

Director McNalley reported that usage metrics show approximately 3,000 visits annually (roughly 8 per day). Councilors acknowledged the low usage but questioned whether vendor visits related to the Harris project inflated recent counts. Board Member Katrice MacKay suggested keeping the parklet open to the public when not reserved for events, but the Harrises expressed concern about potential damage to planned installations.

Vice-Chair Gary Garrett proposed exploring a lease arrangement under which the city would retain ownership while allowing the Harrises to improve and utilize the property. This approach could preserve public ownership while fostering economic development. Jason Harris expressed openness to a lease but noted hesitation to invest heavily in property improvements without ownership rights. He reaffirmed his long-term commitment to the community, stating, “I’ll likely be in that building until I pass away.”

Vice-Chair Garrett moved not to sell the parklet. The motion was seconded by Board Member Bogdin. The motion passed 4-1, with Board Member Handley opposed.

The Redevelopment Agency Governing Board then adjourned and reconvened as the Provo Municipal Council by unanimous consent.

## **Closed Meeting**

The Deputy City Attorney Gary Millward indicated there were topics requiring a closed session to discuss matters of the character and competency of an individual and matters regarding active litigation.

Councilor Whipple moved to close the meeting for the reasons stated by Mr. Millward. The motion was seconded by Bogdin. The motion passed 5-0 with Councilors Christensen and Hoban excused.

# DRAFT MINUTES

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## PROVO MUNICIPAL COUNCIL

### Regular Meeting Agenda

5:30 PM, Tuesday, October 21, 2025

Council Chambers (Room 100)

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

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

1

#### Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin	Councilor Gary Garrett
Councilor George Handley	Councilor Katrice MacKay
Councilor Rachel Whipple	Mayor Michelle Kaufusi
Chief Administrative Officer Scott Henderson	Council Executive Director Justin Harrison
Assistant City Attorney Gary Millward	City Recorder Heidi Allman

Conducting: Chair Gary Garrett

Excused: Councilor Craig Christensen and Councilor Travis Hoban

2

Prayer – George Bills

3

Pledge of Allegiance – Councilor Rachel Whipple

4

Presentations, Proclamations, and Awards

5

#### 1 Provo City Employee of the Month - October 2025 (25-007) [00:01:54](#)

6

7 Mayor Kaufusi expressed her enthusiasm and shared that this month's Employee of the Month was a  
8 member of the Fire Department. Mayor Kaufusi recognized the individual as someone who exemplifies  
9 exceptional service for an exceptional community. She then turned the time over to **Fire Chief Headman**  
10 to present.

11

12 Chief Headman thanked Mayor Kaufusi and expressed appreciation for the opportunity to recognize  
13 Chris Blinzingier, Emergency Services Manager for Provo City, as the Employee of the Month. Chief  
14 Headman invited Mr. Blinzingier forward and shared that he has served the city for nearly fifteen years.  
15 Chief Headman highlighted Mr. Blinzingier's degree in Crisis and Emergency Management and his  
16 extensive experience and connections throughout the state in the emergency management field. He  
17 described Mr. Blinzingier as a dedicated professional who works well with others and continually seeks  
18 ways to make Provo a safer and more prepared community. Chief Headman noted that Mr. Blinzingier  
19 frequently attends meetings and teaches classes during evenings and weekends and is often among the  
20 first to respond to emergencies. In those situations, he ensures affected residents are supported and  
21 connected with resources such as the Red Cross. Chief Headman also recognized several of Mr.  
22 Blinzingier's recent accomplishments, including organizing and facilitating a FEMA Integrated Emergency  
23 Management Course (IEMC) this past August, which brought together approximately sixty city

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24 employees for a week-long training. He further acknowledged Mr. Blinzinger's efforts in updating the  
25 city's Emergency Response Plan and his service as a liaison officer during the Willard Peak Fire in Ogden  
26 and the Buckley Fire in Provo earlier this year. Chief Headman concluded by commending Mr. Blinzinger  
27 as an outstanding employee whose dedication and leadership embody the spirit of service within Provo  
28 City.  
29

## Public Comment

30  
31 Chair Garrett read the public comment preamble and opened the public comment period.  
32  
33 Katie Volpe addressed the Council, noting she has lived in Provo for nearly five years and cares deeply  
34 about the animals in the community. She asked the City to update its ordinances to align with Utah's  
35 Community Cat Act by ending the impoundment and euthanasia of healthy community cats and  
36 adopting a Trap-Neuter-Vaccinate-Return (TNVR) approach. Ms. Volpe shared that she became aware of  
37 the issue while working as a letter carrier, frequently encountering stray cats and small colonies  
38 throughout the city. She expressed disappointment that the Best Friends Animal Society TNVR pilot  
39 program was withdrawn due to lack of agreement between the City and Police Department, despite  
40 broad community support. She also noted that Utah County remains the only county in the state not to  
41 achieve "no-kill" status, with a local cat save rate of about 56%, and urged the City to take action to  
42 change that.  
43

44 With no other comments, Chair Garrett closed the public comment period.  
45

## Action Agenda

### 2 A resolution consenting to board and commission appointments. (25-031) [00:10:29](#)

46  
47 **Motion:** An implied motion to approve Resolution 2025-50, as currently constituted, has been  
48 made by council rule.  
49 Mayor Kaufusi recommended Florence Hawkinson for the Landmarks Commission and Noah Gordon for  
50 the Transportation and Mobility Advisory Committee.  
51  
52 Chair Garrett opened public comment. With none, he closed public comment and invited a council  
53 discussion.  
54  
55 Councilor Whipple expressed enthusiasm for the appointments and shared her interest in participating  
56 in additional tours highlighting Provo's architecture, noting that one of the appointees could assist with  
57 that effort.  
58  
59 Chair Garrett called for a vote.  
60

**Vote:** The motions passed 5:0 with Councilors Bogdin, Garrett, Handley, MacKay, and Whipple in favor.

61

# DRAFT MINUTES

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3        **A resolution approving the petition to annex approximately 16.67 acres of property located at approximately 4505 North Canyon Road. North Timpview neighborhood. (PLANEX20240291) [00:12:49](#)**

62

**Motion:** An implied motion to approve Resolution 2025-51, as currently constituted, has been made by council rule.

63

64        Jessica Dahneke, City Planner, presented. She reminded the Council that in August they received the  
65 initial petition and passed a resolution to consider it for further review. The current action was to  
66 approve the annexation ordinance. Ms. Dahneke explained that the area is identified as Area 7 in the  
67 City's Annexation Policy, noting that approval would remove one of the few remaining unincorporated  
68 "islands" within Provo. If approved, the annexed area would be designated as an Agricultural (A1.40)  
69 zone rather than Open Space, consistent with the City's annexation policy and general plan. She  
70 emphasized that while no development proposals have been discussed, any property owner wishing to  
71 develop in the future would need to apply for a rezone to allow higher density, which would return to  
72 the Council for consideration.

73

74        Councilor MacKay asked how long an annexation typically takes for the applicant.

75

76        Ms. Dahneke explained that the process varies depending on required notices and certifications. It  
77 begins with pre-noticing, followed by county notification and certification, then Council consideration  
78 through a resolution. After a mandatory 31-day waiting period, the ordinance returns for final approval  
79 before being certified by the state. She noted that annexations generally take around six months to  
80 complete, barring unusual circumstances.

81

82        Chair Garrett referred to the staff report and noted that the annexation includes a portion of Foothill  
83 Drive, which he found surprising as he believed all city roads were owned by Provo City. He recalled that  
84 the property had originally been acquired through eminent domain for the road and asked for  
85 clarification on ownership and maintenance.

86

87        Ms. Dahneke confirmed that a portion of Foothill Drive had remained county property, though the City  
88 maintained the roadway. She explained that the annexation would incorporate that section into the  
89 City, ensuring all portions of Foothill Drive within the area are included.

90

91        Chair Garrett opened public comment.

92

93        Sharron Memmott, of Provo, reported on the neighborhood meeting where the annexation proposal  
94 had been presented. She thanked Ms. Dahneke for clarifying the zoning designation and expressed  
95 appreciation that any future request for increased density would still be required to go through the  
96 standard review process.

97

98        Chair Garrett closed public comment. With no other council discussion, he called for a vote.

99

**Vote:** The motions passed 5:0 with Councilors Bogdin, Garrett, Handley, MacKay, and Whipple in favor.

# DRAFT MINUTES

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100

4        **An ordinance amending Provo City Code 14.06.020 regarding the definition of owner occupant. (PLOTA20250503) [00:18:19](#)**

101

**Motion:** An implied motion to approve Ordinance 2025-58, as currently constituted, has been made by council rule.

102

103 Melia Dayley, Council Policy Analyst, presented. She reviewed the proposed amendment to the  
104 definition of “owner occupancy.” She explained that the issue arose during the Bannock Drive ADU  
105 discussion, prompting a staff and legal review to determine whether any conflicting language or  
106 loopholes existed. The review found none, though some portions of the code caused confusion.  
107 Ms. Dayley noted that the Planning Commission reviewed the amendment on September 24 and  
108 recommended denial (7-1), citing the need to further study the definition and the effect of ADUs on  
109 housing affordability. She stated that a zoning code rewrite is underway to address definitions for clarity  
110 and that, while the language can be confusing in parts, it is sound when read as a whole.

111

112 Councilor Handley stated that he found the amendment somewhat difficult to follow and sought  
113 clarification on why the Planning Commission voted against it. He asked staff whether removing the  
114 language would make the code clearer or create challenges for applicants in situations similar to the  
115 couple involved in the other case.

116

117 Ms. Dayley responded that the amendment does not change City policy but simply clarifies the wording  
118 to prevent confusion. She explained that when read together, the existing clauses do not create a  
119 loophole related to tax documentation, but the language has been difficult for both staff and applicants  
120 to interpret. Removing the section is intended to simplify the code, consistent with the goals of the  
121 ongoing zoning rewrite. She added that the Planning Commission’s denial appeared to stem partly from  
122 broader concerns about Accessory Dwelling Units (ADUs) and housing affordability, as referenced in the  
123 General Plan, and from discomfort with the existing wording of the definition.

124

125 Chair Garrett confirmed with staff that Development Services is in the process of a zoning code rewrite  
126 and asked how soon the Council might see these types of clarifications addressed through that effort  
127 compared to acting now.

128

129 Ms. Dayley responded that she was unsure of the exact timeline for the zoning code rewrite but offered  
130 to find out and provide an update to the Council by email.

131

132 Chair Garrett opened public comment. With none, he invited a council discussion.

133

134 Bill Peperone, Director of Development Services, clarified that the zoning code rewrite referenced by  
135 Ms. Dayley is part of a comprehensive review of the City’s code. He stated that staff had hoped to bring  
136 it to the Council by the end of the year but that it will likely be ready in the first quarter of next year.

137

138 Councilor Whipple stated that she supported revisiting the amendment because the existing language  
139 had caused confusion by allowing an owner to claim status without being an occupant. She explained

# **DRAFT MINUTES**

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140 that the code appeared to have been written to allow multiple owners, requiring only one to reside on  
141 the property for an Accessory Dwelling Unit (ADU), consistent with related language in the City Code.  
142 She noted, however, that in practice the City has long interpreted the ordinance to require all owners to  
143 occupy the property in order to qualify for an ADU. Councilor Whipple said that while she personally  
144 understood the Planning Commission's concerns about housing affordability and would favor allowing  
145 one owner to occupy the property, she recognized that there was not broad support for that approach.  
146 Therefore, she supported removing the confusing section to ensure the code is clear and consistent with  
147 current enforcement.

148

149 Chair Garrett called for a vote.

150

**Vote:** The motions passed 5:0 with Councilors Bogdin, Garrett, Handley, MacKay, and Whipple in favor.

151

## **Adjournment**

152

153 The meeting was adjourned by unanimous consent at approximately 6:01 PM.

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



## PROVO MUNICIPAL COUNCIL

### Joint Meeting with the Provo City District Board

October 23, 2025 | 12:00 PM

Community Room

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or  
<https://www.youtube.com/provocitycouncil>

## Agenda

### Roll Call

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

## Business

### **Item 1: A review of annexation proposals received by Provo City from May 1, 2025, through October 20, 2025. (25-099)**

Justin Harrison, Council Executive Director, presented an overview of the four annexation petitions submitted to Provo City since the previous joint meeting on May 1, 2025. He explained that the petitions were at various stages of the process, and noted that one annexation—16.67 acres of property via Canyon Road—had been approved by the Council in the regular meeting on Tuesday night.

Councilor Gary Garrett sought clarification on the pre-approval process. Mr. Harrison confirmed that only the Canyon Road annexation is currently in the “yellow phase” of the process. Councilor Whipple inquired about the county’s involvement in annexations, expressing frustration with a prior annexation experience. Mr. Harrison stated he was not fully aware of the county’s internal process and offered to research and share additional information.

School Board President Jennifer Partridge asked about the timeline from the Council’s initial receipt of an annexation petition to its official annexation. Mr. Harrison explained that the timeline varies and generally involves the City working with the county and the property owner before final Council approval. He noted that, once approved, Development Services would notify the relevant taxing entities of the annexation.

The discussion addressed the complexity of the annexation process as outlined in state code. Council members expressed concern about the lack of a clear process from the county's perspective and the potential need for legislative clarification.

### **Item 2: Provo City Workforce Housing and Land Trust Project (PLRZ20250397)**

Councilor Rachel Whipple introduced the Provo City Workforce Housing and Land Trust Project, noting its proximity to recently discussed annexation areas and the high school. She emphasized that this was a Council-driven priority to address housing needs using City-owned property.

Bill Peperone, Development Services Director, provided details on the project. He explained that the City acquired the approximately 12-acre parcel as leftover land from the Lakeview Parkway right-of-way purchase. The proposal includes 68 homes, with 34 market-rate units and 34 workforce housing units to be placed in a land trust managed by a subsidiary of the Provo Housing Authority.

Mr. Peperone highlighted the partnership with Nilson Homes, a builder experienced in similar developments. He noted that the workforce housing units would likely be priced in the high \$300,000s to low \$400,000s. He also reported that 47 City employees are on a waiting list for the 34 available workforce units.

Council members expressed enthusiasm for the project as an innovative approach to providing affordable housing for City employees. They discussed the potential for similar public-public partnerships with other entities, including the school district and Intermountain Health.

The Council addressed concerns raised by some community members, particularly regarding misconceptions about workforce housing and its impact on the neighborhood. Members emphasized the need for clearer communication about the project's benefits and the rigorous process used to develop the proposal.

Mr. Peperone and Council members clarified several aspects of the proposal, including the mixed-income nature of the development, the land trust mechanism for maintaining long-term affordability, and the homeowners' association structure that would include all residents.

### **Item 3: A Discussion Regarding Safe Routes to School (25-099)**

Councilor Rachel Whipple introduced the item and invited Jennifer Partridge to lead the discussion. Ms. Partridge reviewed the Safe Routes to School process, explaining that each school's community council—composed primarily of parents, with teachers and the principal—meets monthly during the school year. Councils review and designate safe routes annually, post the routes on an official website, and communicate them to families at the start of the year (often coinciding with a "Bike to School" week in September). Councils also identify areas of concern and may recommend improvements such as crosswalks, crossing guards, stop signs, or school-zone signage. These recommendations are submitted to the district, after which Jared

Seitz, Assistant Superintendent of Elementary Schools, compiles the list and coordinates with the City to review and begin the process.

Mr. Seitz reported that principals are asked to work with their councils so that, by their November meetings, recommendations for infrastructure improvements and areas of concern are ready for review. He and Vert Keeslar have been attending council meetings at each school to answer questions and hear concerns directly. He noted a new practice of meeting quarterly with the crossing guard supervisor and the district's transportation director to ensure alignment throughout the year and to evaluate recommendations within regulatory and operational constraints.

Council members acknowledged improved collaboration between the district and the City. Ms. Partridge highlighted significant progress compared to prior years and expressed appreciation for City Council funding that has supported sidewalk and route improvements near schools.

Two specific areas of concern were discussed. First, regarding construction on the University Avenue bridge and its potential effects on Franklin Elementary students, Ms. Partridge noted that in the spring the Board approved a bus route for students who would otherwise cross Fifth West, anticipating increased traffic from detours. Mr. Keeslar stated that the Board's decision significantly improved safety, as some students and parents had been attempting to cross at uncontrolled locations rather than using the signal at 300 South. Councilor Becky Bogdin described broader traffic constraints related to train activity blocking multiple crossings and urged continued communication with bus drivers to use alternate paths (including freeway options) when trains cause extended delays. Ms. Partridge and staff confirmed that families are using the approved bus route.

Second, Mr. Keeslar provided an update on the upcoming 820 North bridge work. Demolition will begin on November 10, 2025 (with the official detour via Fifth North to Independence Avenue and 500 West/US-89 State Street). The crosswalk with a crossing guard at Eighth North will remain in place throughout construction. The project is expected to last approximately seven months. Mr. Keeslar referenced ProvoRiverBridge.com for construction updates and noted recent restriping on Fifth North to include bike lanes and narrower travel lanes intended to reduce speeds. He added that the Provo River Trail segment under 820 North will be temporarily closed with a posted detour and that detour maps for pedestrians and cyclists are available online; an open house was held the prior week at the Provo Parks and Recreation Center to share details and gather feedback.

Public Works Director Gordon Haight advised that traffic control and signal timing will be adjusted as conditions evolve; residents who observe issues should contact Public Works so signs or timing can be modified promptly in coordination with UDOT where applicable. A transportation representative noted that school bus routes affected by 820 North were adjusted at the beginning of the school year. Mr. Keeslar added that he is in frequent contact with the transportation office and coordinates responses to unplanned road closures (e.g., water or sewer repairs), commending the professionalism of City and district staff.

#### **Item 4: A Discussion Regarding Crosswalk Updates (25-099)**

Traffic Manager Vern Keeslar (Public Works) provided an update on recent and upcoming crosswalk changes. He reported that on Timpview Drive—serving Rock Canyon Elementary and Centennial Middle School—the existing school crosswalk near 2445 North, by the LDS Church, will be converted to a pedestrian crosswalk with flashing beacons. He explained that elementary schools receive crossing guards while middle schools do not; studies indicated the safest route for Rock Canyon students is at the four-way stop where vehicles are required to come to a complete stop and a crossing guard is posted. The beacon equipment for Timpview Drive has been ordered and installation will proceed upon delivery.

Mr. Keeslar stated that the crossing at 3700 North and 180 East will also be converted from a school crosswalk to a pedestrian crosswalk with flashing beacons. Counts showed only four children using that location. The upgraded crossing serves routes to Edgemont Elementary and Timpview High School. He added that staff are also evaluating treatments near Provo Peaks and at 700 East mid-block (near BYU), where speeding and sight-distance concerns have been noted.

At Westridge Elementary, Mr. Keeslar reported that a study found two reduced-speed school zones; one did not meet the required warrants and has been removed, while the zone directly in front of the school was retained. That crossing was converted to a pedestrian crosswalk with flashing beacons, and a “Your Speed” sign was installed. Speed studies there showed approximately a 5 mph reduction, which Mr. Keeslar characterized as a strong result. Similar pedestrian-activated beacon treatments were recently installed on Ninth East and at Eighth North to serve high-density BYU pedestrian traffic. He also described ongoing “daylighting” of crosswalks using delineators and bollards to prevent parking that obstructs visibility.

Councilor Gary Garrett asked whether a pedestrian crosswalk with flashing beacons near a school means no crossing guard. Mr. Keeslar responded that, in most cases, yes; however, the City has committed to maintain crossing guards at Timpview High School/Edgemont Elementary and at Rock Canyon Elementary through the remainder of the school year while hiring continues. For 3700 North, the crossing guard will remain through December to support a safe transition.

Councilor Rachel Whipple sought clarification on the location of the 3700 North and 180 East crossing; Mr. Keeslar confirmed it is at the base of the hill near the car wash. A participant expressed appreciation for staff engagement with the Edgemont community council and noted that school-day counts at 3700 North were conducted on fair-weather days and still showed fewer than four children using the crossing. Mr. Keeslar added that state law governing crosswalk warrants is changing at the end of December; he plans to attend a UDOT conference next week to learn details of the new requirements.

Councilor Whipple observed that statutory warrants for school crosswalks differ from those for regular or pedestrian-beacon crosswalks and that beacon-equipped crossings can serve the broader community throughout the day, not just during times when a crossing guard is present. Councilor Katrice MacKay offered thanks for the improvements. Public Works Director Gordon Haight commented that the project scheduling will avoid school-year disruptions where possible.

Jennifer Partridge asked about crossing-guard staffing. Mr. Keeslar explained that the Police Department classifies crossings as Level 1 or Level 2 based on usage; one Level 2 location is currently unstaffed for two days per week, and the City is recruiting. Director Haight noted the posting is open until filled and available online through Human Resources; Councilor Becky Bogdin asked about sharing the link with principals and councils, and staff confirmed it could be shared.

In response to a question from Ms. Partridge, Mr. Keeslar announced that the four-way stop at the Timpview High School/Edgemont Elementary intersection will be converted to a traffic signal next summer. Design is underway, bidding is planned for the spring, and construction is scheduled for summer to enhance safety for children and school buses. Director Haight added that, while the location bordered on meeting warrants, observed conditions supported the signal and summer construction will minimize impacts.

#### **Item 5: A Discussion Regarding the County Property Tax Valuation and the Truth in Taxation Process (25-099)**

Councilor Rachel Whipple introduced the item and invited Jennifer Partridge to debrief the Council. Ms. Partridge explained that the Board pursued the Truth in Taxation process this year to raise \$4,000,000 for teacher salary increases. Preparations began in March, with staff following checklists, consulting with the county, and reviewing applicable law. A public hearing was held in August, followed by a business meeting, consistent with past practice and prior guidance received. In early September, staff were informed that the proposed increase would not be approved because code prohibits holding any meeting after the Truth in Taxation hearing. Despite the Board's view that the process had been followed in good faith, the increase was not certified. As reflected in recent property tax notices, taxpayers will generally pay amounts similar to the prior year. The Board plans to repeat the process next year and, in the interim, will rely on fund balances and careful budgeting to honor the teacher raises.

Ms. Partridge noted that the state's checklist has since been updated to clarify post-hearing restrictions. She added that approximately 35 entities were not approved this year; many denials involved a new requirement to cross-post Truth in Taxation notices when overlapping entities are also pursuing increases, and to avoid holding hearings on the same night. She and Council members discussed recent statutory changes requiring a virtual participation option for public comment. Members referenced legislative discussions about a cleanup bill to clarify virtual-comment expectations and other procedural ambiguities.

Regarding appeals, Ms. Partridge stated that the Board submitted a letter that was treated as an appeal, but the State Tax Commission indicated it lacked statutory jurisdiction to hear appeals of certification decisions. As a result, judicial remedies were the only remaining option, which would not be timely for the current tax year. Councilor Gary Garrett inquired about cross-posting and scheduling limits when multiple entities pursue Truth in Taxation.

Ms. Partridge summarized broader legislative context: some lawmakers have acknowledged the unusually high denial rate (referenced at about 60% in interim discussions) and signaled interest in adjustments, while others have suggested more extensive changes. She and Devyn Dayley

discussed factors contributing to recent increases in homeowners' property taxes, including a prior five-year hold on the basic rate during a period of rapid home-value growth and comparatively stable commercial valuations that shifted more burden to residential properties.

Looking ahead, Ms. Partridge and Ms. Dayley indicated the Board will likely initiate next year's Truth in Taxation process earlier than the June 1 notification deadline in order to select a workable date and ensure compliance (including virtual participation). Ms. Dayley also noted the district will undertake Truth in Taxation in 2026 and 2027 related to recently issued municipal bonds. The Board is concurrently evaluating programs and efficiencies to minimize the required increase.

Councilor Katrice MacKay asked about the inclusion of certain homes (e.g., in the Sundance area) in the district's tax base. Ms. Dayley explained that county land within Provo's boundaries is taxed to other school districts (e.g., Alpine), which can be confusing for properties with Provo ZIP codes; he suggested statutory cleanup would be beneficial. He also observed that Provo has a higher proportion of tax-exempt property than neighboring cities, which presents budget challenges.

Councilor Whipple confirmed that boundary adjustments and related planning remain underway and asked about next steps for Dixon. Ms. Partridge reported the Board recently voted to build an elementary school at the Dixon property and move Timpanogos Elementary students there, with the current Timpanogos facility to be repurposed for other district programs; timelines will be discussed at the next Board meeting.

Public Works Director Gordon Haight raised coordination needs regarding a school-district-owned parcel within an Ivory development. If the site is not intended for a school, Public Works could stub utilities and streets to support integrated development; design decisions will begin locking in within one to two months. Councilor Whipple observed the parcel might be suitable for a land-trust workforce-housing concept. Director Haight requested direction so that roadway and utility plans can accommodate the intended use.

## **Adjournment**

# PROVO MUNICIPAL COUNCIL

## WORK SESSION

### STAFF REPORT



**Submitter:** KMARTINS

**Presenter:** Sarah Van Cleve, Executive Director of the Provo City Housing Authority

**Department:** Recorder

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 15 Minutes

**CityView or Issue File Number:** 25-102

**SUBJECT:** 1 A presentation Regarding the Provo City Housing Authority RAD Conversion (25-102)

**RECOMMENDATION:** Acknowledge receipt of the Provo City Housing Authority's presentation on the RAD/Section 18 conversion and disposition plan, and express general support for the Authority's efforts to preserve and reinvest in affordable housing in Provo.

**BACKGROUND:** The Provo City Housing Authority (PCHA) is undertaking a strategic repositioning of its public housing portfolio to preserve, rehabilitate, and modernize 228 existing public housing units in Provo through a blended RAD/Section 18 conversion, and to dispose of an additional 20 scattered-site units that are operationally inefficient. The intent is to move these units from the public-housing funding platform to long-term, project-based Section 8 assistance so PCHA can assemble multiple layers of financing (including tax-exempt bonds and tax credits through Utah Housing Corporation) and complete substantial rehabilitation at Valley Villa (78 units), Mountain View (30 units), and approximately 120 scattered-site units.

HUD's RAD and Section 18 tools will allow PCHA to stabilize the subsidy, establish project reserves, and partner with its development team (Good Housing Partnership) to address long-deferred capital needs while keeping the housing affordable to current residents. The Mayor's draft support letters state that these actions are intended "to preserve and invest in affordable housing in the City of Provo" and that conversion to project-based vouchers will make HUD funding more sustainable over the long term.

As part of the financing applications, PCHA is asking the City to provide:

- (1) a formal letter of support for the RAD/Section 18 blend for the 228 units,
- (2) a separate letter of support for the Section 18 disposition of 20 scattered-site units, and
- (3) a zoning-conformance letter confirming that the identified PCHA properties are properly zoned for the proposed rehabilitation and that no new dwelling units are being created or demolished. These items are specifically listed in PCHA's "Repositioning City Support Items" memo to help meet UHC and HUD application requirements.

PCHA has already conducted resident outreach with affected households, including meetings at Valley Villa, Mountain View, and the scattered sites, and has committed to continued engagement and relocation assistance consistent with HUD requirements. The federal RAD guidance attached to the packet outlines the standard, resident-first process (application, CHAP, financing plan, closing, then construction), which is the framework PCHA is following.

**FISCAL IMPACT:** No direct fiscal impact.

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

Supports City objectives to preserve long-term affordable housing quality and neighborhood stability; proposed rehabilitation maintains existing land uses and zoning conformity.



## FACT SHEET #3

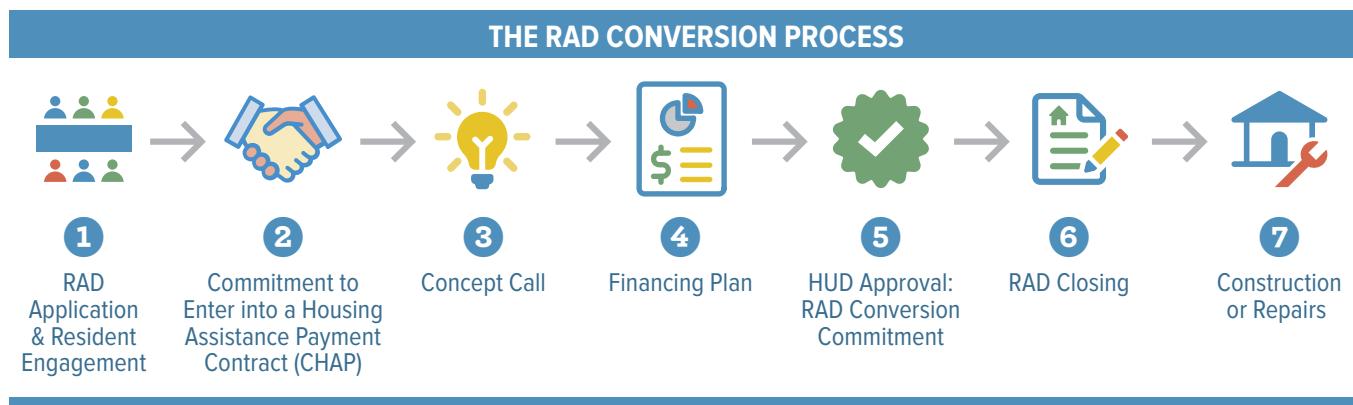
### The RAD Conversion Process

A typical RAD conversion takes between one and three years and includes multiple steps required by HUD. The major steps are discussed in this Fact Sheet.



### What are the Steps in a RAD Conversion?

The RAD conversion process refers to all the steps for a property currently supported under the public housing program to move to “project-based” assistance under the Section 8 program. It includes the process of planning, financing, and carrying out repairs and renovations to ensure the building is in good physical condition. The total length of the RAD conversion process varies greatly between properties. Generally, properties that need less renovations and that do not require resident relocation will go through the process faster.



### 1. RAD Application & Resident Engagement

When a PHA decides it is interested in using RAD to help preserve a property, one of the first things it needs to do is bring its ideas to the residents.

**Before submitting a RAD application to HUD, a PHA delivers notices to residents and then holds at least two resident meetings.** The notice called a **“RAD Information Notice”** provides information on

- residents’ rights,
- basic information about RAD, and

## Fact Sheet #3: The RAD Conversion Process

- information about the PHA's RAD conversion plans, including any proposed change to the number or size of units and whether the PHA plans to partner with another affordable housing firm.

Residents may also receive a **“General Information Notice”** letting you know that you would be eligible for relocation assistance if temporary relocation ends up being necessary. At this stage the PHA will likely have little detail regarding relocation but will be able to provide more detail later in the process.

At the resident meetings the PHA will discuss the proposed conversion plans and ask for feedback. Because the PHA is engaging with residents very early in its planning process, the PHA will likely only have general plans and goals for the RAD conversion and details may change. It is a great opportunity to ask questions, help to shape the goals, and learn how you can remain informed and engaged in the process.

Only after a PHA has held these meetings and consulted with its Board may the PHA submit a RAD Application. This is the first submission the PHA makes to HUD and starts the RAD process. The PHA must include its responses to any resident comments or questions as part of the application. The PHA must also include information on its efforts to make meetings accessible to residents including accommodating resident schedules, and accommodating residents with disabilities and with Limited English Proficiency.



*For more information on resident engagement throughout the RAD process, see [Fact Sheet #5: Resident Engagement and Consultation](#).*



## 2. Commitment to Enter into a Housing Assistance Payment Contract (CHAP)

HUD reviews the PHA's application, including the resident comments, and provides an initial approval by issuing a “Commitment to enter into a Housing Assistance Payment” contract (a “CHAP”). Once a PHA receives a CHAP, it begins to focus on the details of its plans. The PHA will:

- get reports on the property's repair needs and environmental conditions,
- develop a strategy to obtain funding for repairs,
- identify affordable housing partners, if needed,
- develop a relocation plan, if needed

**After receiving the CHAP, the PHA must have at least two more meetings with all residents of the property before it requests a “Concept Call” with HUD.** The meetings must provide an update on conversion plans and solicit feedback on proposed improvements, management, and services. These two meetings should be spaced out to provide meaningful updates and solicit relevant feedback at each meeting. During this period, HUD encourages the PHA to hold quarterly meetings with residents. These meetings provide opportunities for residents to ask questions, provide comments, and collaborate with the PHA and its partners.



## 3. Concept Call

As specific plans are being finalized, the PHA will have a concept call with HUD to discuss its proposed plans and to show that it is on track to submit a Financing Plan to HUD. If the PHA seems prepared, then

## Fact Sheet #3: The RAD Conversion Process

HUD will invite it to submit a Financing Plan. Before submitting the financing plan, the PHA must ensure that RAD plans are included in an approved Five-Year Plan, Annual Plan, MTW Plan or Significant Amendment. For more information, see [Fact Sheet #5: Resident Engagement and Consultation](#).



### 4. Financing Plan

In order for a property to convert, the PHA must show that it has a clear plan that meets HUD's requirements. The Financing Plan includes the following information:

- Type of conversion: Project-based vouchers (PBV) or Project-based Rental Assistance (PBRA)
- Capital Needs Assessment (CNA)
- Plans for rehabilitation or new construction
- Environmental Review
- Resident comments and PHA responses
- Fair housing and relocation documents
- Development budget
- Development team
- Operating and maintenance costs
- A HUD letter approving the Five-Year Plan, Annual Plan, MTW Plan or Significant Amendment that includes the planned RAD conversion(s).



*For information on PBV and PBRA, see [Fact Sheet #4: The Difference Between Project-Based Vouchers and Project-Based Rental Assistance](#).*



### 5. HUD Approval: RAD Conversion Commitment

After HUD reviews and approves the Financing Plan, it will issue a RAD Conversion Commitment (RCC) to the PHA. Receiving this commitment means that HUD has approved the PHA's RAD plans and that the property can prepare to complete the conversion process. The official RAD conversion ("closing") will usually happen 30-90 days after this point.

**At this stage, the PHA must notify each household that the RAD conversion has been approved for closing and remind households of the specific rehabilitation or construction plans.** Residents must be informed about the:

- timing of the conversion
- expected length of the work (if any)
- revised terms of the lease and house rules
- any expected relocation and when it is expected to begin,
- and opportunities to take advantage of the "choice-mobility" option.

This notification must be provided through both a written notification and then at a meeting.

## Fact Sheet #3: The RAD Conversion Process

If there are substantial change to the conversion plan, additional resident meetings are required if one of the required meetings does not occur within three months following the change.

If the work that will be completed on the property requires residents to move temporarily from their apartment, the PHA may now begin to temporarily relocate residents in anticipation of the upcoming work, according to the relocation plan. Residents must be provided with advanced written notice of this relocation:

- at least 30 days' notice to residents who will be relocated for 12 months or less
- at least 90 days' notice to residents who will be relocated for more than 12 months



*For more information on relocation, see [Fact Sheet #9: RAD and Relocation](#).*



### 6. RAD Closing

At closing, the property converts from public housing to Section 8 with either a PBV or PBRA contract. A legal document called a RAD Use Agreement is attached to the property requiring the owner to use the property as affordable housing. The PHA and its partners close on any new financing and the property may in some cases change ownership.

**As closing approaches, residents who are not relocating will be asked to sign a new lease with certain RAD-specific attachments (“addenda”) that HUD requires to ensure each resident’s rights.** While residents cannot be re-screened for Section 8 rental assistance eligibility, in some cases residents may be asked to provide documentation to certify their income for other subsidy programs that are being used to repair the property, for example, the Low-Income Housing Tax Credit (LIHTC) program.

Residents will become participants in the Section 8 program either at closing, if they are not relocating, or when they return to the property and sign the new lease. **Residents cannot lose rental assistance or be involuntarily displaced due to the RAD conversion.**



*For more information, see [Fact Sheet #4: The Difference Between Project-Based Vouchers and Project-Based Rental Assistance](#) and [Fact Sheet #13: RAD and Low Income Housing Tax Credits](#).*



### 7. Construction or Repairs

**Any construction or repairs will take place after the conversion has occurred.** However, the PHA should know before conversion roughly how long the repairs will take, whether relocation will be needed, and other details of the construction. If any residents need to be temporarily relocated because of the construction or repairs, you will have a right to return to the property once construction is completed.

## Fact Sheet #3: The RAD Conversion Process



### Accessibility

Throughout the RAD process, the PHA must promote tenant participation in meetings by working to ensure that meeting dates, times, and locations work for varied resident schedules and that other efforts are made to overcome barriers to participation. For example, if a meeting occurs during a traditional mealtime, the PHA may want to provide refreshments.

The PHA must ensure that meetings, written notifications and materials are accessible to people with disabilities. This includes providing written materials in accessible formats and sign language interpreters and assistive listening devices at meetings as needed.

The PHA must provide language assistance including translated notices and oral interpretation of meetings for Limited English Proficient residents.

For more information, see [\*\*Fact Sheet #5: Resident Engagement\*\*](#).





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ARCHITECTS

Bringhurst & Baer Architects

PROVO CITY

ISSUE DATE:

10.30.25

DATE:

10.30.25



1 TYPICAL UNIT  
1/4" = 1'-0"



2 TYPICAL ACCESSIBLE UNIT  
1/4" = 1'-0"

## **Letterhead**

**[Date]**

Sarah Van Cleve  
Executive Director  
Provo City Housing Authority  
688 West 100 North  
Provo, UT 84601

Re: Provo City Housing Authority RAD/Section 18 blend conversion of 228 public housing units

Dear Ms. Van Cleve:

I am writing to express my support for the Provo City Housing Authority's (PCHA) application to the U.S. Department of Housing and Urban Development (HUD) Office of Recapitalization and Special Applications Center. This application will be made pursuant to the Rental Assistance Demonstration (RAD) Statute and 24 CFR 970, which is part of the RAD conversion and Section 18 disposition of 228 public housing units. These actions are intended to preserve and invest in affordable housing in the City of Provo.

These proposed actions, once approved by HUD, will allow PCHA to substantially rehabilitate Valley Villa (78 units), Mt. View (30 units) and 120 scattered site units and also ensure the funding provided by HUD is sustainable over the long-term by converting the public housing subsidy to project-based vouchers. This structure will also allow PCHA to work with its development partner, Good Housing Partnership, to assemble the multiple layers of financing necessary to make significant capital improvements to PCHA's 228 public housing and to also set up project reserves.

Upon HUD approval, the proposed actions will enable PCHA to substantially rehabilitate Valley Villa (78 units), Mt. View (30 units), and 120 scattered site units. Additionally, this initiative will ensure the long-term sustainability of HUD funding by

converting the public housing subsidy to project-based vouchers. This conversion will provide PCHA the opportunity to collaborate with its development partner, Good Housing Partnership, and secure the layers of financing necessary to make significant capital improvements to the 228 public housing units, as well as to establish project reserves.

PCHA has undertaken extensive outreach efforts, engaging residents at Valley Villa, Mt. View, and the 120 scattered site units in a meaningful manner. By providing information about the process and timeline, and actively seeking input regarding the planned renovations, PCHA has demonstrated a commitment to resident involvement. It is anticipated that this engagement will continue, encouraging residents to participate in planning for redevelopment and as their apartments are being renovated.

The proposed actions are consistent with the objectives of my administration and the broader goals of the City of Provo to preserve high-quality affordable housing for all citizens. Converting public housing units to a more sustainable subsidy platform presents a vital opportunity to protect existing affordable housing. Advancing with the disposition of these project sites will serve the best interests of current residents, surrounding neighborhoods, and the city as a whole.

Sincerely,

Michelle Kaufusi  
Mayor

The Provo City Housing Authority (PCHA) is undertaking a strategic initiative to reposition its public housing portfolio. This effort involves leveraging both public and private financing sources to ensure the long-term sustainability of PCHA's affordable housing assets. By focusing on investment and creating new housing opportunities, PCHA is committed to optimizing U.S. Department of Housing and Urban Development (HUD) programs to better serve public housing residents and the broader community.

Please find the list of items below needed from the city to support PCHA's financing applications to the Utah Housing Corporation/Housing and Community Development (UHC) and the U.S. Department of Housing and Urban Development (HUD).

#### **UHC Tax Exempt bonds/Tax credits funding**

1. Letter from jurisdiction's zoning official (must be on jurisdiction's letterhead and signed by an authorized official) stating the property is properly zoned for the proposed project. The letter must address the current status, any procedures and timetables for the project relative to conditional use permits, density, parking requirements, and required public meetings.

#### **HUD Approvals**

1. Letter of support to convert 228 public housing units to project-based vouchers
2. Letter of support to convert and to sell 20 public housing units to acquire and construct additional affordable housing.

**Letterhead**

**[Date]**

Sarah Van Cleve  
Executive Director  
Provo City Housing Authority  
688 West 100 North  
Provo, UT 84601

Re: Provo City Housing Authority Section 18 application for disposition of 20 units

Dear Ms. Van Cleve:

I am writing to express my support of the Provo City Housing Authority's (PCHA) application to the U.S. Department of Housing and Urban Development (HUD) Special Application Center (SAC). This application, submitted under 24 CFR 970, seeks disposition approval for 20 scattered sites owned by PCHA, which will be sold for fair market value. We understand that consistent with federal regulations, each of the families will be provided proper notice regarding the move, along with relocation benefits and assistance. Families will be provided the option to live in another PCHA apartment or a housing choice voucher.

These proposed actions, once approved by the HUD SAC office, will allow PCHA to increase efficiencies of its affordable housing operations and investment in more sustainable affordable housing in Provo. This initiative aligns with the interests of the residents, supports PCHA's mission and reflects the city's broader goals. The 20 scattered site units being considered for disposition are not contiguous, and their systems and construction materials vary significantly. Maintaining and operating these units as public housing presents substantial challenges for PCHA. By streamlining its operations, PCHA aims to implement efficiencies that will enable the creation of new affordable housing opportunities for local families, with an emphasis on long-term sustainability.

We understand that PCHA has actively engaged the residents affected by this action, meeting individually with each family in August and September 2025. Additionally, a resident meeting was held on October 14, 2025. PCHA continues to work closely with each family to assess their individual needs and provide sufficient time for each household to decide whether to move to a PCHA unit or secure housing using a voucher. Following HUD's approval, PCHA will maintain consistent communication with residents, meeting with families individually and collectively. Written notices will be provided to keep residents informed about the timing and status of the project.

PCHA has engaged with the families in a meaningful way, ensuring residents are informed about the process and timeline while providing assurance that no residents will be displaced. We expect PCHA to continue engaging residents and the city throughout the transition, as the housing authority repositions its affordable housing portfolio to better serve the needs of Provo residents.

Sincerely,

Michelle Kaufusi  
Mayor

(Provo City Letterhead)

October **XX**, 2025

RE: Provo City Housing Authority Property Zoning Conformance Letter Request

To Whom It May Concern:

The Development Services Department of the City of Provo has been contacted for zoning information and permitted uses for the following Provo City Housing Authority properties:

**Mountain View**

Address: 111 West 700 North, Provo, UT 84601

Parcel ID(s): 21:009:0115, 21:010:0027, 21:010:0054

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Valley Villa**

Address: 650 West 100 North, Provo, UT 84601

Parcel ID(s): 04:077:0011, 04:077:0012, 04:077:0005

Zoning: PF – Public Facilities Zone

Zoning Status: Conforming

**Site A**

Address: 953-999 West 200 South, Provo, UT 84601

Parcel ID(s): 21:042:0041

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site B**

Address: 1097-1129 West 590 North, Provo, UT 84601

Parcel ID(s): 46:164:0005, 46:164:0001, 21:017:0046

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site C**

Address: 509-527 South 300 East, Provo, UT 84606

Parcel ID(s): 05:001:0012

Zoning: R1 – One Family Residential Zone

Zoning Status: Conforming

**Site D**

Address: 824-860 West 200 North, Provo, UT 84601

Parcel ID(s): 04:092:0015

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site F**

Address 1: 186 West 880 South, Provo, UT 84601

Address 2: 871 South 200 West, Provo, UT 84601

Parcel ID(s): 6:196:0037, 36:196:0023, 36:196:0024

Zoning: R2-PD – Two Family Residential Zone, Performance Development Overlay

Zoning Status: Conforming

**Site H**

Address: 521-545 West 300 South, Provo, UT 84601

Parcel ID(s): 04:027:0017

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site I**

Address: 845-885 East 1040 South, Provo, UT 84606

Parcel ID(s): 51:093:0007, 51:093:0006, 51:093:0005, 51:093:0004, 51:093:0003, 51:093:0002, 51:093:0001

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site J**

Address: 572-640 West 1800 North, Provo, UT 84604

Parcel ID(s): 52:096:0001

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site K**

Address: 828-838 West 100 North, Provo, UT 84601

Parcel ID(s): 04:075:0008

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site L**

Address: 516-566 West 920 South, Provo, UT 84601

Parcel ID(s): 38:063:0001

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site M**

Address: 149-244 South 1980 West, Provo, UT 84601

Parcel ID(s): 45:015:0017, 45:015:0018, 45:054:0001, 45:054:0002, 45:054:0003, 45:054:0004, 45:054:0005, 45:054:0006

Zoning: R1 – One Family Residential Zone

Zoning Status: Conforming

**Site N**

Address: 606-612 West 100 North, Provo, UT 84601

Parcel ID(s): 04:077:0001

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

**Site Q**

Address: 655-695 East 600 South, Provo, UT 84601

Parcel ID(s): 22:028:0006

Zoning: CG – General Commercial Zone

Zoning Status: Conforming

**Site S**

Address: 545-547, 553-555 North 1080 West, Provo, UT 84601

Parcel ID(s): 46:164:0008, 46:164:0007

Zoning: RC – Residential Conservation Zone

Zoning Status: Conforming

A proposed rehabilitation of the existing property does not include any change in existing land use, as no residential dwelling units are intended to be created or demolished as a result of the renovation plans. Additional permitting may be required as part of the rehabilitation project.

For additional information, please contact the City of Provo Development Services Department at (801) 852-6427.

Sincerely,

Development Services Department  
City of Provo

# PROVO MUNICIPAL COUNCIL

## WORK SESSION

### STAFF REPORT



**Submitter:** RBREEN

**Presenter:** Rachel Breen, Community Relations Coordinator

**Department:** Council

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 30 Minutes

**CityView or Issue File Number:** 25-093

**SUBJECT:** 2 A discussion regarding possible code changes to the Neighborhood District Program (25-093)

**RECOMMENDATION:** For the City Council to consider motions to change the Neighborhood District Program in Provo City Code 2.29: Split the Carterville Neighborhood and rename the Neighborhood Districts.

**BACKGROUND:** A Carterville representative has requested and the majority of Neighborhood District 4 Executive Board Members agree that the Carterville Neighborhood should be split into two neighborhoods, Carterville and Brickyard, because the Provo River physically splits the Carterville Neighborhood, the Carterville Neighborhood has 2-3 times as many residents as the other neighborhoods in Neighborhood District 4, and the two areas of Carterville have very different needs.

Moreover, the Neighborhood Districts are named 1-5, which is confusing since the City Council Districts are also named 1-5. These district boundaries are similar, but not exact. The City Council Districts change every 10 years based on population, while the Neighborhood Districts are historic and are grouped by similar concerns. Provo residents have requested that the Neighborhood Districts be renamed so they're not confused with the City Council Districts.

**FISCAL IMPACT:** None

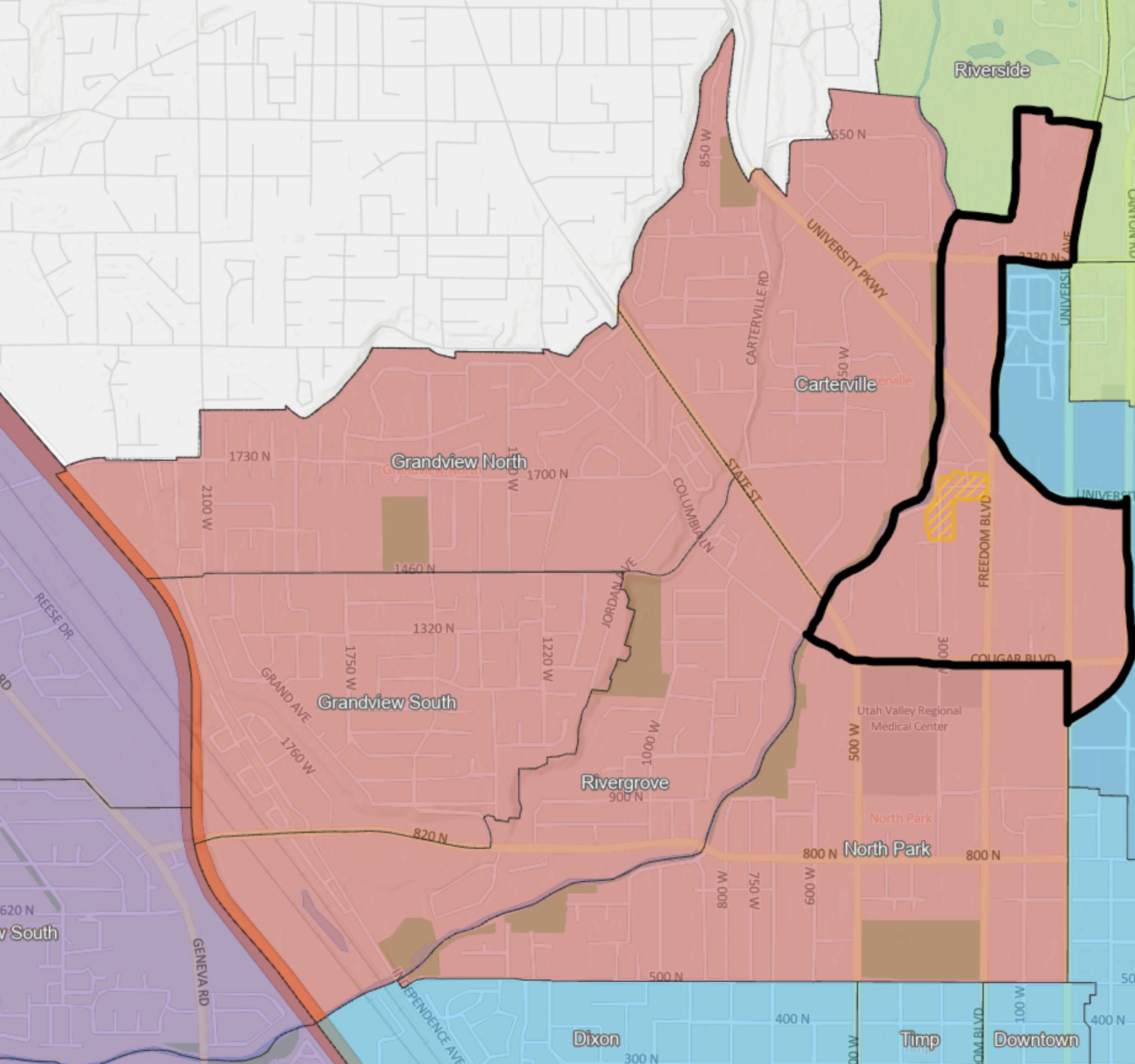
**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**  
FY25 Council Priorities -- Efficient Delivery of Services: Ensure the efficient delivery of Provo City services, projects, and programs.



## **PROVO NEIGHBORHOOD DISTRICT PROGRAM**

# **Possible Code Changes**

**Rachel Breen, Neighborhood District Program Coordinator**



# Split Carterville along the Provo River

## District 4 Populations:

- **Grandview North = 2,953**
- **Grandview South = 3,174**
- **Rivergrove = 2,098**
- **North Park = 5,564**
- **Carterville = 9,346**

## Split Carterville Populations:

- **Carterville = 4,480**
- **Brickyard = 4,866**

# **Feedback from District 4 Board Members:**

For:

- Needs are very different between upper and lower Carterville
- If split, population would resemble other neighborhoods in District 4
- Neighbors are far apart with a physical divide (Provo River)
- This area needs more representation
- Residents are in favor
- Carterville Representatives are in favor

Concerns:

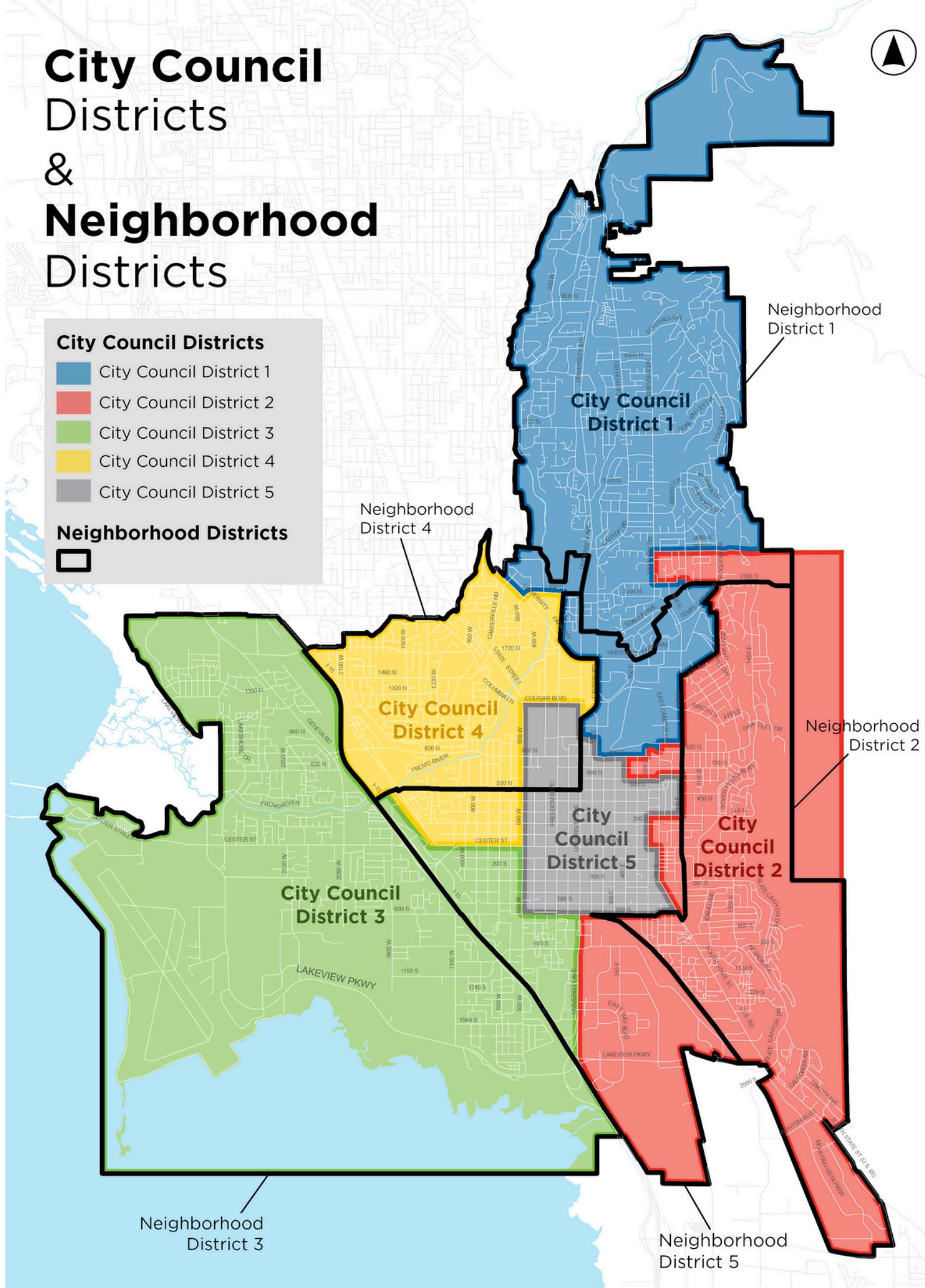
- Ability to find good representatives for both neighborhoods
- Imbalance of houses and student apartments

**Discussion & possible motion:**  
**Divide Carterville into the Carterville and**  
**Brickyard Neighborhoods in the Provo City Code**  
**1.08.040 Neighborhood District Map??**

*Split the Carterville Neighborhood along the Provo River:*

- *Upper Carterville: Carterville*
- *Lower Carterville: Brickyard*

# City Council Districts & Neighborhood Districts



# Confusion between Council Districts and Neighborhood Districts

## *Council Districts:*

- *Precinct boundaries*
- *Equal population size*
- *Redrawn every 10 years*

## *Neighborhood Districts:*

- *Neighborhood boundaries*
- *Similar concerns*
- *Historical*

# **Discussion & possible motion: Rename the Neighborhood Districts in the Provo City Code 1.08.040 Neighborhood District Map?**

*Name the Neighborhood Districts  
with letters instead of numbers:*

- Neighborhood District A
- Neighborhood District B
- Neighborhood District C
- Neighborhood District D
- Neighborhood District E

*Name the Neighborhood Districts by  
location like the prior Area Councils:*

- Northeast Neighborhood District
- Southeast Neighborhood District
- Southwest Neighborhood District
- Northwest Neighborhood District
- Central Neighborhood District

**PROVO MUNICIPAL COUNCIL  
WORK SESSION  
STAFF REPORT**



**Submitter:** SNJOHNSON

**Presenter:** Scott Johnson, Zoning Administrator

**Department:** Development Services

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 25 Minutes

**CityView or Issue File Number:** 25-053

**SUBJECT:** 3 An update regarding reimagining code enforcement & civil fines (25-053)

**RECOMMENDATION:** Information only.

**BACKGROUND:** Ongoing updates to the Council on Code Enforcement.

**FISCAL IMPACT:** None

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

Information only.

# Reimagining Code Enforcement & Civil Fines Update November 2025

Scott Johnson

Zoning Administrator

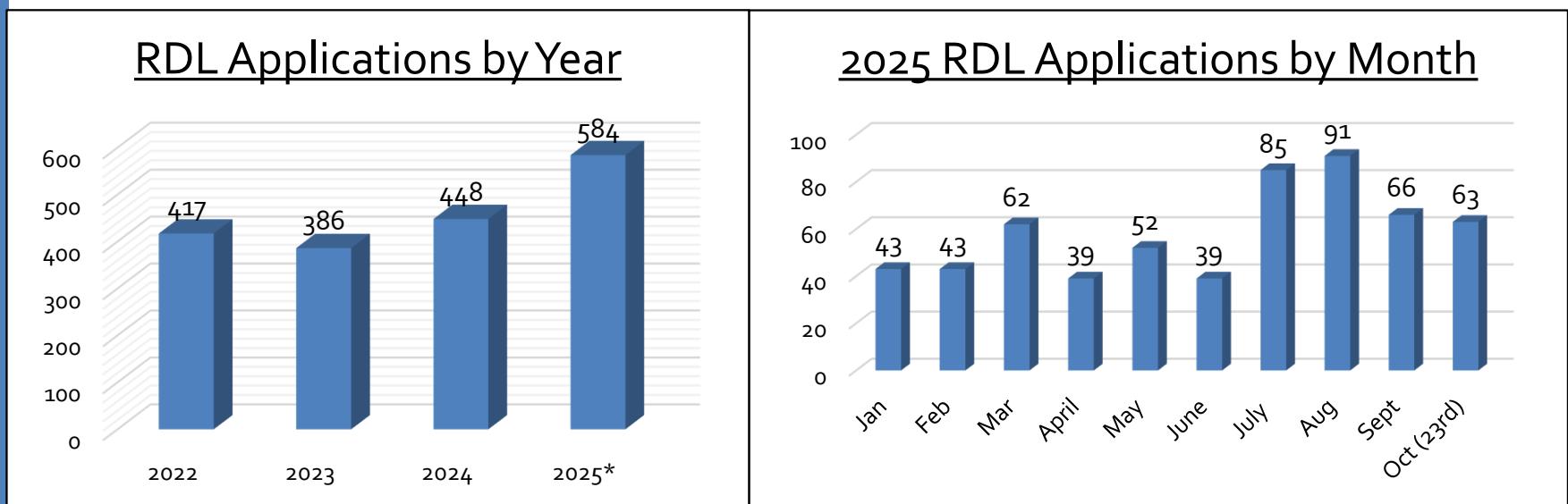
# Body Cameras

- Officers started using cameras September 2025
- Allows for individual inspections/investigations
  - No longer 2 officers per inspection
- RDL/Enforcement Inspections
  - Easier to schedule w/out needing 2<sup>nd</sup> officer
  - Allows for additional review as needed to verify corrections/violations
  - Collects greater quality of evidence



# RDL Letters

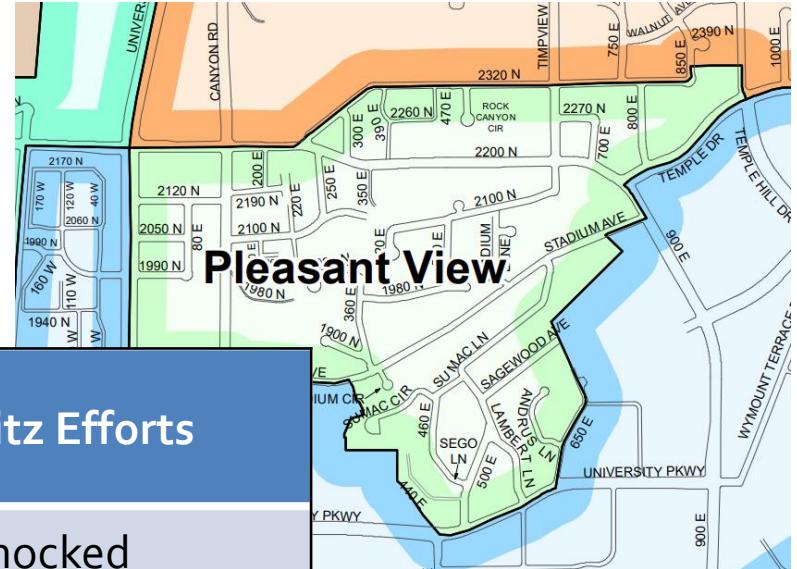
- Total Letters We Sent (June-Oct 2025):
  - 680 Letters
- RDL applications received as result:
  - ~30% Increase from Average



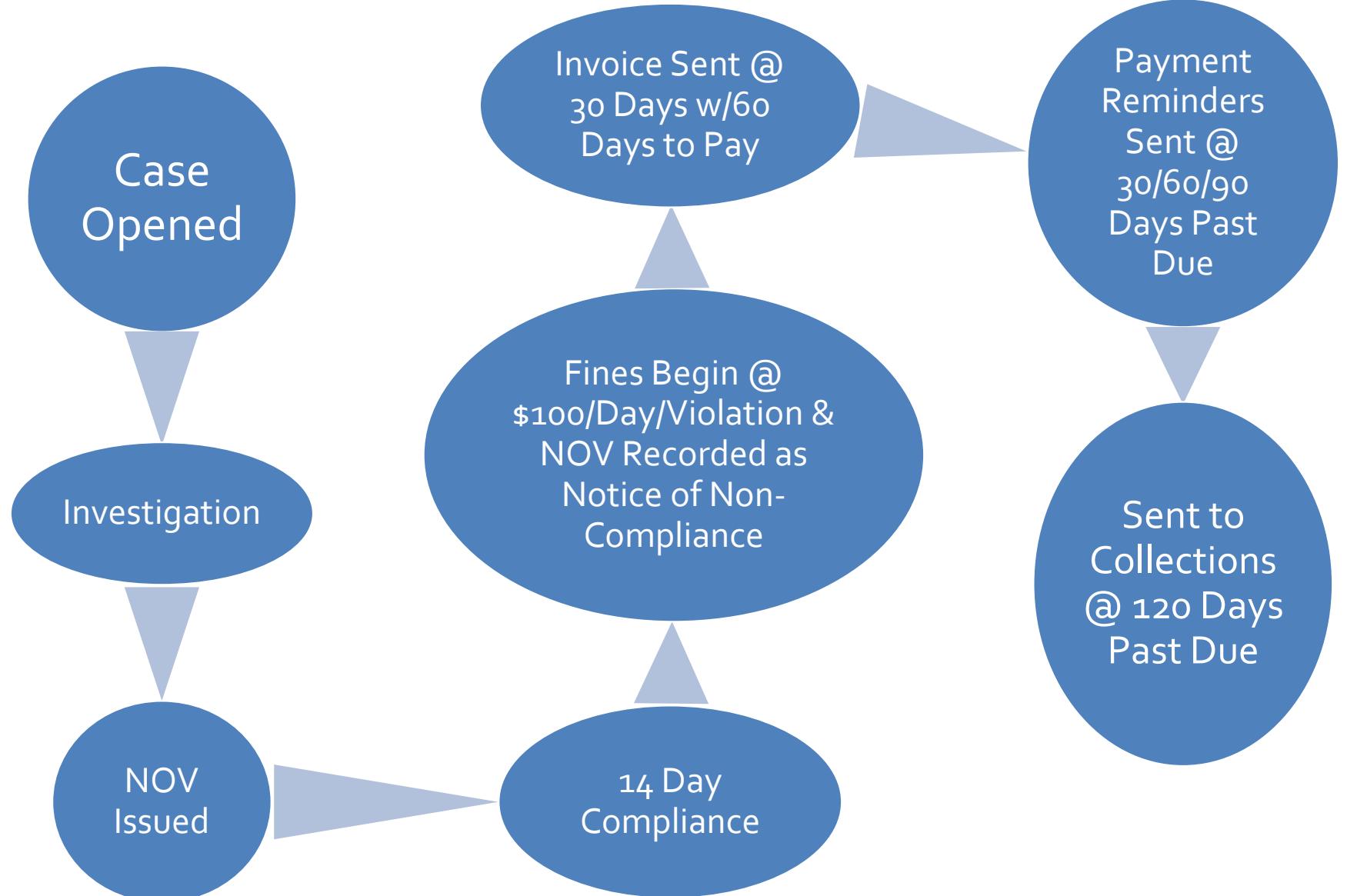
\* 2025 Data Comprises Jan-Oct 23rd

# Pleasant View Neighborhood Blitz – September 2025

Number of Properties	Findings from Blitz Efforts
350	Total Doors Knocked
187	Found In Compliance
112	Need to Re-Knock
30	Violation of ADU Ordinance
16	Violation of SFR License Ordinance
5	Other Code Violation



# Civil Fine Process

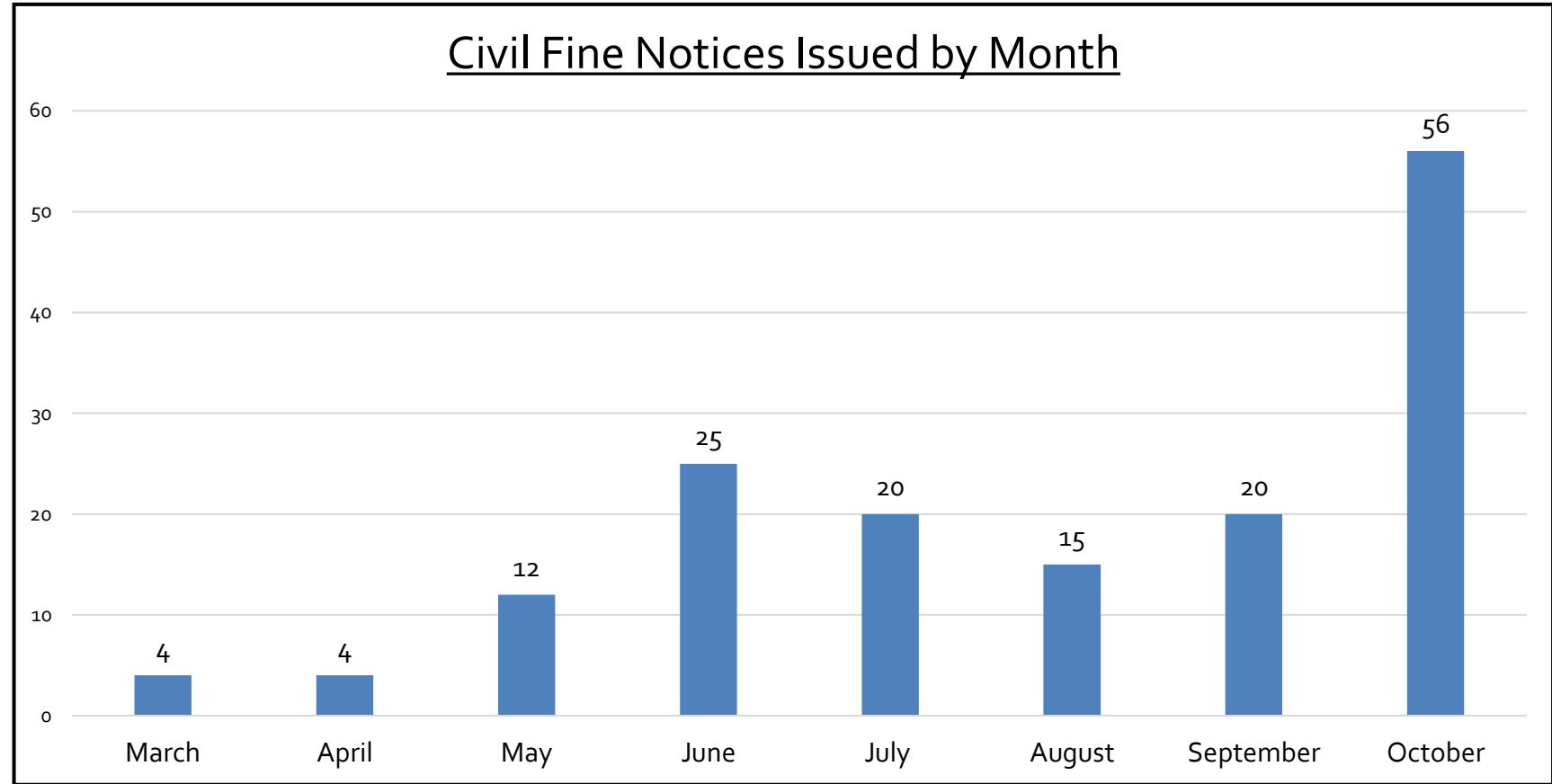


## Civil Fine Cases (as of Oct 30<sup>th</sup>)

- Total # Cases with NOV sent for Civil Fines: 156
- Total Civil Fine Cases Resolved: 86
  - Cases Invoiced for Fines: 6
  - Cases Resolved Prior to Fine Accrual: 80
- Total Civil Fine Cases Remain in Process: 70
  - Cases Awaiting Compliance: 9
  - Cases Accruing Fines: 61

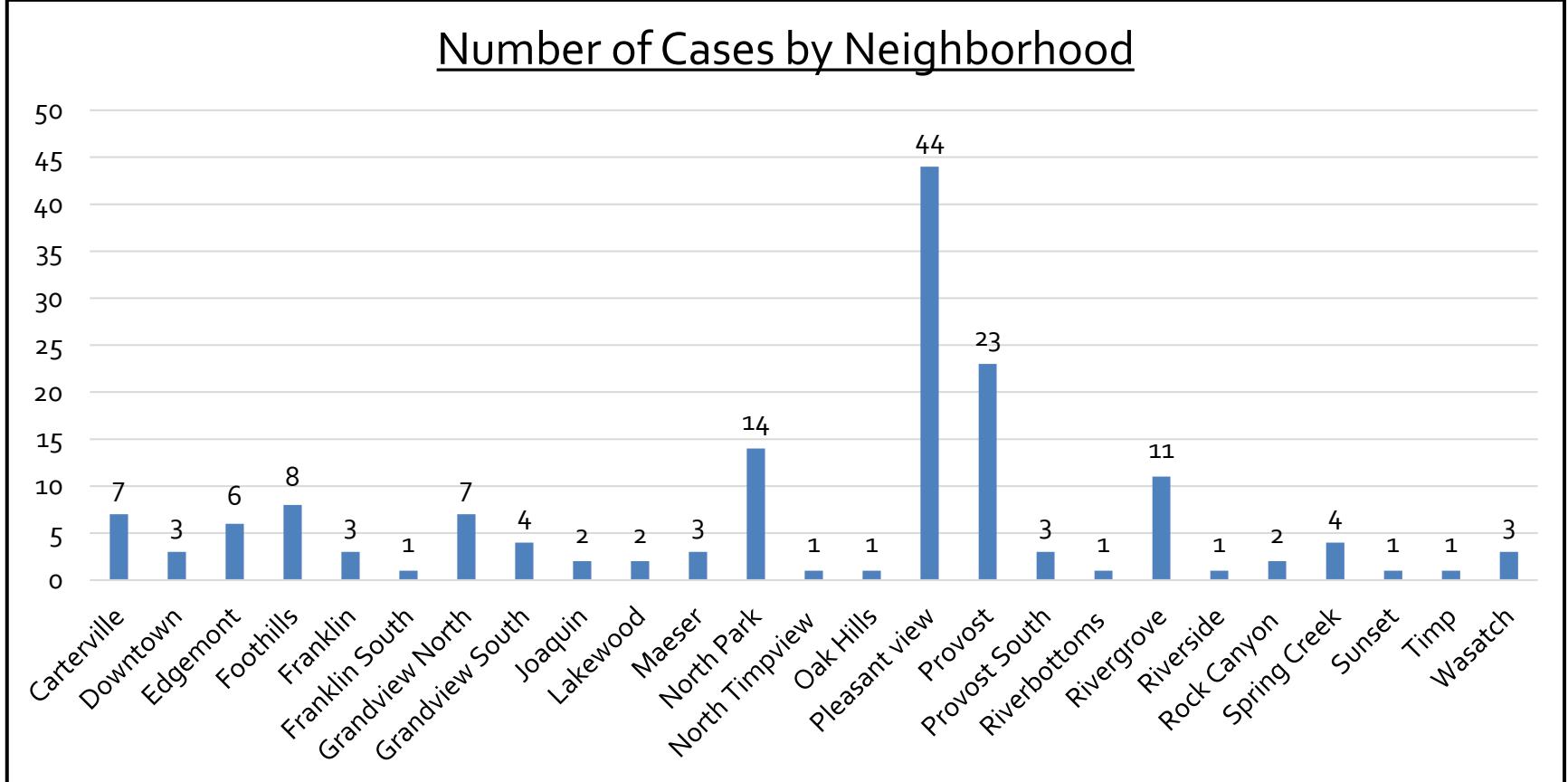
# Civil Fine Cases

- Total Cases with Notice of Civil Fines Issued: 156



# Civil Fine Cases

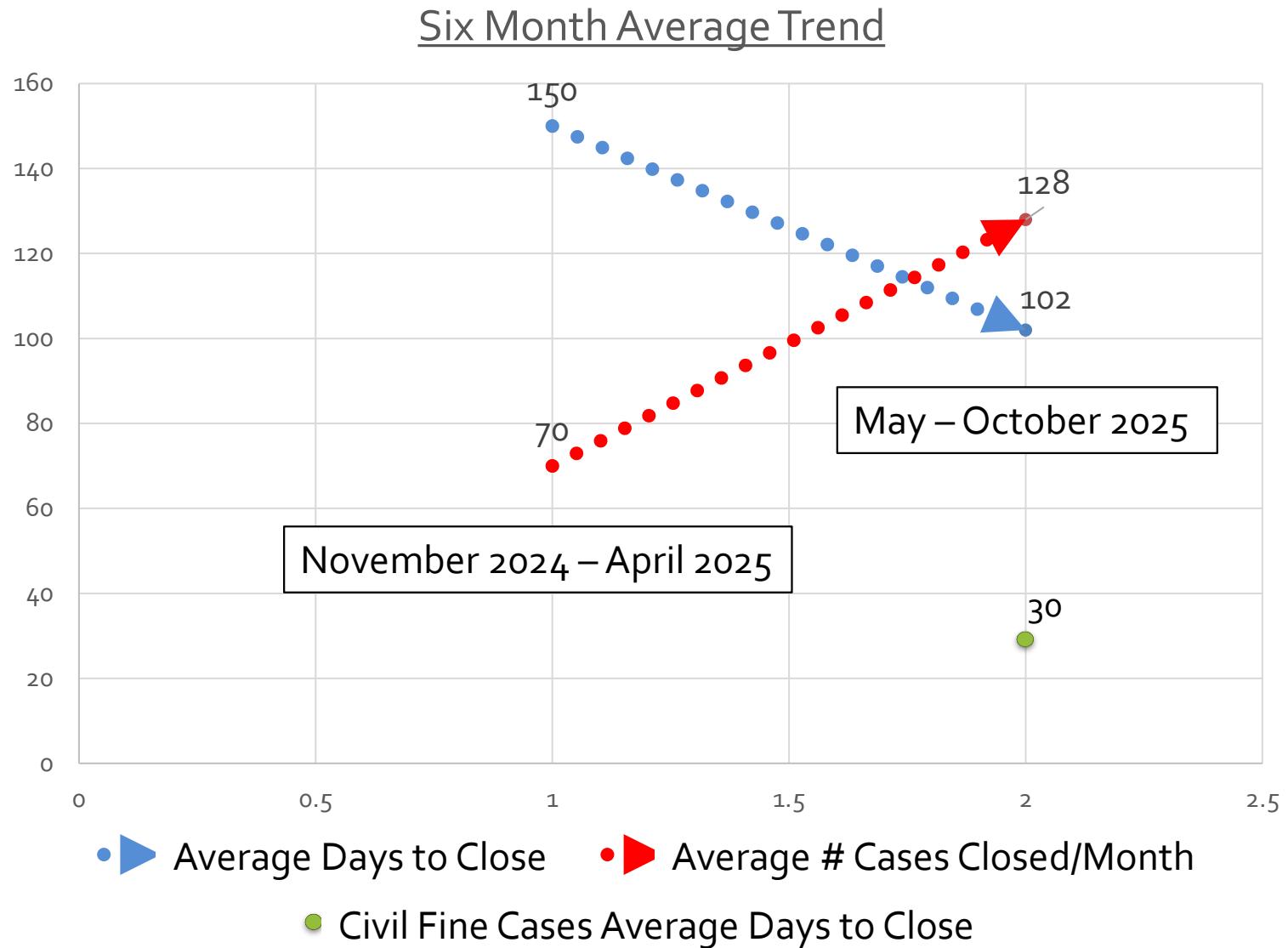
- Total Cases with Notice of Civil Fines Issued: 156



## Civil Fines Invoiced

- Total # of Invoices Issued: 17
- Total \$ Value of All Invoices: \$57,715
- Average \$ Value per Invoice: \$3,400
- Total Fines Paid: \$950
- Total Fines Potentially going to Collections by end of 2025: \$39,125

# Six Month Case Averages



# Rental Data Gathering RFP

- Request for Proposals posted for vendor submission 9 October
- Submissions due by 9 November 2025
- Submissions to be reviewed by 27 November 2025

# PROVO MUNICIPAL COUNCIL

## WORK SESSION

### STAFF REPORT



**Submitter:** MDAYLEY

**Presenter:** Melia Dayley, Council Policy Analyst

**Department:** Recorder

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 20 minutes

**CityView or Issue File Number:** PLOTA20250562

**SUBJECT:** 4 An ordinance amending Provo City Code to reformat a map related to some ADUs and to repeal the section related to special applications for ADUs (PLOTA20250562)

**RECOMMENDATION:** Approve the ordinance.

**BACKGROUND:** Council motioned to move forward with this proposed OTA during their September 23rd Work Meeting with a vote of 7:0. This proposed amendment removes the legislative process of 14.30.040, effectively repealing the section entirely. The proposed new map in 14.30.020 is simply for clarity/visual purposes and presents no policy changes.

**FISCAL IMPACT:** None

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**  
Aligns with Council housing and zoning goals.

# ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING PROVO CITY CODE TO REFORMAT A  
MAP RELATED TO SOME ADUs AND TO REPEAL THE SECTION  
RELATED TO SPECIAL APPLICATIONS FOR ADUs (PLOTA20250562)

## RECITALS:

It is proposed that the Provo City Code 14.30 (Accessory Dwelling Units) be amended to update the map found in 14.30.020 and repeal 14.30.040;

On October 22, 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 6:1;

On November 11, 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) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

## PART I:

Provo City Code Chapter 14.30 Accessory Dwelling Units is amended as shown 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.

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

44

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

## Exhibit A

# Chapter 14.30 ACCESSORY DWELLING UNITS

Sections:

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

### **14.30.010 Purpose and Objectives.**

- (1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one (1) family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.
- (2) “Accessory dwelling unit (ADU)” means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a primary dwelling unit, either within the same building as the primary dwelling unit (referred to as an internal ADU), attached to the single-family dwelling, or in a detached building. An accessory building, as defined, is not a mobile home or other portable structure that does not qualify as an ADU.

- (3) The use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Chapter.

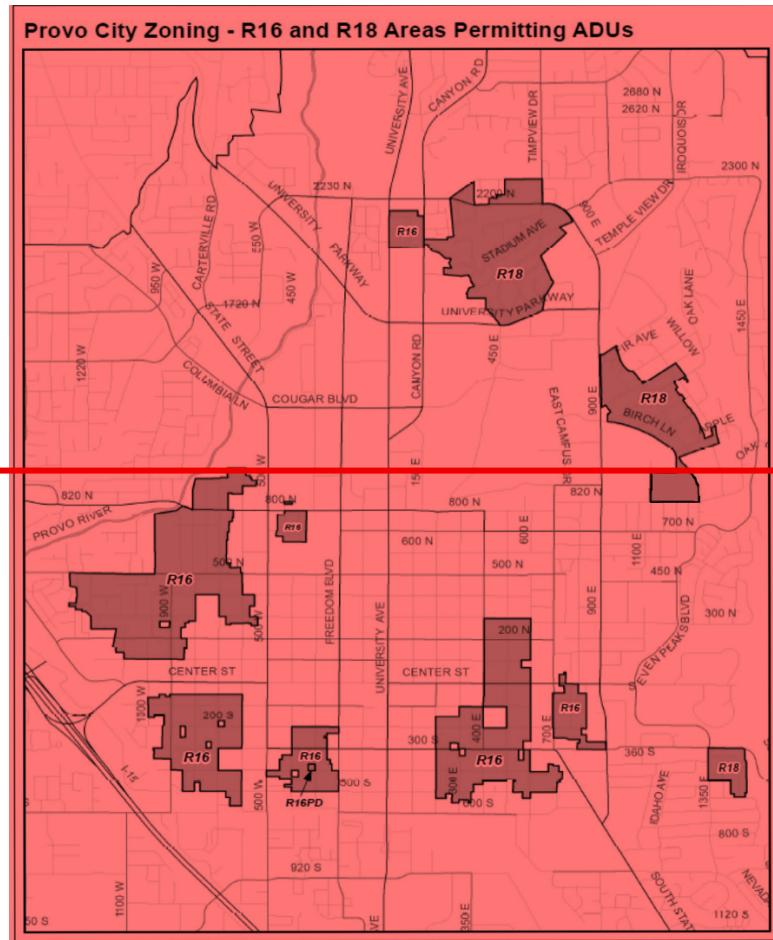
- (a) For purposes of this Chapter, the phrase “areas zoned primarily for residential use” means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

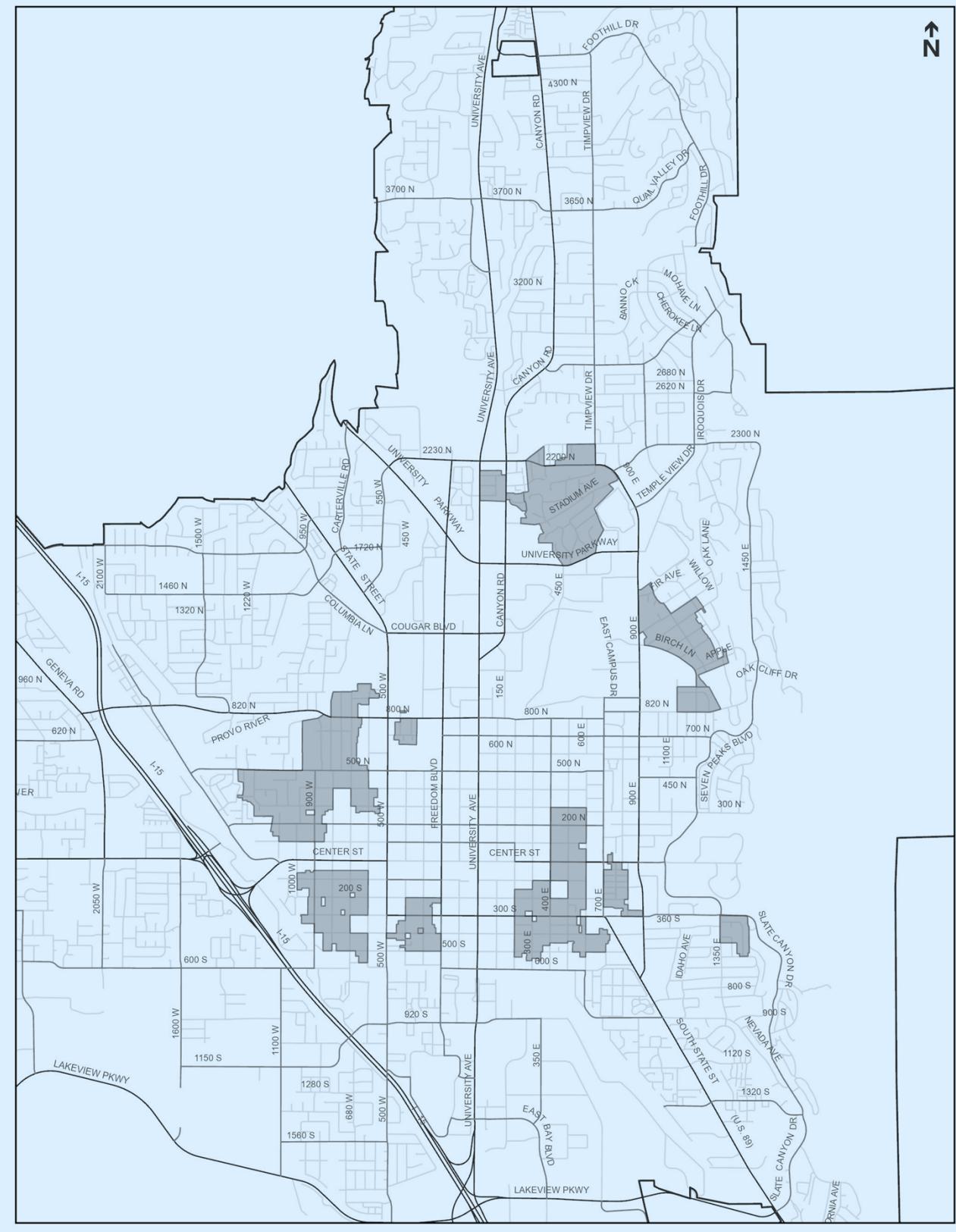
### **14.30.020 Permitted Use of Accessory Dwelling Units.**

- (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).

### **14.30.030 Accessory Dwelling Unit (ADU) Development Standards.**

ADUs shall be subject to the following development standards:

- (1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one (1) family detached dwelling.
- (2) *Location.* ADUs may be located only:
  - (a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;
  - (b) Inside a one (1) family detached dwelling;
  - (c) In an addition to a one (1) family detached dwelling; provided, that the addition will not alter the one (1) family character of the building; or
  - (d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:
    - (i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;
    - (ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one (1) family dwelling from that same property line, whichever is less;
    - (iii) The accessory structure shall be architecturally compatible with the main dwelling;
    - (iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;
    - (v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one (1) family dwelling; and
    - (vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one (1) family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(4) *Occupancy.* A one (1) family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2) component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

- (a) Except as otherwise provided in Subsection [\(4\)\(d\)](#) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section [14.06.020](#), Provo City Code. If this requirement is not met, no ADU shall be permitted.
- (b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter [14.06](#), Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "family" definition in Section [14.06.020](#), Provo City Code.
- (c) The ADU shall not be occupied by more than three (3) related or unrelated adults, together with any minor children of those adults.
- (d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:
  - (i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
  - (ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
  - (iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one (1) family dwelling with an ADU must have at least four (4) off-street parking spaces.

- (a) Two (2) tandem parking spaces (front to rear) are permitted.

(b) Parking spaces for a one (1) family dwelling with an associated ADU may be located on a driveway in a required front yard if:

(i) The driveway leads to the minimum number of required covered off-street parking spaces; or

(ii) The property is listed on the Provo City Landmarks Registry.

(c) Parking spaces allowed under Subsection [\(5\)\(b\)](#) of this Section may not be between the primary dwelling and the street.

(d) In no case may the number of off-street parking spaces be less than the number of vehicles being maintained on the premises.

(e) Parking must comply with all other regulations of Chapter [14.37](#), Provo City Code.

(6) *Utility Meters.* A one (1) family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(8) *Outside Entrances.* Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(9) *Building Codes.* All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(10) *Rental Dwelling License.* In accordance with Chapter [6.26](#) (Rental Dwellings), Provo City Code, any person operating an ADU under this Chapter must obtain a rental dwelling license (RDL). This RDL is in addition to any building permits that may be necessary.

(a) In addition to complying with Chapter [6.26](#) (Rental Dwellings), Provo City Code, to be eligible for an RDL a person operating an ADU under this Chapter must:

(i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters;

(ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled;

- (iii) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council;
- (iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction must run with the land as long as the property contains an ADU as provided in this Chapter;
- (v) Renew the rental dwelling license annually; and
- (vi) Establish at the time of the initial application and at every renewal that the dwelling is the owner's primary residence.

(b) Noncompliance with the standards of this Section is just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation will be in accordance with the license regulations in Chapters [6.01](#) (License Administration) and [6.26](#) (Rental Dwellings), Provo City Code.

(c) Notwithstanding Section [6.01.090](#), Provo City Code, a rental dwelling license for an ADU automatically expires one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first.

#### **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.~~

Provo City Planning Commission  
**Report of Action**

October 22, 2025

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**ITEM 1** The Provo City Council requests Ordinance Text Amendments to Chapter 14.30 (Accessory Dwelling Units) to replace the map in 14.30.020 and remove 14.30.040. Citywide Application. Nancy Robison (801) 852-6417 nrobison@provo.gov PLOTA20250562

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The following action was taken by the Planning Commission on the above described item at its regular meeting of October 22, 2025:

## **RECOMMENDED APPROVAL**

On a vote of 6:1, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Matt Wheelwright

Second By: Jon Lyons

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

Votes Against: Anne Allen

*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 Citywide. No public Comments were made

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- This amendment only improves the ADU process by a little bit, and if this is a tool the City Council wants to use it should be spelled out more clearly.
- The Planning Commission would rather see ADU approval as a special use permit, given to the individual, not something that runs with the property. If the conditions of the approval are not being met, they no longer get the special use permit.
- The City still has problems with people having illegal ADU's and not enough enforcement to bring those properties into compliance.



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Planning Commission Chair



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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

### Chapter 14.30 ACCESSORY DWELLING UNITS

Sections:

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

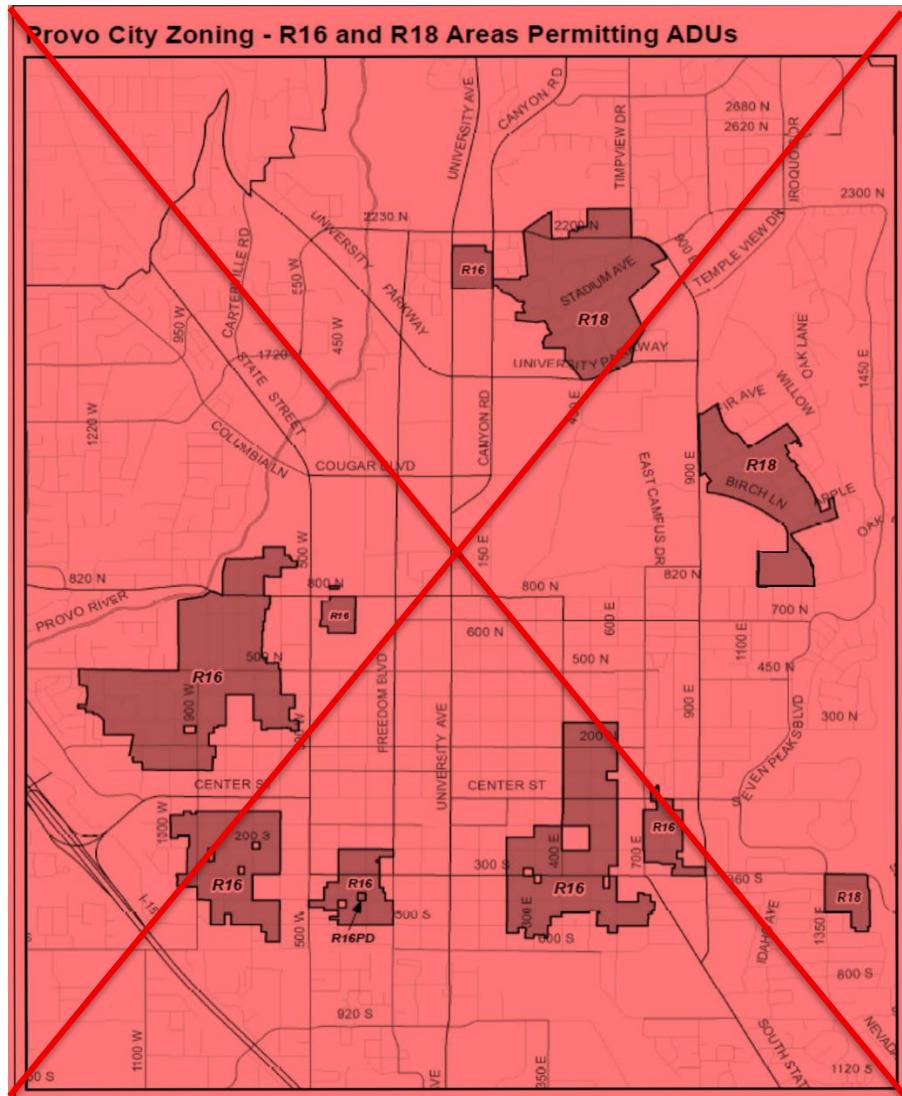
#### **14.30.010 Purpose and Objectives.**

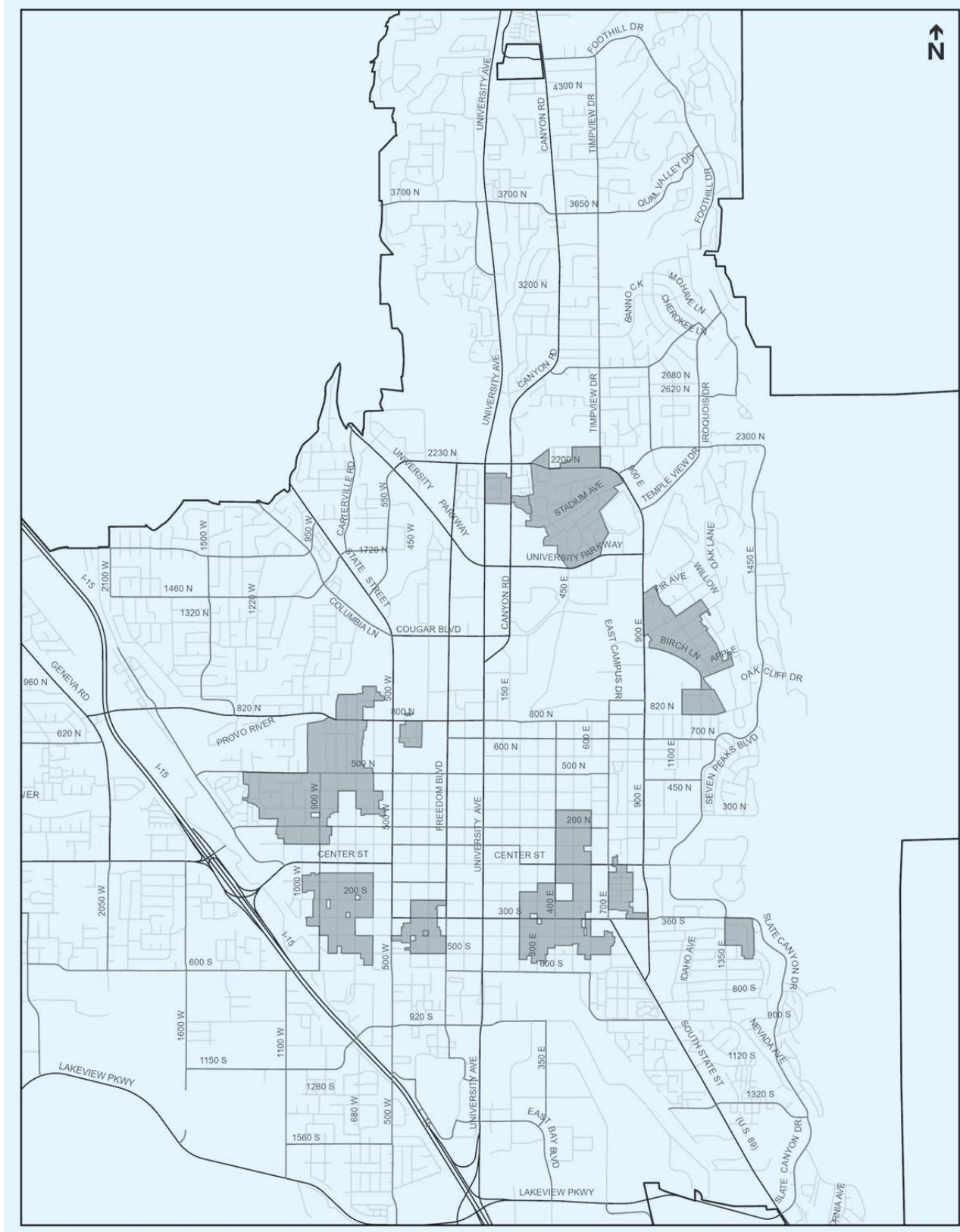
- (1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one (1) family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.
- (2) "Accessory dwelling unit (ADU)" means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a primary dwelling unit, either within the same building as the primary dwelling unit (referred to as an internal ADU), attached to the single-family dwelling, or in a detached building. An accessory building, as defined, is not a mobile home or other portable structure that does not qualify as an ADU.
- (3) The use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Chapter.
  - (a) For purposes of this Chapter, the phrase "areas zoned primarily for residential use" means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

#### **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).

### **14.30.030 Accessory Dwelling Unit (ADU) Development Standards.**

ADUs shall be subject to the following development standards:

- (1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one (1) family detached dwelling.
- (2) *Location.* ADUs may be located only:
  - (a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;
  - (b) Inside a one (1) family detached dwelling;
  - (c) In an addition to a one (1) family detached dwelling; provided, that the addition will not alter the one (1) family character of the building; or
  - (d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:
    - (i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;
    - (ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one (1) family dwelling from that same property line, whichever is less;
    - (iii) The accessory structure shall be architecturally compatible with the main dwelling;
    - (iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;
    - (v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one (1) family dwelling; and
    - (vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one (1) family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(4) *Occupancy.* A one (1) family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2) component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

- (a) Except as otherwise provided in Subsection [\(4\)\(d\)](#) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section [14.06.020](#), Provo City Code. If this requirement is not met, no ADU shall be permitted.
- (b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter [14.06](#), Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "family" definition in Section [14.06.020](#), Provo City Code.
- (c) The ADU shall not be occupied by more than three (3) related or unrelated adults, together with any minor children of those adults.
- (d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:
  - (i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
  - (ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
  - (iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one (1) family dwelling with an ADU must have at least four (4) off-street parking spaces.

- (a) Two (2) tandem parking spaces (front to rear) are permitted.
- (b) Parking spaces for a one (1) family dwelling with an associated ADU may be located on a driveway in a

required front yard if:

- (i) The driveway leads to the minimum number of required covered off-street parking spaces; or
- (ii) The property is listed on the Provo City Landmarks Registry.

(c) Parking spaces allowed under Subsection [\(5\)\(b\)](#) of this Section may not be between the primary dwelling and the street.

(d) In no case may the number of off-street parking spaces be less than the number of vehicles being maintained on the premises.

(e) Parking must comply with all other regulations of Chapter [14.37](#), Provo City Code.

(6) *Utility Meters.* A one (1) family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(8) *Outside Entrances.* Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(9) *Building Codes.* All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(10) *Rental Dwelling License.* In accordance with Chapter [6.26](#) (Rental Dwellings), Provo City Code, any person operating an ADU under this Chapter must obtain a rental dwelling license (RDL). This RDL is in addition to any building permits that may be necessary.

- (a) In addition to complying with Chapter [6.26](#) (Rental Dwellings), Provo City Code, to be eligible for an RDL a person operating an ADU under this Chapter must:
  - (i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters;
  - (ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled;

- (iii) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council;
- (iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction must run with the land as long as the property contains an ADU as provided in this Chapter;
- (v) Renew the rental dwelling license annually; and
- (vi) Establish at the time of the initial application and at every renewal that the dwelling is the owner's primary residence.

(b) Noncompliance with the standards of this Section is just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation will be in accordance with the license regulations in Chapters [6.01](#) (License Administration) and [6.26](#) (Rental Dwellings), Provo City Code.

(c) Notwithstanding Section [6.01.090](#), Provo City Code, a rental dwelling license for an ADU automatically expires one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first.

#### **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.

**Planning Commission Hearing  
Staff Report  
Hearing Date: October 22, 2025**

**\*ITEM 1** The Provo City Council requests Ordinance Text Amendments to Chapter 14.30 (Accessory Dwelling Units) to replace the map in 14.30.020 and remove 14.30.040. Citywide Application. Nancy Robison (801) 852-6417 nrobison@provo.gov PLOTA20250562

**Applicant:** Provo City Council

**Staff Coordinator:** Nancy Robison

**Relevant History:** This proposed amendment removes the legislative process of 14.30.040, effectively repealing the section entirely.

Council motioned to move forward with this proposed OTA during their September 23<sup>rd</sup> Work Meeting with a vote of 7:0.

The proposed new map in 14.30.020 is simply for clarity/visual purposes and presents no policy changes.

**Neighborhood Issues:** There has not been a neighborhood meeting on this specific citywide item. However, ADU-related amendments frequently receive mixed feedback when discussed at neighborhood meetings.

**Summary of Key Issues:**

- Expand the borders of the map in 14.30.020, remove zoning labels of ADU permitted parcels on the map, and remove map title.
- Repeal 14.30.040 “Special Use Permit”

**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 November 12, 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**

The “Special Use Permit” process found in 14.30.040 was enacted in its entirety in November 2022 (Ord 2022-46) and included both an administrative and legislative path for ADU permission. Both included applicants gathering signatures as part of their application. The administrative process ended with approved applicants receiving a special use permit from Development Services to have an ADU. The legislative process ended with applicants’ properties added to the map found in 14.30.020 as a permitted ADU parcel dependent on an affirmative vote from the City Council. The signature gathering as part of the legislative process acted as a waiver for a reduced OTA fee.

In December 2024 (Ord 2024-61), the Council approved an amendment to remove the administrative process in 14.30.040.

Removing the remaining legislative process in 14.30.040 will not revoke an applicants ability to be added to the 14.30.020 map. Rather, applicants will no longer be granted a reduced fee for such an ordinance text amendment application by gathering signatures of adjoining properties.

The new proposed map in 14.30.020 expands the borders of the map and removes the labels of permitted parcels and map title. The City has received ADU applications for properties outside of the map’s current boundaries, which were chosen originally to fit where the then current permitted parcels were. The zoning labels of the greyed-out parcels are not needed as any applicant with any underlying zoning may apply to have their parcel added to the map. The title is removed for the same reason.

## **STAFF ANALYSIS**

Staff support the proposal to amend 14.30 as explained.

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: Simplifying the ADU process and reducing neighborhood contention during ADU application processes.**

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

**Staff response: Council proposes this amendment to clarify the ADU process and in the hopes to reduce neighborhood contention that arose through the 14.30.040 signature process.**

(c) 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.**

(d) 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.**

(e) Adverse impacts on adjacent landowners.

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

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

**Staff response: Does not apply.**

(g) 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. Removing the remaining legislative and signature-gathering process in 14.30.040 will not revoke an applicant's ability to be added to the 14.30.020 map.
2. Visual changes only are proposed for the 14.30.020 map.

## **CONCLUSIONS**

The Provo City Council voted unanimously to move forward with the proposed text amendments to 14.30 in their effort to make ADU application processes clearer and less contentious for staff, residents, and applicants.

## **ATTACHMENTS**

1. Proposed Text Amendments

## **ATTACHMENT 1- PROPOSED TEXT AMENDMENTS**

### **Chapter 14.30 ACCESSORY DWELLING UNITS**

Sections:

- 14.30.010 Purpose and Objectives.**
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- 14.30.040 ~~Special Use Permit for Accessory Dwelling Unit.~~**

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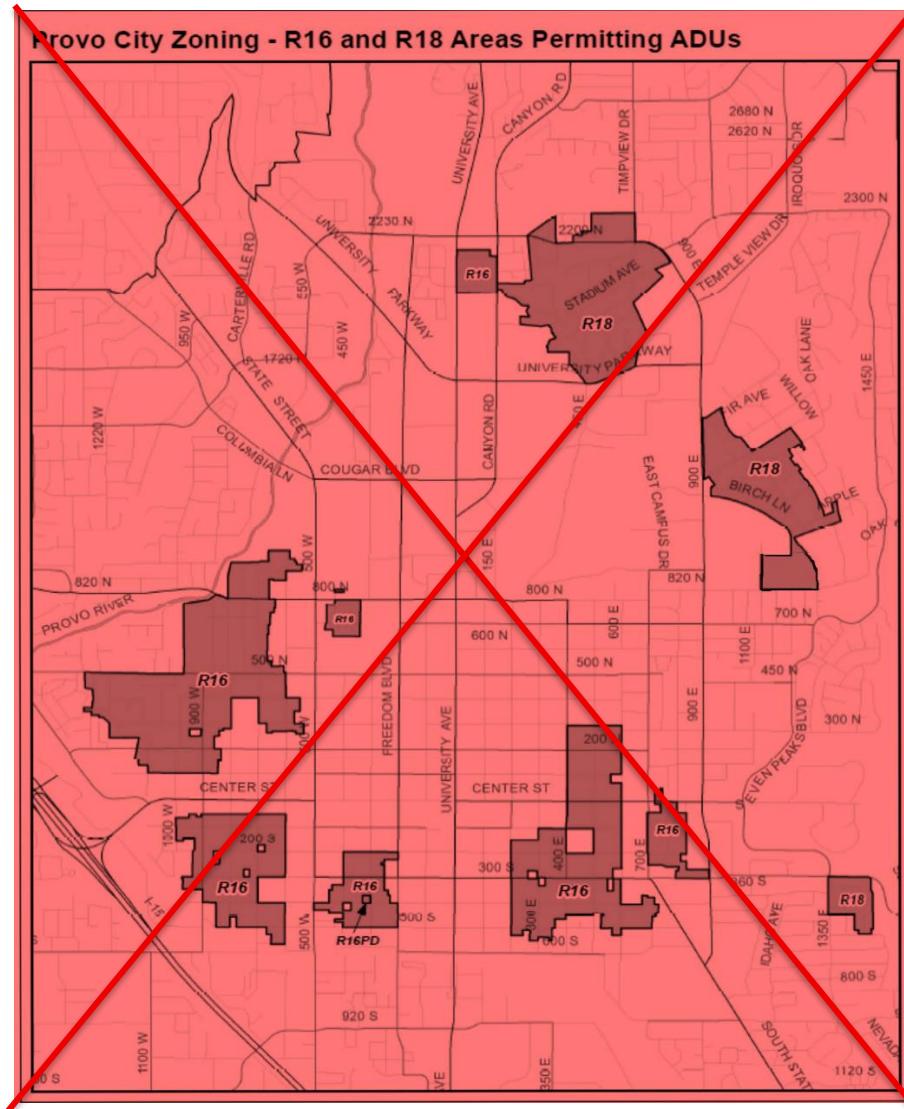
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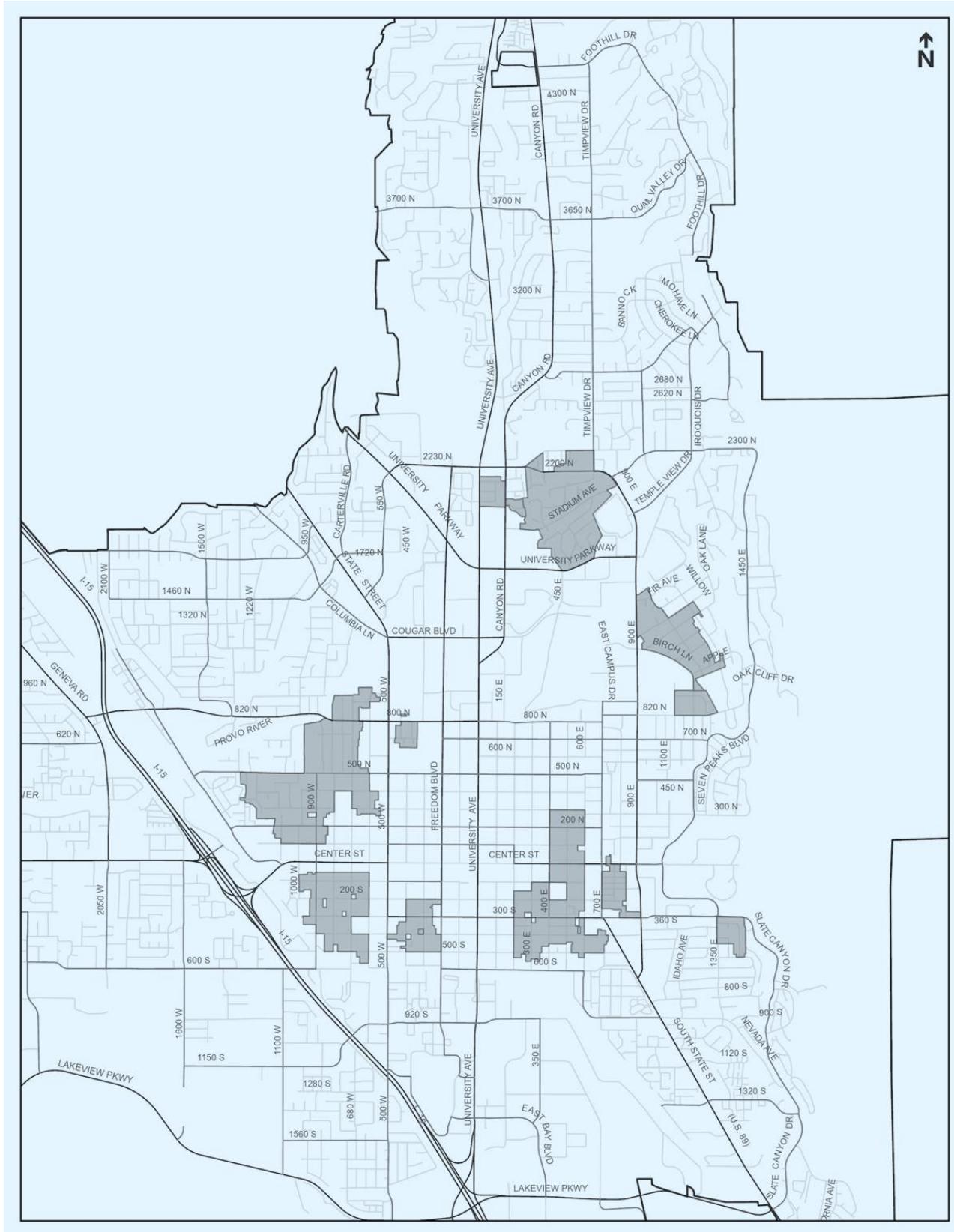
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### **14.30.030 Accessory Dwelling Unit (ADU) Development Standards.**

ADUs shall be subject to the following development standards:

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  - (d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:
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- (b) Parking spaces for a one (1) family dwelling with an associated ADU may be located on a driveway in a required front yard if:
  - (i) The driveway leads to the minimum number of required covered off-street parking spaces; or
  - (ii) The property is listed on the Provo City Landmarks Registry.
- (c) Parking spaces allowed under Subsection [\(5\)\(b\)](#) of this Section may not be between the primary dwelling and the street.
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- (e) Parking must comply with all other regulations of Chapter [14.37](#), Provo City Code.

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    - (ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled;
    - (iii) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council;
    - (iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction must run with the land as long as the property contains an ADU as provided in this Chapter;
    - (v) Renew the rental dwelling license annually; and
    - (vi) Establish at the time of the initial application and at every renewal that the dwelling is the owner's primary residence.

- (b) Noncompliance with the standards of this Section is just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation will be in accordance with the license regulations in Chapters [6.01](#) (License Administration) and [6.26](#) (Rental Dwellings), Provo City Code.
- (c) Notwithstanding Section [6.01.090](#), Provo City Code, a rental dwelling license for an ADU automatically expires one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first.

#### **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.~~



# **14.30.020 & 14.30.040**

# **Accessory**

# **Dwelling Units**

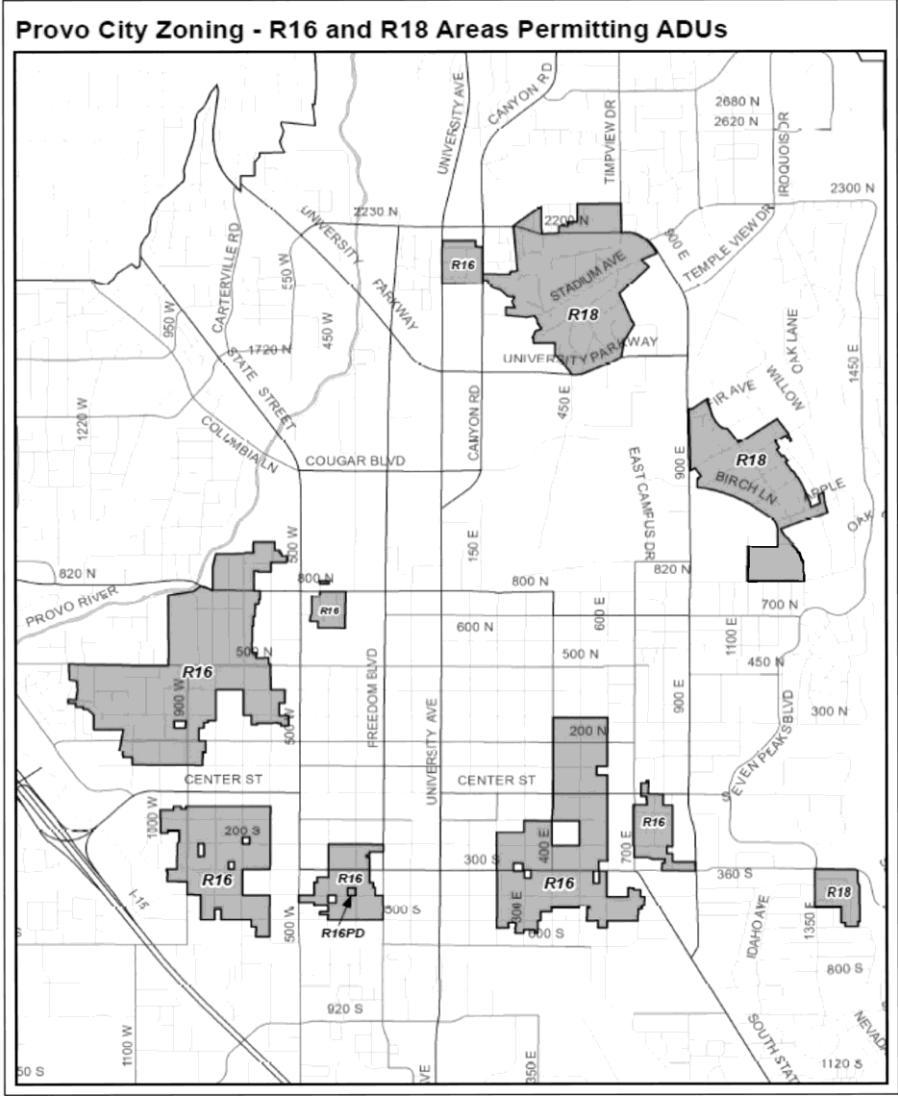
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**Council Staff**

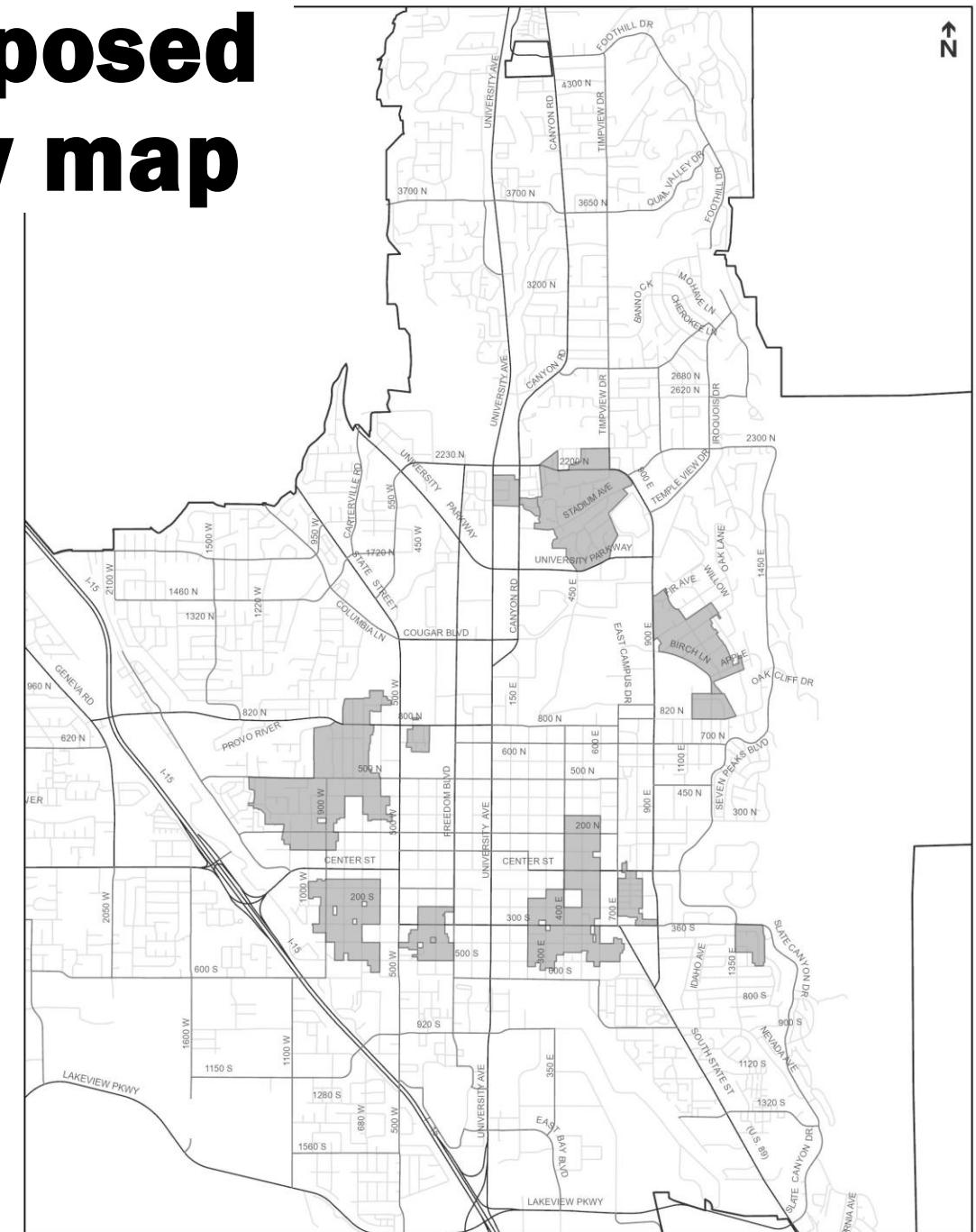
October 22, 2025

# Current 14.30.020 map

## Provo City Zoning - R16 and R18 Areas Permitting ADUs



# Proposed new map

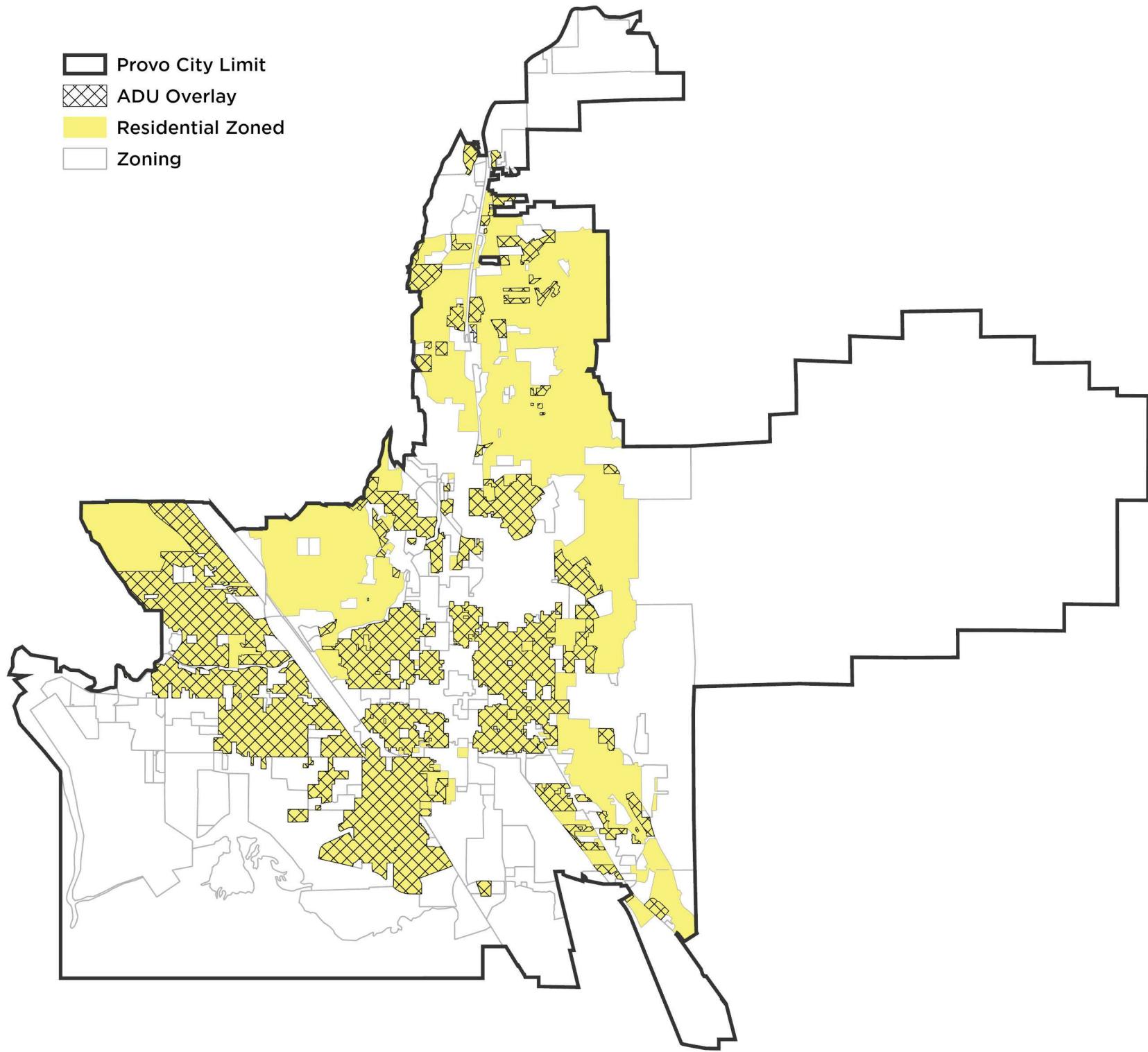


# Repealing all of 14.30.040

## 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.



Provo City Limit  
ADU Overlay  
Residential Zoned  
Zoning



Provo Municipal Council legislative intent statement regarding ADUs:

As 48.23% of residentially zoned land in Provo City already allows for accessory dwelling units (ADUs), the City Council does not support applications to rezone properties or amend city code text for the purpose of creating a new ADU or legalizing an ADU already operating in violation of zoning or licensing requirements.

While each application will be evaluated on its merits, such applications are strongly disfavored.

DRAFT

# PROVO MUNICIPAL COUNCIL

## WORK SESSION

### STAFF REPORT



**Submitter:** DWRIGHT

**Presenter:** Dustin Wright, City Planner

**Department:** Development Services

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 5 Minutes

**CityView or Issue File Number:** PLOTA20250535

**SUBJECT:** 6 An ordinance adjusting design standards in the Provo City Code for certain development in the Campus Residential Zone. (PLOTA20250535)

**RECOMMENDATION:** Planning Commission recommended approval.

**BACKGROUND:** A concept plan and rezone for property at 71 West 880 North were approved earlier this year. Through the review process the concept plan was limited to five residential units due mostly to design requirements of 14.34.287 requiring a habitable first floor along the street frontage and the driveway to be placed on the side of the building. The applicant is now requesting to amend the city code in those areas that limited his design so he can submit a project plan application for additional dwelling units on the property.

This amendment has city-wide impact. Section 14.34.287 contains design standards that apply to all new buildings and uses located in the Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones. The requested change is to limit the exception to the CR zone.

**FISCAL IMPACT:** N/A

#### **COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

The applicant is looking to update the design standards to help allow more development on his property. The General Plan encourages finding opportunities for small scale, infill development and it also encourages using design standards and updating them to help keep Provo attractive.

Land Use (Chapter 3) –

Goal #4 - Utilize and update design standards to further establish Provo as an attractive, healthy, and high-functioning city.

4a. Evaluate existing design standards to ensure they are sufficiently facilitating an attractive, efficiently built environment and promoting the health and safety of its residents.

Housing (Chapter 4)

Goal #1 - Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs.

1a. Encourage opportunities for small scale, infill housing development.

# ORDINANCE <<Document Number>>

AN ORDINANCE ADJUSTING DESIGN STANDARDS IN THE PROVO  
CITY CODE FOR CERTAIN DEVELOPMENT IN THE CAMPUS  
RESIDENTIAL ZONE. (PLOTA20250535)

## RECITALS:

It is proposed that PCC Section 14.34.287 be amended to include some exceptions to the design standards for developments of less than 10 units in the Campus Residential Zone;

Providing an exception from having a minimum habitable first floor depth for building complexes under ten units will allow for more infill development by allowing parking in that area instead;

Providing an exception from driveway placement will allow for more infill development opportunities on smaller properties;

On October 22, 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 4:3;

On November 11, 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) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

## PART I:

Provo City Code Section 14.34.287 is amended as follows:

## 14.34.287 - Residential and Mixed-Use Design Standards.

• • •

#### (4) Building Facades.

(a) - Ground Floor Treatment.

11

42 (ii) Ground Floors in All Applicable Zones.

43 (A) Excepting townhomes, a minimum habitable first floor  
44 depth of thirty (30) feet as measured from  
45 the street facing facade is required~~–~~, **except for**  
46 **building complexes under ten (10) units in the Campus**  
47 **Residential (CR) zone.**

48 ...

49 (5) Driveways and Parking.

50 (a) New developments shall provide the minimum amount of driveway  
51 access and width required by code as a means of preserving front yard  
52 space.

53 (i) Driveway placement shall be toward the side property line to  
54 avoid dividing a building by a single, central driveway to  
55 subterranean parking~~–~~, **except for building complexes under ten**  
56 **(10) units in the Campus Residential (CR) zone.**

57 ...

58 **PART II:**

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

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

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

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

71

72

73

74

**Planning Commission Hearing  
Staff Report**  
**Hearing Date: October 22, 2025**

**\*Item 5** Terry Cirac requests Ordinance Text Amendments to Provo City Code 14.34.287 (Residential and Mixed-Use Design Standards) to amend the applicability of certain standards. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.gov PLOTA20250535

**Applicant:** Terry Cirac

**Staff Coordinator:** Dustin Wright

**Council Action Required:** Yes

**Relevant History:**

The applicant received approval on a zone map amendment to the Campus Residential (CR) zone for property located at 71 W 880 N on the August 5, 2025, City Council hearing. The design standards in Provo City Code 14.34.287 limited the number of units that would fit on that property in the associated concept plans with that request.

**Neighborhood Issues:**

Citywide Application. No issues provided to staff.

**POSSIBLE ACTIONS**

1. **Recommend approval** to the Municipal Council for the proposed ordinance text amendment to Provo City Code 14.34.287, to amend the applicability of certain standards.
2. **Continue** to a future date to obtain more information or to further consider the information presented.  
*The next available meeting date is November 12, 2025, at 6:00 p.m.*
3. **Recommend denial** to the Municipal Council for the proposed ordinance text amendment to Provo City Code 14.34.287, to amend the applicability of certain standards.

**Summary of Key Issues:**

- Provo City Code 14.34.287(5) requires driveway placement to be towards the side property line for all developments, and the applicant would like to have it only apply to developments over 10 units.
- Provo City Code 14.34.287(4)(a)(ii) requires a thirty-foot habitable first floor along the street-facing façade, and the applicant would like to have it only apply to developments over 10 units.
- This proposal would have direct impact on all future developments under 11 units in the VLDR, LDR, MDR, HDR, CR, and Mixed-Use Zones.

## **BACKGROUND**

Terry Cirac worked on a concept plan and rezone for property at 71 West 880 North earlier this year. Through the review process the concept plan was limited to five residential units due mostly to design requirements of 14.34.287 requiring a habitable first floor along the street frontage and the driveway to be placed on the side of the building. The applicant is now requesting to amend the city code in those areas that limited his design so he can submit a project plan application for additional dwelling units on the property.

This amendment has city-wide impact. Section 14.34.287 contains design standards that apply to all new buildings and uses located in the Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones. Amending this code as proposed would impact designs for any project under eleven units. For context, photographs of projects that were built prior to these standards that the applicant is proposing the exemption on are shown at the end of this report in attachment 3 and images that the applicant had submitted for his site previously are in attachment 4.

## **CODE ANALYSIS**

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

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

(a) Public purpose for the amendment in question.

**Staff response: The purpose of the amendment is to allow greater flexibility for infill development under 11 units.**

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

**Staff response: The amendment will provide more opportunities for infill-development by allowing lower design standards for developments under 11 units. However, these proposals would impact the human-scale, walkability, and visual impact for this scale of development. The Planning Commission and Council will need to determine if sacrificing design best practices for additional apartments best serves the public.**

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

**Staff response: The applicant is looking to update the design standards to help allow more development on his property. The General Plan encourages finding opportunities for small scale, infill development and it also encourages using design standards and updating them to help keep Provo attractive.**

### **Land Use (Chapter 3) –**

**Goal #4 - Utilize and update design standards to further establish Provo as an attractive, healthy, and high-functioning city.**

**4a. Evaluate existing design standards to ensure they are sufficiently facilitating an attractive, efficiently built environment and promoting the health and safety of its residents.**

### **Housing (Chapter 4)**

**Goal #1 - Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs.**

**1a. Encourage opportunities for small scale, infill housing development.**

(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: The proposed amendment to the ordinance does not conflict with and timing and sequencing of the General Plan.**

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

**Staff response: Amdending the code will allow for more development opportunities that currently are not allowed, but it is removing some of the applicability of the design standards to accomplish this.**

(f) Adverse impacts on adjacent landowners.

**Staff response: No adverse impacts would be expected for adjacent landowners.**

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

**Staff response: N/A, citywide application.**

(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: No conflicts exist between the map and plan in relation to the proposed amendment.**

### **STAFF ANALYSIS**

The requested text amendment will help provide new opportunities for infill development that currently are not permitted due to residential design standards. Increasing density where the applicant owns property would be beneficial for the housing stock. Lowering the design standards to accomplish this is something that should be considered carefully. The design

standards have been created to help ensure an attractive built environment is maintained throughout the city.

The thirty-foot habitable first floor requirement in Provo City Code 14.34.287(4)(a)(ii) helps ensure that there is an attractive and inviting street presence in residential areas. Without this design standard we may end up with some developments that lack that inviting residential feel. The same thing applies with the requirement in Provo City Code 14.34.287(5) to have driveway placement to be towards the side property line. It is good design practice to have a welcoming visual entrance into a building. Having the exemption for smaller developments will create opportunity for more infill development but could result in a lower visual appeal within neighborhoods.

Attachment 1 shows the proposed changes to 14.34.287 in blue. Attachment 2 contains the justification statement from the applicant to support the requested changes. Attachment 3 contains some photos of properties that have been built before the design standards were adopted to show what developments could look like with the proposed text amendments to the existing design standards.

## **CONCLUSION**

The proposed text amendment will open the door for new infill development to potentially increase the number of dwelling units than it would be able to accommodate with the design standards in place which could help with housing stock.

Removing these design standards for these development projects under 11 units will potentially allow for building designs that are less aesthetically desirable.

## **ATTACHMENTS**

1. Proposed Text
2. Applicant Justification Statement
3. Example Photos
4. Concepts for Cirac Apartments

**ATTACHMENT 1 – PROPOSED TEXT**

**14.34.287 - Residential and Mixed-Use Design Standards.**

...

**(4) - Building Facades.**

...

**(a) - Ground Floor Treatment.**

...

**(ii) Ground Floors in All Applicable Zones.**

**(A) Excepting townhomes, a minimum habitable first floor depth of thirty (30) feet as measured from the street facing facade is required.~~–for building complexes over ten (10) units.~~**

...

**14.34.287 - Residential and Mixed-Use Design Standards.**

...

**(5) – Driveways and Parking.**

**(a) New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.**

**(i) ~~For building complexes over ten (10) units, d~~Driveway placement shall be toward the side property line to avoid dividing a building by a single, central driveway to subterranean parking.**

...

## **ATTACHMENT 2 – APPLICANT JUSTIFICATION STATEMENT**

### **JUSTIFICATION STATEMENT**

Placing a requirement to provide a habitable unit with a minimum depth of thirty (30) feet on the first floor creates significant limitations on the constructability of smaller infill developments. Specifically, **Section 14.34.287(5)** and **Section 14.34.287(4)(a)(ii)** do not adequately account for circumstances where surface parking is used to accommodate utilities and site functionality.

By mandating a livable unit on the first floor with the specified depth, the ordinance directly reduces the amount of ground-level area available for necessary parking. This restriction places an undue burden on infill projects, where site dimensions are often constrained, and parking requirements are already challenging to meet.

It is our understanding that Sections 14.34.287(5) and 14.34.287(4)(a)(ii), when originally adopted, were intended to address projects incorporating subterranean parking. The thirty-foot habitable depth requirement functions as a safeguard against blank street frontages that may occur when ground floors are dominated by parking garages. However, in situations where surface parking is used in place of subterranean parking, the same condition does not apply, and the requirement becomes counterproductive.

Therefore, we believe that applying the thirty (30) foot first-floor habitable depth requirement uniformly to all developments is not consistent with the ordinance's original intent. We respectfully request consideration for flexibility or exemption in cases where surface parking is required to support utilities and maintain compliance with minimum parking requirements for infill housing.

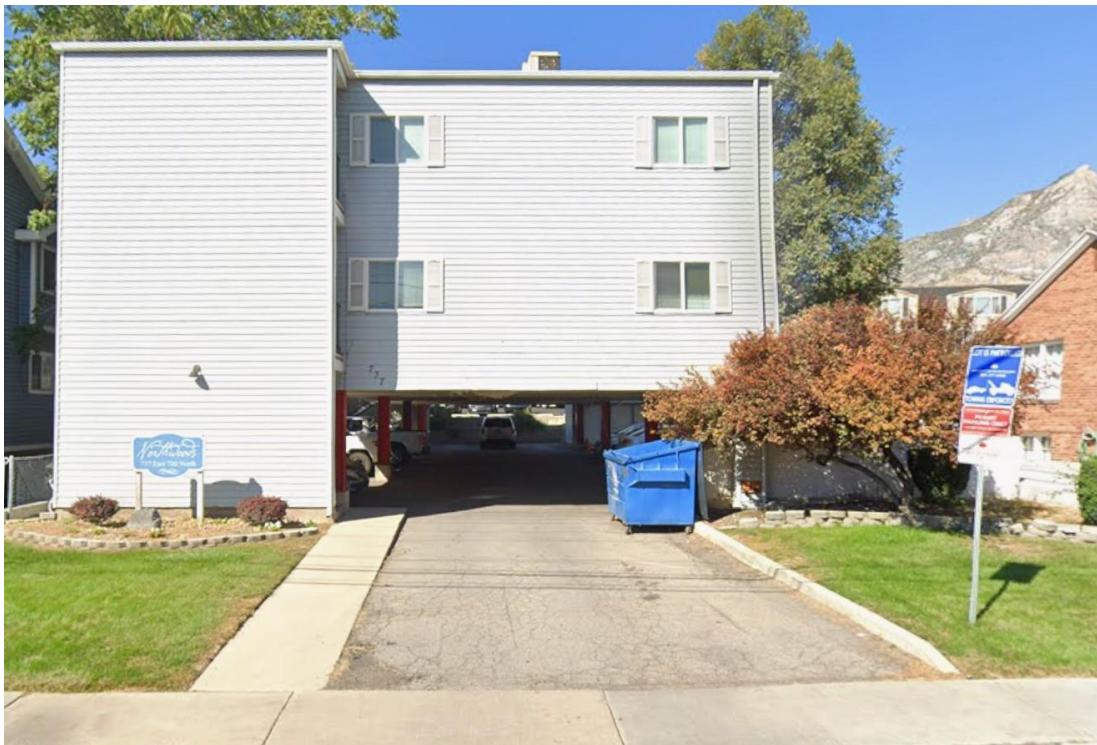
**ATTACHMENT 3 – EXAMPLE PHOTOS**



51 W 880 N - Apartments with center driveway instead of ground floor residential.



48 W 880 N – Condos with center driveway and no street frontage access.

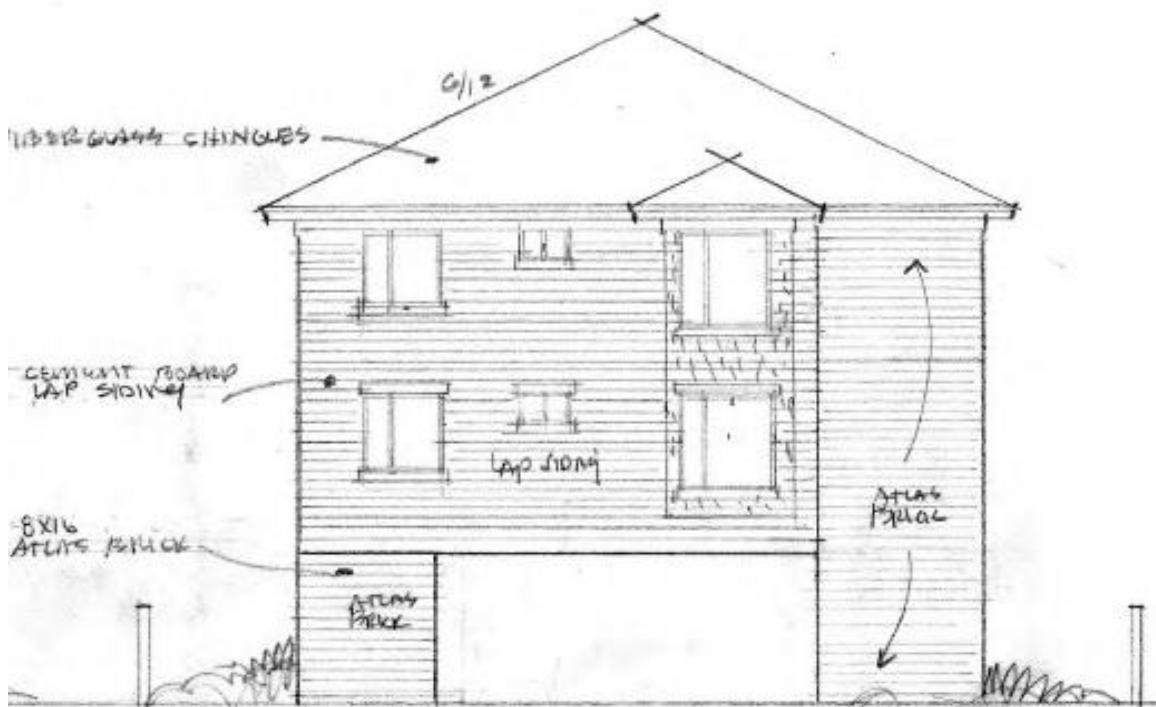


737 E 700 N – Apartments with center driveway and no habitable first floor.

**ATTACHMENT 4 – CONCEPTS FOR CIRAC APARTMENTS**



Approved 5-unit concept elevation with Residential unit/entry on main and driveway on the side.



Proposed 8-unit apartment with no habitable first floor unit/entry and with center driveway.

Provo City Planning Commission

# Report of Action

October 22, 2025

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**\*ITEM 5** Terry Cirac requests Ordinance Text Amendments to Provo City Code 14.34.287 (Residential and Mixed-Use Design Standards) to amend the applicability of certain standards. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.gov PLOTA20250535

---

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 22, 2025:

## RECOMMENDED APPROVAL

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

Motion By: Melissa Kendall

Second By: Jon Lyons

Votes in Favor of Motion: Melissa Kendall, Jon Lyons, Lisa Jensen, Anne Allen

Votes Opposed to the Motion: Matt Wheelwright, Joel Temple, 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.

### TEXT AMENDMENT

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

### STAFF PRESENTATION

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

### CITY DEPARTMENTAL ISSUES

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

### NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

### NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

### CONCERNS RAISED BY PUBLIC

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

- No comment from the public.

### APPLICANT RESPONSE

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

- The look of the other buildings on the street is disliked and were built before the design standards. The way the proposed amendment is written would not affect these buildings as they have more than 10 units.
- Wants to eliminate the need for a habitable first floor area.

- A PRO Zone application has been submitted, but staff have recommended a text amendment instead.
- This is an ideal spot for infill development.
- The parking would be below the structure and not below grade. The requirement to have a residential unit at grade makes it so that parking can't go there.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- This item would have city-wide impact and not be applicable only for this applicant's property.
- Would a reduction in parking for a project like this be a better approach? There is already a parking issue in this area.
- Changing this code impacts the city and would not be a good idea. These other examples that didn't have the design standard are not designed well.
- Structures that turn their back on the public street cause a social problem. The code is good as it is now.
- Garage doors would help.
- PRO zones are going away and that is why the applicant was discouraged from taking that forward.
- Provo has not seen too many developments with less than 10 units.
- These driveways create a miserable pedestrian experience.
- There may be reasons to have this only apply to the Campus Residential zone. The Planning Commission discussed this with the applicant.

## **FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- The Planning Commission discussed with the applicant the desire to limit the proposed change to only be applicable to the Campus Residential (CR) zone to limit the reach of the text amendment to fewer zones that share the same design standards. The applicant agreed to having that language added to his proposed text amendment.



Planning Commission Chair



Director of Development Services

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

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

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

**BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS**

## EXHIBIT A

### **14.34.287 - Residential and Mixed-Use Design Standards.**

...

(4) - Building Facades.

...

(a) - Ground Floor Treatment.

...

(ii) Ground Floors in All Applicable Zones.

(A) Excepting townhomes, a minimum habitable first floor depth of thirty (30) feet as measured from the street facing facade is required. *except for building complexes under ten (10) units in the Campus Residential (CR) zone.*

...

### **14.34.287 - Residential and Mixed-Use Design Standards.**

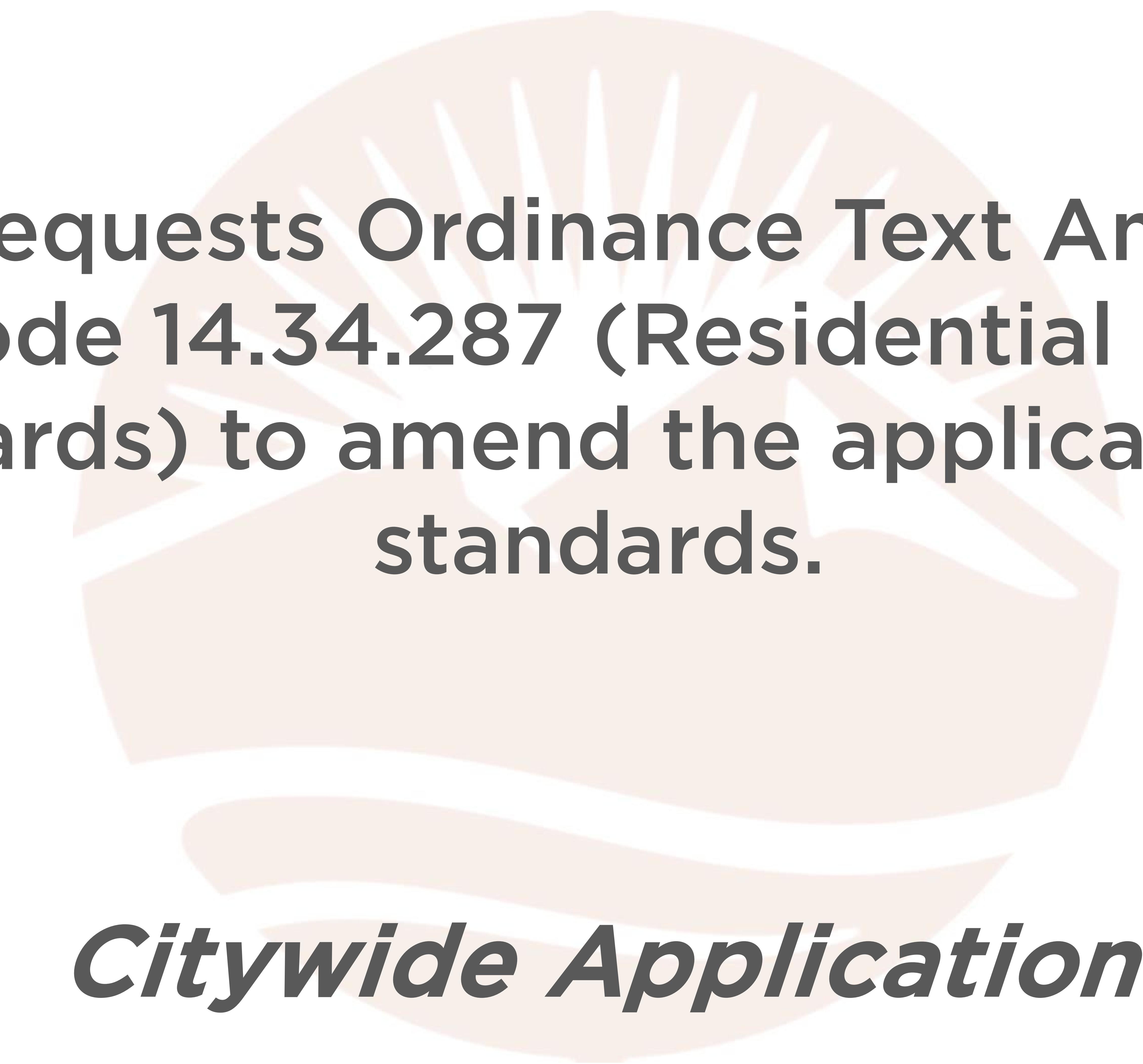
...

(5) – Driveways and Parking.

(a) New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.

(i) Driveway placement shall be toward the side property line to avoid dividing a building by a single, central driveway to subterranean parking. *–except for building complexes under ten (10) units in the Campus Residential (CR) zone.*

...



Terry Cirac requests Ordinance Text Amendments to Provo City Code 14.34.287 (Residential and Mixed-Use Design Standards) to amend the applicability of certain standards.

*Citywide Application*

PLOTA2025035

# Proposed Amendments

## 14.34.287 - Residential and Mixed-Use Design Standards.

...

### (4) - Building Facades.

...

#### (a)- Ground Floor Treatment.

...

##### (ii) Ground Floors in All Applicable Zones.

(A) Excepting townhomes, a minimum habitable first floor depth of thirty (30) feet as measured from the street facing facade is required.~~—except for building complexes under ten (10) units in the Campus Residential (CR) zone.~~

## 14.34.287 - Residential and Mixed-Use Design Standards.

...

### (5) – Driveways and Parking.

(a) New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.

(i) Driveway placement shall be toward the side property line to avoid dividing a building by a single, central driveway to subterranean parking.~~—except for building complexes under ten (10) units in the Campus Residential (CR) zone.~~

...

# Built Prior to Applicable Design Standards



## Proposed 8-Unit with Amendments

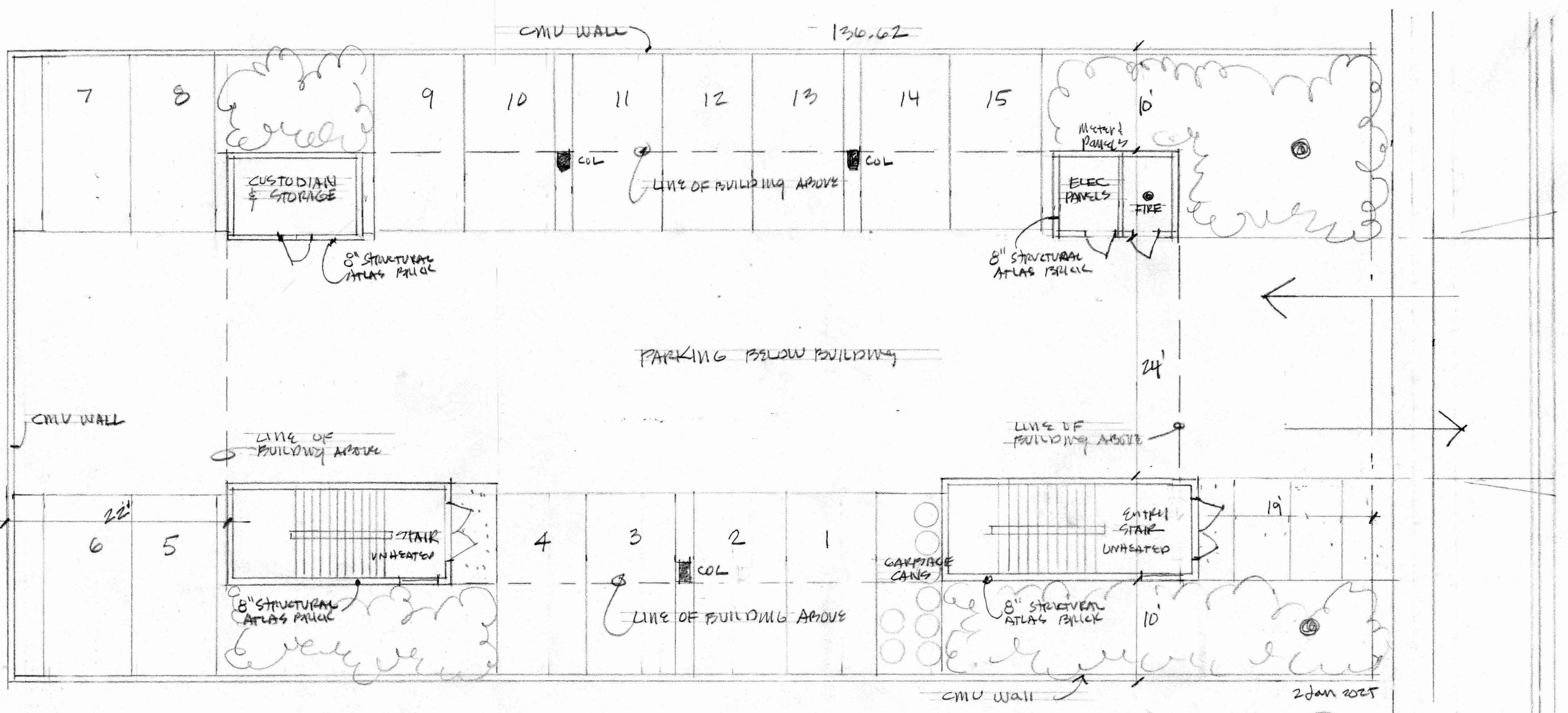


## Approved 5-Unit Concept





841



PARKING CALC.

1 - 1 BLD UNITS  $\times 1.5 = 9$  CARS

2 - 2 BLD UNITS  $\times 2.25 = 5$  CARS

**TOTAL** 14 CARS

CARS PROVIDED 15 CARS

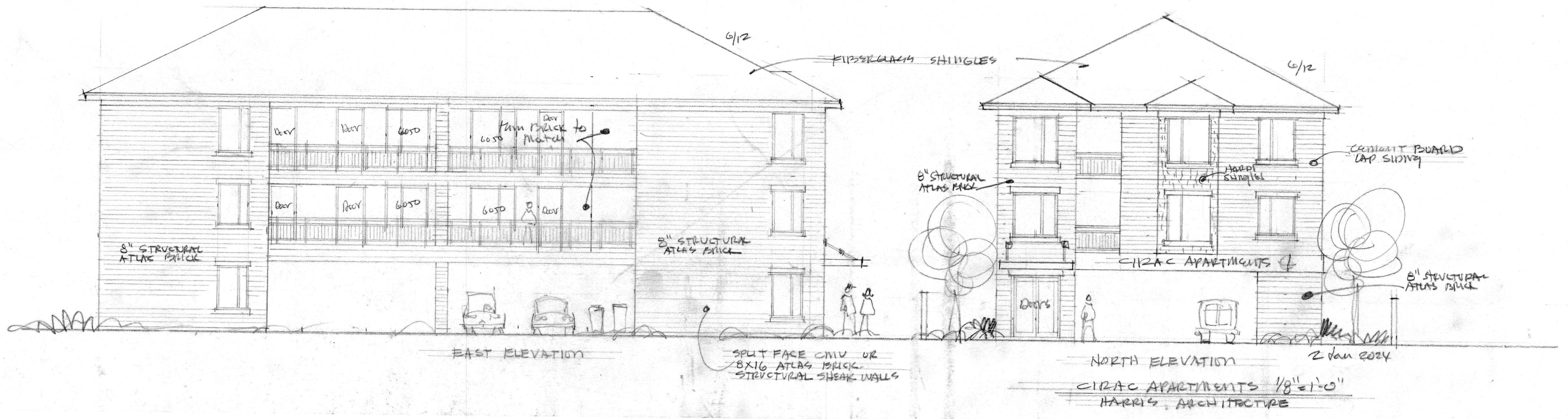
LOT SIZE 8607 SF

FOOTPRINT 4178 SF

COVERAGE 48 %

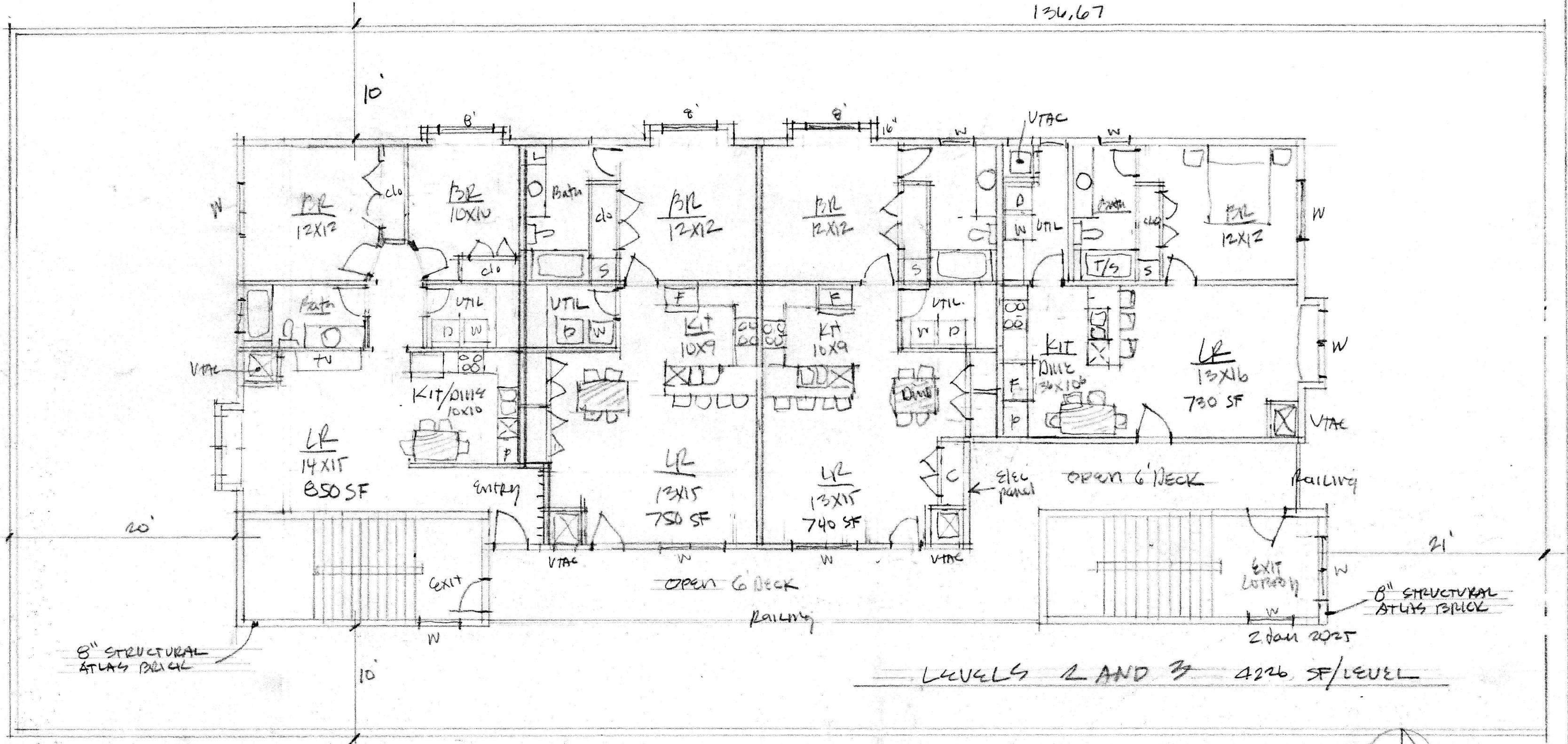
CIRAC APARTMENTS  $18' = 1'-0''$   
HARRIS ARCHITECTURE

PARKING LEVEL plan  
71 WEST 880 NORTH PROVO, UTAH



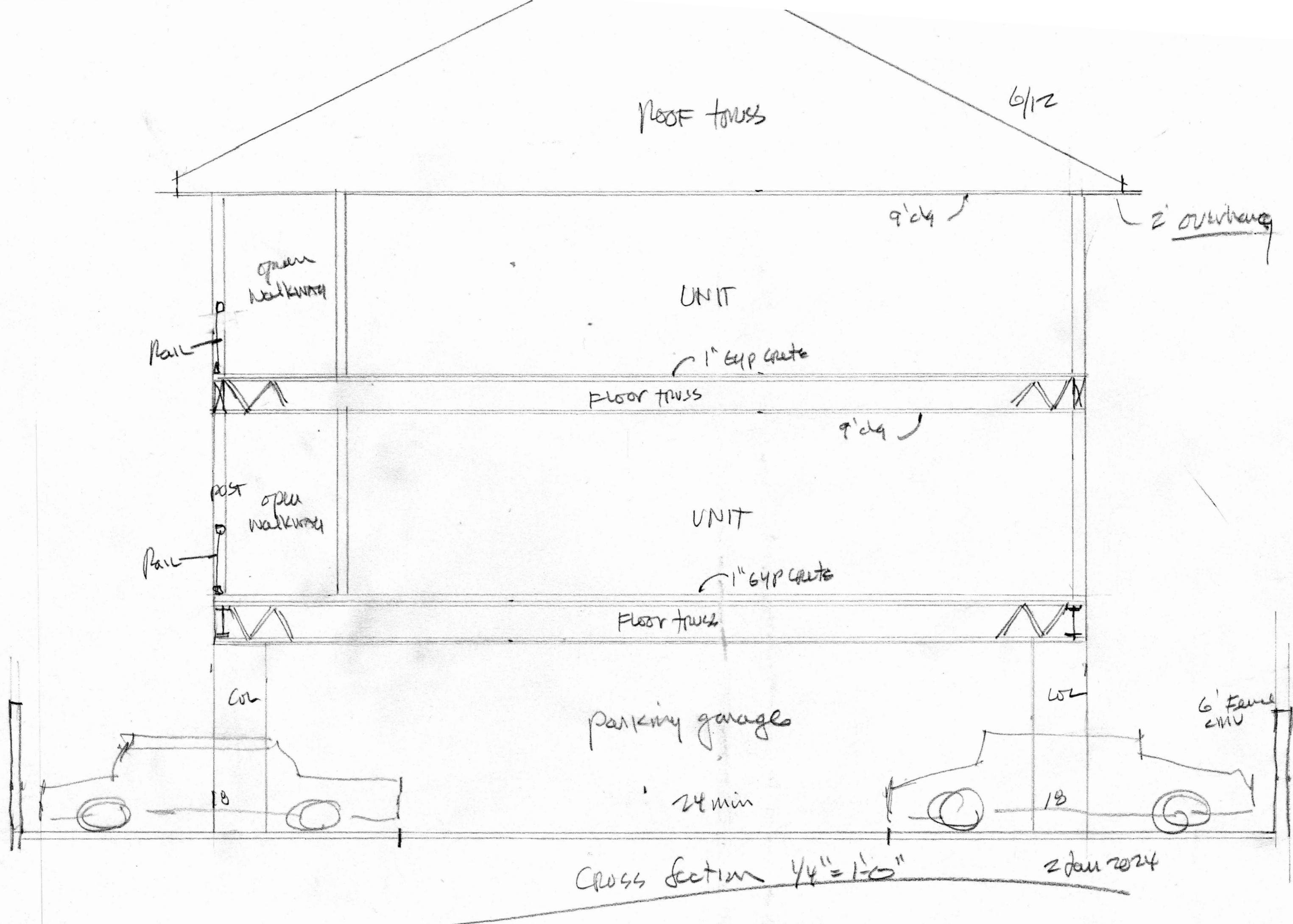
134,67

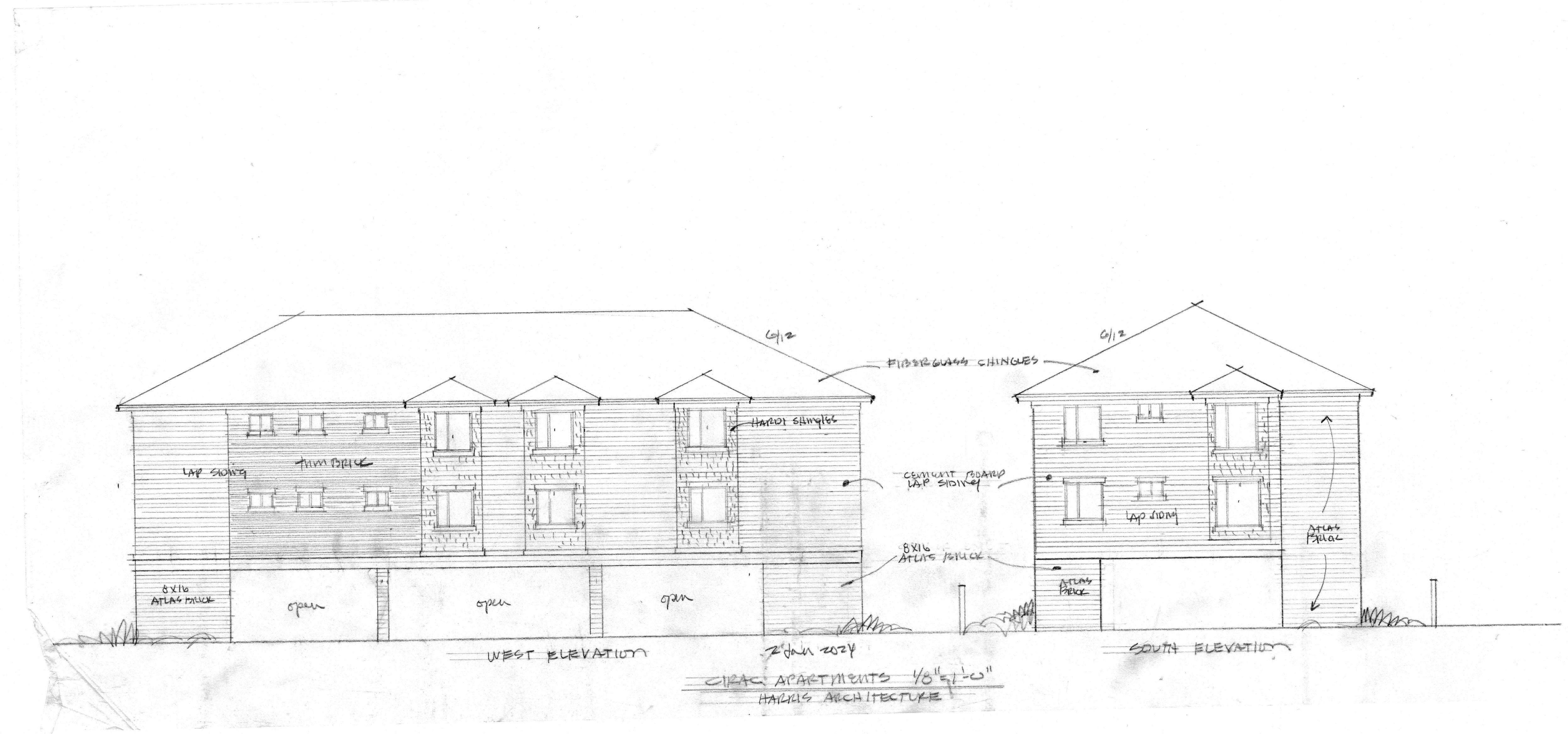
139



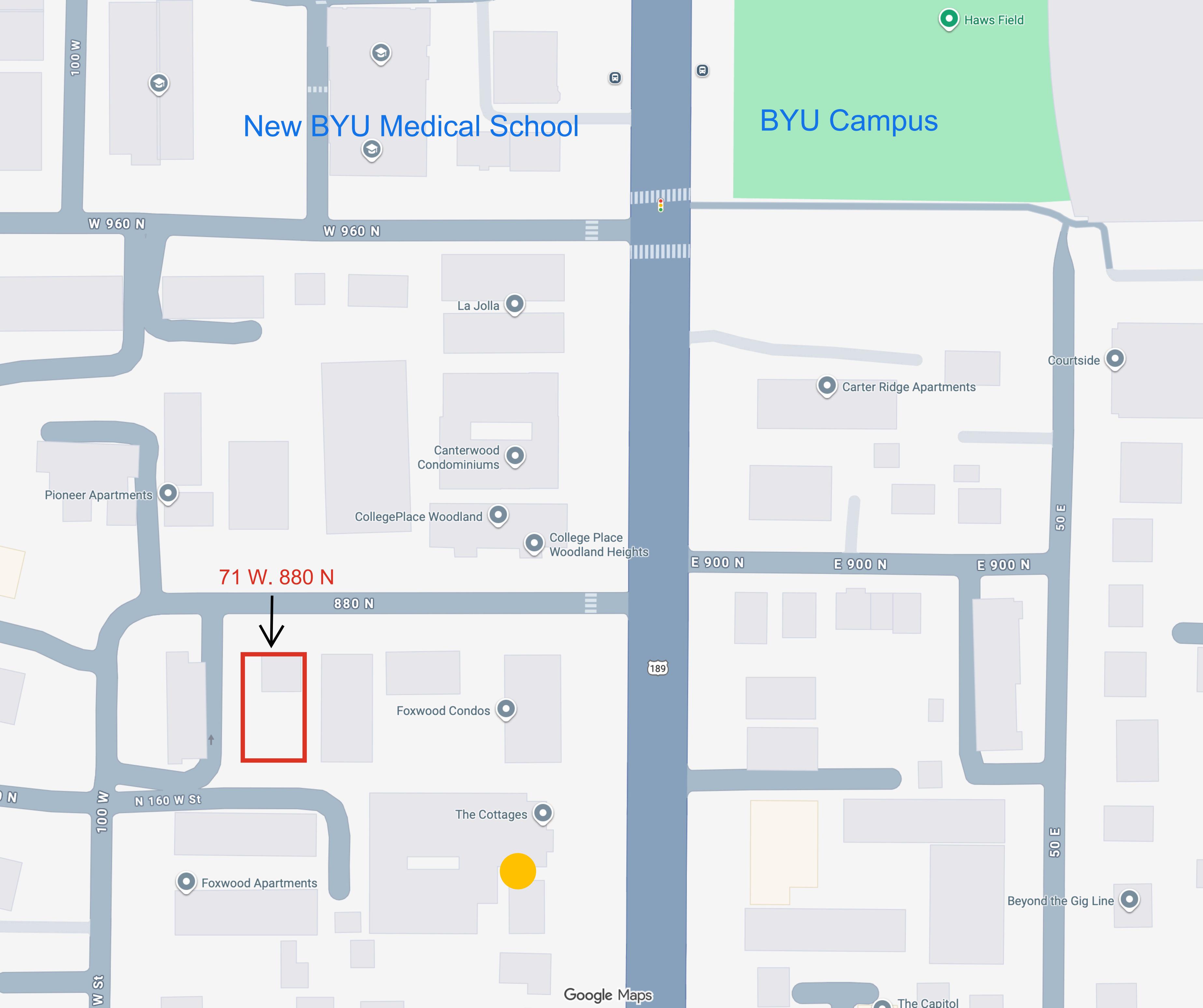
CIRAC APARTMENTS 1/2" = 1'-0"  
HARRY'S ARCHITECTURE













# PROVO MUNICIPAL COUNCIL

## WORK SESSION

### STAFF REPORT



**Submitter:** AARDMORE

**Presenter:** Aaron Ardmore, Planning Supervisor

**Department:** Development Services

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 10 minutes

**CityView or Issue File Number:** PLFSUB20240046

**SUBJECT:** 5 An ordinance amending an existing development agreement for a 58-unit single family subdivision in the R1.8(PD) Zone, located approximately at 2480 W 960 N. Lakeview North Neighborhood. (PLFSUB20240046)

**RECOMMENDATION:** Recommend approval.

**BACKGROUND:** The existing DA approved with a zone change from November 14, 2023 (PLRZ20230104) is for 56 twin-homes and two single-family detached lots. The applicant would like to revise this to be for 58 detached SF lots.

**FISCAL IMPACT:** None.

#### **COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

Staff have indicated support for the concept plan and zone change. The General Plan provides additional criteria for evaluating rezones for housing (Ch. 4, page 45), as follows: (responses in bold)

- Would the rezone promote one of the top 3 housing strategies? Yes.
- o Promote a mix of home types, sizes, and price points. The plan itself will provide two different home types, a variety of floor plans, and materials. It also introduces a new home type and price point into the established neighborhood.
- o Support zoning to promote ADUs and infill development. The zoning already permits ADUs, and this development is an infill subdivision between two established subdivisions.
- o Recognize the value of single-family neighborhoods. The development blends well with the single-family neighborhoods.

- Are utilities and streets currently within 300 feet of the property proposed for rezone? Yes.
- Would the rezone exclude land that is currently being used for agricultural use? No, but the property is already zoned R1.8 for residential, there are legal, nonconforming agricultural uses that will be removed.

- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations? No, the nearest stop is approximately 1.1 miles away.
- Would the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands? If so, has the applicant demonstrated these issues can reasonably be mitigated? Yes. The development has wetlands and the applicant has demonstrated respect for these sensitive areas by clustering all the development away from the wetlands.
- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? If so, is the applicant willing to guarantee use of a TDM in relation to the property to reduce the need for on-street parking? No, each home would have three to four off-street parking spaces so there is no need for a TDM.
- Would the rezone facilitate a housing development where a majority of the housing units are owner-occupied? Is the applicant willing to guarantee such? The developer has not indicated a direction on this but could potentially have some requirements in the CC&Rs for owner-occupancy standards, whether that is a percentage of the development or a minimum time of owner-occupancy after purchase for any unit.
- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making between 50-79% AMI? Is the applicant willing to guarantee such? The developer has not indicated a plan for this at the time of this report.

In addition to the above analysis, Section 14.02.020 of the Provo City Code gives criteria to analyze amendments to determine consistency with the General Plan, as follows: (responses in bold)

a) Public purpose for the amendment in question.

The applicant has stated the purpose of the zone map amendment is to give some flexibility on the subdivision lots without changing the character of the neighborhood, due to property constraints.

(b) Confirmation that the public purpose is best served by the amendment in question. Staff understands that the property is constrained by wetlands and powerlines, and that the amendment to apply the overlay is the best way to develop the property while respecting the sensitive lands and character of the neighborhood.

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

The amendment is compatible with General Plan policies as noted above, and the following specific goals:

1. Chapter Three, goal 2a: Encourage development in areas that are less prone to natural hazards.
2. Chapter Four, goal 1: Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs.
3. Chapter Four, goal 2: Strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways.
4. Chapter Eight, goal 2: Give careful consideration to the conservation of open spaces, scenic areas, and viable agricultural land.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.  
This proposal doesn't equate to a change of use and is consistent with timing and sequencing policies.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.  
This amendment should not hinder or obstruct attainment of any of the articulated policies.

(f) Adverse impacts on adjacent land owners.  
Adjacent land owners may see small increases in daily traffic.

(g) Verification of correctness in the original zoning or General Plan for the area in question.  
Staff have verified the correct zoning and General Plan designation for this land.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.  
No conflict in this case.



WELCOME HOME

PLANNING COMMISSION

October 25, 2023

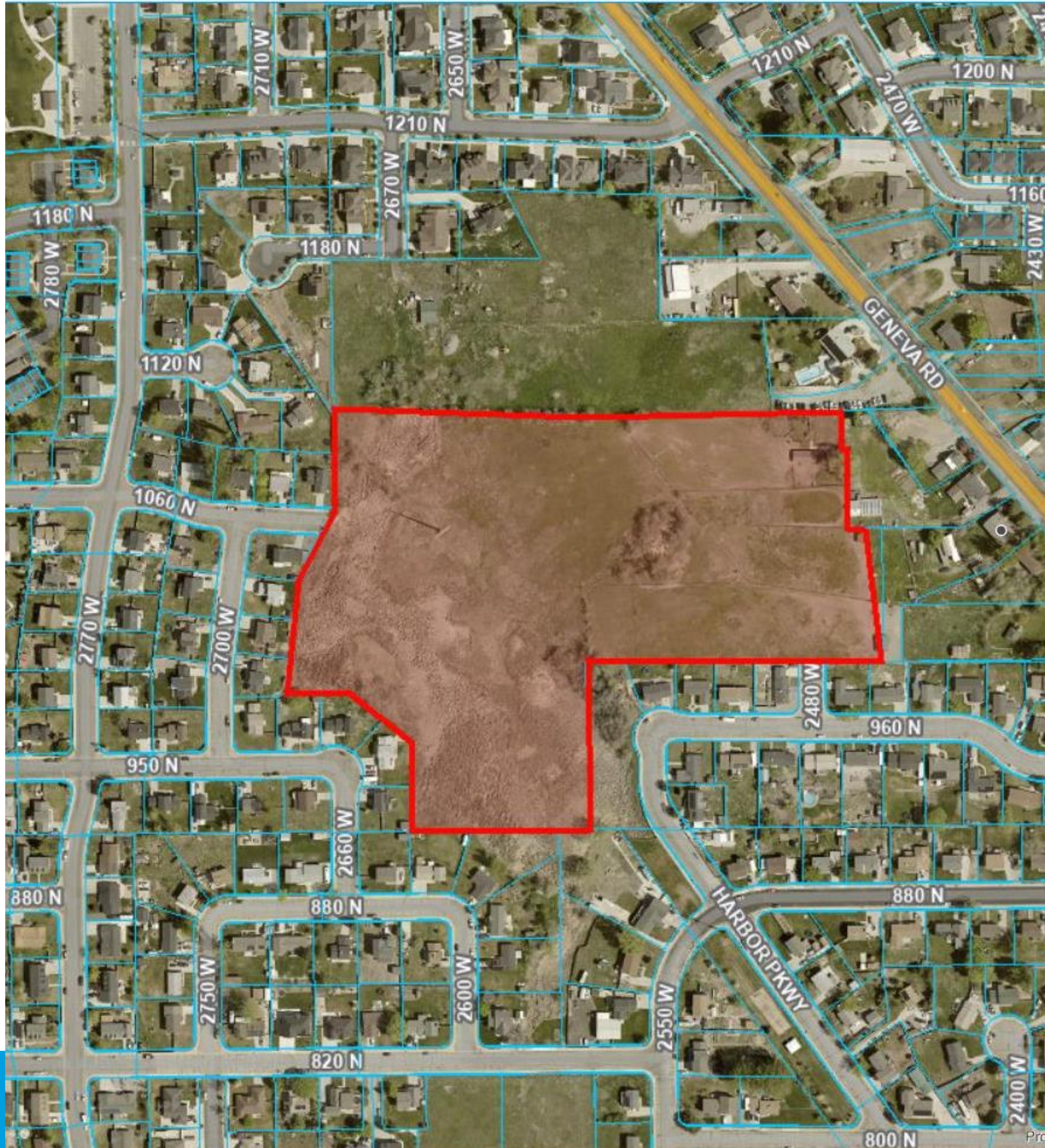
## \*ITEM 3

Garrett Seely requests a Zone Map Amendment for a PD (Performance Development Overlay) Zone to be applied to 16.5 acres of land in the R1.8 (One Family Residential) Zone in order to create a 56-unit twin home development, located approximately at 1069 N Geneva Road.


*Lakeview North Neighborhood*

PLRZ20230104

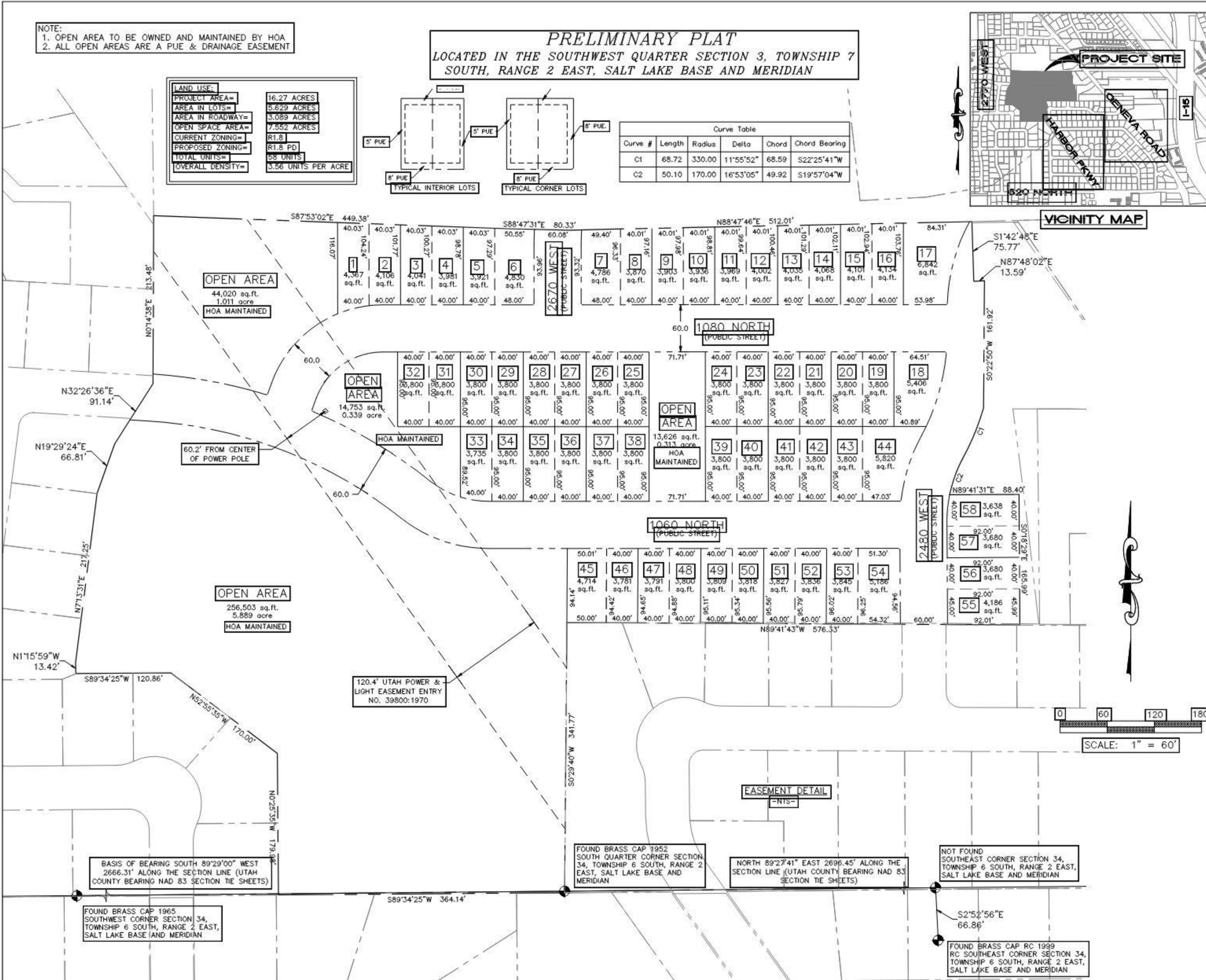
# Valladolid Subdivision



# Valladolid Subdivision



# Valladolid Subdivision



**DEVELOPMENT AGREEMENT  
FOR  
Valladolid Development**

**(1069 N Geneva Road)**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023 (the “Effective Date”), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as “City,” and \_\_\_\_\_, a Utah limited liability company, hereinafter referred to as “Developer.” The City and Developer are hereinafter collectively referred to as “Parties.”

**RECITALS**

A. Developer is the owner of approximately 16.49 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the “Property”).

B. On \_\_\_\_\_, the City Council approved Ordinance \_\_\_\_\_, vesting zoning (the “Vesting Ordinance”), based on the Concept Plan set forth on EXHIBIT B (“Concept Plan”), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the “Project”).

C. Developer is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long range policies, goals, and objectives of the City’s general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Developer’s proffer to enter into this Agreement to memorialize the intent of Developer and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City’s General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a “development agreement” within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Zoning. The Property shall be developed in accordance with (i) the requirements of the R1.8PD Zone with approved side yard setback variances, (ii) all other features as generally shown on the Concept Plan, and (iii) this Agreement. The Developer shall not seek to develop the Property in a manner that deviates materially from the Concept Plan as permitted by the aforementioned zoning designations for the Property.

3. Governing Standards. The Concept Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the use, maximum density, intensity and general configuration for the Project. The Project shall be developed by the Developer in accordance with the Concept Plan, the Vesting Ordinance and this Agreement. All Developer submittals must comply generally with the Concept Plan, the Vesting Ordinance and this Agreement. Non-material variations to the Concept Plan, as defined and approved by the City’s Community Development Director, such as exact building locations, exact locations of open space and parking may be varied by the Developer without official City Council or Planning Commission approval. Such variations however shall in no way change the maximum density, use and intensity of the development of the Project.

4. Additional Specific Developer Obligations. As an integral part of the consideration for this agreement, the Developer voluntarily agrees as follows:

a. The final development shall provide four (4) or more types of housing models defined by different floor plans, exterior materials, or roof lines.

b. Developer agrees to maintain all common open space on the property.

c. The number of residential units shall be capped at 58.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

- a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer “vested rights” as that term is construed in Utah’s common law and pursuant to Utah Code Ann., §10-9a-509.
  - i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:
    1. Developer Agreement. Future laws that Developer agrees in writing to the application thereof to the Project;
    2. Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;
    3. Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.
5. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.
6. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-9a-509 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

7. Default. An "Event of Default" shall occur under this Agreement if any party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within sixty (60) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a party shall not be in default so long as that party commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

a. Remedies. Upon the occurrence of an Event of Default, the non-defaulting party shall have the right to exercise all of the following rights and remedies against the defaulting party:

1. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination, but not including damages or attorney's fees.

2. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or development activity pertaining to the defaulting party as described in this Agreement until such default has been cured.

3. The right to draw upon any security posted or provided in connection with the Property or Project by the defaulting party.

The rights and remedies set forth herein shall be cumulative.

8. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: \_\_\_\_\_  
Attn: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

To the City: City of Provo  
Attention: City Attorney  
445 W Center  
Provo, UT 84601  
Phone: (801) 852-6140

9. General Term and Conditions.

a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

g. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Utah County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

h. Performance. Each party, person and/or entity governed by this Agreement shall perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

l. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

m. Termination.

i. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Utah County Recorder within ten (10) years from the date of this Agreement (the "Term"), or upon the occurrence of an event

of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this Agreement as to the defaulting party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties.

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

10. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer with the consent of the City as provided herein.

- a. Notice. Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.
- b. Partial Assignment. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.
- c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's reasonable financial ability to perform the obligations of Developer proposed to be assigned.
- d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

11. Sale or Conveyance. If Developer sells or conveys parcels of land, the lands so sold and conveyed shall bear the same rights, privileges, intended uses, configurations, and density as applicable to such parcel and be subject to the same limitations and rights of the City as when owned by Developer and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein.

12. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

**CITY:**

## CITY OF PROVO

ATTEST:

By: \_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor Michelle Kaufusi

**DEVELOPER:**

\_\_\_\_\_, a Utah limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF UTAH )  
COUNTY OF UTAH )  
:ss )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did acknowledge that he/she executed the foregoing instrument in his/her official capacity as \_\_\_\_\_ of Provo City, a municipal corporation of the State of Utah.

STATE OF UTAH )  
COUNTY OF UTAH )

---

## Notary Public

On the \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

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## Notary Public

## **Exhibit A**

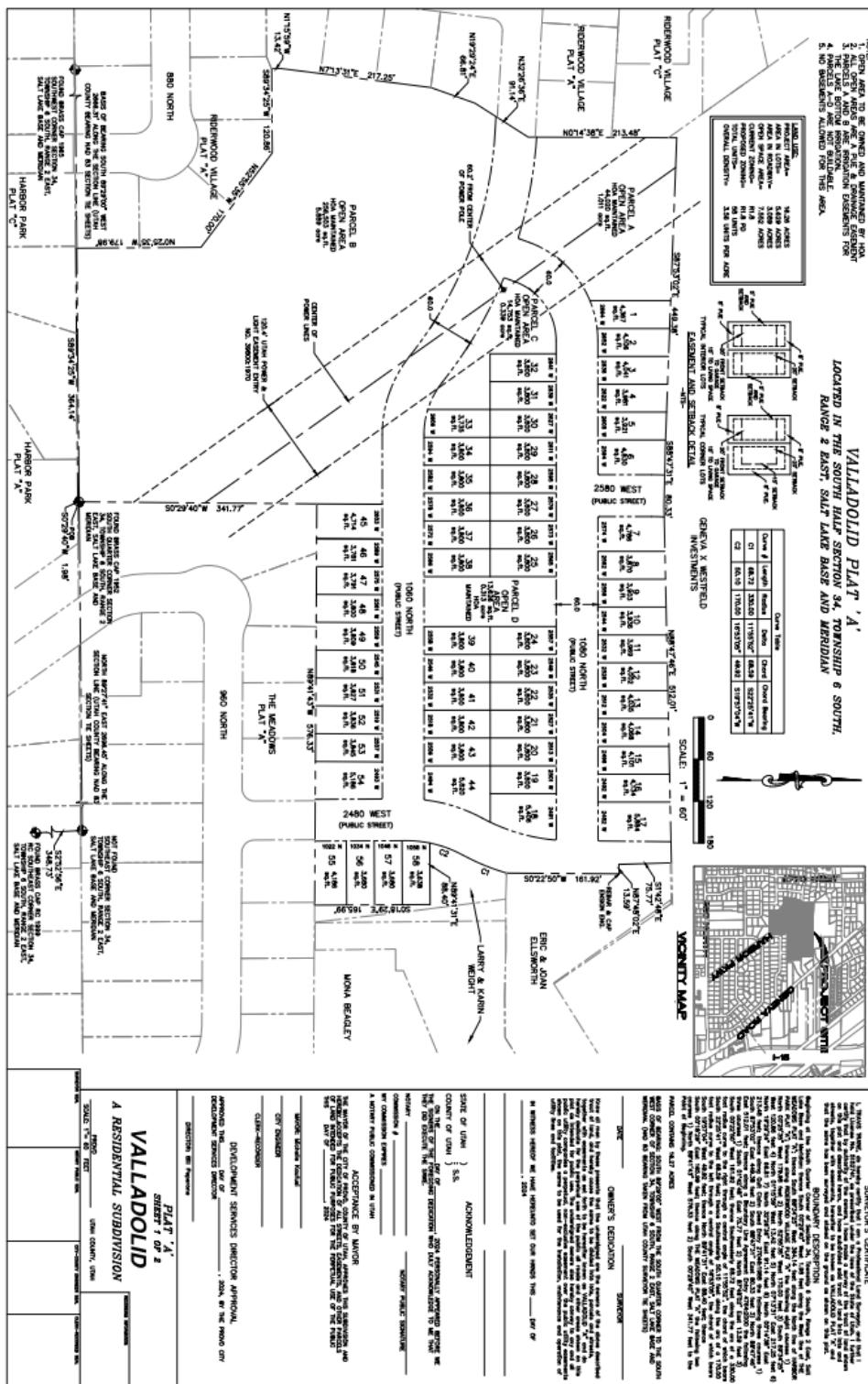
### **Legal Description of the Property**

Parcel Number 19-045-0080 (Weight Property)

COM AT S 1/4 COR. SEC. 34, T6S, R2E, SLB&M.; S 1 DEG 15' 46" E 1.98 FT; S 89 DEG 35' 4" W 364.16 FT; N 0 DEG 24' 56" W 179.99 FT; N 52 DEG 54' 56" W 170 FT; S 89 DEG 35' 4" W 120.66 FT; N 1 DEG 15' 20" W 13.42 FT; N 7 DEG 14' 10" E 217.25 FT; N 19 DEG 30' 3" E 66.81 FT; N 32 DEG 27' 15" E 91.14 FT; N 0 DEG 15' 17" E 213.3 FT; S 87 DEG 52' 49" E 449.26 FT; S 88 DEG 47' 18" E 80.33 FT; N 88 DEG 47' 59" E 511.78 FT; S 1 DEG 42' 35" E 75.68 FT; N 87 DEG 48' 15" E 13.59 FT; S 0 DEG 23' 3" W 161.76 FT; S 88 DEG 17' 15" E 37.44 FT; S 7 DEG 12' 54" E 150.56 FT; S 6 DEG 27' 19" E 124.74 FT; N 89 DEG 40' 50" W 432.87 FT; S 89 DEG 52' 2" W 178 FT; S 1 DEG 15' 46" E 342.3 FT TO BEG. AREA 16.428 AC.

## Exhibit B

## Concept Plan







**DEVELOPMENT AGREEMENT  
FOR  
Valladolid Development  
(1069 N Geneva Road)**

ENT 6339-2024 PG 1 of 12  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2024 Jan 31 03:55 PM FEE 40.00 BY AC  
RECORDED FOR PROVO CITY

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the 30<sup>th</sup> day of January, 2024 (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and Red Pine Investments, LLC, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

**RECITALS**

A. Developer is the owner of approximately 16.9 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the "Property").

B. On November 14<sup>th</sup>, 2023, the City Council approved Ordinance 2023-47, vesting zoning (the "Vesting Ordinance"), based on the Concept Plan set forth on EXHIBIT B ("Concept Plan"), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the "Project").

C. Developer is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long range policies, goals, and objectives of the City's general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Developer's proffer to enter into this Agreement to memorialize the intent of Developer and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 109a102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City's General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

## AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Zoning. The Property shall be developed in accordance with (i) the requirements of the R1.8PD Zone, (ii) all other features as generally shown on the Concept Plan, and (iii) this Agreement. The Developer shall not seek to develop the Property in a manner that deviates materially from the Concept Plan as permitted by the aforementioned zoning designations for the Property.

3. Governing Standards. The Concept Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the use, maximum density, intensity and general configuration for the Project. The Project shall be developed by the Developer in accordance with the Concept Plan, the Vesting Ordinance and this Agreement. All Developer submittals must comply generally with the Concept Plan, the Vesting Ordinance and this Agreement. Non-material variations to the Concept Plan, as defined and approved by the City's Community Development Director, such as exact building locations, exact locations of open space and parking may be varied by the Developer without official City Council or Planning Commission approval. Such variations however shall in no way change the maximum density, use and intensity of the development of the Project.

4. Additional Specific Developer Obligations. As an integral part of the consideration for this agreement, the Developer voluntarily agrees as follows:

a. The final development shall provide four (4) or more types of housing models defined by different floor plans, exterior materials, or roof lines.

b. The developer shall confirm wetland status with the Army Corp of Engineers.

c. Developer agrees to maintain all common open space on the property.

d. The number of residential units shall be capped at 58.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer “vested rights” as that term is construed in Utah’s common law and pursuant to Utah Code Ann., §10-9a-509.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:

1. Developer Agreement. Future laws that Developer agrees in writing to the application thereof to the Project;
2. Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;
3. Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal

governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

4. **Taxes.** Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.
5. **Fees.** Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.
6. **Impact Fees.** Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. **Reserved Legislative Powers.** The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-9a-509 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

7. **Default.** An "Event of Default" shall occur under this Agreement if any party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within sixty (60) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a party shall not be in default so long as that party commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

a. **Remedies.** Upon the occurrence of an Event of Default, the non-defaulting party shall have the right to exercise all of the following rights and remedies against the defaulting party:

1. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination, but not including damages or attorney's fees.
2. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or development activity pertaining to the defaulting party as described in this Agreement until such default has been cured.

3. The right to draw upon any security posted or provided in connection with the Property or Project by the defaulting party.

The rights and remedies set forth herein shall be cumulative.

8. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: Red Pine Investments, LLC \_\_\_\_\_  
 Attn: Garrett Seely  
 367 East 280 South  
 Alpine, UT 84004 \_\_\_\_\_  
 Phone: 801-372-2077

To the City: City of Provo  
 Attention: City Attorney  
 445 W Center  
 Provo, UT 84601  
 Phone: (801) 852-6140

9. General Term and Conditions.

a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in,

responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

g. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Utah County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

h. Performance. Each party, person and/or entity governed by this Agreement shall perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

l. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

m. Termination.

i. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Utah County Recorder within ten (10) years from the date of this Agreement (the "Term"), or upon the occurrence of an event of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this Agreement as to the defaulting party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties.

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

10. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer with the consent of the City as provided herein.

- a. Notice. Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.
- b. Partial Assignment. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.
- c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's reasonable financial ability to perform the obligations of Developer proposed to be assigned.
- d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

11. Sale or Conveyance. If Developer sells or conveys parcels of land, the lands so sold and conveyed shall bear the same rights, privileges, intended uses, configurations, and density as applicable to such parcel and be subject to the same limitations and rights of the City as when owned by Developer and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein.

12. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

CITY:

CITY OF PROVO

ATTEST:

By: Heidi Allman  
City Recorder



By: Michelle Kaufusi  
Mayor Michelle Kaufusi

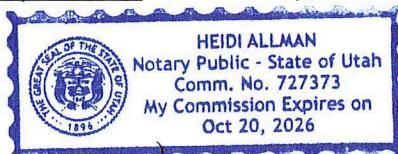
DEVELOPER:

Red Pine Investments, LLC, a Utah limited liability company

By: Garrett Seely  
Name: Garrett Seely  
Title: Manager

STATE OF UTAH )  
:SS  
COUNTY OF UTAH )

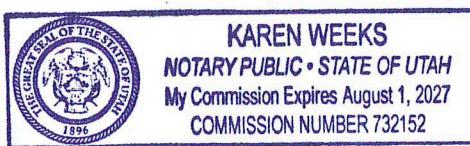
On the 30 day of January, 2024, personally appeared before me Michelle Kaufusi who being by me duly sworn, did acknowledge that he/she executed the foregoing instrument in his/her official capacity as Mayor of Provo City, a municipal corporation of the State of Utah.



Heidi Allman  
Notary Public

STATE OF UTAH )  
:SS  
COUNTY OF UTAH )

On the 29 day of January, 2023, personally appeared before me Garrett Seely who being by me duly sworn, did say that he is the Manager of Red Pine Investments Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.



Karen Weeks  
Notary Public

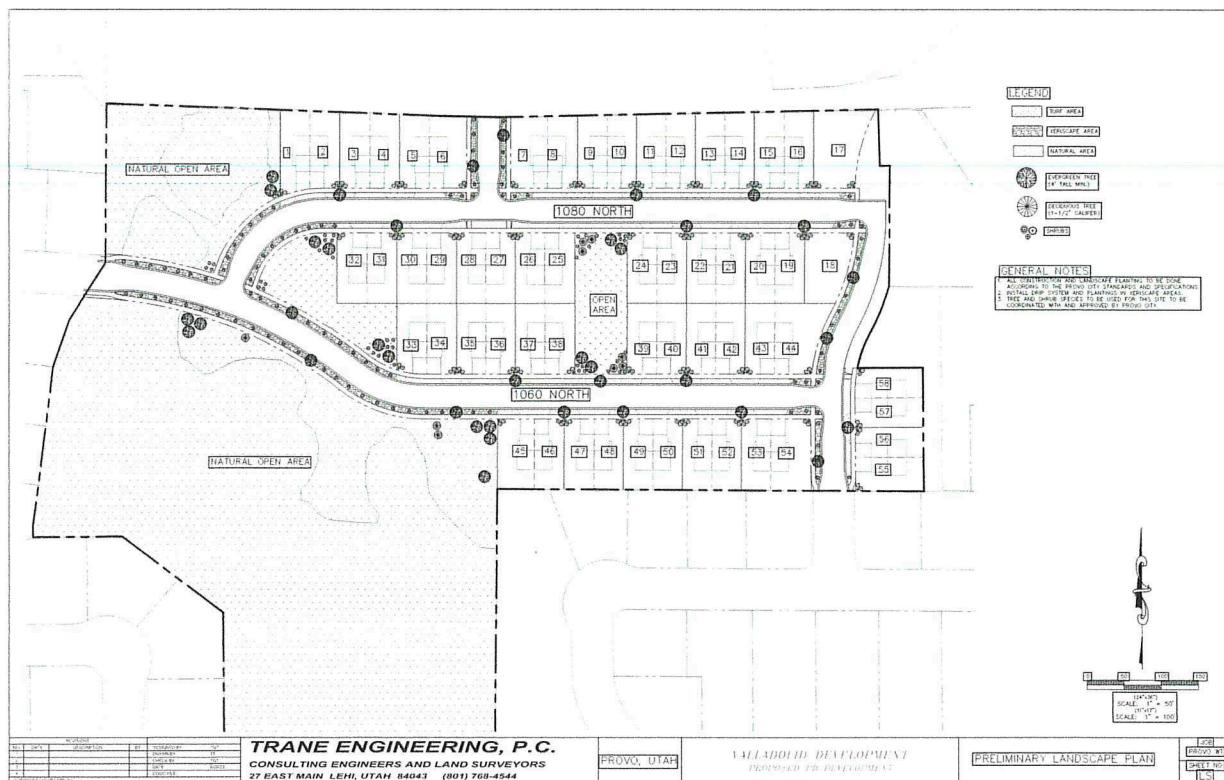
**Exhibit A****Legal Description of the Property**

Parcel Number 19-045-0080 (Weight Property)

COM AT S 1/4 COR. SEC. 34, T6S, R2E, SLB&M.; S 1 DEG 15' 46" E 1.98 FT; S 89 DEG 35' 4" W 364.16 FT; N 0 DEG 24' 56" W 179.99 FT; N 52 DEG 54' 56" W 170 FT; S 89 DEG 35' 4" W 120.66 FT; N 1 DEG 15' 20" W 13.42 FT; N 7 DEG 14' 10" E 217.25 FT; N 19 DEG 30' 3" E 66.81 FT; N 32 DEG 27' 15" E 91.14 FT; N 0 DEG 15' 17" E 213.3 FT; S 87 DEG 52' 49" E 449.26 FT; S 88 DEG 47' 18" E 80.33 FT; N 88 DEG 47' 59" E 511.78 FT; S 1 DEG 42' 35" E 75.68 FT; N 87 DEG 48' 15" E 13.59 FT; S 0 DEG 23' 3" W 161.76 FT; S 88 DEG 17' 15" E 37.44 FT; S 7 DEG 12' 54" E 150.56 FT; S 6 DEG 27' 19" E 124.74 FT; N 89 DEG 40' 50" W 432.87 FT; S 89 DEG 52' 2" W 178 FT; S 1 DEG 15' 46" E 342.3 FT TO BEG. AREA 16.428 AC.

## Exhibit B

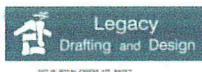
## Concept Plan





FRONT ELEVATION

MATERIAL LEGEND	
NUMBER	MATERIAL
1	STUCCO COLOR 1
2	STUCCO COLOR 2
5	ASPHALT SHINGLES
4	METAL SECTIONAL DOOR
8	VINYL FRAMED WINDOWS
9	METAL SECTIONAL GARAGE DOOR

102 W 2024 CHEN LIT 84027  
807 481 6275 | legacy@legacymdesign.com  
legacydmdesign.com102 W 2024 CHEN LIT 84027  
807 481 6275 | archcoaltion@gmail.com

## SQUARE FOOTAGE

AVG UNIT	BUILDING
MAIN LVL 652 SF	MAIN LVL 1305 SF
SECOND LVL 1070 SF	SECOND LVL 2141 SF
TOTAL 1723 SF	TOTAL 3446 SF
GARAGE 438 SF	GARAGE 875 SF

12/02/2021

A1



BACK ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

102 W 2024 CHEN LIT 84027  
807 481 6275 | legacy@legacymdesign.com  
legacydmdesign.com102 W 2024 CHEN LIT 84027  
807 481 6275 | archcoaltion@gmail.com

## SQUARE FOOTAGE

AVG UNIT	BUILDING
MAIN LVL 652 SF	MAIN LVL 1305 SF
SECOND LVL 1070 SF	SECOND LVL 2141 SF
TOTAL 1723 SF	TOTAL 3446 SF

12/02/2021

A2

# Provo City Planning Commission

## Report of Action

October 25, 2023

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\*ITEM 3 Garrett Seely requests a Zone Map Amendment for a PD (Performance Development Overlay) Zone to be applied to 16.9 acres of land in the R1.8 (One Family Residential) Zone in order to create a 58-unit single family and twin home development, located approximately at 1069 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230104

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The following action was taken by the Planning Commission on the above described item at its regular meeting of October 25, 2023:

### RECOMMENDED APPROVAL

On a vote of 4:2, the Planning Commission recommended that the Municipal Council approve the above noted application and authorize the Mayor to sign the development agreement.

Motion By: Lisa Jensen

Second By: Barbara DeSoto

Votes in Favor of Motion: Lisa Jensen, Barbara DeSoto, Daniel Gonzales, Robert Knudsen

Votes Against the Motion: Andrew South, Jonathon Hill

Daniel Gonzales was present as Chair.

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

### **LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED**

The property to be rezoned to the R1.8PD Zone is described in the attached Exhibit A.

### **RELATED ACTIONS**

The Planning Commission also approved the related concept preliminary subdivision at the October 25<sup>th</sup> hearing (PLPSUB20230147, Item #2)

### **APPROVED/RECOMMENDED OCCUPANCY**

\*58 Total Units

\*Type of occupancy approved: Family

\*Standard Land Use Code 1112, 1111

### **DEVELOPMENT AGREEMENT**

- Applies - referred applicant to Council Attorney.

### **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 noted changes from the staff report on the concept plan for 58 total units on 16.9 acres of land.

### **CITY DEPARTMENTAL ISSUES**

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

### **NEIGHBORHOOD MEETING DATE**

- A neighborhood meeting was held on 07/20/2023.

## **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood 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:

- Deann Torsak emailed concerns with the site being dirty during construction, increased traffic as a result of the development, and the compatibility of twin homes in the neighborhood.
- Shantel Bjornn emailed concerns about the population growth, ability for the schools to handle additional students, increased density in the neighborhood, and the safety of surrounding streets. She also wondered if someone could come back later and add additional units.
- Jesse Ryan McAdam sent an email stating concerns about increased traffic, access to amenities, and impact on property values. He also shared his concerns for losing scenic open lands in his comments during the hearing.
- Joel Williams shared his concern about the groundwater on the site and increased traffic, and feared losing open natural lands and the wildlife they bring.
- Karen Weight (the current property owner) stated that growth happens, and she had the same concerns for development over the last forty years on the westside, but knows it is inevitable and wants to make sure it develops in a positive way.
- Tiffany Williams loves the concept, stating that it is a happy medium; but still has some concerns about traffic.
- Jon Senior hoped that the city could buy the open space in the plan.

## **APPLICANT RESPONSE**

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

- Garrett Seely added that he hoped to be creative in developing the property but not overly densify in the neighborhood. He also responded to questions about the natural spring and confirmed that engineering would take necessary actions to ensure it does not affect the homes.
- Andy Flamm responded to questions about plans for owner-occupancy, that he did not have plans since he isn't the builder. He also stated that UDOT will control access to Geneva Road, but that their layout has provided the best scenario for a future connection.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Commissioner Jensen asked about what guarantees the city has for the HOA to continue maintenance of the open areas over the years. *Staff responded that it is also in a Development Agreement proffered by the applicant.* She also confirmed that the plan complies with the General Plan and Southwest Neighborhoods Plan.
- The Commission discussed the powerline corridor and flood risks associated with the property and surrounding area. They also asked the applicant what maintenance would be done in the wetland areas. *Mr. Seely stated he would make sure that the growth is kept down for view corridors and safety.*
- The Commission confirmed with staff that the open areas will stay open and that no additional units would be able to be built there in the future. They also asked about the ability to work with the property to the north.
- There was some discussion about the natural spring in the middle of the development, how active it has been in recent years, and what dangers it could pose to the surrounding homes.
- During discussion on the road network and ability to connect to Geneva Road the commission showed support for the connection that the applicant has provided space for, and that it would require UDOT consultation.
- The commission appreciated the design, ability to keep open areas, and provide a different housing type.
- There was a lot of concern for this development becoming a rental community, **the commission voted 6:0 to forward a concern on owner-occupancy to the City Council with the rezone application.**
- **The commission also voted 6:0 to forward a concern to the City Council to address the natural spring.**

*De A Q*

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Planning Commission Chair

*Bill Repere*

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Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

## EXHIBIT A

Parcel Number 19-045-0080 (Weight Property)

COM AT S 1/4 COR. SEC. 34, T6S, R2E, SLB&M.; S 1 DEG 15' 46" E 1.98 FT; S 89 DEG 35' 4" W 364.16 FT; N 0 DEG 24' 56" W 179.99 FT; N 52 DEG 54' 56" W 170 FT; S 89 DEG 35' 4" W 120.66 FT; N 1 DEG 15' 20" W 13.42 FT; N 7 DEG 14' 10" E 217.25 FT; N 19 DEG 30' 3" E 66.81 FT; N 32 DEG 27' 15" E 91.14 FT; N 0 DEG 15' 17" E 213.3 FT; S 87 DEG 52' 49" E 449.26 FT; S 88 DEG 47' 18" E 80.33 FT; N 88 DEG 47' 59" E 511.78 FT; S 1 DEG 42' 35" E 75.68 FT; N 87 DEG 48' 15" E 13.59 FT; S 0 DEG 23' 3" W 161.76 FT; S 88 DEG 17' 15" E 37.44 FT; S 7 DEG 12' 54" E 150.56 FT; S 6 DEG 27' 19" E 124.74 FT; N 89 DEG 40' 50" W 432.87 FT; S 89 DEG 52' 2" W 178 FT; S 1 DEG 15' 46" E 342.3 FT TO BEG. AREA 16.428 AC.





DEVELOPMENT SERVICES

# Planning Commission Hearing Staff Report

## Hearing Date: October 25, 2023

**\*ITEM 3** Garrett Seely requests a Zone Map Amendment for a PD (Performance Development Overlay) Zone to be applied to 16.9 acres of land in the R1.8 (One Family Residential) Zone in order to create a 58-unit single family and twin home development, located approximately at 1069 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230104

**Applicant:** Garrett Seely

**Staff Coordinator:** Aaron Ardmore

**Property Owner:** Weight, Larry D & Karin

**Parcel ID#:** 19:045:0080

**Acreage:** 16.43

**Number of Properties:** 1

**Number of Lots:** 58

### **ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is November 8<sup>th</sup>, 2023, at 6:00 P.M.*

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

**Current Legal Use:** The property is currently used for livestock and has some agricultural buildings on the east portion of the land.

**Relevant History:** The applicant had a pre-application meeting with staff to address any major concerns with the concept plan for twin homes in early 2023. Application for rezone to a R1.8PD and this concept preliminary subdivision was made in June 2023. Staff are still working through some final corrections with the applicant, but the concept showed sufficient progress to bring it forward to public hearings.

**Neighborhood Issues:** This proposal was brought to the July 20<sup>th</sup>, 2023, neighborhood meeting. Questions regarding the wetlands, open space, and HOA management were discussed, as well as street network should discourage speeding traffic. Additional comments on Open City Hall asked about compliance with neighborhood plans.

### **Summary of Key Issues:**

- The proposal would bring 56 twin homes and two (2) single family lots, connecting existing subdivisions at 1060 North and 2480 West.
- Wetlands and heavy powerlines encourage the clustering of residential units with a PD overlay to the east of the property.
- Open space and lot layout would be guaranteed with a development agreement proffered by the applicant with the related rezone.

**Staff Recommendation:** Staff recommends that the Planning Commission recommend approval to the City Council, subject to approval of a Development Agreement.

## **OVERVIEW**

Garrett Seely is requesting approval for a zone map amendment to apply the PD (Performance Development Overlay) Zone to a 16.49-acre piece of ground that is currently zoned R1.8. This application is accompanied by a preliminary subdivision concept plan near 1069 N Geneva Road.

The concept shows fifty-six (56) twin homes and two (2) single family lots on the eastern nine acres of the property, providing over seven acres of open space for the subdivision. The majority of the open space will be left natural as it is wetland area, while the rest will be maintained by an HOA described by the codes, covenants, and restrictions (CC&R's) provided by the applicant. The street network provides a curvilinear grid connecting the Meadows subdivision to the south and the Riverwood Village subdivision to the west. The layout also provides a future connection to the north at 2670 West and room on the northeast for a future connection to Geneva Road.

In addition to CC&R's, the applicant has proffered a development agreement to detail agreement to the zone standards, conceptual layout, and guarantee of a variety of housing types. The variety of housing types allows the developer to go above the base density by ten percent (10%) by code, which is needed for the 58 residential units over the 16.49-acre land.

The surrounding area is primarily single-family detached housing in R1.8, R1.10, and A1.1 zones. However, approximately six-hundred feet to the northwest lays the Riderwood Village Townhomes in another R1.8PD development.

A final plat will be required if the zone map amendment is approved by the City Council. That final plat will be required to meet the PD overlay standards in Chapter 14.31 and the proffers of the development agreement.

## **FINDINGS OF FACT**

1. The current zone is the R1.8 Zone (Chapter 14.10, Provo City Code).
2. The proposed zone is the R1.8PD Zone (Chapters 14.10 and 14.31).
3. The General Plan for the property is Residential.
4. The proposed density is 3.5 units per acre (58 units on 16.49 acres).
5. The proposed open space is 7.5 acres (45%).
6. The required PD open space is ten percent (10%) (Section 14.31.080).

## **STAFF ANALYSIS**

Staff have indicated support for the concept plan and zone change. The General Plan provides additional criteria for evaluating rezones for housing (Ch. 4, page 45), as follows (**responses in bold**):

- Would the rezone promote one of the top 3 housing strategies? **Yes.**
  - Promote a mix of home types, sizes, and price points. **The plan itself will provide two different home types, a variety of floor plans, and materials. It also introduces a new home type and price point into the established neighborhood.**

- Support zoning to promote ADUs and infill development. **The zoning already permits ADUs, and this development is an infill subdivision between two established subdivisions.**
- Recognize the value of single-family neighborhoods. **The development blends well with the single-family neighborhoods.**
- Are utilities and streets currently within 300 feet of the property proposed for rezone? **Yes.**
- Would the rezone exclude land that is currently being used for agricultural use? **No, but the property is already zoned R1.8 for residential, there are legal, nonconforming agricultural uses that will be removed.**
- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations? **No, the nearest stop is approximately 1.1 miles away.**
- Would the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands? If so, has the applicant demonstrated these issues can reasonably be mitigated? **Yes. The development has wetlands and the applicant has demonstrated respect for these sensitive areas by clustering all the development away from the wetlands.**
- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? If so, is the applicant willing to guarantee use of a TDM in relation to the property to reduce the need for on-street parking? **No, each home would have three to four off-street parking spaces so there is no need for a TDM.**
- Would the rezone facilitate a housing development where a majority of the housing units are owner-occupied? Is the applicant willing to guarantee such? **The developer has not indicated a direction on this but could potentially have some requirements in the CC&Rs for owner-occupancy standards, whether that is a percentage of the development or a minimum time of owner-occupancy after purchase for any unit.**
- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making between 50-79% AMI? Is the applicant willing to guarantee such? **The developer has not indicated a plan for this at the time of this report.**

In addition to the above analysis, Section 14.02.020 of the Provo City Code gives criteria to analyze amendments to determine consistency with the General Plan, as follows: (**responses in bold**)

- a) Public purpose for the amendment in question.

**The applicant has stated the purpose of the zone map amendment is to give some flexibility on the subdivision lots without changing the character of the neighborhood, due to property constraints.**

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

**Staff understands that the property is constrained by wetlands and powerlines, and that the amendment to apply the overlay is the best way to develop the property while respecting the sensitive lands and character of the neighborhood.**

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

**The amendment is compatible with General Plan policies as noted above, and the following specific goals:**

1. **Chapter Three, goal 2a: Encourage development in areas that are less prone to natural hazards.**
2. **Chapter Four, goal 1: Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs.**
3. **Chapter Four, goal 2: Strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways.**
4. **Chapter Eight, goal 2: Give careful consideration to the conservation of open spaces, scenic areas, and viable agricultural land.**

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

**This proposal doesn't equate to a change of use and is consistent with timing and sequencing policies.**

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

**This amendment should not hinder or obstruct attainment of any of the articulated policies.**

(f) Adverse impacts on adjacent land owners.

**Adjacent land owners may see small increases in daily traffic.**

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

**Staff have verified the correct zoning and General Plan designation for this land.**

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

**No conflict in this case.**

## **CONCLUSIONS**

Though staff are still reviewing the related concept plan through the Coordinator Review Committee (CRC) process, it has been found to meet the basic standards of the proposed zoning. Greater than that, it provides more than the minimum standards for open space, has great connectivity, and blends well with the surrounding areas. The twin homes should help to provide a better mix of housing in the Lakeview neighborhoods and create needed housing for the city. The amendment to apply the overlay, as stated above, helps to provide a mix of housing types, and protect wetlands.

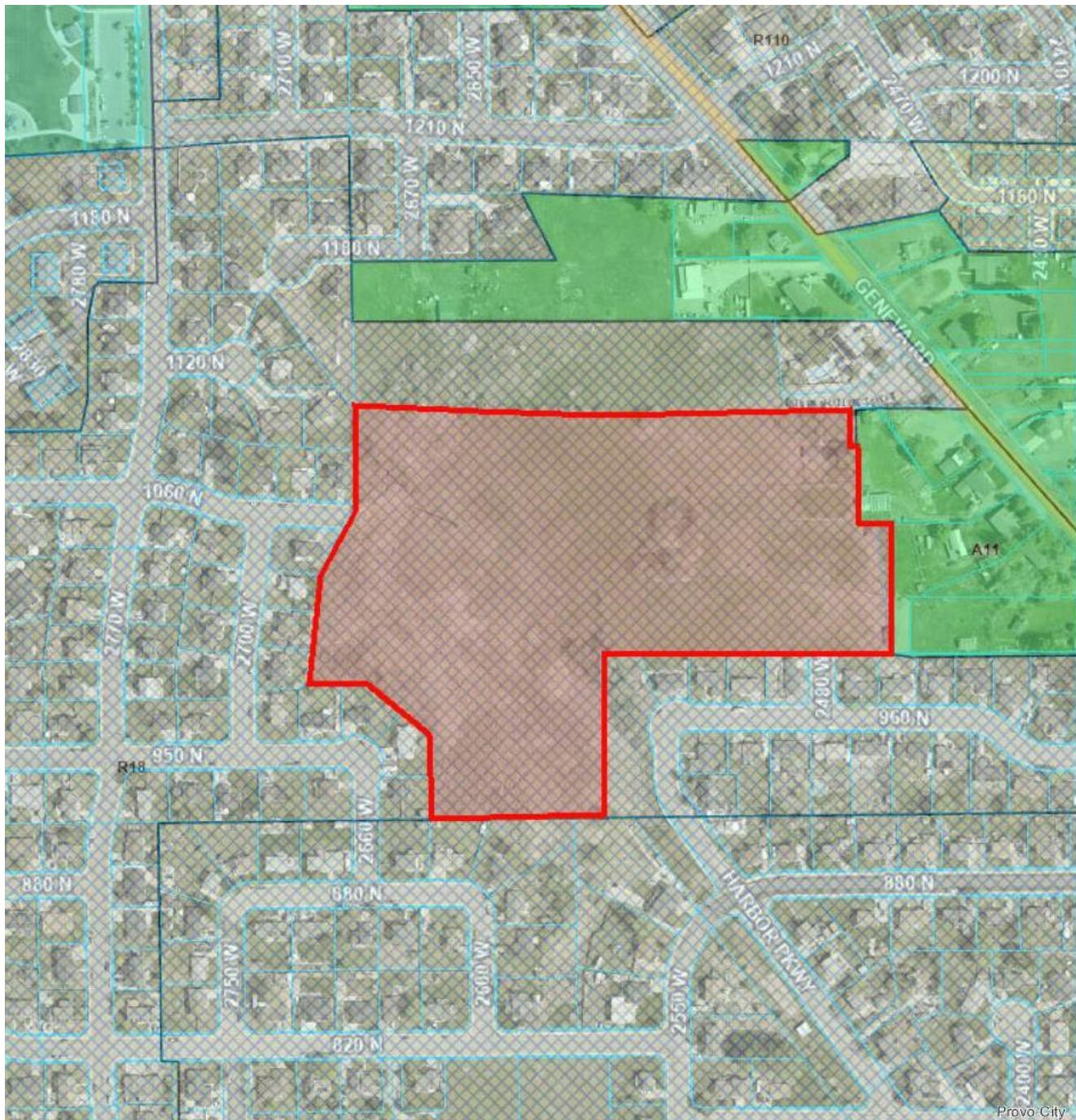
## **ATTACHMENTS**

1. Area Map
2. Zone Map
3. General Plan Map
4. Concept Preliminary Subdivision
5. Property Photos
6. Neighborhood Meeting Minutes

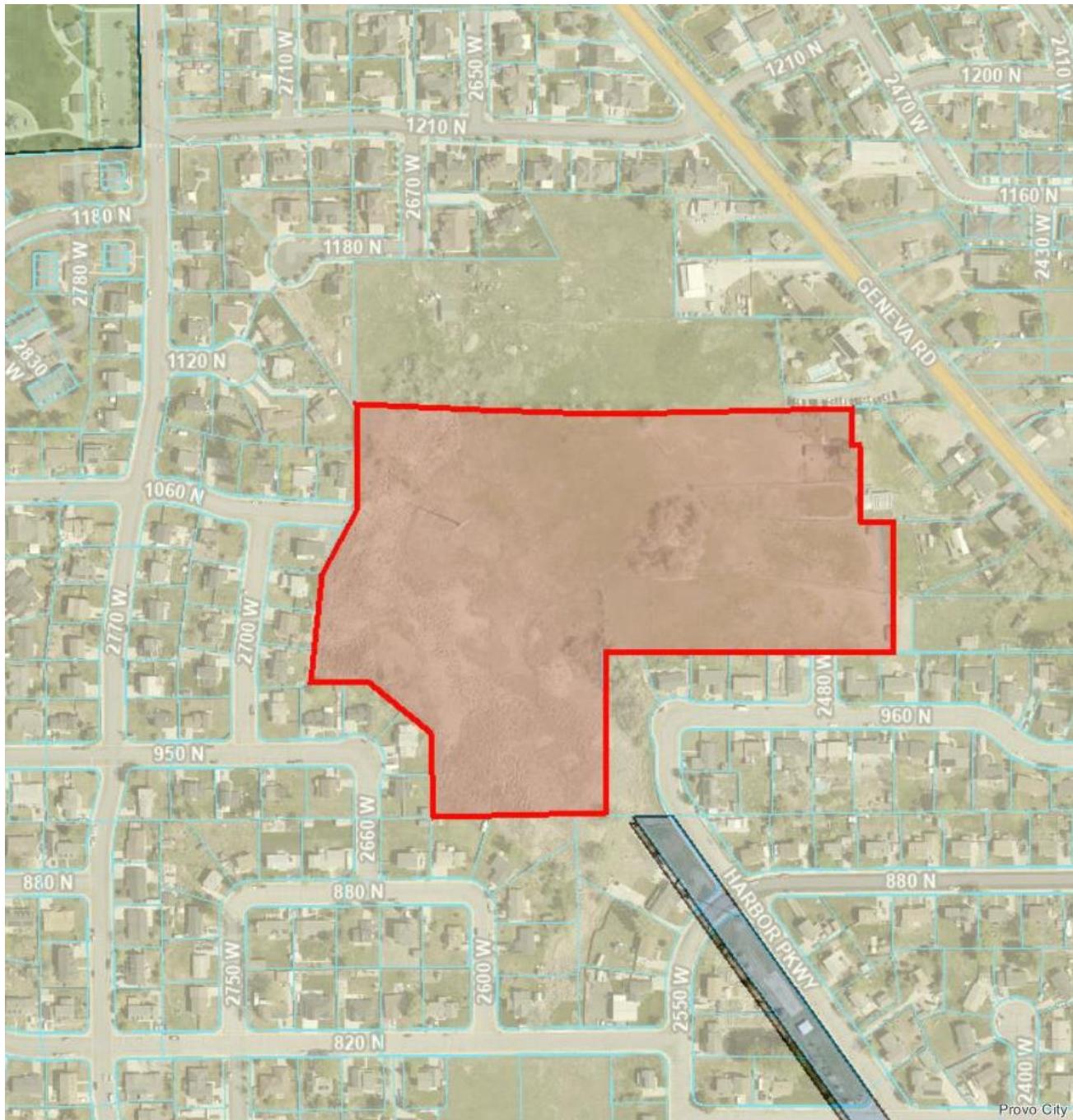
**ATTACHMENT 1 – AREA MAP**



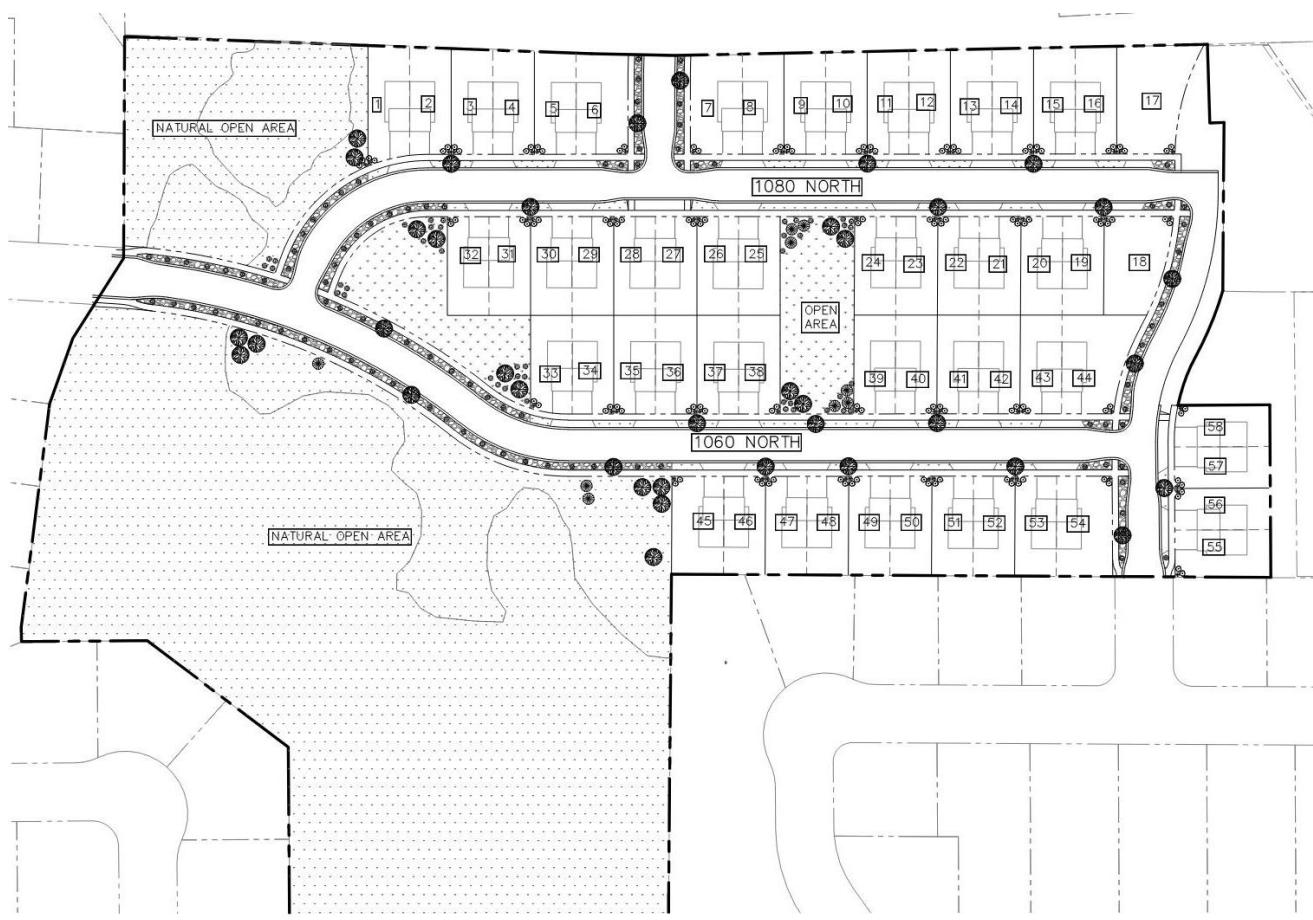
## ATTACHMENT 2 – ZONE MAP



**ATTACHMENT 3 – GENERAL PLAN MAP**

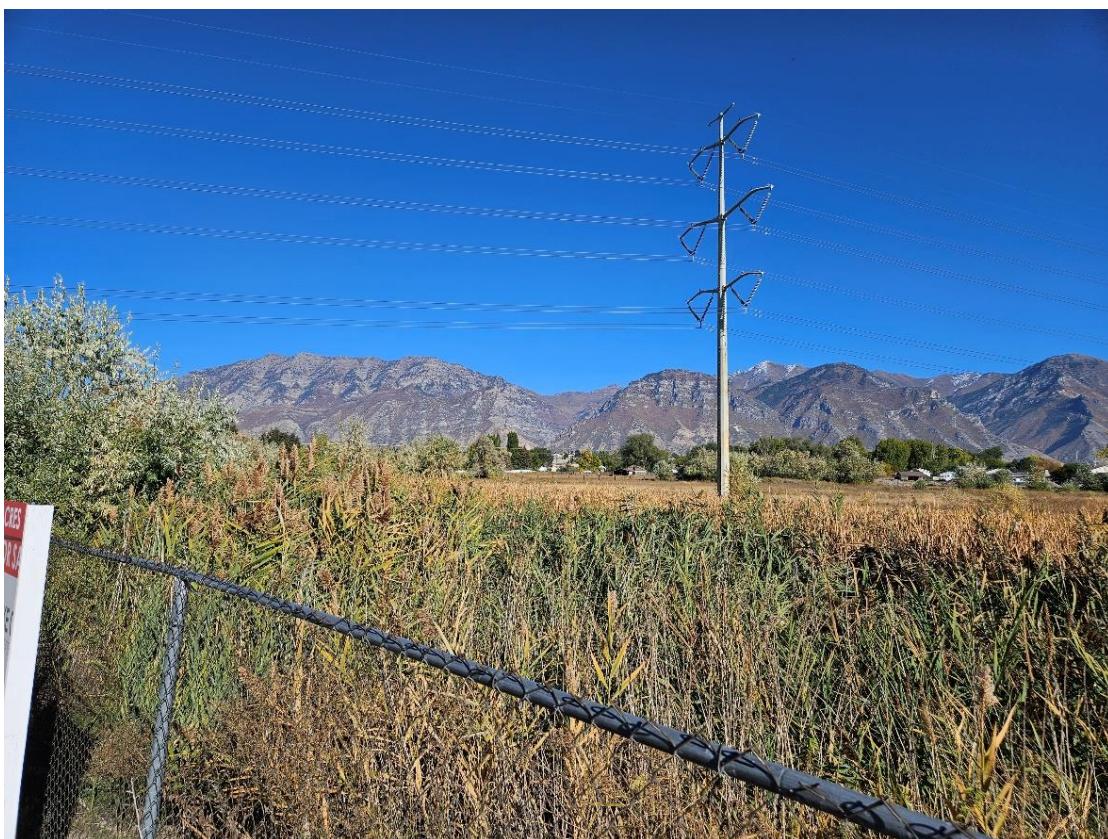


#### ATTACHMENT 4 – CONCEPT PRELIMINARY SUBDIVISION



**ATTACHMENT 5 – PROPERTY PHOTOS**





## ATTACHMENT 6 – NEIGHBORHOOD MEETING MINUTES

**Garrett Seely** - Zone Map Amendment request: Performance Development Overlay or PD Zone to be applied to 16.5 acres of land in the R1.8 (One Family Residential Zone to create a 56-unit Twin Home development at 1069 N Geneva Rd, Lakeview North neighborhood. City Contact Aaron Ardmore (801) 852-6404, aardmore@provo.org  
PLRZ20230104

- i. Waite owned property 35 years, selling.
- ii. Challenge 1: Large power transmission line cuts bottom west half cuts property on an angle.
- iii. Challenge 2: Large well
- iv. R18, asking to change to PD overlay. We will take the 16 acres, 56 lots as-is. We will condense those 56 lots to Twin Homes the the usable side. We will not disturb the wetlands, will not build under power lines.
- v. Connect two roads. Powerlines section, wet area. Will need a 404 permit to connect this road through wetlands for connectivity.
- vi. 404 permit goes through Army Corps of Engineers for displacement of the width of the road to connect there. Either have to pay to displace wetlands or create the same amount of wetlands on the site. However, there has been a recent finding with the Supreme Court in June talking about isolated wetlands. Talking with our wetland consultant: Caitl... Environmental, they believe this is an isolated wetland. It's piped, goes to another piped, not navigatable. If it's isolate, just need to connect the road. Official language ruling Sept 2023.
- vii. How will you prevent further development in the wetlands later on.

1. Our intent when we do the ... this whole area will be the PD overlay, nothing else will be built because we've used the full density and put it into one area. So further development is prohibited by the city.
2. We want to leave the wetland the way it is. We don't want to disturb it because once you disturb or take away the water that's there and try to re-use that resource, soil issues have to be dealt with, a lot of peat moss, will not just affect this area but would collect all the neighbors around it.

5. Picnic area and walking trails under the powerlines.
6. Middle open space is for amenities for residents there.
7. Will there be a walking trail around the wetlands? No just on sidewalks.  
Once start disturbing that area, more problematic.
8. How will this be managed? Will it be a mosquito trap/breeding ground?
9. Managed by an HOA. Going to the PD, the residents will then be paying for weed abatement, mosquito abatement, mowing, clean in general.
10. Will passage be restricted? Roads all public.
11. If you do not have to use that piece to mitigate wetlands, how will it be used? What you see is what we will do.
12. Will you do anything to mitigate it being bought by investors? HOAs can prohibit corporate purchases. Has to be owner-occupied for at least a year. Can you include that in your CCR? Not purchased by corporations to rent but ownership.
13. Regular 2-story building.
14. Increased area traffic, speeding. Speed bumps? Deal with planning and public works. Highly doubt it because there is no straight shot.
15. Subdivision like this, likelihood of speeding will not be an issue because of how tight this site is. It is not long and narrow.
16. Good street design because of turning movements and lots of intersections.
17. Powerlines go across, large power pole, slow people down and push them around.
18. Parking for visitors? Standard right of way built to city standards. 20-ft driveway, 2-car garage, on-street parking. Some areas can fill in additional parking but dont think its an issue. will work with planning.
19. Units 1495 to 1700 sf. good size units. 3-4 bedroom units. 2.5 baths.  
Garage in front.
20. Can you talk to Aaron about the CCR?

# PROVO MUNICIPAL COUNCIL

## WORK SESSION

### STAFF REPORT



**Submitter:** MMCNALLEY

**Presenter:** Melissa McNalley, RDA Director

**Department:** Development Services

**Requested Meeting Date:** 11-11-2025

**Requested Presentation Duration:** 25 Minutes

**CityView or Issue File Number:** 25-103

**SUBJECT:** 10. A resolution of the Redevelopment Agency of Provo City designating a survey area and authorizing related actions for a potential community reinvestment project area. (25-103)

**RECOMMENDATION:** Recommend the RDA Board approve a CRA Map and development of a Project Area Plan

**BACKGROUND:** A Community Reinvestment Area is proposed in West Provo to assist in future incentives for commercial development in areas already zoned for commercial use and in the General Plan Map for future commercial related zoning.

**FISCAL IMPACT:** None at present this is Area only

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

Compatible with economic growth goals and the development of commercial businesses in the west portion of Provo.

## RESOLUTION <<Document Number>>

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF PROVO CITY DESIGNATING  
A SURVEY AREA AND AUTHORIZING RELATED ACTIONS FOR A POTENTIAL  
COMMUNITY REINVESTMENT PROJECT AREA. (25-103)

It is proposed that the Redevelopment Agency of Provo City (the “Agency”) examine the area within Provo City located along portions of Lakeview Parkway as a potential site for project area development, as defined in the Utah Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “Act”); and

The Agency is authorized to engage in project area development activities under the Act within the boundaries of Provo City; and

The Agency, having made a preliminary investigation and conducted initial studies and inquiries, desires now to conduct project area development activities in all or a portion of the area depicted on the map attached hereto as Exhibit A (the "Survey Area") pursuant to UCA § 17C-5-103, from which the Agency anticipates potentially creating a community reinvestment project area (the "Proposed Project Area"); and

The Agency desires to begin the process of creating the Proposed Project Area by adopting this Resolution authorizing the preparation of a Project Area Plan, pursuant to UCA § 17C-5-103, and authorizing related actions by the Agency;

On November 11, 2025, the Agency governing board met to consider the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Board's consideration; and

After considering the facts presented to the Board, the Board finds that (i) the proposed action should be approved as described herein, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City and furthers the purposes of the Agency as described in the Act.

THEREFORE, the governing board of the Redevelopment Agency of Provo City resolves as follows:

## PART I:

1. The Agency hereby designates the geographic area as indicated on Exhibit A as a Survey Area as contemplated by the Act.
2. The Agency finds that the Survey Area requires study to determine whether project area development is feasible and desirable within some or all of the Survey Area, and whether the creation of one or more community reinvestment project areas is advisable within the Survey Area.

47     3. The Agency is hereby authorized and directed, as deemed appropriate by the Agency, to  
48     prepare a draft Community Reinvestment Project Area Plan, to prepare a draft Community  
49     Reinvestment Project Area Budget, and to undertake all such actions as may be required  
50     by the Act, or which may otherwise be necessary or desirable to the successful  
51     establishment of the proposed community reinvestment project area, including, without  
52     limitation, the negotiation of agreements with taxing entities and participants, the  
53     preparation for all necessary hearings and the preparation, publication, and/or mailing of  
54     statutorily required notices.

55

56     PART II:

57

58           This resolution takes effect immediately.

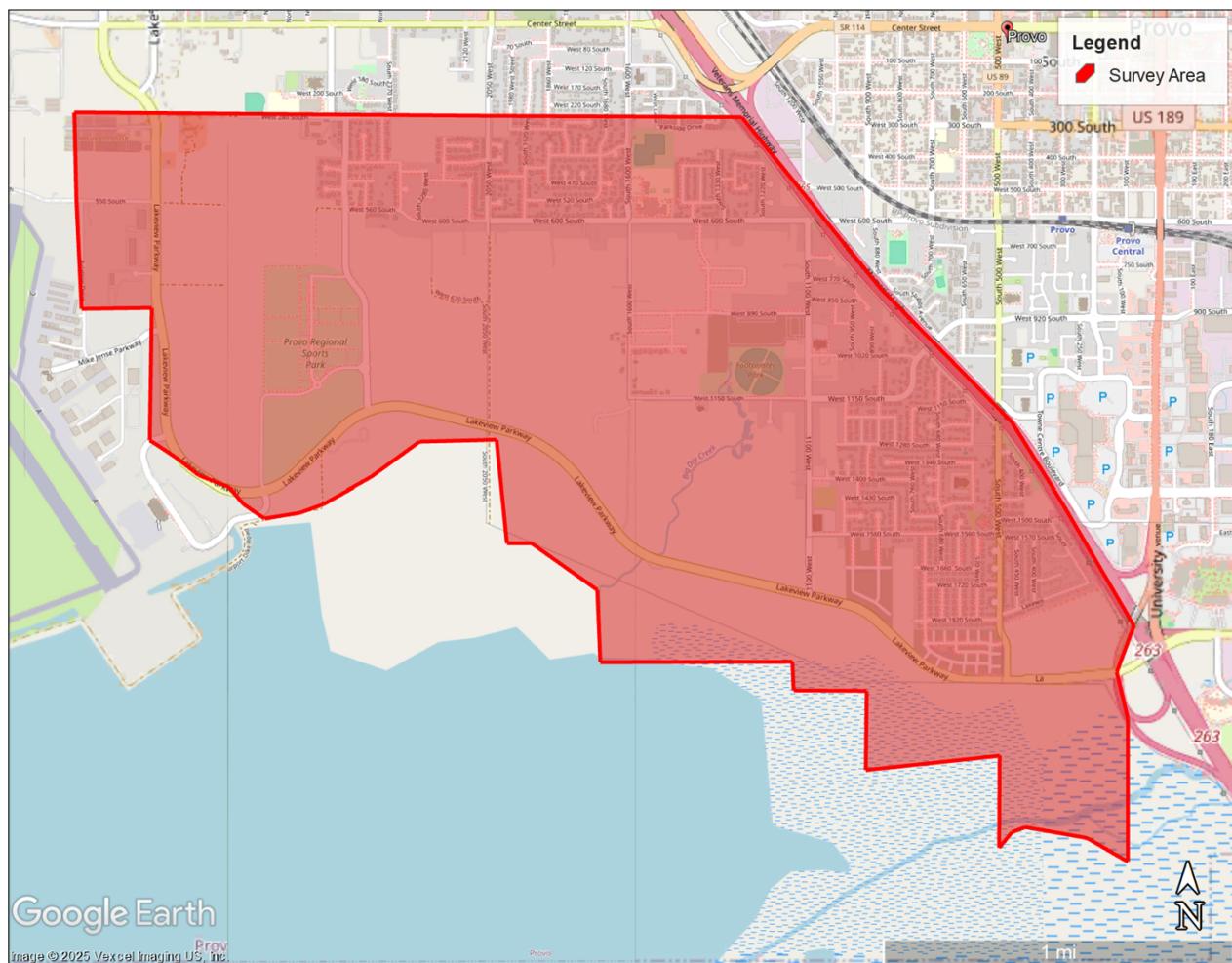
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61     END OF RESOLUTION.

## EXHIBIT A

### Survey Area Map



# 2025-1 Lakeview Parkway Community Reinvestment Project Area Plan

## Introduction

The Provo Redevelopment Agency (RDA) has identified significant opportunities for strategic commercial and residential growth along Lakeview Parkway on the west side of Interstate 15 and has prepared the following Lakeview Parkway CRA Plan ("Plan"). This area represents substantial potential for generating personal and real property tax revenue as well as sales tax growth that will benefit the broader community.

The vision for this development centers on creating a vibrant commercial corridor that will serve west Provo residents with essential amenities including grocery stores, restaurants, hospitality services, fuel stations, and retail establishments. These commercial uses are designed to complement the growing residential population, reducing travel times for daily needs and enhancing overall quality of life for families and individuals living in the area.

This Plan has been prepared in compliance with Utah State Code and carefully considers the economic impacts of balanced commercial, retail, and residential development. The approach ensures both a meaningful return on investment for the community and taxing entities, while providing reasonable returns for the private development community willing to invest in this emerging area.

The current property encompassed by the Community Reinvestment Area ("CRA") is undeveloped with no internal infrastructure in place. Prior to development consideration, the property consisted of farming land and vacant parcels. The RDA has determined that establishing a CRA is in the best interest of its residents to grow personal and real property tax revenues, sales and use tax collections, and Moderate-Income Housing opportunities, while enabling additional public services and amenities that enhance residents' quality of life.

The purpose of this Plan is to evaluate the opportunity presented by the Lakeview Parkway Development Project by describing how the CRA will function, the mechanisms to be used for development incentives, and the anticipated return on investment for both the community and participating taxing entities.

This Plan follows Utah Code Annotated (UCA) Title 17C Chapters 1 and 5 (Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act).

Requirements of the Act include specific notice and hearing obligations. The Agency must demonstrate that these requirements have been met in order to complete the CRA establishment process.

This document is prepared in good faith as a current reasonable estimate of the economic impact of this project. Fundamental changes in economic factors and other circumstances may influence actual outcomes. With these assumptions, the information contained within this report represents the reasonable expectations of the project. The Agency makes no guarantee that the projections contained in this Plan document or in the Budget for the Project Area will accurately reflect the future development within the Project Area. Further, the Agency specifically reserves all powers granted to it under the Act, as amended, subject to the terms and provisions of this Plan, City ordinances, and State and Federal Law.

## **Definitions**

“Act” means Title 17C of the Utah Code Annotated (UCA) 1953, as amended: the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act, as amended, or such successor law or act as may from time to time be enacted.

“Agency” means The Provo Redevelopment Agency.

“Agency Board” means the governing body of the Provo Redevelopment Agency.

“Base Taxable Value” has the same meaning as in the Act (UCA 17C-1-102(8)). “Base Taxable Value” is synonymous with “Base Year Taxable Value”, “Base Year Value”, and “Base Value”.

“Base Tax Amount” means a sum equal to the tax revenue arising from the Project Area during the Base Year, which is calculated as the product of the Base Taxable Value and the certified tax rate in effect during the Base Year.

“Base Year” means the year of the Base Taxable Value that will be set in the interlocal agreements with the Agency as contemplated by UCA 17C-1-102(9)(d). This Plan will utilize 2026 as the base year.

“City” means Provo City, a political subdivision in the State of Utah.

“Community Reinvestment Project Area Plan” means a project area plan, as defined by UCA § 17C-1-102(18) of the Act, designed to foster project area development, as

defined by UCA § 17C-1-102(48) of the Act, developed by the Agency and adopted by ordinance of the governing body of the City, to guide and control community development projects in a specific project area.

“General Plan” means the general plan adopted by the City under UCA § 10-9a-401.

“Project Area” means the Lakeview Parkway Community Reinvestment Area as outlined in Exhibit A.

“Property Taxes” means all levies on an ad valorem basis upon land, real property, personal property, or any other property, tangible or intangible.

“Sales Tax” means a tax on sales or on the receipts from sales.

“Taxing Entities” means the public entities, including the state, county, city, school district, special service district, or other public body, which levy property taxes on any parcel or parcels of property located within the Project Area.

“Tax Increment” means that portion of the taxes levied each year in excess of the base tax amount, which excess amount is paid into a special fund of the Agency, pursuant to UCA 17C-1-102(61)(a) and Part 5 of UCA Chapter 17C-1, as amended.

“Tax Year Real and Personal Property” means the 12-month period between sequential tax role equalizations (November 1st through October 31st) of the following year, e.g., the Nov 1, 2024 – Oct 31, 2025 tax year.

“Tax Year Sales Tax” means the 12-month period between January 1st through December 31<sup>st</sup> of the previous year, e.g., January 1, 2025 – December 31, 2025 tax year.

## Analysis

This section of the Plan fulfills the requirements in Utah State Code 17C-5-105

(1)

As described in Exhibit A, the Project Area is entirely located within the legal boundaries of Provo City. The Project Area encompasses approximately 63.75 acres of land. The Project Area encompasses the area identified, including without limitation, the three parcels outlined on the map attached hereto as Exhibit A (the “Project Area Map”). The three parcels are owned by three

landowners. A legal description and map of the Project Area is attached as Exhibit A.

**(2) Land Uses:**

The project area is adjacent to Lakeview Parkway and is currently zoned Freeway Commercial (FC3) and Shopping Center (SC2) and is approximately 63.75 acres. The Provo City General Plan shows these areas as commercial and mixed use, which is in alignment with the Southwest Area Plan.

The entire project area is completely vacant land. The majority of the west side of Provo, including the project area, was previously zoned for agriculture, but has not been used as such in recent years.

**Layout of Principal Streets:**

Lakeview Parkway is the highest capacity road running south of the project area and provides a direct connection between Interstate 15 and the Provo Municipal Airport. 500 West is considered a minor arterial road and runs adjacent to a portion of the project area, ending at the connection to Lakeview Parkway.

**Population In the Project Area:**

As of the 2020 American Community Survey, there were 14,500 residents living in Southwest Provo. With projected buildout of the area, the population is expected to grow by approximately 14,600 residents over the next 20 years.

**Building Intensities:**

Existing buildings in the area surrounding the project area are principally single-family homes. The buildings to the far west of the project area are large buildings for manufacturing and Industrial purposes to support the Provo Airport. The project area is anticipated to bring commercial buildings to support the residents in the surrounding neighborhoods as well as the west side of Provo.

**(3) Standards guiding project area development:**

Goals and strategies in the Provo City General Plan as well as the Southwest Area Plan will guide development in and around the project area. Specifically addressing the needs in both plans for more retail and restaurant spaces, as well as hospitality to support the airport as well as the Epic Sports Park.

**(4) Furthering the purposes of this title:**

**Reasons for Selection and Plan Purposes**

This Community Reinvestment Project Area Plan has been selected to address the need for economic development and diversification on Provo City's west side. Through implementation of this plan, private investment will be leveraged with tax increment and sales tax increment financing to enhance neighborhood livability and provide economic opportunity.

**The purposes this plan is intended to achieve include:**

1. Enhance employment and income opportunities for Project Area residents through commercial growth and business development.
2. Increase the diversity and stability of the tax base, thereby generating additional resources for public services within and around the Project Area.
3. Encourage the efficient development and productive use of currently undeveloped or underutilized land within the Project Area boundaries.
4. Facilitate and support appropriate private development efforts that align with community goals and enhance the overall economic vitality of the area.
5. Provide opportunities for diverse commercial services and retail options that serve residents on the west side of Provo.

**(5) Alignment with Provo City General Plan 2023**

**1. Land Use Designation Alignment**

The CRA Plan's commercial and mixed-use zoning (FC3 and SC2) directly corresponds with the General Plan Map (Appendix D) identification of these parcels as commercial and mixed use [Utah Code Section 17C-5-110](#)

Vacant land redevelopment aligns with the General Plan's emphasis on efficient land use and infill development

**2. Economic Development Chapter Alignment**

**West Side Development Priority:**

The General Plan specifically identifies "West Provo has land along Center Street, along Lakeview Parkway, and near the airport that would be well suited for a variety of businesses from manufacturing to tourism to mixed use" [Planning | City of Provo, UT](#)

The CRA directly targets the Lakeview Parkway corridor mentioned as a priority development area

**Economic Development Goals:**

Strategy 2b: "Encourage economic development and business opportunities at and around the airport" [Planning | City of Provo, UT](#) - The CRA Plan specifically addresses hospitality services to support the Provo Municipal Airport

Strategy 1b: "Attract technology related business and other outside employers to Provo" [Planning | City of Provo, UT](#) - The CRA creates infrastructure for diverse business attraction

Strategy 1c: "Increase commercial and light industrial space such as maker spaces and innovation centers" [Planning | City of Provo, UT](#) - The CRA enables commercial development in an underdeveloped area

#### **Tax Base Diversification:**

The General Plan emphasizes attracting "employers from all sectors" to make "our local economy strong and resilient" [Planning | City of Provo, UT](#)

The CRA Plan's Purpose #2 (increasing diversity and stability of the tax base) directly supports this goal

#### **3. Airport Master Plan Integration**

The General Plan states "The Provo Airport is a major player for the future economic growth of the city" and calls for maximizing "economic and other benefits associated with this highly important city asset" [Planning | City of Provo, UT](#)

The CRA Plan addresses hospitality and commercial services to support airport expansion, directly implementing this priority

#### **4. Employment and Quality of Life**

The General Plan's commitment is "a resilient and vibrant economy that supports good jobs and a high quality of life for all residents" [Planning | City of Provo, UT](#)  
The CRA Plan's Purpose #1 (enhancing employment and income opportunities) directly fulfills this commitment

Reducing travel times for daily needs through local commercial development enhances quality of life for west side residents

#### **5. Infrastructure Investment**

Top Economic Development Strategy #3: "Develop policies and practices to support thriving economic centers, including infrastructure" [Planning | City of Provo, UT](#)

The CRA's use of tax increment financing to fund infrastructure for undeveloped land directly implements this strategy

#### **6. Employment Centers Strategy**

The General Plan states "Provo should invest in employment centers throughout the city that allow for a mix of uses, including office, residential, and retail space" [Planning | City of Provo, UT](#)

The CRA Plan creates a mixed-use commercial corridor serving both residential neighborhoods and employment needs

#### **7. Southwest Area Plan Coordination**

The CRA Plan explicitly references alignment with the Southwest Area Plan, which is listed in the General Plan as a coordinated planning document

Both plans address retail and restaurant needs for the growing west side population

## **8. Tourism and Regional Assets**

The General Plan mentions the regional sports park "just east of the Provo Airport" [Planning | City of Provo, UT](#) (Epic Sports Park)

The CRA Plan's hospitality and restaurant components support both the airport and Epic Sports Park tourism needs

## **9. Population Growth Support**

With 14,500 current residents and 14,600 projected new residents in Southwest Provo over 20 years, the commercial infrastructure proposed in the CRA is necessary to serve this growth

The General Plan acknowledges Provo's "rapidly growing population" as an asset [Planning | City of Provo, UT](#) that requires appropriate development

This Project Area Plan represents a direct implementation of multiple General Plan priorities, particularly those related to west side economic development, airport support, infrastructure investment, and creating employment opportunities while enhancing quality of life for residents.

### **(6) The elimination of a development impediment is not applicable in this plan**

### **(7) Specific Project area development that is the object of this Community Reinvestment Project Area Plan:**

#### **Large-Scale Grocery Store with Retail Spaces**

This anchor development addresses multiple redevelopment objectives:

**Economic Development & Job Creation:** A full-service grocery store serves as a catalyst for economic revitalization, creating both construction jobs during development and permanent employment opportunities ranging from entry-level to management positions. The combined retail spaces amplify this effect by attracting complementary businesses that create additional employment opportunities.

**Addressing Food Access:** West Provo has historically faced challenges with food accessibility. A large-scale grocery store directly combats food desert conditions, providing residents with convenient access to fresh produce, healthy food options, and affordable groceries. This improves public health outcomes and reduces the need for residents to travel significant distances for basic necessities.

**Commercial Tax Base Enhancement:** Grocery and retail development generates sales tax revenue and increases property values, strengthening the

city's tax base. This additional revenue can fund further public improvements and essential services throughout the area.

**Community Gathering & Social Cohesion:** Modern grocery-retail centers serve as community anchors where residents interact, fostering neighborhood identity and social connections.

### **Hotel Development**

The hotel component serves strategic objectives:

**Economic Diversification:** Hotel space brings tourism and business travel revenue into west Provo, diversifying the local economy beyond residential and light industrial uses. This creates hospitality jobs at various skill levels and generates transient room tax revenue.

**Supporting Business Activity:** Hotel accommodations attract business travelers, conference attendees, and visitors, which supports existing and future commercial enterprises in the area. This creates synergies with the retail and restaurant components.

**Gateway Enhancement:** Hotels often feature quality architecture and landscaping that improve the visual character of the area, particularly important for corridors serving as gateways to Provo.

**Regional Connectivity:** By providing lodging options on the west side, the development reduces concentration of tourist impacts on other parts of the city and provides convenient access for visitors to regional attractions.

### **Fuel Station and Restaurant Space**

These service-oriented businesses fulfill complementary objectives:

**Convenience & Service Gap Closure:** Fuel stations and restaurants address daily needs of residents and travelers, reducing service gaps that may have contributed to the area's designation as needing redevelopment.

**Traffic & Economic Activity Generation:** These uses create steady traffic flow that supports adjacent retail businesses, creating a mutually reinforcing commercial ecosystem.

**Travel Corridor Development:** Fuel and food services are essential for developing viable commercial corridors, particularly along routes connecting residential areas to employment centers or highways.

**Extended Hours Activity:** Restaurants and fuel stations typically operate beyond standard retail hours, increasing activation of the area and enhancing safety through extended presence.

### **Infrastructure Improvements: Storm and Sewer Lines**

These critical improvements address fundamental redevelopment prerequisites:

**Removing Development Barriers:** Inadequate or aging infrastructure often prevents private investment. New storm and sewer systems remove these barriers, making development financially feasible and environmentally compliant.

**Environmental Protection:** Modern stormwater management systems protect water quality in the Provo River and Utah Lake by controlling runoff, filtering pollutants, and preventing flooding. This addresses environmental remediation objectives common in CRA plans.

**Public Health & Safety:** Updated sewer infrastructure prevents sanitary issues, protects groundwater, and ensures adequate capacity for increased density, directly serving public health objectives.

**Long-term Sustainability:** Infrastructure investments reduce future maintenance burdens and support sustainable growth patterns, allowing the area to accommodate development for decades.

**Capacity for Future Growth:** Properly sized systems accommodate not just current development but create capacity for future projects, maximizing public investment efficiency.

## Road Improvements

Transportation infrastructure enhancements serve multiple critical objectives:

**Safety Enhancement:** Road improvements including proper lighting, signage, sidewalks, and traffic calming measures reduce accidents and improve pedestrian and cyclist safety, often priority objectives in CRA plans.

**Accessibility & Connectivity:** Improved roads enhance connectivity between west Provo and employment centers, schools, healthcare facilities, and other services. This reduces isolation that may characterize underserved areas.

**Traffic Management:** Upgrades accommodate increased traffic from new development without creating congestion, ensuring new growth doesn't degrade quality of life.

**Multi-modal Transportation:** Modern road improvements typically include bicycle lanes, sidewalks, and transit-ready design, supporting alternative transportation modes and reducing car dependency.

**Property Value Enhancement:** Transportation improvements increase adjacent property values, creating positive spillover effects beyond the immediate project area.

## Alignment with Section 4 Objectives

The commitment that future development will align with Section 4 objectives ensures:

**Comprehensive Planning:** This provision maintains consistency between individual projects and the broader community vision, preventing piecemeal development that might undermine redevelopment goals.

**Flexibility with Accountability:** While allowing adaptability to market conditions and emerging opportunities, this requirement ensures all development serves the community's stated priorities.

**Incremental Value Creation:** Each future project builds upon previous investments, creating cumulative positive impacts rather than isolated developments.

**Community Benefit Focus:** By tying all development to established objectives (which typically include affordable housing, living wage jobs, environmental quality, etc.), this ensures private development serves public purposes that justified the CRA designation.

### **Synergistic Effects**

The true power of this development plan lies in how components reinforce each other:

- Infrastructure makes commercial development viable
- Grocery and retail create employment and shopping opportunities
- Hotels bring outside revenue that supports local businesses
- Improved roads enhance access to all facilities
- Combined, these elements transform the area's identity. This integrated approach addresses the economic, social, infrastructure, and environmental objectives creating lasting positive changes for west Provo residents.

### **(8) Participant Selection:**

Participants in this Community Reinvestment Area will be selected based on their commitment to development plans that advance both this Project Area Plan and Provo City General Plan objectives for West Provo. The City and Redevelopment Agency reserve the right to actively recruit specific developers whose expertise and track record demonstrate capability to achieve the plan's objectives efficiently and effectively.

All proposed development within this CRA Plan Area must conform to this plan and receive approval from both the City and the Provo Redevelopment Agency Board, consistent with Utah Code 17C-5-108(8). Participation agreements between the Agency and developers or landowners will be formalized through written contracts that clearly define responsibilities, timelines, and performance expectations.

### **Public-Private Partnership Structure**

The Agency will deploy Tax Increment Financing strategically to fund or reimburse qualifying costs including grading, fill, public infrastructure, and other purposes authorized under the Community Reinvestment Agency Act. This targeted approach leverages private investment while minimizing taxpayer burden. The CRA has been established specifically to facilitate market-driven

development, with current efforts focused on attracting a national retail anchor that will generate substantial economic activity.

### **Fiscal Responsibility and Housing Requirements**

The project is projected to generate over \$200,000 in annual sales tax revenue, demonstrating meaningful economic return on public investment. Under Utah Code 17C-5-307(3), this threshold mandates a 10% set-aside for Low to Moderate Income (LMI) Housing. Additionally, because sales tax increment is the primary revenue driver and the development includes retail space exceeding 20,000 square feet, Utah Code 11-41-103(2)(b) requires at least one housing unit per 1,250 square feet of retail space, with a minimum of 10% qualifying as moderate-income housing per municipal standards—approximately 15 LMI units for this project.

Rather than creating a separate government housing program, the Agency intends to transfer the 10% LMI housing funds directly to the developer pursuant to Utah Code 17C-1-412(1)(a)(iii). This market-based approach allows the private sector to deliver workforce housing more efficiently while ensuring statutory compliance. The developer will offset construction costs of the required LMI units through this allocation, reducing bureaucratic overhead and accelerating project delivery.

### **(9) Reasons for Selecting the Community Reinvestment Project Area**

This project area was identified through objective analysis demonstrating significant growth potential and market demand for expanded commercial and retail capacity. The area's selection reflects sound fiscal planning: targeted infrastructure improvements will unlock private investment, creating conditions for sustainable economic expansion without artificially subsidizing development that would not otherwise occur.

The anticipated outcomes align with conservative fiscal principles—increased property values, enhanced real property tax revenue, transient room tax generation, and retail sales and use tax growth driven by legitimate market activity rather than government intervention. These revenue increases will benefit the broader tax base while reducing per-capita burden on existing residents and businesses.

### **Boundary Methodology**

Project area boundaries were established using clear, objective criteria in compliance with Utah Code 17C-5-105(9). Boundaries encompass parcels

currently zoned for commercial use as well as areas designated for commercial development under both the Provo City General Plan and Future Land Use Map. This approach ensures the CRA boundaries align with established planning documents approved through proper public processes, providing predictability for property owners and limiting arbitrary government expansion into areas not already identified for commercial growth.

By constraining boundaries to commercially zoned and planned-commercial areas, the Agency respects existing property rights, honors long-term community planning, and focuses taxpayer resources where they will generate maximum economic return consistent with market-supported land use patterns.

**(10) Physical, Social, and economic conditions existing in the Community Reinvestment Area.**

*Economic Conditions:* The area contains approximately 14,500 residents with a median household income of \$73,750, based on 2022 American Community Survey data. Buildout projections anticipate adding an additional 14,600 residents to the area.

*Social Conditions:* The area demonstrates a stable residential character, with an estimated owner-occupancy rate of approximately 98%, significantly exceeding the citywide rate of approximately 49%. This high ownership rate indicates strong community investment and long-term residency patterns.

*Physical Conditions:* The area contains 3,664 housing units, of which 75% are single-family detached homes. The area includes significant wetlands and lands located within the 100-year flood plains associated with the Provo River and Utah Lake. The proximity to these water bodies results in a high-water table throughout the area. These physical conditions create development impediments, as any new development requires extensive flood mitigation efforts to elevate properties out of the flood plain and make them suitable for construction.

**(11) Financial assistance the agency anticipates offering a participant.**

The Provo Redevelopment Agency may provide targeted financial assistance to encourage private sector investment and property improvements that directly benefit west side residents. All financial assistance will be provided through market-based mechanisms, including property acquisition and disposition processes that return properties to the tax rolls under private ownership, and sales and use tax reimbursements derived solely from new economic activity generated by private development.

Financial assistance will be evaluated individually based on demonstrated merit and return on investment. Each proposal requires full approval by the RDA Board following thorough review, and all agreements will be formalized through legally binding development agreements that ensure accountability and protect taxpayer interests.

**(12) Analysis of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base.**

This analysis is based on costs of the development in the project area and costs of comparable commercial development. In 2025 Property valuations in the project area totaled \$6,791,100. In the next 20 years, Incremental property values are projected to increase \$155,735,912 for the project area. Additionally, it is anticipated the project area will generate \$319,138,102 in taxable sales based on a 3% growth rate translating to \$1,025,936 in sales tax revenues per year to the city.

Table: Development Assumptions and Assessed Value – 20 Years

Development Type	Acre s	SqFt/Uni ts	Base Property Value	*Incremental Property Value	Estimated Annual Sales	Estimated annual Sales Tax Revenue
Grocery/Retail	46.84	419,947	\$ 1,729,100	\$ 131,712,012	\$ 314,096,720	\$1,646,527
Residential	12.5	150	\$ 1,362,000	\$ 24,196,851	NA	NA
Hotel/Restaurant	5.08	221,241	\$ 3,700,000	\$ 27,115,000	\$ 28,550,000	\$ 703,156
<b>Totals</b>	<b>64.42</b>		<b>\$ 6,791,100</b>	<b>\$183,023,863</b>	<b>\$28,550,000</b>	<b>\$703,156</b>

**(13) Rationale for the use of tax increment and will project area experience development without the benefit of tax increment.**

Currently, taxing entities are collecting about \$31,402 annually in property taxes from the project area. None of the parcels within the project area contain any development and there is no sales tax base currently. Based on the growth with incentives outlined in this plan, the taxing entities are projected to collect roughly \$1,582,121 per year in property tax revenue and approximately \$1,174,841 in annual sales tax revenue.

Table: Total collection over 20 year period

Entity	Property Tax	Sales Tax	Total Incremental Revenues
Utah	\$2,012,898		\$2,012,898
MultiCounty Assessing & Collecting Levy	\$46,309		\$46,309
County Assessing and Collecting Levy	\$336,512		\$336,512
Provo City School District	\$22,534,017		\$22,534,017
Provo City	\$5,479,898	\$21,223,151	\$26,703,049
Central Utah Water Conservancy	\$1,234,907		\$1,234,907
<b>Totals</b>	<b>\$31,644,541</b>	<b>\$21,223,151</b>	<b>\$52,867,692</b>

Incentives provided through the Provo City Redevelopment Agency make these increases in Property and Sales tax revenues possible.

**(14) Compliance with Section 9-8a-404 as required under Section 17C-5-106  
(Existing and Historic buildings and uses in a community reinvestment project area).**

There are currently no buildings on parcels within the project plan area.

## Exhibit A

TBD

DRAFT

Community Reinvestment Project Area Budget

2025-1 Lakeview Parkway

Utah Chapter 17C-5-303

(1) Tax Increment

The base tax year for the project area shall be 2025. The base taxable value of the area is \$6,791,100. The incremental value of the project area is projected to be **XX** over the next 20 years. At this time, there is no active plan to collect tax increment in this project area.

(2) Sales and Use tax revenue

(The missing portions of the plan are projected to be completed after the Project Area Survey is approved).