

Provo City Planning Commission
Report of Action

December 10, 2025

***ITEM 3** Development Services requests Ordinance Text Amendments to Provo City Code 15.05 to eliminate the existing exemption from the 100-foot river setback and streamline building permit procedures. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20250567

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

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Matt Wheelwright

Second By: Daniel Gonzales

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

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

- The Neighborhood District Chair was present /addressed the Planning Commission during the public hearing.
- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood District Chair(s) were present or addressed the Planning Commission.
- 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:

- Sharon Memmott indicated that public access will be important with future standards.

APPLICANT RESPONSE

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

- Melia Dayley from the Council office indicated that there is support for removing the exception so that the city can be more thoughtful in its approach to development along the river.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussed past projects that have used the exception in 15.05.180 that is being removed.
- There is a hope that the standard for consistent public access will be preserved with any future amendments to this code.



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

15.05.170

High Water Table and Wetland Area Development Standards.

(1) Development in high water table and wetland areas shall be subject to the following standards:

(i) No building shall be allowed to be constructed in a high water table area of the City where the building proposed to be built includes a basement, (basement equals usable floor area below sidewalk level) except according to the following standards:

(i) Prior to the issuance of ~~the building permit~~ a certificate of occupancy, the owner(s) shall produce a statement which has been recorded on proper deeds in the Office of the County Recorder stating that the City will be held harmless from all damages or injury resulting from flooding in a high water table area.

(ii) Prior to the issuance of any building permit with a basement, the developer therefore shall submit to the Storm Drain District Engineer a certificate from a registered Professional Engineer indicating the method or design to flood proof the basement except where prohibited by subdivision or development plat conditions.

15.05.180

Floodplain Management and Development Standards.

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(6) *Development Standards.* No final subdivision, condominium, or other record of survey plat shall be approved, nor shall any development permit be issued for property located within the SFHA or within one hundred (100) feet of the high point of the bank of Provo River until the following criteria have been complied with:

- (a) All applicable development permits for the proposed construction or improvements shall be obtained from Federal, State, or local governmental agencies from which prior approval is required.
- (b) All proposals for new construction, redevelopment, or for substantial improvements to existing structures within the SFHA (including manufactured homes) must be designed (or modified) to meet the performance standards of Section [18.03.020](#), Provo City Code.
- (c) All proposals for construction or improvements (including replacements) must be provided with water supply systems or sanitary sewage systems which are designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. On-site waste disposal systems must be located so as to avoid impairment of them, or contamination from them, during flooding. All public utilities including sewer, gas, electricity, and water systems shall be located and constructed to minimize or eliminate flood damage.
- (d) No structure, earth fill, or parking lot in connection with any industrial, commercial, or residential development, or any other surface obstruction to water flow, except bridges, flood control devices, public restrooms, and public recreational facilities, may be located closer than one hundred (100) feet to the high point of the bank of Provo River. ~~However, an encroachment into the required one hundred (100) foot setback may be allowed after review and approval of a project plan application if the project is part of a larger development or approval of a minor project plan application if the proposed project is a single family structure or accessory structure subject to the following requirements:~~

(i) ~~Access is provided to the river at intervals not exceeding four hundred (400) linear feet of river frontage;~~

(ii) ~~A minimum forty (40) foot maintenance easement is provided in favor of Provo City. The easement shall be measured from the top of the bank extending a minimum of forty (40) feet into the parcel; and~~

(iii) ~~In areas where the river bank acts as a levee or where the special flood hazard area extends beyond the high bank of the river, improvements to such levee must be constructed in a manner consistent with FEMA regulations.~~

(e) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) Any encroachments such as fill, new construction, substantial improvements, and other development within the floodway that would result in any increase in flood levels during the occurrence of the base flood discharge are prohibited.

(h) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare shall be floodproofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.