



PROVO MUNICIPAL COUNCIL

Redevelopment Agency Governing Board

Stormwater Service District Governing Board

Regular Meeting Agenda

5:30 PM, Tuesday, June 09, 2026

Council Chambers (Room 100)

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 MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

June 09 Council Meeting: Dial **346 248 7799**. Enter Meeting ID **862 8479 1822** and press **#**. When asked for a participant ID, press **#**. To join via computer, visit zoom.us and enter the meeting ID and passcode: **185104**.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

1 A presentation regarding the FY 2027 Provo City Citizens Budget (26-001)

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

- 2 A resolution consenting to board and commission appointments. (26-041)
- 3 A resolution to place 5.079 acres of real property generally located to the south of the Epic Sports Park on Lakeview Parkway on the surplus property list (26-012)
- 4 An ordinance amending the zone map classification of real property, generally located at 5568 N Canyon Road, from the medium density residential (MDR) zone to the Arbors on the Avenue (PRO-A10) zone. North Timpview. (PLRZ20260076)
- 5 An ordinance amending Provo City Code regarding floodplain management and development standards. (PLOT20260185)
- 6 A public hearing regarding the FY27 budget for Provo City (26-001)
- 7 A resolution approving property tax rates for Provo City Corporation for the fiscal year beginning July 1, 2026, and ending June 30, 2027 (26-001)
- 8 ***CONTINUED*** An ordinance amending the zone map classification of real property for a residential development with 75 lots and 50 townhomes, located approximately at 5450 N Canyon Rd. North Timpview neighborhood PLRZ20260115

Redevelopment Agency of Provo

- 9 A resolution adopting a project area budget for the Lakeview Parkway Community Reinvestment Area (26-005)
- 10 A public hearing regarding the Redevelopment Agency's FY27 Budget (26-001)

Stormwater Service District

- 11 A public hearing regarding the FY27 Budget for the Stormwater Service District (26-001)

Adjournment

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

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil.

The next Council Meeting will be held on Tuesday, June 23, 2026. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

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

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

Notice of Telephonic Communications

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

Notice of Compliance with Public Noticing Regulations

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

PROVO CITY CITIZEN'S BUDGET



**2027
FISCAL
YEAR**

**JULY 1, 2026 -
JUNE 30, 2027**



Prepared by municipal council staff with information based on the tentative budget for the 2027 fiscal year, currently being reviewed by the City Council before final approval.

PROVO MUNICIPAL COUNCIL
445 W CENTER STREET, PROVO
801-852-6120
COUNCIL@PROVO.GOV

REVENUE SUMMARY

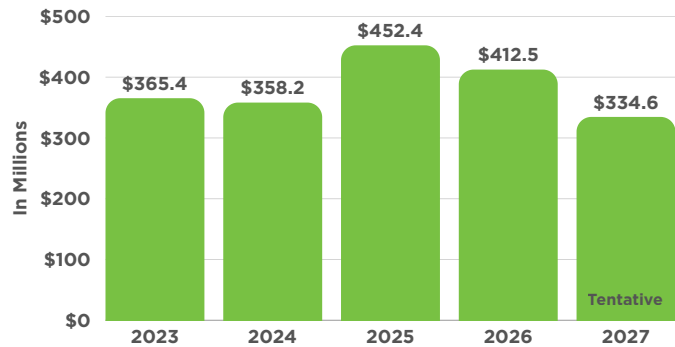
TOTAL REVENUES AND TRANSFERS IN: \$334.62M

For the 2027 fiscal year (FY 2027), the City of Provo’s estimated total revenues and transfers in account for approximately \$334.62 million (M). General Fund revenues are primarily derived from three sources: taxes, fees, and transfers. The most significant anticipated revenues come from sales of utility services (\$133.29M), fees (\$35.23M), and sales tax (\$30.26M).



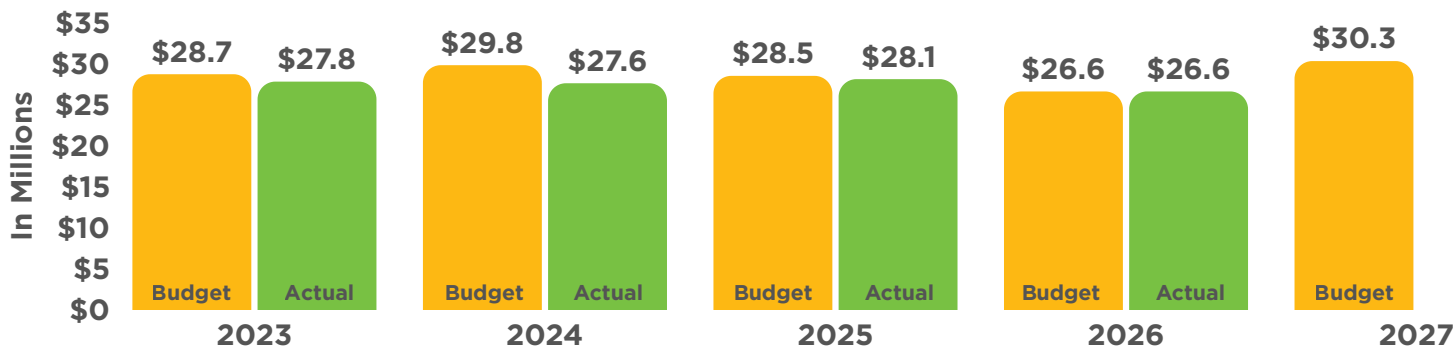
Taxes consist of sales tax, property tax, and road tax. Fees include inspection fees, franchise fees, user fees, park fees, business licenses, apartment licenses, and other fees. Transfers in include transfers from enterprise funds to the General Fund, including 12.5% of all utility revenues, which help maintain Provo’s property tax rates. Other sources of revenue include intergovernmental revenues, grants, interest income, and other miscellaneous revenue.

Total Revenues and Transfers In from FY 2023 - Present



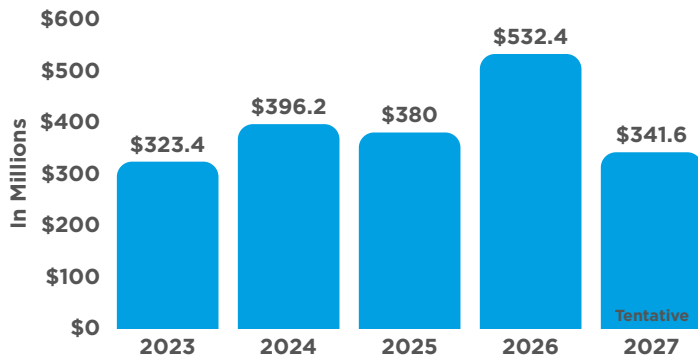
Provo City has been recognized frequently as a business-friendly city and a place with consistent economic growth. Provo continually welcomes new businesses every year to help boost the economy, while also creating opportunities for the city to generate additional sales tax revenue. The graph below compares sales tax revenue over the last five years.

Budgeted vs. Actual Sales Tax Revenues from FY 2023 - Present



EXPENSE SUMMARY

Total Expenditures & Transfers Out from FY 2023 - Present



TOTAL EXPENDITURES AND TRANSFERS OUT: \$341.60M

Provo City's estimated total expenses and transfers out in FY 2027 account for approximately \$341.60M. The most significant expenses come from Enterprise Funds (\$180.09M), the General Fund (\$94.22M), and Internal Service Funds (\$27.87M).

The city budget is split into six funds to help organize and track expenses and revenues:

The **General Fund** pays for functions typically associated with municipal government (e.g. police, fire, streets, parks & recreation, etc.) and receives its revenues from taxes, fees, and transfers in.

Enterprise Funds are government-owned funds that sell goods and services to the public (e.g. power, water, airport, etc.) and must abide by the same generally accepted accounting principles that private companies do.

Capital Improvement (CIP) Funds are used to account for resources designated to construct governmental capital assets that may require more than one fiscal year for completion. More detailed information can be found on pg. 3, which summarizes anticipated capital project expenditures in FY 2027.

Internal Service Funds primarily provide either benefits or goods and services to other funds and departments within the city on a cost-reimbursement basis to break even rather than turn a profit (e.g. employee benefits, facility services, vehicle maintenance, etc.).

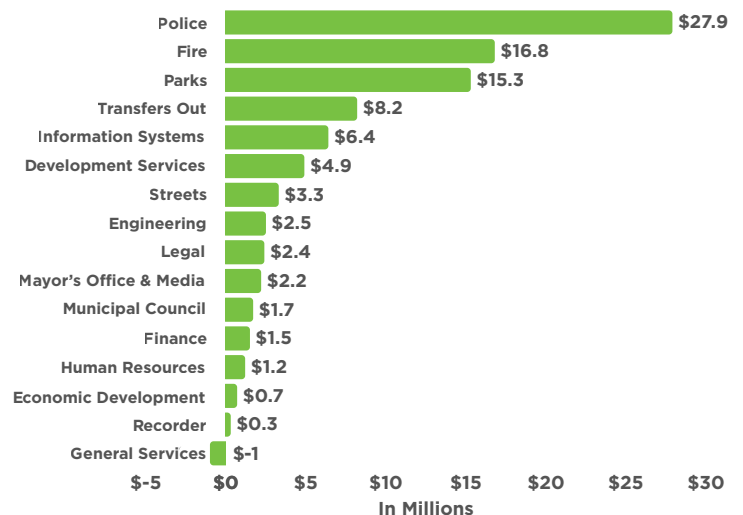
Special Revenue Funds are accounts established by a government to collect money that must be used for a specific project. These funds provide an extra level of accountability and transparency to taxpayers and signify that their tax dollars will go to an intended purpose (e.g. Library, Covey Center, Justice Court, Cemetery, etc.).

Debt Service Funds account for all city issued bonds and ensure all scheduled debt obligations are met accurately and on time.

GENERAL FUND EXPENDITURES AND TRANSFERS OUT: \$94.22M

The breakdown to the right details the operational funding allocated to each of Provo City's 15 different departments. Transfers out of the General Fund (which is also included in the graphic) support Enterprise, Special Revenue, and CIP funds. Major transfers out of the General Fund anticipated in FY 2027 include \$2.08M to the Parks and Rec CIP Fund, \$1.79M to the Emergency Response Fund, and \$1.67M allocated to roads.

General Fund Expenses & Transfers Out for FY 2027



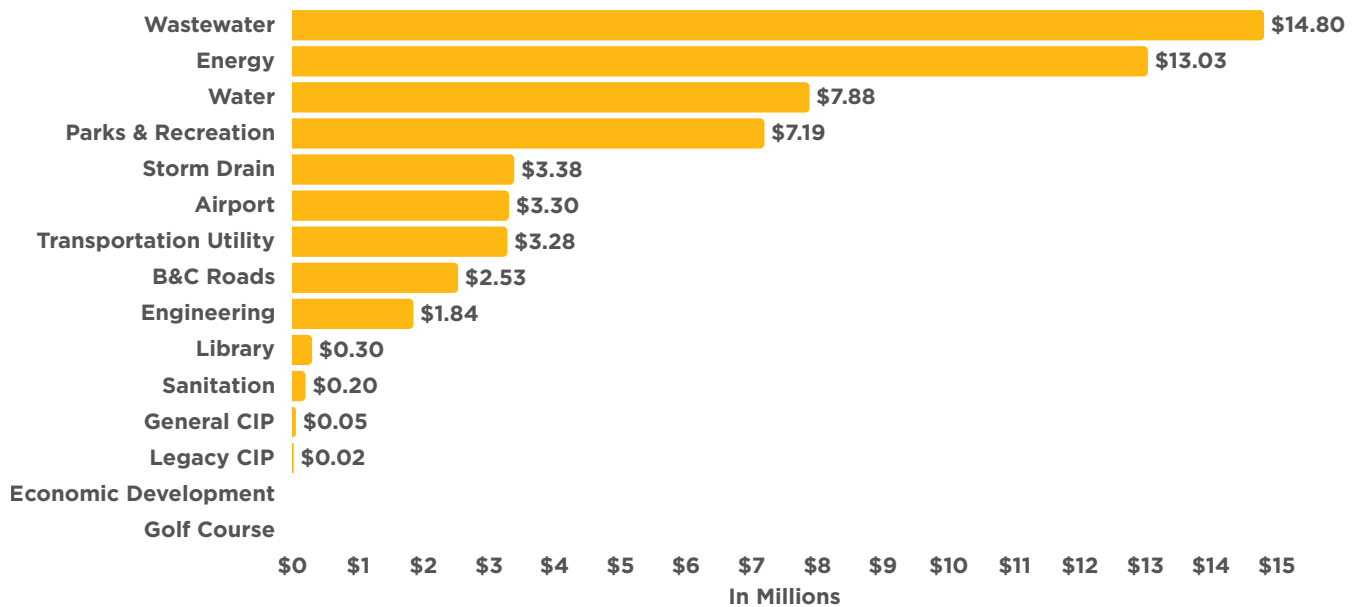
CAPITAL PROJECTS

CAPITAL PROJECT COSTS: \$57.79M

The Capital Improvement Plan (CIP) consists of the construction and maintenance of the City's infrastructure and capital assets, defined as any tangible property with a useful life of at least three years that costs more than \$5,000.

Capital projects are funded through different revenue streams (e.g. bonds, loans, grants). The image below shows the total project costs for the capital projects across Provo City in FY 2027.

Anticipated Capital Project Costs for FY 2027



SIGNIFICANT CAPITAL PROJECTS COMING IN FY 2027

Water Distribution System Improvements

Provo City is allocating additional money to improve water mains, service lines, and fire hydrants throughout the city this year.

Estimated Expenditure in FY 2027: \$2.5M

Drinking Water Treatment Plant

The final construction phase of the plant is scheduled for fall of 2026, with the plant opening in 2027. This facility will transform river water into drinking-quality water, benefitting Provo residents for years to come.

Estimated Expenditure in FY 2027: \$1.5M

Stormwater Improvement on North Canyon Road

This project involves the installation of a new, larger storm drain trunkline within Canyon Road that will extend from the east side of University Avenue to Foothill Drive.

Estimated Expenditure in FY 2027: \$2M

West Side Sewer Lines

The installation of new sewer lines on the west side of the city will help to accommodate anticipated growth in the coming years.

Estimated Expenditure in FY 2027: \$4M

The five-year Capital Improvement Plan for FY 2027 can be viewed [here](#).

UTILITY RATES & REBATES

UTILITY RATE ADJUSTMENTS

Delivering consistent utilities to Provo residents requires continuous upkeep of the complex infrastructure working behind the scenes, including poles, pipes, cables, wires, tunnels, associated facilities, and more. For FY 2027, residential water rate increases of 6% are being recommended to fund ongoing operation and capital improvements throughout the city.



No increases to residential power rates are anticipated this fiscal year, however commercial and industrial power rate adjustments are being recommended by the Energy Department. These include a 4% increase for small commercial, a 7% increase for large commercial, and a 10% increase for industrial power customers.

Provo City offers sustainability programs and resources to residents and business owners to help mitigate increased utility costs. It is important to note that proposed rate increases are not caused by any city-offered sustainability programs but rather by infrastructure replacement needs and market forces like inflation. For a list of the sustainability programs and resources supported by the City, [click here](#).

REBATE & UTILITY SAVING OPPORTUNITIES

Smart Controllers

Provo City residents qualify for discounts on Rachio's Smart Sprinkler Controllers. These devices set a watering schedule based on the individual's needs and the weather.

Shade Trees

Residents are eligible for a free shade tree once every three years to plant next to their home, helping keep homes cool, as well as reduce the amount of water a lawn needs by conserving soil moisture.

Rebates on Sprinkler Accessories

Provo's Public Works department offers residents a \$3 rebate for each individual high-efficiency rotary nozzle installed. Residents must purchase 10-25 nozzles to qualify for the rebate.

FUNDING & SAVING



Provo City employees understand that every tax dollar is a sacrifice from residents who trust the City to be wise stewards of those funds. Provo City takes that responsibility seriously and strives to deliver quality services to its citizens. To maximize its ability to do so, the City is constantly reviewing ways to reduce expenses and increase revenues through various channels to fund City services. Provo City's departments strive each year to render services in a more efficient manner, decreasing operational costs:

1

Stricter Approach to Supplemental Appropriations: Department directors are now being asked to identify potential funding sources for every proposed project, already saving hundreds of thousands of dollars.

2

Establishing an Annual Vehicle Fleet Budget: This newly defined vehicle budget ensures that the city vehicle fleet is managed with the same accountability and prioritization as the rest of the General Fund going forward.

3

Addressing Operational Overtime: The Fire Department added positions to improve coverage and reduce reliance on overtime. These increased positions improve quality of service without a cost increase to taxpayers.

4

Investing in Economic Development: As Provo has grown, so has the need for a citywide economic development strategic plan. The proposed plan pinpoints priority investment areas and target industries with the aim of supporting sustainable economic growth.

5

Improving Building Permit Processes: This year's budget adds a new building inspector at no cost to the General Fund. Investments in technology are also being made to better monitor processes, identify bottlenecks, and improve efficiency, making Provo even more business friendly.

OUR JOURNEY FORWARD

ACHIEVEMENTS & RANKINGS

#1 Most Neighborly City in America

(Neighbor.com - October 2024)

#1 Best-Run City in America

(WalletHub - 2025)

#1 City for Worker Satisfaction

(Glassdoor - May 2025)

#2 Happiest City in America

(HouseFresh - July 2022)

#1 For Economic Wellbeing

(CYTENA - 2024)

Provo is One of the Best Places to Live in the U.S.

(Livability - June 2023)

#3 City with Best Water

(Water Filter Guru - July 2023)



PROVO CITY'S COMMUNITY VISION



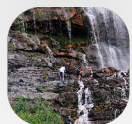
Faith, Respect, and Service to
Each Other and Our Community



Individual Responsibility



Families and Individuals



Our Environment and Natural
Amenities



Safe, Desirable Neighborhoods



A Vibrant Economy and High-
Quality Jobs



Fiscally Responsible Governance



Life-Long Education

LOOKING AHEAD

The Provo City Administration and Municipal Council have worked diligently to submit a responsible and sustainable budget. Though the City has seen increased expenses in recent years, they have still been able to deliver a balanced budget. Provo City strives towards continued fiscal health and quality service to those who live, work, and play in Provo.

ELECTED OFFICIALS



Mayor
Marsha Judkins
(801) 852-6105
marsha@provo.gov



Council District 2
Jeff Whitlock
(801) 574-6672
jwhitlock@provo.gov



Citywide District 1
Katrice MacKay (Chair)
(253) 632-2026
kmackay@provo.gov



Council District 3
Becky Bogdin
(801) 852-6132
bbogdin@provo.gov



Citywide District 2
Gary Garrett
(801) 852-6131
ggarrett@provo.gov



Council District 4
Travis Hoban
(801) 872-8471
thoban@provo.gov



Council District 1
Craig Christensen (Vice-Chair)
(801) 852-6128
crchristensen@provo.gov



Council District 5
Rachel Whipple
(385) 219-9804
rwhipple@provo.gov

The City Council oversees the budget for the city of Provo. The proposed budget is made available to the public at least 10 days before the adoption of the final budget (typically in June). A public hearing must be held before adopting the budget. The exact dates for the hearing will be formally set when the budget is tentatively adopted. According to Utah State Code, interested individuals may attend the public hearing and will have the opportunity to voice their support or concerns about any item in the tentative budget to the City Council. Visit provo.gov/council to stay updated on meetings with the City Council.

To see the full FY 2027 Tentative Budget, [**click here.**](#)

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: MMCMILLAN
Presenter: Britton Johnson, Council Office Intern
Department: Council
Meeting Date: 6/9/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: 26-001

SUBJECT: 1 A presentation regarding the FY 2027 Provo City Citizens Budget (26-001)

ADMINISTRATIVE RECOMMENDATION: Presentation only

ADMINISTRATIVE MEMO: Every year the municipal council staff prepares a citizens budget with information based on the tentative budget for the upcoming fiscal year. The purpose of the citizens budget is to provide budget information to citizens in a more concise and easy-to-read format. This year's citizens budget includes the following sections: revenue summary, expense summary, capital projects, funding & saving, our journey forward, and elected officials.

FISCAL IMPACT: Presentation only

TIME SENSITIVITY:

COUNCIL STAFF MEMO: The citizens budget promotes individual responsibility and civic engagement by providing citizens with important budget information in a more engaging, concise, and easy-to-read format. Because community feedback and engagement are foundational to the Provo City General Plan, documents such as this play an important role in keeping our citizenry informed and engaged in important city processes.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: SBJORNN
Presenter: Mayor Marsha Judkins
Department: Mayor Office
Meeting Date: 6/9/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-041

SUBJECT: 2 A resolution consenting to board and commission appointments. (26-041)

ADMINISTRATIVE RECOMMENDATION: Advice and Consent to Planning Commission and Energy Board Appointments

ADMINISTRATIVE MEMO: Please see attached documents for Letter to Council and supporting materials.

FISCAL IMPACT: none

TIME SENSITIVITY: Current vacancies need to be filled in order for the boards to function

COUNCIL STAFF MEMO:



MAYOR'S OFFICE
TEL (801) 852-6105
445 W CENTER ST
PROVO, UT 84601

May 20, 2026

Members of the Municipal Council
445 West Center Street
Provo UT 84601

Dear Councilors:

I am recommending the following appointments to Provo City boards and commissions as indicated below and submit this for the Council's advice and consent.

Energy Board

Marie Patrick, 1084 Grand Circle, Provo, has lived in Provo for 48 years. She has volunteered in our community in various positions. I propose she be appointed for a term of one year to fill an unexpired vacancy. Her term will end on June 30, 2027.

Planning Commission

Tosh Metzger, 1108 S 950 E #223c, Provo, has lived in Provo for 52 years and has been involved in the Landmarks Commission in the past. I propose he be appointed for a term of one year to fill an unexpired vacancy. His term will end on June 30, 2027.

Thank you,

Marsha Judkins
Mayor

Provo Board or Commission Application

05/12/2026 1:01 PM (MDT)

Full Name	Marie Patrick
Address	1084 Grand Circle
City	Provo
State	Utah
Zip Code	84604
Work Phone	+18013195254
Home Phone	+18013195254
Cell Phone	+18013195254
Email	mpat00@yahoo.com
Which Board or Commission would you like to apply for?	Energy Board
Check all that apply	• Provo Resident • Own Property in Provo • U.S. Citizen
How long have you lived here?	48
How does your background align with the requirements to serve on the board?	I am a long time resident of Provo and care about our community. I believe it is our duty to be good stewards over our environment.
How well would you meet the expectations of board members?	I am committed to fulfilling the responsibilities that are expected of me.
List your present or most recent employer, employer address and your position.	ESS Substitute teacher for Provo School District
Are you a current or previous employee of Provo City?	Neither
Have you ever served as a Board or Committee Member for the City of Provo?	No
I agree to the Provo City Personal Data Policy	Yes
Version	Version 1
Effective Date	29 January 2025

Provo Board or Commission Application

01/12/2026 4:48 PM (MST)

Full Name	Tosh Wesley Metzger
Address	1108 South 950 East #223C
City	Provo
State	Utah
Zip Code	84606
Work Phone	801-373-7001
Cell Phone	801-373-7001
Email	toshmetzger@gmail.com
Which Board or Commission would you like to apply for?	Planning Commission
Check all that apply	• Provo Resident • Own Property in Provo • Own Business in Provo • U.S. Citizen • Work In Provo
How long have you lived here?	52
How does your background align with the requirements to serve on the board?	Really well. I LOVE talking and researching developments for Provo. I love understanding new developments on the surrounding communities and WHY it's important to have a growing and thriving city.
How well would you meet the expectations of board members?	Good. My schedule is great for this sort of work. I'm free Wednesday nights and can easily get away if needed throughout the day. I'm also very good at not discussing things that aren't in the "Public Domain" yet and can keep confidence.
List your present or most recent employer, employer address and your position.	Provo Florist 1530 North Freedom Blvd. Provo, UT 84604 Current owner
Are you a current or previous employee of Provo City?	Neither
Have you ever served as a Board or Committee Member for the City of Provo?	Yes
List the Boards or Committees you served on, positions held and the years.	Was on Landmarks Commission about a decade ago with John Curtis as Mayor. My schedule at the time wouldn't allow me to leave in the middle of the day for meetings. But now that meetings and discussions are in the evenings, and my current employment position allows me to leave as needed (Im much more established now than in the past...), I can get away and get to work!
I agree to the Provo City Personal	Yes

Version	Version 1
Effective Date	29 January 2025

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION CONSENTING TO BOARD AND COMMISSION
4 APPOINTMENTS. (26-041)
5

6 RECITALS:
7

8 The Mayor desires to appoint or reappoint the individual or individuals named below to
9 the listed Provo City boards and commissions and requests the advice and consent of the
10 Municipal Council;
11

12 On June 9, 2026, the Municipal Council met to consider the facts regarding this matter,
13 which facts are found in the public record of the Council's consideration; and
14

15 After considering the facts presented to the Municipal Council, the Council finds that (i)
16 the proposed action should be approved as described herein, and (ii) such action furthers the
17 health, safety, and general welfare of the citizens of Provo City.
18

19 THEREFORE, the Provo Municipal Council resolves as follows:
20

21 PART I:
22

23 The Municipal Council consents to the following appointment:
24

<u>Board/Commission</u>	<u>Appointee</u>	<u>Term Expiration Date</u>
Energy Board	Marie Patrick	6/30/2027
Planning Commission	Tosh Metzger	6/30/2027

25
26
27
28
29

30 For a list of the current members of each board/commission following this appointment,
31 including information about the particular seat filled by the appointee and the expiration date of
32 their term, see the attached exhibit(s).
33

34 PART II:
35

36 This resolution takes effect immediately.

EXHIBIT _¹
ENERGY BOARD²

Seat	Status	Name	Term Expiration	Appointing Resolution
1	Filled	Gary Winterton	6/30/2026	2023-16
2	Filled	Fred Bandle	12/31/2029	2025-54
3	Filled	Cheryl Taylor	6/30/2027	2019-62, 2023-54
4	Filled	Marie Patrick	6/30/2027	Attached
5	Filled	Julie Rash	12/31/2025	2022-03
6	Filled	Carol-Lyn Jardine	12/31/2029	2022-03, 2025-54
7	Filled	Julie Radle	6/30/2026	2023-16

¹ This Exhibit includes those appointed in the attached resolution. Any nominee not appointed should be removed from the Exhibit.

² Governed by PCC 12.01. Four-year staggered terms.

EXHIBIT _³

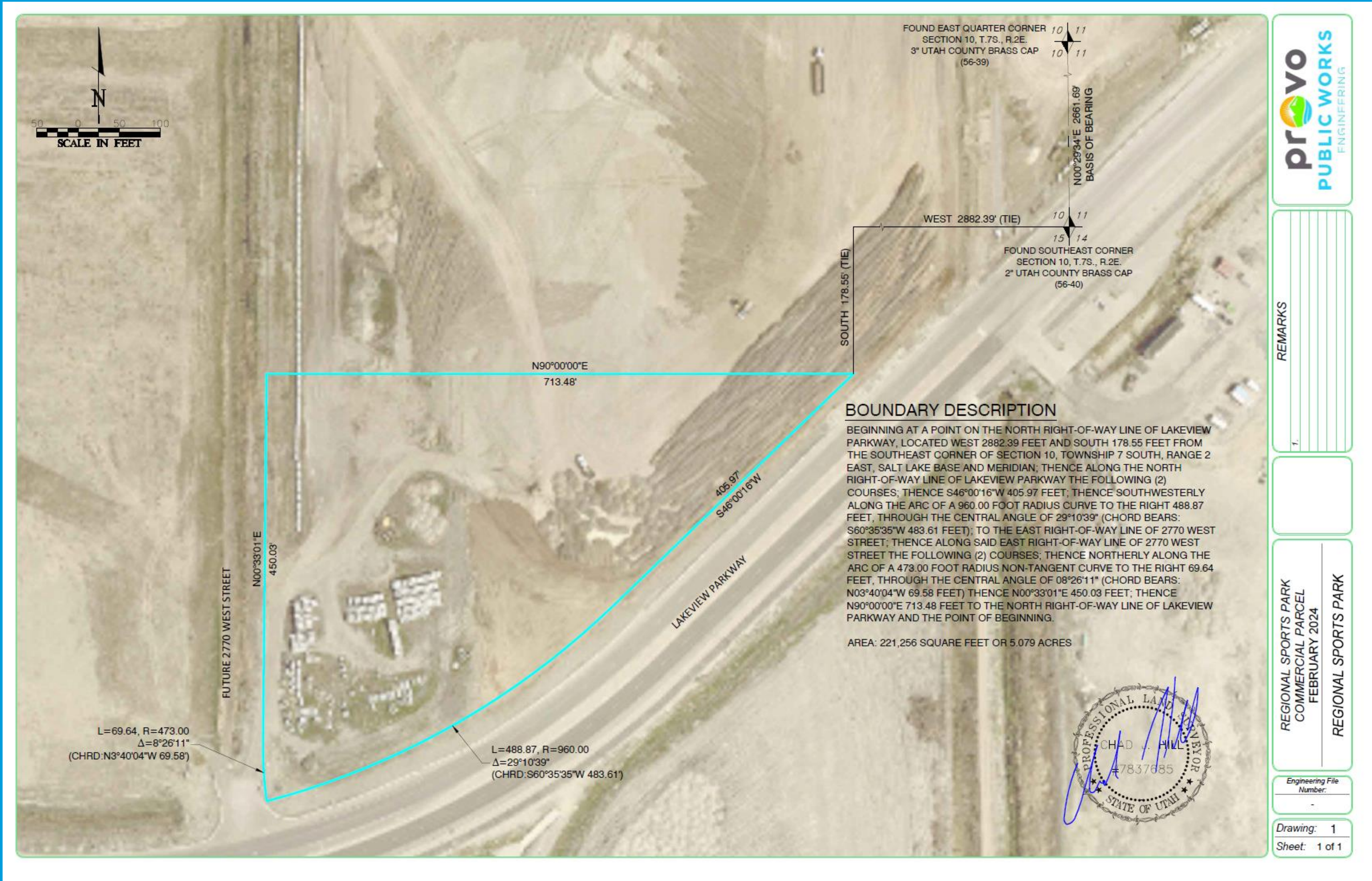
PLANNING COMMISSION⁴

Seat	Status	Name	Term Expiration	Appointing Resolution
1	Filled	Melissa Kendall	6/30/2026	2023-21
2	Filled	Tosh Metzger	6/30/2027	Attached
3	Filled	Jonathon Hill	6/30/2027	2023-38, 2024-32
4	Filled	Lisa Jensen	6/30/2026	2023-21
5	Filled	Daniel Gonzales	6/30/2026	2023-21
6	Filled	Joel Temple	6/30/2028	2025-36
7	Filled	Jon Lyons	6/30/2028	2025-45
8	Filled	Matthew Wheelwright	6/30/2028	2025-36
9	Filled	Anne Allen	6/30/2027	2024-50

³ This Exhibit includes those appointed in the attached resolution. Any nominee not appointed should be removed from the Exhibit.

⁴ Governed by PCC 14.04. Must be a Provo resident. Three-year staggered terms.

Subject Property is located on the south side of the Epic Sports Park along Lakeview Parkway and Championship Way



The Details

- Parcel contains 5.079 acres of property.
- Parcel is zoned SC2 (Community Shopping Center).
- An appraisal was completed on April 14, 2026, which indicated a market value of \$4,360,000.

The Details

- A Request for Proposals has been issued for the development of the parcel and placing the property on the surplus property list is a necessary step for the project.
- The terms of a sales and development agreement will be discussed with the Council at a later date.

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: TARAR
Presenter: Tara Riddle, Real Property Administrator
Department: Development Services
Meeting Date: 6/9/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: 26-012

SUBJECT: 3 A resolution to place 5.079 acres of real property generally located to the south of the Epic Sports Park on Lakeview Parkway on the surplus property list (26-012)

ADMINISTRATIVE RECOMMENDATION: In order to discuss the terms of a purchase agreement on this property, it will need to be placed on the Surplus Property List first. It is recommended that the resolution be approved so that we may proceed with discussion with the council and developer.

ADMINISTRATIVE MEMO: Provo City Corporation owns a 5.079 acre parcel of ground located south of the Epic Sports Park on Lakeview Parkway in Provo. This property is zoned SC2 (Community Shopping Center) and has been intended to be developed with a commercial project which would benefit the Provo Municipal Airport and the Epic Sports Park. A Request for Proposals has been issued for the development of the parcel and placing the property on the surplus property list is a necessary step for the project. The terms of a sale and development agreement will be discussed with the Council at a later date.

FISCAL IMPACT: Full Fiscal Impact is yet to be determined (Appraised Value of \$4,360,000)

TIME SENSITIVITY: We cannot proceed with discussions with the Council and developer until the property is surplus. The sooner the property is surplus, the sooner we will be able to proceed with a presentation to the Council in closed session.

COUNCIL STAFF MEMO:

1 RESOLUTION 2026 <<Document Number>>

2
3 A RESOLUTION TO PLACE 5.079 ACRES OF REAL PROPERTY
4 GENERALLY LOCATED TO THE SOUTH OF THE EPIC SPORTS PARK ON
5 LAKEVIEW PARKWAY ON THE SURPLUS PROPERTY LIST (26-012)
6

7 Provo City (the City) owns 5.079 acres of real property located south of the Epic Sports
8 Park on Lakeview Parkway in Provo and identifies this property as a portion of Utah County Tax
9 ID # 21-039-0024, which is further described in Exhibit A;
10

11 This property is vacant and is the subject of a request for proposals for future commercial
12 development;
13

14 The Mayor has recommended that this parcel be placed on the surplus property list;
15

16 On June 9, 2026, the Municipal Council met to consider the facts regarding this matter and
17 receive public comment, which facts and comments are found in the public record of the Council's
18 consideration; and
19

20 After considering the facts presented to the Municipal Council, the Council finds: (i) the
21 real property described in Exhibit A should be added to the surplus property list for disposal; and
22 (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo
23 City.
24

25 THEREFORE, the Provo Municipal Council resolves as follows:
26

27 PART I:
28

29 The real Property described in the attached Exhibit A is placed on the Surplus Property list.
30

31 PART II:
32

33 This resolution takes effect immediately.
34

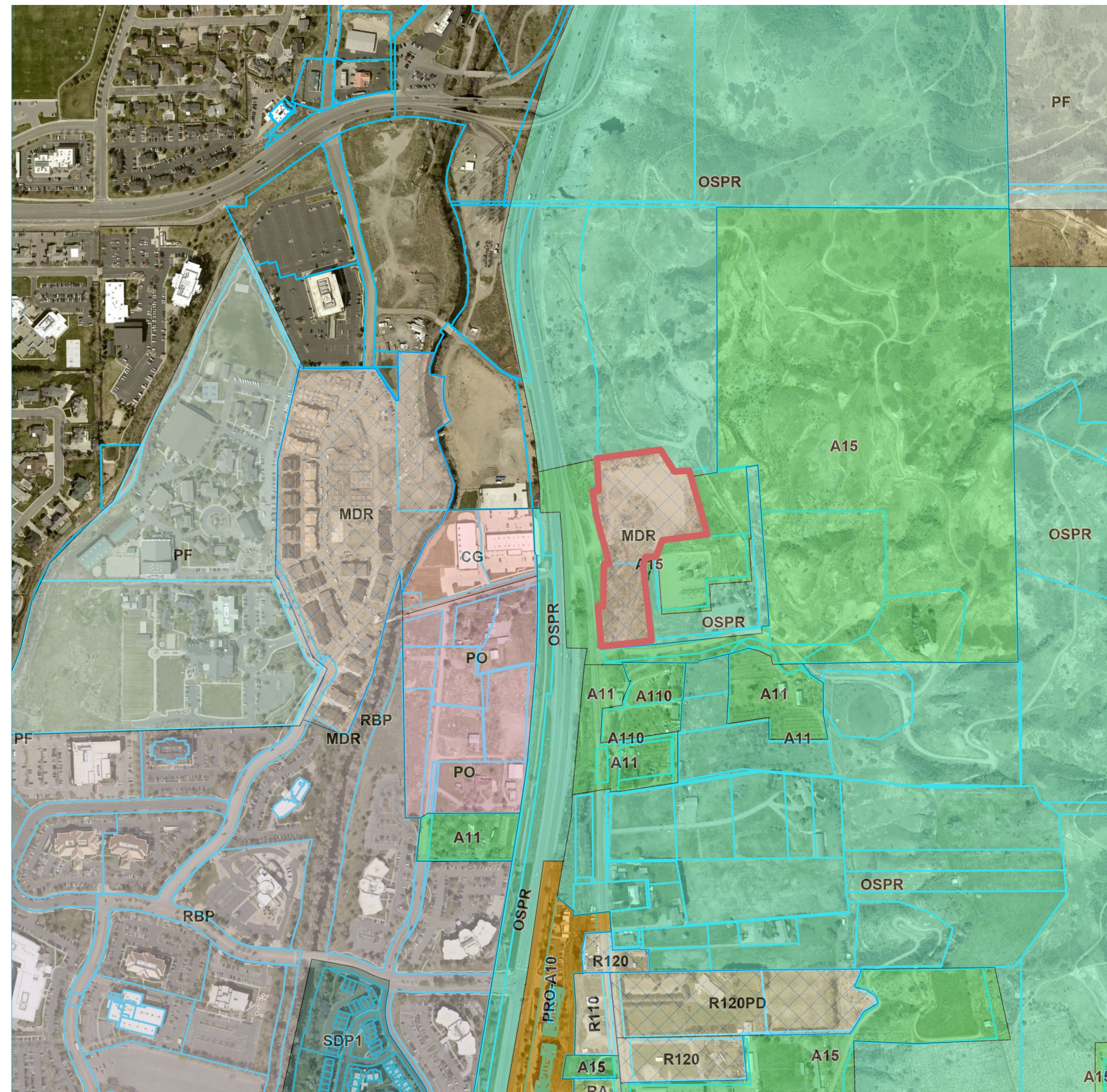
35 END OF RESOLUTION.

EXHIBIT A

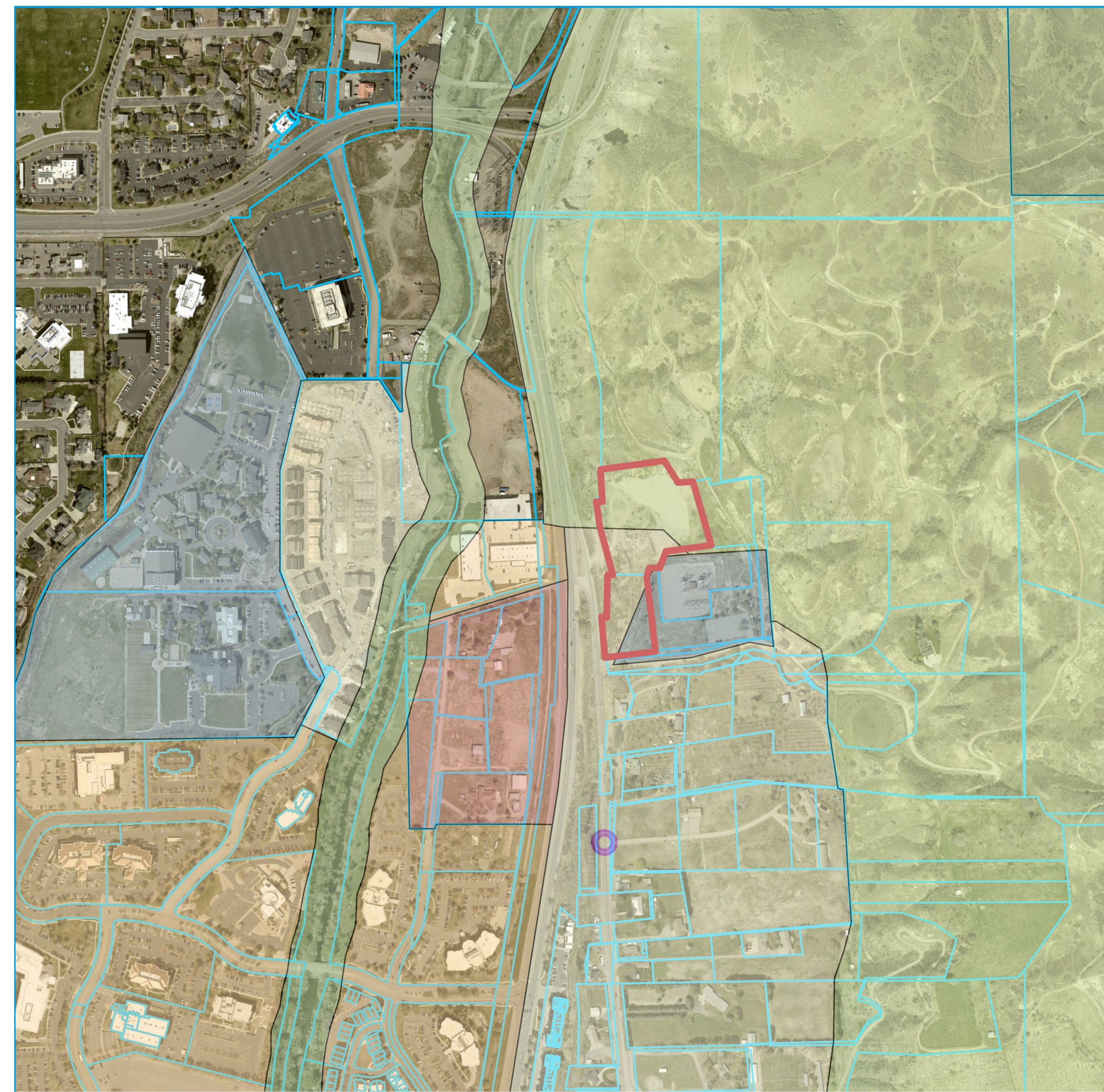
BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY, LOCATED WEST 2882.39 FEET AND SOUTH 178.55 FEET FROM THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY THE FOLLOWING (2) COURSES; THENCE S46°00'16"W 405.97 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A 960.00 FOOT RADIUS CURVE TO THE RIGHT 488.87 FEET, THROUGH THE CENTRAL ANGLE OF 29°10'39" (CHORD BEARS: S60°35'35"W 483.61 FEET); TO THE EAST RIGHT-OF-WAY LINE OF 2770 WEST STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF 2770 WEST STREET THE FOLLOWING (2) COURSES; THENCE NORTHERLY ALONG THE ARC OF A 473.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT 69.64 FEET, THROUGH THE CENTRAL ANGLE OF 08°26'11" (CHORD BEARS: N03°40'04"W 69.58 FEET) THENCE N00°33'01"E 450.03 FEET; THENCE N90°00'00"E 713.48 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKEVIEW PARKWAY AND THE POINT OF BEGINNING.

AREA: 221,256 SQUARE FEET OR 5.079 ACRES

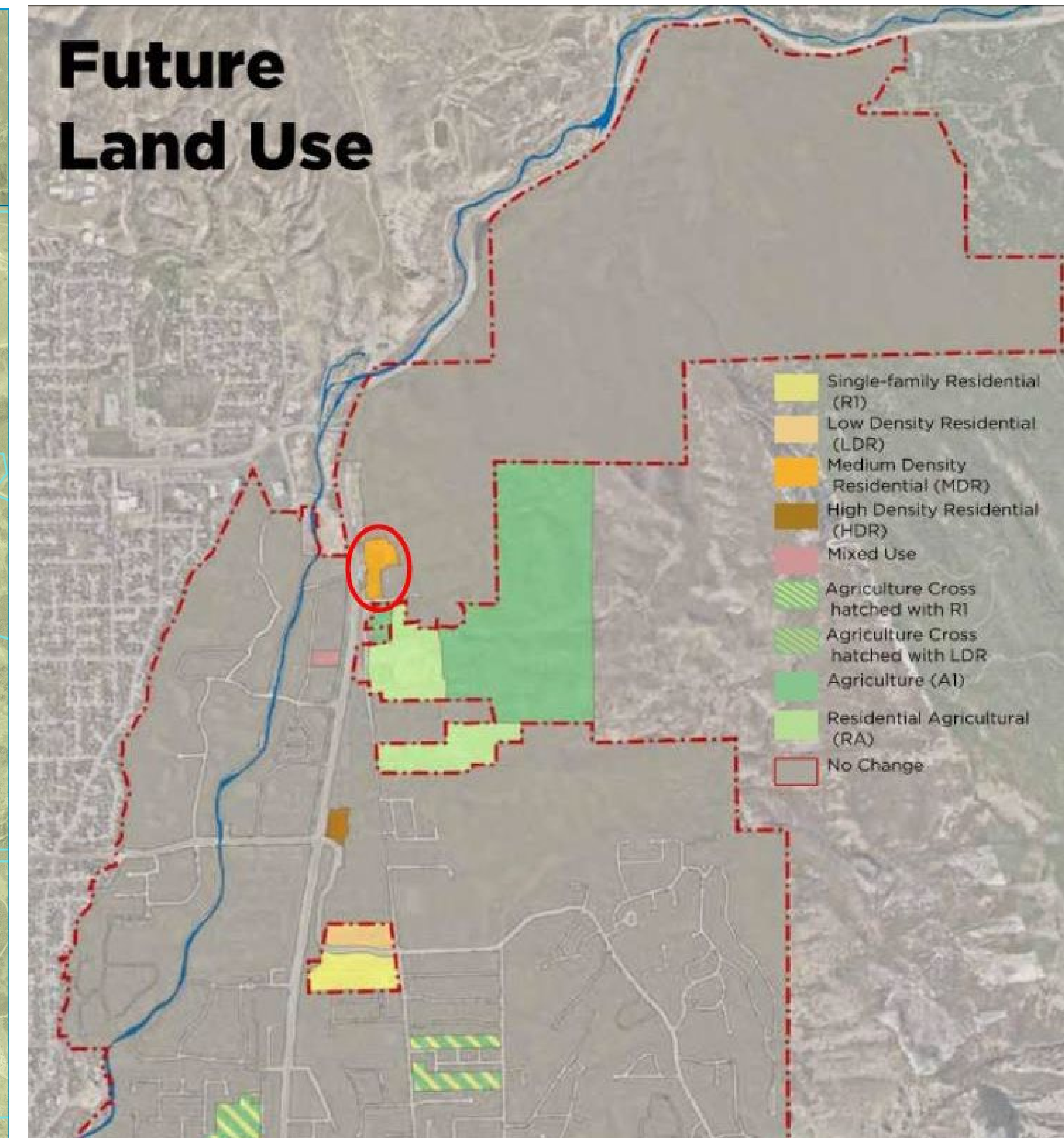
5568 N Canyon Rezone and Concept Plan



Current Zone Map



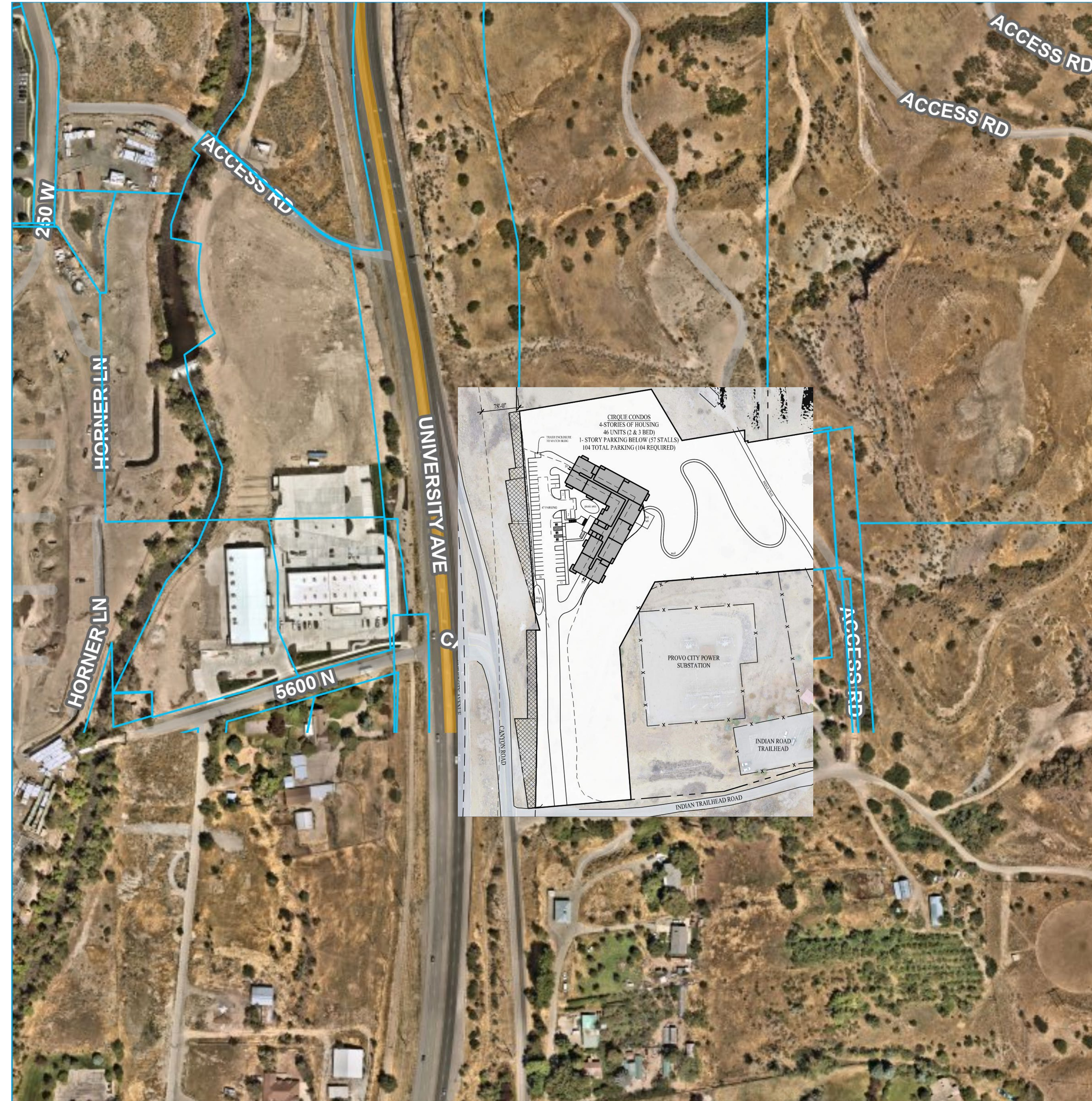
General Plan Map



Northeast Neighborhood Plan

5568 N Canyon Rezone and Concept Plan

- Proposal to amend zone map to PRO-A10 (Arbors on the Ave) Zone
- Concept for 46 condo units
- Density within MDR limits: 7.8/ac.
- Plans comply with proposed zone

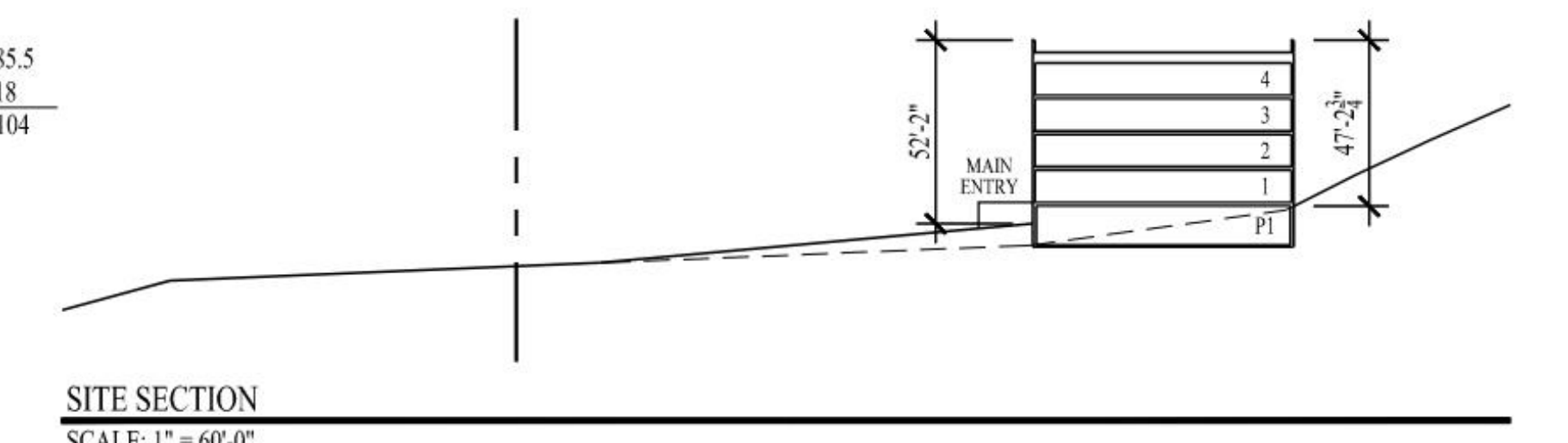


CIRQUE CONDOS

(38) 3-BEDROOM UNITS x 2.25 STALL = 85.5
(8) 2-BEDROOM UNITS (1,100 SF MIN.) x 2.25 STALL = 18
46 UNITS TOTAL REQ. STALLS = 104

AMENITIES:

- TRASH CHUTE (TR)
- ELEVATOR (EL)
- MAIL ROOM (M)
- BALCONY
- STORAGE UNITS
- GARAGE PARKING
- BIKE PARKING BIKE HOOKS IN UNITS (72 SPACES)



CIRQUE CONDOS
5000 N. CANYON ROAD
PROVO, UTAH 84604

ISS. DATE
04.03.2026

Applicant Slides



THE CURRENT PLAN PLACES THE BACK OF
TOWNHOMES ALONG UNIVERSITY



THIS PROPOSAL WOULD
PLACE THE FRONT OF A
BUILDING FACING
UNIVERSITY AVE

- The River Bottoms area is dotted with four story condo and office buildings
- The plan for the office complex kitty corner across the new stoplight is for a 4-story office building.

- Residences would be several hundred thousand dollars less than current ~3,000 sq ft townhome plan
- Would appeal to older individuals moving out of homes
- More affordable for first time home buyers





- Units will be majority owner occupied
- Units will be under 1,600 Sq Ft
- This square footage is considered affordable in State law and should help the City towards it's affordable housing metrics.



PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: AARDMORE
Presenter: Aaron Ardmore, Planning Supervisor
Department: Development Services
Meeting Date: 6/9/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: PLRZ20260076

SUBJECT: 4 An ordinance amending the zone map classification of real property, generally located at 5568 N Canyon Road, from the medium density residential (MDR) zone to the Arbors on the Avenue (PRO-A10) zone. North Timpview. (PLRZ20260076)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommends approval.

ADMINISTRATIVE MEMO: David Bragonje is requesting a zone map amendment from the MDR Zone to the PRO-A10 Zone in order to revise the development plans for property at 5568 N Canyon Road. The MDR Zone that was approved by the City Council in 2025 was limited to a 16-unit townhome development by a development agreement. In order to move forward with a plan for 46 condominium units he has requested the existing PRO Zone used for the Arbors on the Avenue projects (5072 N-5282 N University Ave).

A concept plan has been submitted to show compliance with the proposed zone, details of which can be found in that staff report (5.13.26 Planning Commission agenda, item #2). That concept plan would be tied to a new development agreement to replace the existing one recorded on the property.

The surrounding zoning includes the Agricultural (A1) and Open Space, Preservation, and Recreation (OSPR) Zones; and would remain open with the proposal. To the southeast of the project area is a Provo Power station and the Indian Trail trailhead and parking lot. Further south, within 500 feet, there are four single-family homes on in the A1 Zone, with some agricultural uses. Across University Avenue, to the west, is a commercial center in the General Commercial (CG) Zone, and future office development in the Professional Office (PO) Zone.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:



THIS PROPOSAL
WOULD PLACE THE
FRONT OF A
BUILDING FACING
UNIVERSITY AVE

- Proposed Building height complies with the current zoning of the property
- Sub station is about 60 feet higher

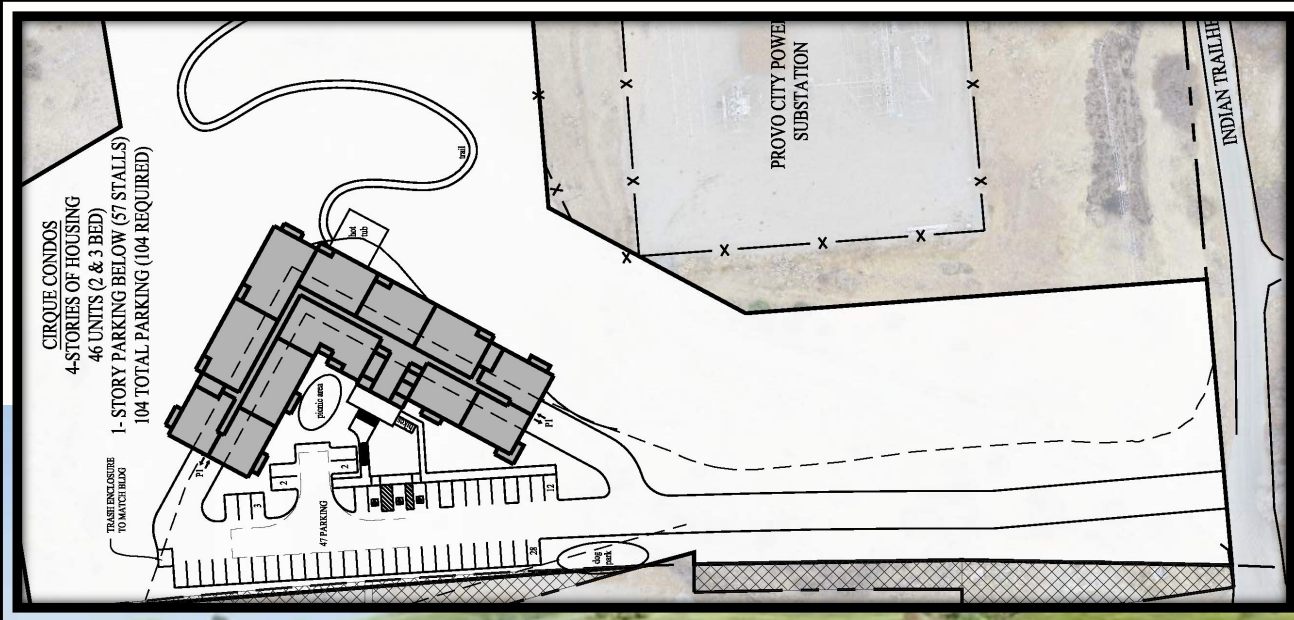


BUILDING HEIGHT:

The Back of townhomes placed closer to University would feel taller.

- Residences would be several hundred thousand dollars less than current ~3,000 sq ft townhome plan
- Would appeal to older individuals moving out of homes
- More affordable for first time home buyers

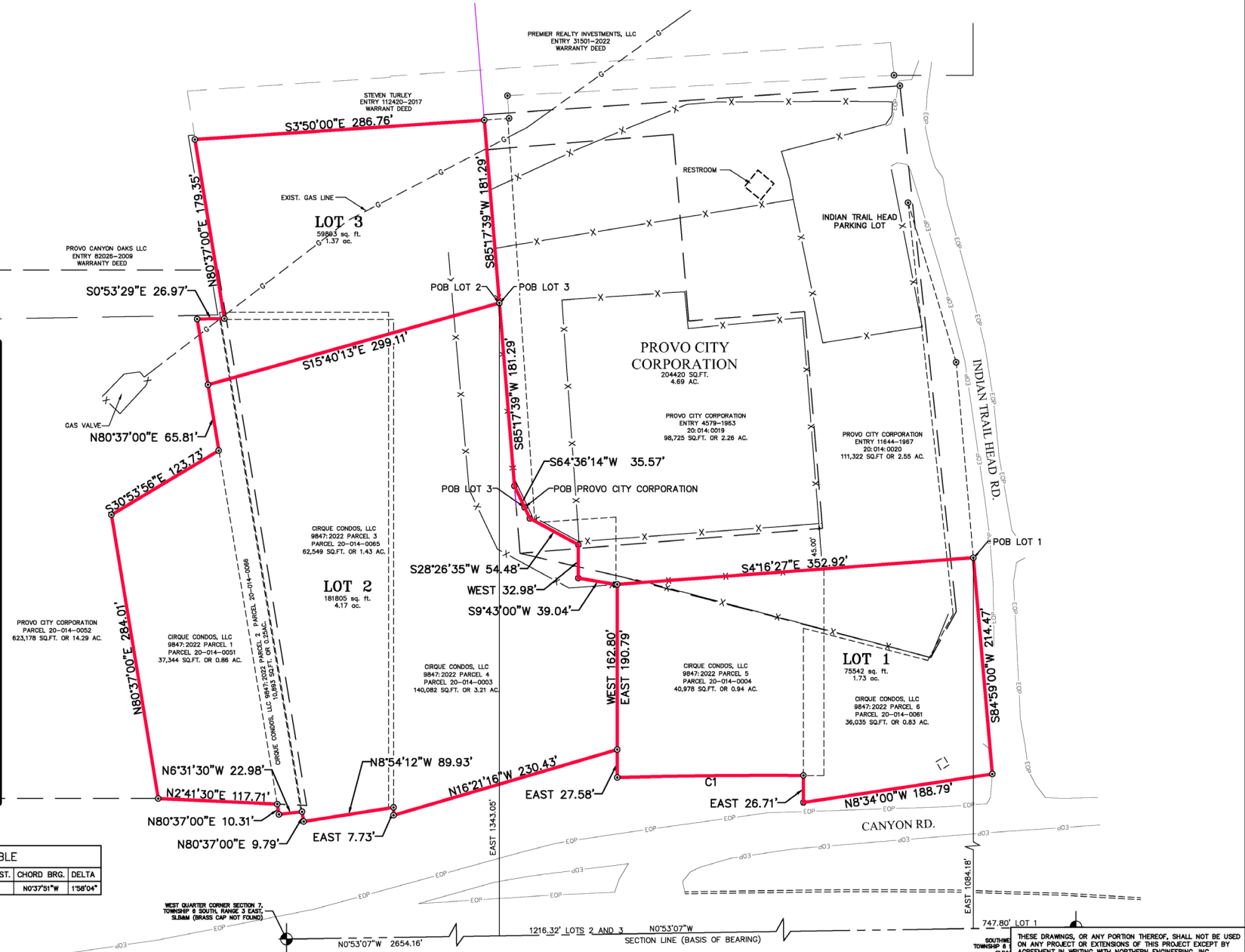
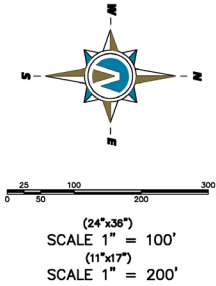




- Units will be majority owner occupied
- Units will average ~ 1,525 square Feet
- How will parking work in practice



I'VE BEEN
WORKING ON
THE ROAD
FOR YEARS



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	184.03'	5358.71'	184.02'	N0°37'51"W	1°58'04"

5		DESIGNED BY:	DATE:
4		DRAWN BY:	DATE:
3		CHECKED BY:	DATE:
2		APPROVED:	DATE:
1		COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE
REV. COGO FILE			



Northern
ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

CIRQUE CONDOS, LLC

PARCEL MAP
PROVO, UTAH

JOB NO.
17-021
SHEET NO.
1

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

Provo City Planning Commission

Report of Action

May 13, 2026

***ITEM 3** David Bragonje requests a Zone Map Amendment from the MDR (Medium Density Residential) Zone to the PRO-A10 (Arbors on the Avenue) Zone, along with amendments to the Development Agreement, in order to develop a 46-unit condominium project, located at 5568 N Canyon Road. North Timpview Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLRZ20260076

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 13, 2026:

RECOMMENDED APPROVAL

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

Motion By: Lisa Jensen

Second By: Matt Wheelwright

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

Jonathon Hill was present as Chair.

- Includes facts of the case and analysis 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 PRO-A10 Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission approved the related concept plan, subject to approval of this zone change (PLCP20260077, Item 2 at the May 13, 2026, hearing).

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. David Day (Public Works) also detailed that the city received better data on sewer that would allow this project to advance, since that was a concern on the applicant's previous proposal.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.
- Traffic study may be required with future stages of approval.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 04/01/2026.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public 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:

- Bonnie Morrow gave an overview of the neighborhood meeting feedback from the April 1 District Meeting.
- Victoria Baird shared concerns about traffic in the area.
- Julie Smith hoped to understand how this development will impact the future looping of Canyon Road into University Ave.
- There were additional comments from the public questioning the street network, improvements, and traffic concerns existing in the area and how those were to be addressed with this development.

APPLICANT RESPONSE

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

- David Bragonje gave an overview of his proposal, providing updated renderings and information for the project, and indicated the value it would bring to the city with improved infrastructure, more for-sale condo units, and a more appealing entrance into the city.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners asked some follow-up questions to staff regarding infrastructure, zoning, road design and traffic.
- Providing at least half of the units as for-sale is a benefit of the project, it meets parking requirements, and fits the General Plan for the area.
- Joel Temple noted his concern for traffic with the grade and access locations and hoped that the plan could include traffic calming measures, but he does like the proposal.
- Anne Allen expressed some concern for the project changing, but it was noted that elements of the current proposal would be regulated through a development agreement.
- Jonathon Hill feels like this proposal is a good opportunity to provide this type of housing, and the design helps to make it fit in the area.
- The commission was agreed that there needs to be improvements on the surrounding road network to improve safety.
- The Commission discussed the ability to enforce owner-occupancy to this project, but found value in the applicant offering a project where owners and/or tenants would want to stay.
- Commissioners discussed recommendations for the City Council to address, including addressing the connection into Canyon Road, ensuring there is enough guest parking, and defining the height and unit count.
- The motion for recommending approval to the City Council included recommendations to align the access road with the future road plan of Canyon Road, that traffic calming measures are installed, that they make sure parking for visitors is included, consider snow storage, and that the maximum height and unit count be locked in.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

That the proposed concept meets the proposed zone requirements, it provides a needed housing type to the city, and will help to improve infrastructure in the area; and that the development agreement will help to secure this plan. The zone and plan fit the General Plan and Neighborhood Plan for the area.



Planning Commission Chair



Director of Development Services

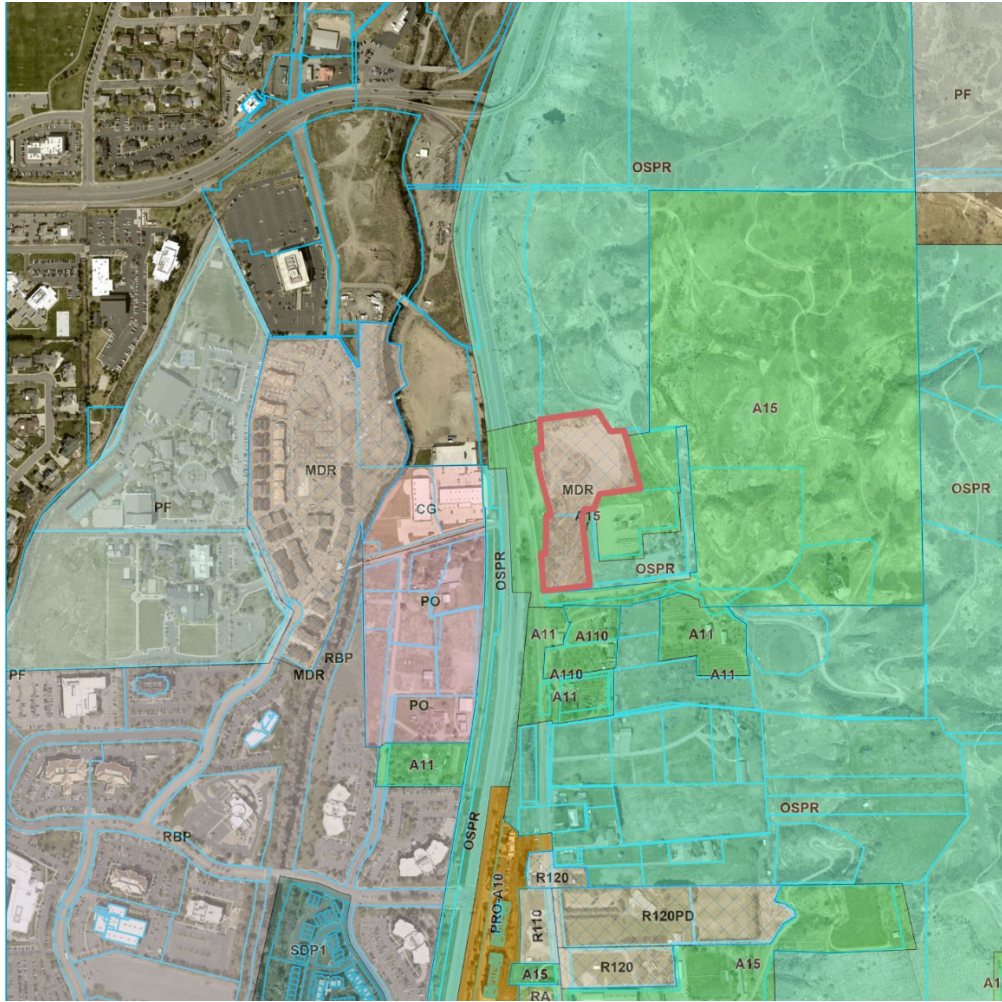
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ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



Serial Number: 20:014:0109

Taxing Description: COM N 0 DEG 53' 7" W 747.8 FT & E 1084.18 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 84 DEG 59' 0" W 214.47 FT; N 8 DEG 34' 0" W 188.79 FT; E 26.71 FT; ALONG A CURVE TO L (CHORD BEARS: N 0 DEG 37' 51" W 184.02 FT, RADIUS = 5358.71 FT); E 190.79 FT; S 4 DEG 16' 27" E 352.92 FT TO BEG. AREA 1.733 AC.

Serial Number: 20:014:0110

Taxing Description: COM N 1216.175 FT & E 1324.257 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 85 DEG 17' 39" W 181.29 FT; S 64 DEG 36' 13" W 35.57 FT; S 28 DEG 26' 35" W 54.48 FT; W 32.98 FT; S 9 DEG 43' 0" W 39.04 FT; W 162.8 FT; N 16 DEG 21' 16" W 1.33 FT; N 16 DEG 21' 16" W 229.05 FT; N 16 DEG 21' 16" W .05 FT; E 7.73 FT; N 8 DEG 54' 12" W 89.93 FT; N 80 DEG 37' 1" E 9.79 FT; N 6 DEG 31' 33" W 22.98 FT; N 80 DEG 36' 56" E 14.19 FT; N 7 DEG 2' 26" W 22.44 FT; N 2 DEG 41' 31" E 94.78 FT; N 80 DEG 37' 0" E 284.01 FT; S 30 DEG 53' 56" E 123.73 FT; N 80 DEG 37' 0" E 65.81 FT; S 15 DEG 40' 13" E 299.11 FT TO BEG. AREA 4.170 AC.

***ITEM 3** David Bragonje requests a Zone Map Amendment from the MDR (Medium Density Residential) Zone to the PRO-A10 (Arbors on the Avenue) Zone, along with amendments to the Development Agreement, in order to develop a 46-unit condominium project, located at 5568 N Canyon Road. North Timpview Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLRZ20260076

APPLICANT:	David Bragonje
PROPERTY OWNER:	Cirque Condos LLC (David Bragonje)
PARCEL ID:	20:014:0110; 20:014:0109
ACREAGE:	5.9 acres
CURRENT LEGAL USE:	Vacant
GENERAL PLAN DESIGNATION:	Residential
CURRENT ZONE:	MDR (Medium Density Residential)
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

The different iterations of this project have been discussed at multiple neighborhood district meetings, with the latest 46-unit condo concept being discussed at the April 1 North District meeting. Minutes of this last meeting are attached to this report.

PROJECT SUMMARY

David Bragonje is requesting a zone map amendment from the MDR Zone to the PRO-A10 Zone in order to revise the development plans for property at 5568 N Canyon Road. The MDR Zone that was approved by the City Council in 2025 was limited to a 16-unit townhome development by a development agreement. In order to move forward with a plan for 46 condominium units he has requested the existing PRO Zone used for the Arbors on the Avenue projects (5072 N-5282 N University Ave).

A concept plan has been submitted to show compliance with the proposed zone, details of which can be found in that staff report (5.13.26 Planning Commission agenda, item #2). That concept plan would be tied to a new development agreement to replace the existing one recorded on the property.

The surrounding zoning includes the Agricultural (A1) and Open Space, Preservation, and Recreation (OSPR) Zones; and would remain open with the proposal. To the southeast of the project area is a Provo Power station and the Indian Trail trailhead and parking lot. Further south, within 500 feet, there are four single-family homes on in the

A1 Zone, with some agricultural uses. Across University Avenue, to the west, is a commercial center in the General Commercial (CG) Zone, and future office development in the Professional Office (PO) Zone.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Applicant Response: “Current status quo of the property is a blight in the city and a zone change will facilitate development, thus improving the aesthetics of this area” and “development of this property will facilitate improvements to city infrastructure.”

Staff Response: Development of this parcel would be an improvement to an important gateway to the city and bring needed services to the area.

FINDING: Meets standard.

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

Applicant Response: The current approved development is difficult to make feasible without very high selling prices, the proposed zone would allow a more affordable option and provide more residential units.

Staff Response: This zone map amendment seems to be necessary to make development happen.

FINDING: Meets standard.

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

Applicant Response: The proposed amendment meets the goals to provide more for-sale housing in the city and aligns with the neighborhood plan.

Staff Response: The future land use map of the Northeast Neighborhood plan better aligns with this 46-unit proposal than the existing 16-unit plan. The proposed amendment aligns with goals in chapters 1 and 2 of the General Plan to “allow for different types of housing in neighborhoods” and to “increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways.”

FINDING: Meets standard.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated;

Applicant Response: “Development of the property will facilitate improvements to city infrastructure.”

Staff Response: The timing and sequencing of this request is timely as more development is being proposed in this area of the city, and allowing this project to move forward will help bring those services closer to those proposed developments.

FINDING: Meets standard.

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

Applicant Response: No response.

Staff Response: Staff do not believe that any policies of the General Plan would be obstructed by the passing of this proposed amendment, as noted above, it meets the housing goals of the General Plan and the land use of the Northeast Neighborhood Plan.

FINDING: Meets standard.

(f) Adverse impacts on adjacent land owners; and

Applicant Response: No response.

Staff Response: Adverse impacts associated with this rezone may be a minimal increase in traffic on surrounding road networks, but the positive impacts to adjacent owners of improving a blighted area and improving public infrastructure and road networks should outweigh this concern.

FINDING: Meets standard.

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

Applicant Response: No response.

Staff Response: Zoning and General Plan designations are correct (with a slight mapping boundary issue on the General Plan residential designation: the residential designation does not cover the entire subject property, but the general plan map areas are not meant to follow property lines).

FINDING: Meets standard.

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

Applicant Response: No response.

Staff Response: Policies have taken precedence.

FINDING: Meets standard.

APPLICABLE ZONING CODES

Provo City Code 14.50(10): [https://provo.municipal.codes/Code/14.50\(10\)](https://provo.municipal.codes/Code/14.50(10))

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

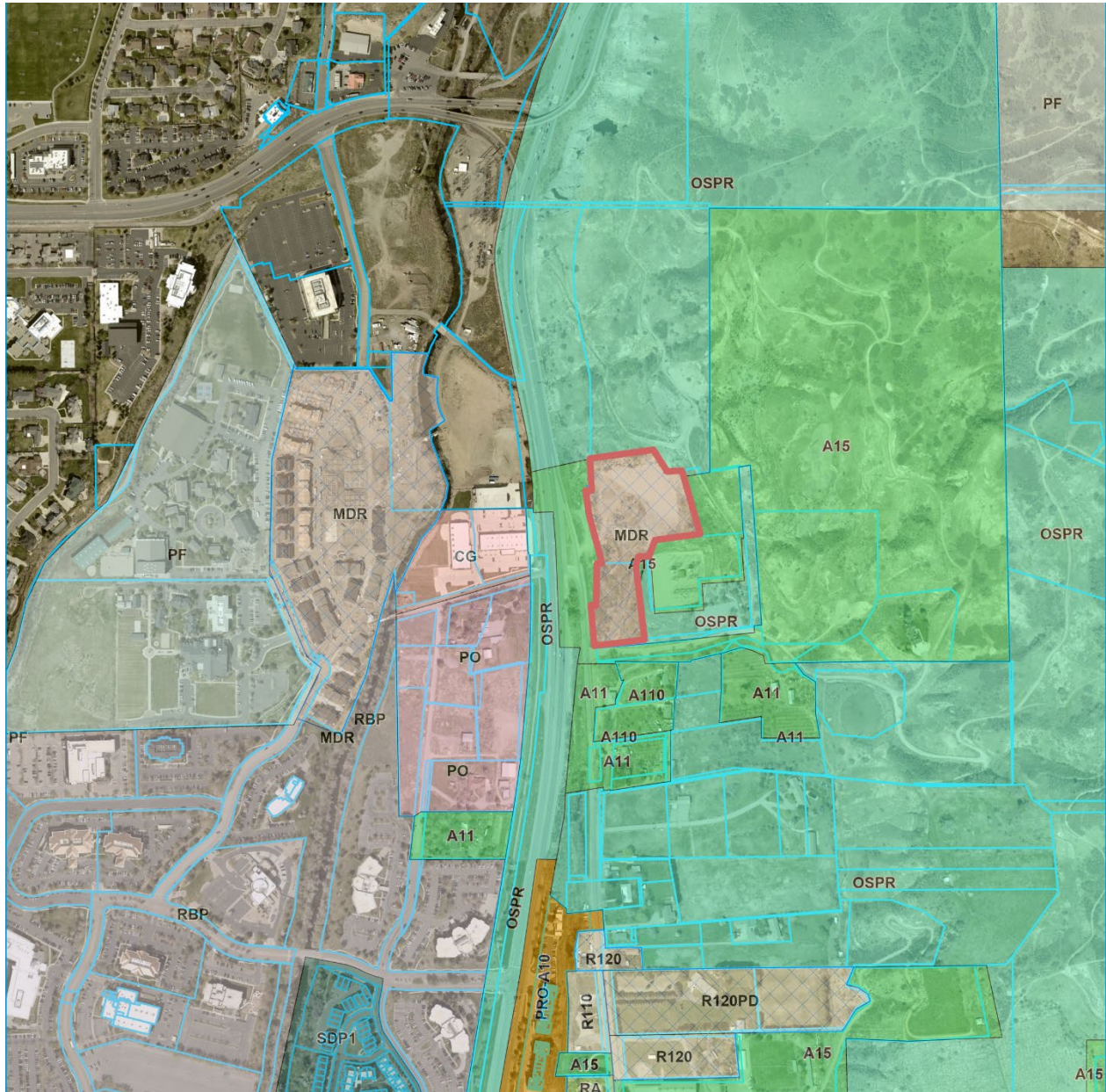
1. **Recommend Approval:** The proposal is consistent with the General Plan. *Make a motion to recommend approval of the proposed zone map amendment from the MDR Zone to the PRO-A10 Zone to the City Council. (state findings).*
2. **Recommend Denial:** The proposal is not consistent with the General Plan. *Make a motion to recommend denial of the proposed zone map amendment from*

- the MDR Zone to the PRO-A10 Zone to the City Council. (state findings).*
3. **Continue:** New information presented at the public hearing or additional study needs to be done. *Make a motion to continue the proposed zone map amendment from the MDR Zone to the PRO-A10 Zone to the City Council. (state findings).*

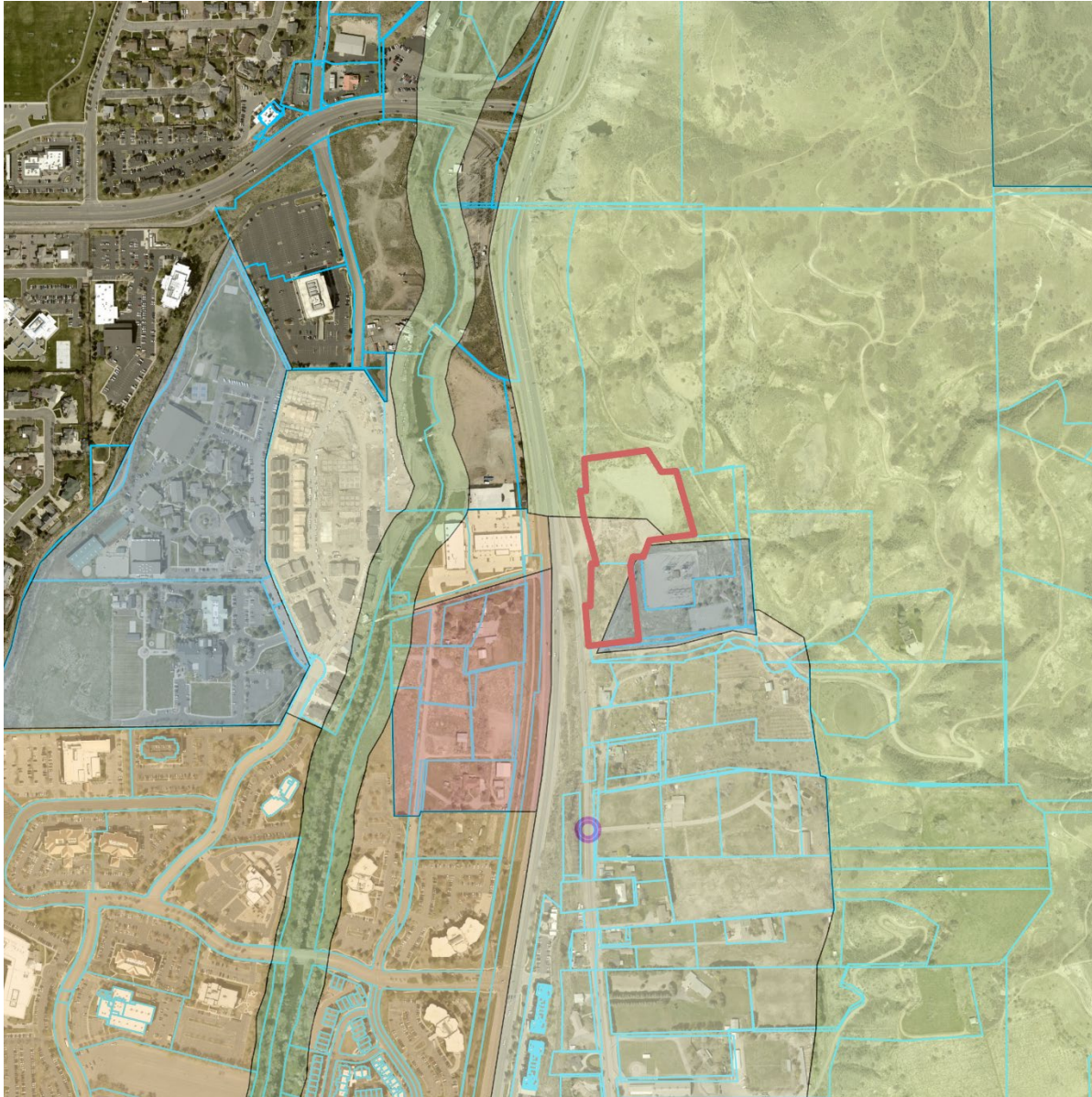
ATTACHMENTS

1. Existing Zone Map
2. General Plan Map
3. Northeast Neighborhood Plan Future Land Use Map
4. Applicant Statement
5. April 1, 2026, Neighborhood Meeting Minutes

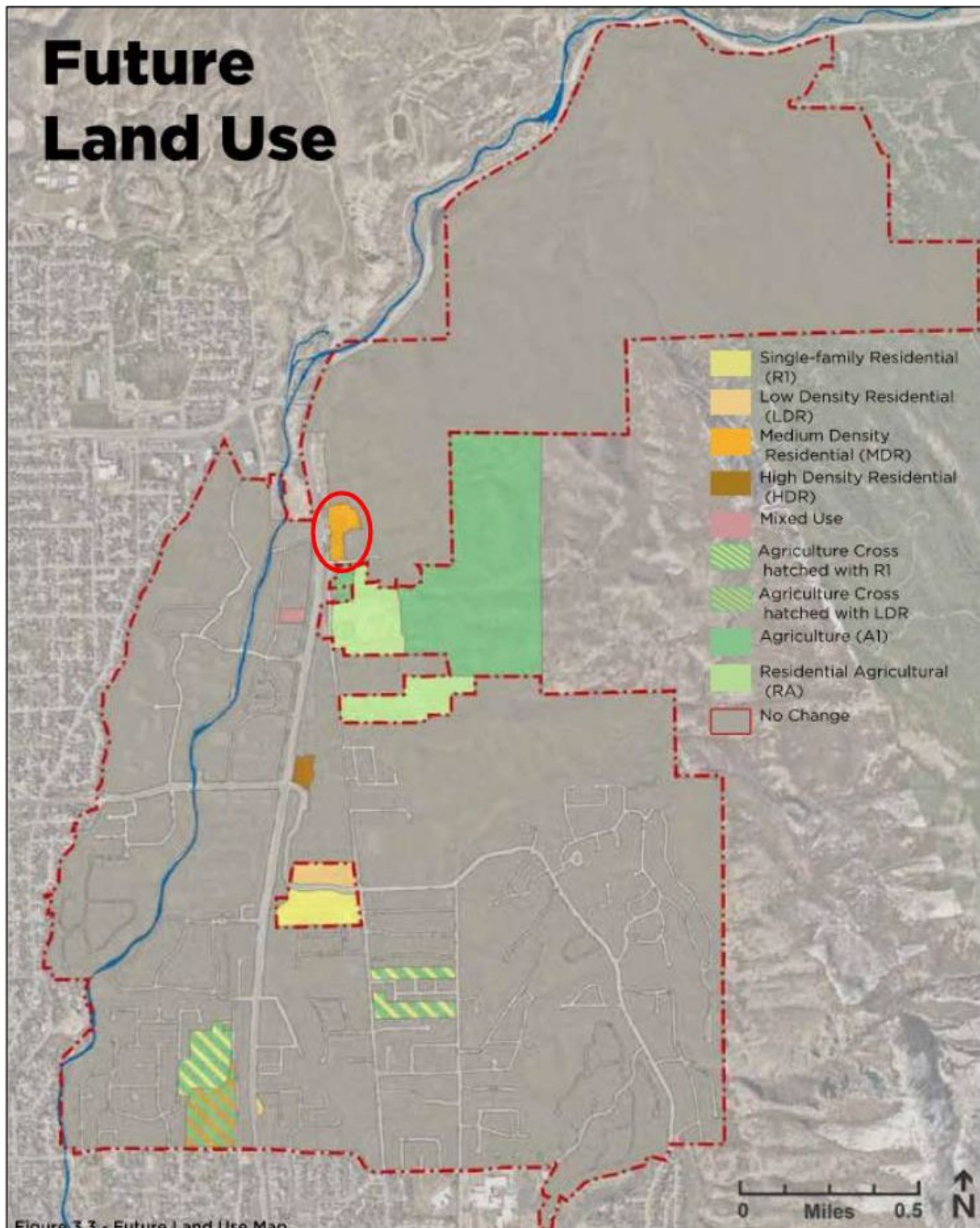
ATTACHMENT 1 – EXISTING ZONE MAP



ATTACHMENT 2 – GENERAL PLAN MAP



ATTACHMENT 3 – NORTHEAST NEIGHBORHOOD PLAN FUTURE LAND USE MAP



ATTACHMENT 4 – APPLICANT STATEMENT

February 2, 2026

RE: Cirque Condos Rezone

Approximately 5600 N University Ave

To Whom It May Concern:

It is requested that the subject property be rezoned from MDR to **ARBORS ON THE AVENUE PROJECT REDEVELOPMENT OPTION ZONE**. The reason and justification for such zone change is as follows:

- The proposed zone change allows for the development of a Condo Project
- Property on the same side of University Avenue to the south has similar zoning
- Current status quo of the property is a blight in the city and a zone change will facilitate development, thus improving the aesthetics of this area
- Development of this property will facilitate improvements to city infrastructure
- There is market demand for more residential units

Sincerely,

A handwritten signature in black ink, appearing to read "David Bragonje". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Bragonje

Cirque Condos, LLC

801-636-9513

ATTACHMENT 5 – APRIL 1, 2026, NEIGHBORHOOD MEETING MINUTES

Update on a proposed zone change from MDR (Medium Density Residential) to PRO-A10 (Arbors on the Avenue) and a request to amend the Development Agreement for a 46-unit condo project at 5568 North Canyon Road in the North Timpview Neighborhood

Planning Supervisor Aaron Ardmore provided an update on the 5055 North Canyon rezone project, formerly a gravel pit location. The property owner previously received approval for Medium Density Residential zoning with a development agreement limiting the project to 16 townhome units due to sewer infrastructure limitations.

Public Works has since worked with consultants and property owners to find solutions for sewer infrastructure gaps, prompting the current rezone request. The applicant is now proposing to change from MDR to PRO (Provo Ordinance) zone, specifically matching the zoning used for Arbors on the Avenue development further down Canyon Road. The density would remain consistent with the medium density residential calculation that was approved in the neighborhood standards plan.

The proposal includes 46 owner-occupied condo units with conceptual elevations showing how buildings would be situated on the sloped site. The project includes underground parking and surface parking, providing 2.25 parking spaces per unit. Units would be 2 and 3 bedrooms.

Questions were raised about structural safety given the hillside location. Ardmore assured that multiple levels of government regulation would ensure safety standards are met. The project would also require amendments to the existing development agreement, specifically updating the site plan that currently limits development to 16 units.

Current zoning (MDR) would technically allow 30 units per acre at 45 feet height, while the PRO-A10 zone allows 24 units per acre at 60 feet height. The developer is requesting fewer units than currently entitled but with different building parameters.

An opinion poll was conducted with three options:

- Favoring the project as proposed with no development agreement restrictions: **0**
- Favoring the project with a development agreement limiting it to 46 units: **10**
- Maintaining current approval (MDR with development agreement for 16 units): **13**

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 5568 N CANYON ROAD, FROM THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE TO THE ARBORS ON THE AVENUE (PRO-A10) ZONE. NORTH TIMPVUE NEIGHBORHOOD. (PLRZ20260076)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 5.9 acres of real property, generally located at 5568 N Canyon Road (an approximation of which is shown or described in Exhibit A and a more precise description of which is attached as Exhibit B, be amended from the Medium Density Residential (MDR) Zone to the Arbors on the Avenue (PRO-A10) Zone;

On May 13, 2026, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended **approval** of the proposal to the Municipal Council by an 8:0 vote;

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

On June 9, 2026, the Municipal Council met to determine the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the Planning Commission's recommendation and the facts presented to the Municipal Council, and having considered the impact of the proposed ordinance on family health, stability, and formation, 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:

The classification on the Provo Zoning Map is amended from the Medium Density Residential (MDR) Zone to the Arbors on the Avenue (PRO-A10) Zone for the real property described in this ordinance.

41 PART II:

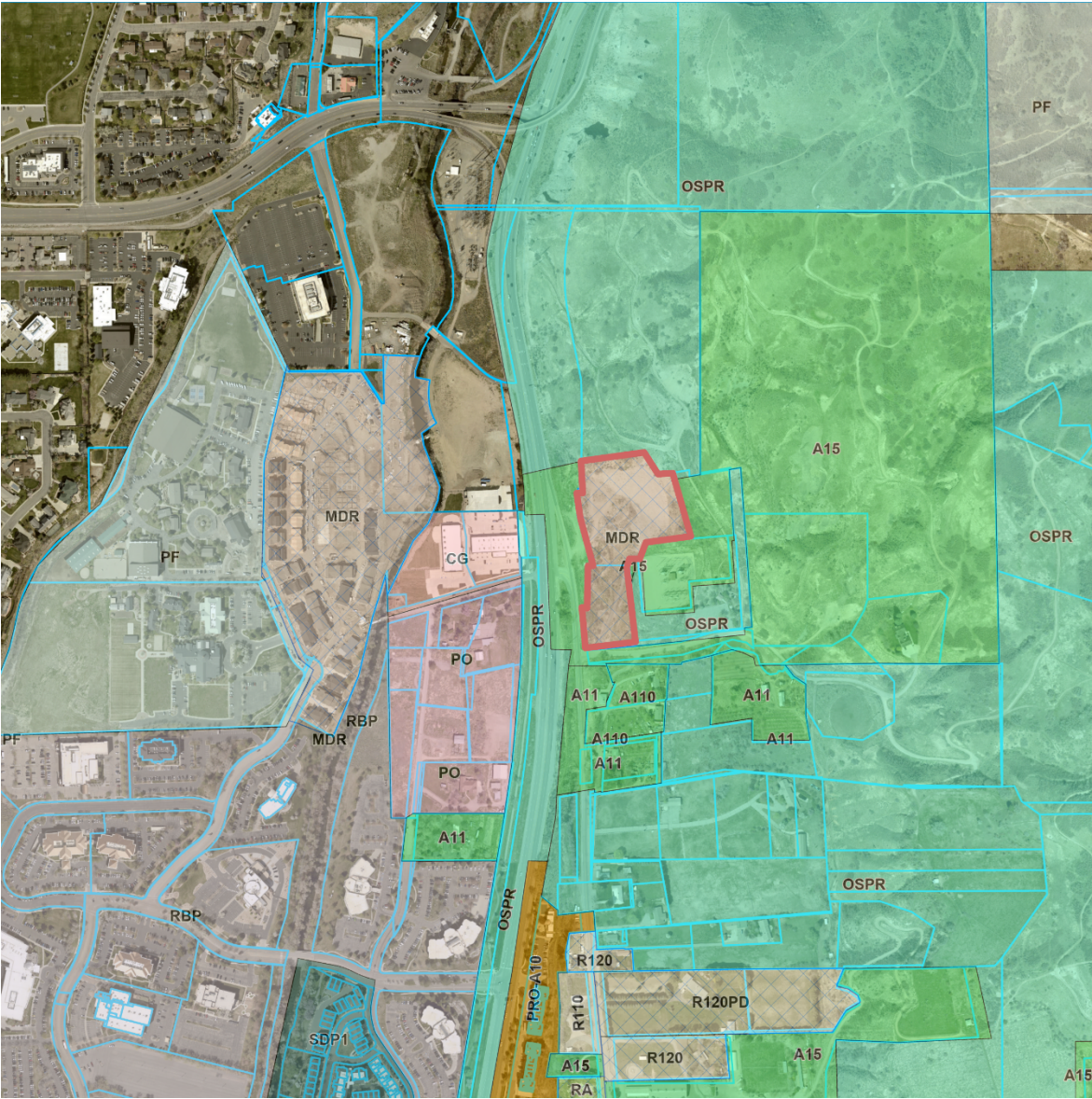
42 The Mayor is authorized to negotiate and execute a development agreement as proposed
43 by the applicant for this zone change, consistent with the representations made by the applicant
44 and the applicant's representatives to the Council. The agreement must be in form substantially
45 similar to the draft attached as Exhibit C. An executed copy of the agreement will be attached as
46 Exhibit D after execution. The zone map classification change described in Part I is not effective
47 until the date of final execution of the development agreement.

48 PART III:

- 49
- 50 A. If a provision of this ordinance conflicts with a provision of a previously adopted
51 ordinance, this ordinance controls.
52
- 53 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
54 sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the
55 remainder of the ordinance is not affected by that determination.
56
- 57 C. Except as otherwise stated in Part II, this ordinance takes effect immediately after it has
58 been posted or published in accordance with Utah Code Section 10-3-711, presented to the
59 Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with
60 Utah Code Section 10-3-713.
61
- 62 D. The Municipal Council directs that the Provo Zoning Map be updated and codified to
63 reflect the provisions enacted by this ordinance.
64
- 65 E. Notwithstanding any provision or language to the contrary in this ordinance, if the
66 Development Agreement authorized in Part II has not been fully executed by the necessary
67 parties within one year from the date of the Municipal Council's approval of this ordinance,
68 the entire ordinance expires, becoming null and void as if it had never been approved.
69 Because the zone map classification change contemplated in Part I cannot come into effect
70 if the Development Agreement is not executed, neither the applicant nor any successor(s)
71 in interest has any vested rights under this ordinance if it expires.

72
73

EXHIBIT A



74

EXHIBIT B

Serial Number: 20:014:0109

Taxing Description: COM N 0 DEG 53' 7" W 747.8 FT & E 1084.18 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 84 DEG 59' 0" W 214.47 FT; N 8 DEG 34' 0" W 188.79 FT; E 26.71 FT; ALONG A CURVE TO L (CHORD BEARS: N 0 DEG 37' 51" W 184.02 FT, RADIUS = 5358.71 FT); E 190.79 FT; S 4 DEG 16' 27" E 352.92 FT TO BEG. AREA 1.733 AC.

Serial Number: 20:014:0110

Taxing Description: COM N 1216.175 FT & E 1324.257 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 85 DEG 17' 39" W 181.29 FT; S 64 DEG 36' 13" W 35.57 FT; S 28 DEG 26' 35" W 54.48 FT; W 32.98 FT; S 9 DEG 43' 0" W 39.04 FT; W 162.8 FT; N 16 DEG 21' 16" W 1.33 FT; N 16 DEG 21' 16" W 229.05 FT; N 16 DEG 21' 16" W .05 FT; E 7.73 FT; N 8 DEG 54' 12" W 89.93 FT; N 80 DEG 37' 1" E 9.79 FT; N 6 DEG 31' 33" W 22.98 FT; N 80 DEG 36' 56" E 14.19 FT; N 7 DEG 2' 26" W 22.44 FT; N 2 DEG 41' 31" E 94.78 FT; N 80 DEG 37' 0" E 284.01 FT; S 30 DEG 53' 56" E 123.73 FT; N 80 DEG 37' 0" E 65.81 FT; S 15 DEG 40' 13" E 299.11 FT TO BEG. AREA 4.170 AC.

91
92 EXHIBIT C

93
94 DEVELOPMENT AGREEMENT

95 FOR

96 Cirque Condos

97
98 (5568 N Canyon Rd)
99

100 THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the ____ day
101 of _____, 2026 (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal
102 corporation, hereinafter referred to as "City," and David Bragonje Dba Cirque Condos LLC, a Utah
103 limited liability company, hereinafter referred to as "Developer." The City and Developer are
104 hereinafter collectively referred to as "Parties."

105 RECITALS

106 A. Developer is the owner of approximately 5.9 acres of land located within the City of
107 Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by
108 reference (the "Property").

109 B. June 23, 2026, the City Council approved Ordinance _____, vesting zoning (the
110 "Vesting Ordinance"), based on the Concept Plan set forth on EXHIBIT B ("Concept Plan"), attached
111 hereto and incorporated herein by reference, which will govern the density, development and use of the
112 Property (said density, development, and use constituting the "Project").

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

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

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

123 F. The City has the authority to enter into this Agreement pursuant to Utah Code Section
124 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the
125 Developer for the purpose of guiding the development of the Property in accordance with the terms and
126 conditions of this Agreement and in accordance with applicable City Ordinances.

127 G. This Agreement is consistent with, and all preliminary and final plats within the Property
128 are subject to and shall conform with, the City's General Plan, Zoning Ordinances, and Subdivision
129 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 PRO-A10 (Arbors on the Avenue) 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 that:

a. The Project will not and may not have more than 46 dwelling units;

b. The Project will not have a height greater than 4 stories or 52 feet;

c. That a minimum of fifty percent (50%) of the condominiums must be owner-occupied for the first year after purchase on a perpetual basis, established by deed restriction and CC&Rs on the property;

d. Parking will be provided at a ratio of 2.25 per unit; and

e. The Developer must cause the ownership of the Indian Trail (aka Bonneville Shoreline Trail) running through Parcel 20:014:0111 to be transferred to the City via Deed Transfer or Easement prior to issuance of a building permit.

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,

205 4. Taxes. Taxes, or modifications thereto, so long as such taxes are
206 lawfully imposed and charged uniformly by the City to all
207 properties, applications, persons and entities similarly situated.

208 5. Fees. Changes to the amounts of fees for the processing of
209 Development Applications that are generally applicable to all
210 development within the City (or a portion of the City as specified in
211 the lawfully adopted fee schedule) and which are adopted pursuant
212 to State law.

213 6. Impact Fees. Impact Fees or modifications thereto which are
214 lawfully adopted, imposed and collected.

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

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

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

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

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

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

243 The rights and remedies set forth herein shall be cumulative.

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

247 To the Developer: Cirque Condos, LLC
248 Attn: David Bragonje _____
249 10274 N Bayhill Dr. _____
250 Cedar Hills, UT 84062 _____
251 Phone: 801-636-9513 _____

252
253 To the City: City of Provo
254 Attention: City Attorney
255 445 W Center
256 Provo, UT 84601
257 Phone: (801) 852-6140
258

259 9. General Term and Conditions.

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

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

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

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

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

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

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

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

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

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

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

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

314 m. Termination.

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

323 ii. Upon termination of this Agreement for the reasons set forth herein,
324 following the notice and process required hereby, the obligations of the City and the
325 defaulting party to each other hereunder shall terminate, but none of the licenses,

326 building permits, or certificates of occupancy granted prior to expiration of the Term or
327 termination of this Agreement shall be rescinded or limited in any manner.

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

330 a. Notice. Developer shall give Notice to the City of any proposed assignment and
331 provide such information regarding the proposed assignee that the City may
332 reasonably request in making the evaluation permitted under this Section. Such
333 Notice shall include providing the City with all necessary contact information for the
334 proposed assignee.

335 b. Partial Assignment. If any proposed assignment is for less than all of Developer's
336 rights and responsibilities, then the assignee shall be responsible for the
337 performance of each of the obligations contained in this Agreement to which the
338 assignee succeeds. Upon any such approved partial assignment, Developer shall be
339 released from any future obligations as to those obligations which are assigned but
340 shall remain responsible for the performance of any obligations that were not
341 assigned.

342 c. Grounds for Denying Assignment. The City may only withhold its consent if the City
343 is not reasonably satisfied of the assignee's reasonable financial ability to perform
344 the obligations of Developer proposed to be assigned.

345 d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be
346 bound by the assigned terms and conditions of this Agreement as a condition
347 precedent to the effectiveness of the assignment.

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

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

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

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

365 shall excuse performance of the obligation by that party for a period equal to the duration of that
366 prevention, delay or stoppage.

367 15. Amendment. This Agreement may be amended only in writing signed by the Parties
368 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 Marsha Judkins

DEVELOPER:

_____, a Utah limited liability
company

By: _____
Name: _____
Title: _____

STATE OF UTAH)
 :ss
COUNTY OF UTAH)

On the ____ day of _____, 2026, 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.

Notary Public

STATE OF UTAH)
 :ss
COUNTY OF UTAH)

On the ____ day of _____, 2026, 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.

Notary Public

Exhibit A

Legal Description of the Property

Parcel # 20:014:0110

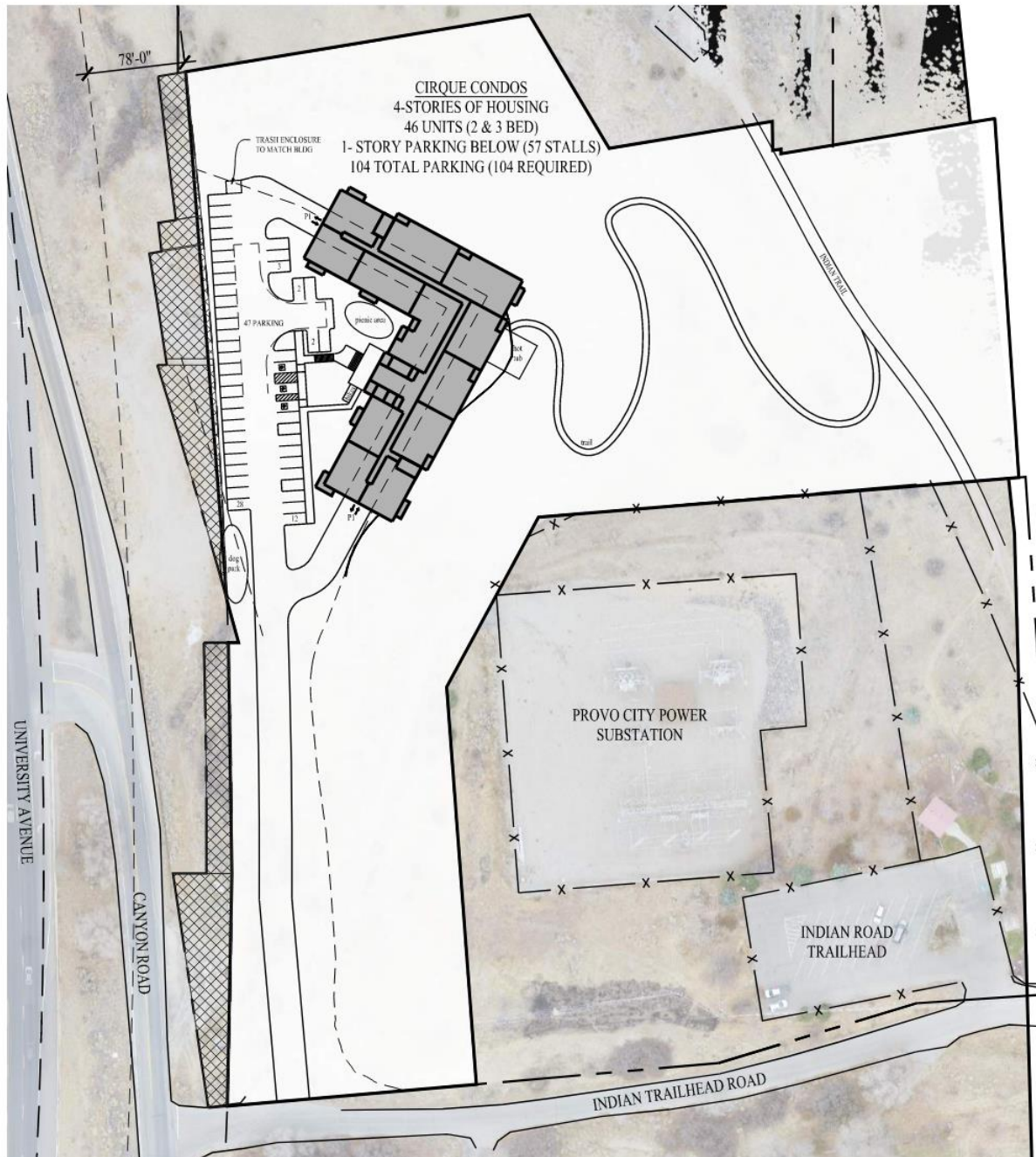
COM N 1216.175 FT & E 1324.257 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 85 DEG 17' 39" W 181.29 FT; S 64 DEG 36' 13" W 35.57 FT; S 28 DEG 26' 35" W 54.48 FT; W 32.98 FT; S 9 DEG 43' 0" W 39.04 FT; W 162.8 FT; N 16 DEG 21' 16" W 1.33 FT; N 16 DEG 21' 16" W 229.05 FT; N 16 DEG 21' 16" W .05 FT; E 7.73 FT; N 8 DEG 54' 12" W 89.93 FT; N 80 DEG 37' 1" E 9.79 FT; N 6 DEG 31' 33" W 22.98 FT; N 80 DEG 36' 56" E 14.19 FT; N 7 DEG 2' 26" W 22.44 FT; N 2 DEG 41' 31" E 94.78 FT; N 80 DEG 37' 0" E 284.01 FT; S 30 DEG 53' 56" E 123.73 FT; N 80 DEG 37' 0" E 65.81 FT; S 15 DEG 40' 13" E 299.11 FT TO BEG. AREA 4.170 AC.

Parcel # 20:014:0109

COM N 0 DEG 53' 7" W 747.8 FT & E 1084.18 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 84 DEG 59' 0" W 214.47 FT; N 8 DEG 34' 0" W 188.79 FT; E 26.71 FT; ALONG A CURVE TO L (CHORD BEARS: N 0 DEG 37' 51" W 184.02 FT, RADIUS = 5358.71 FT); E 190.79 FT; S 4 DEG 16' 27" E 352.92 FT TO BEG. AREA 1.733 AC.

436
437
438
439

Exhibit B
Concept Plan



CONCEPTUAL SITE PLAN
SCALE: 1" = 100'-0"



ORDER
ARCHITECTURE

CIRQUE CONDOS
5600 N. CANYON ROAD
PROVO, UTAH 84604

ISS. DATE
04.03.2026

440

***ITEM 1**

Provo Public Works requests Ordinance Text Amendments to Provo City Code 15.05.180, Floodplain Management and Development Standards, to adopt new FEMA maps and update language within the ordinance.

Citywide Application

PLOTA20260185

15.05.180 Floodplain Management and Development Standards

By Tommy Scherbel and Benjamin

Rood from WSP

May 13, 2026



FEMA NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

1. Apply to FEMA to join the NFIP
2. Adopt a resolution of intent to participate
3. Adopt and enforce a floodplain management ordinance that meets or exceeds FEMA minimum standards
4. Use FEMA floodplain maps (FIRMs/FHBMs)
5. Enforce development regulations in flood hazard areas

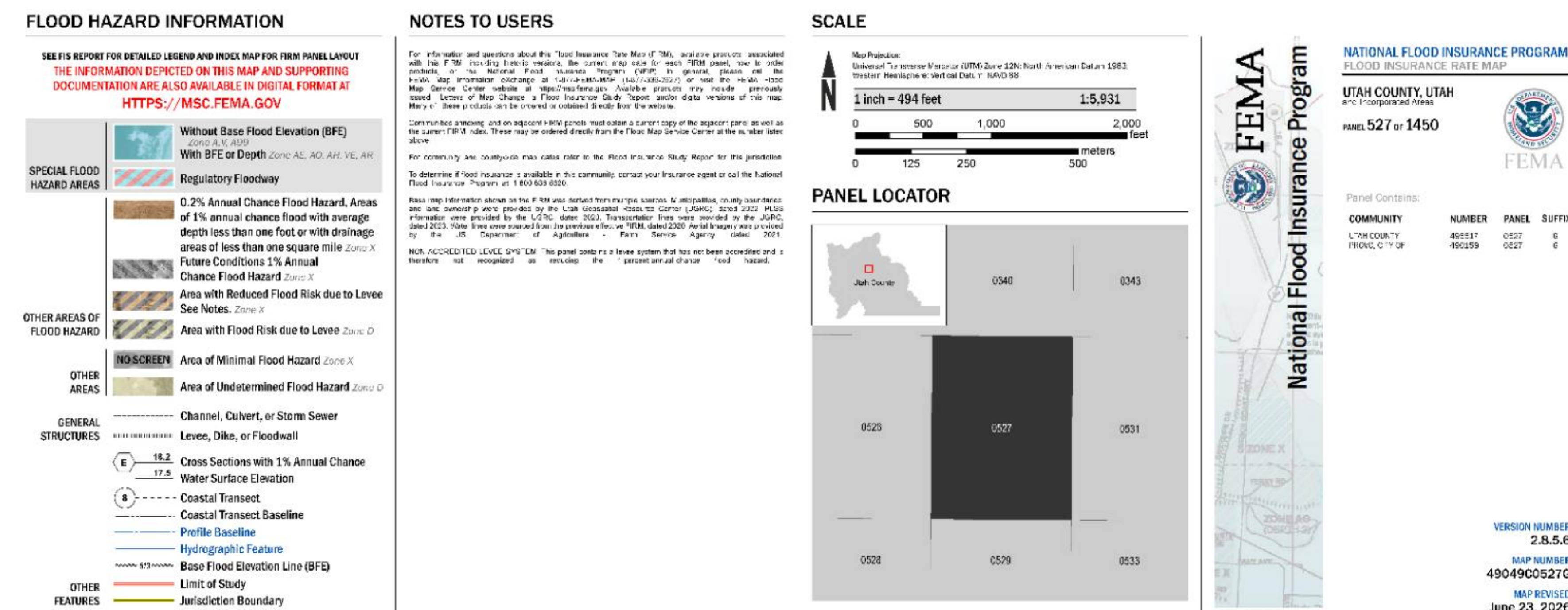
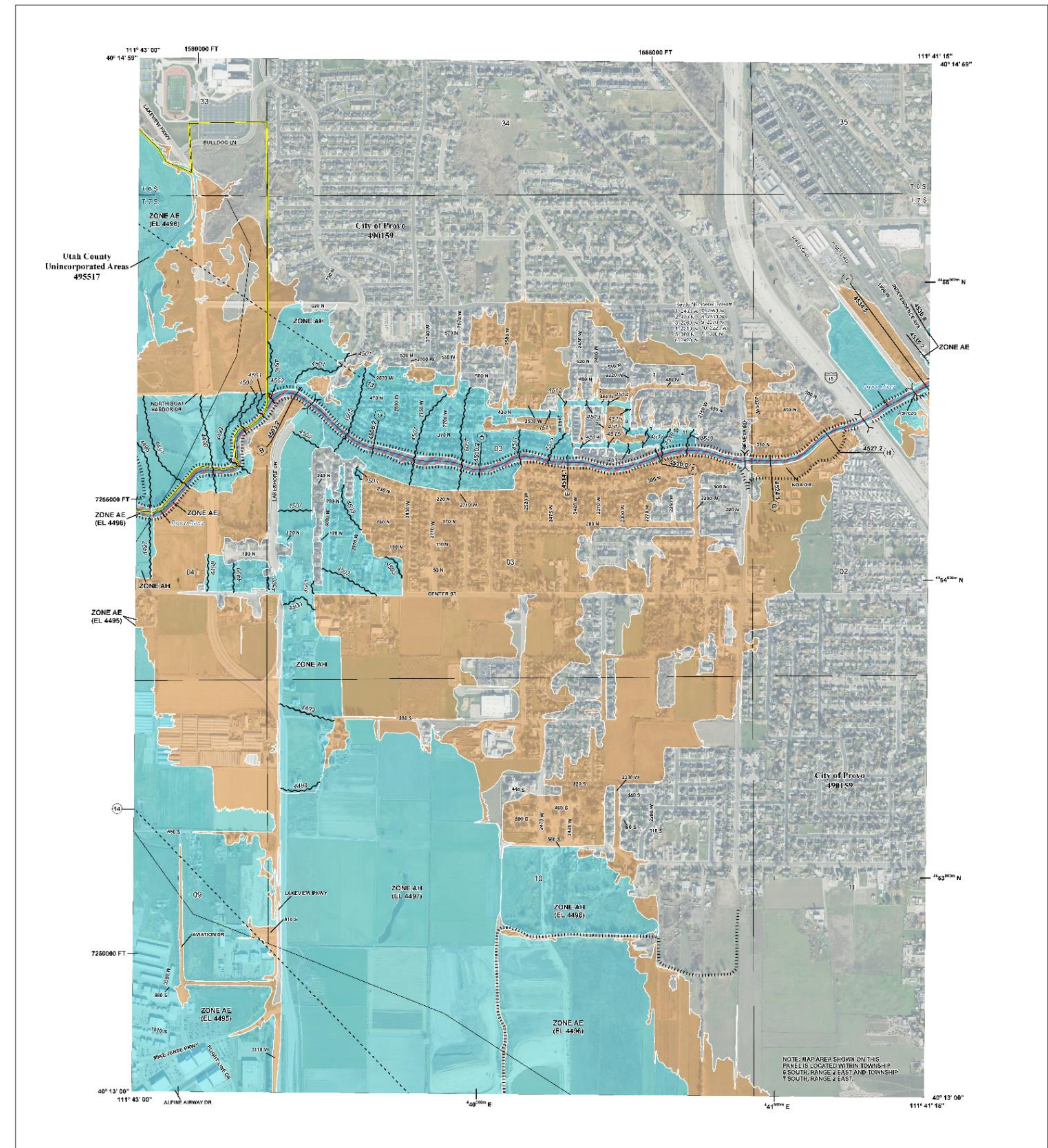
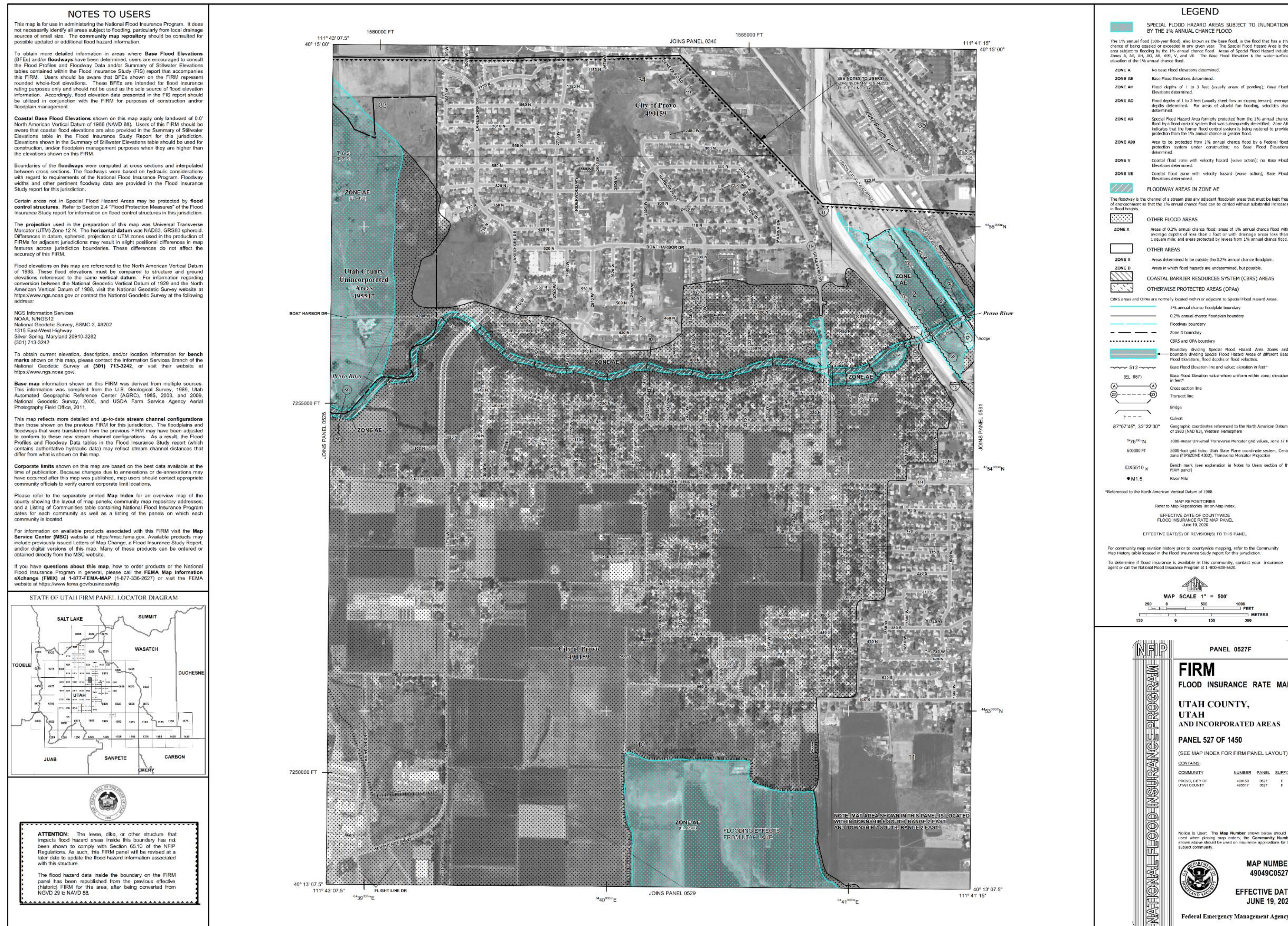
Updated Ordinance to Meet/Exceed FEMA Standards

- Additional definitions
- Administrative authority
- Detailed procedures for Floodplain Development Permits
- Detailed procedures to make map revisions (CLOMR/LOMR)
- Floodproofing
- and more

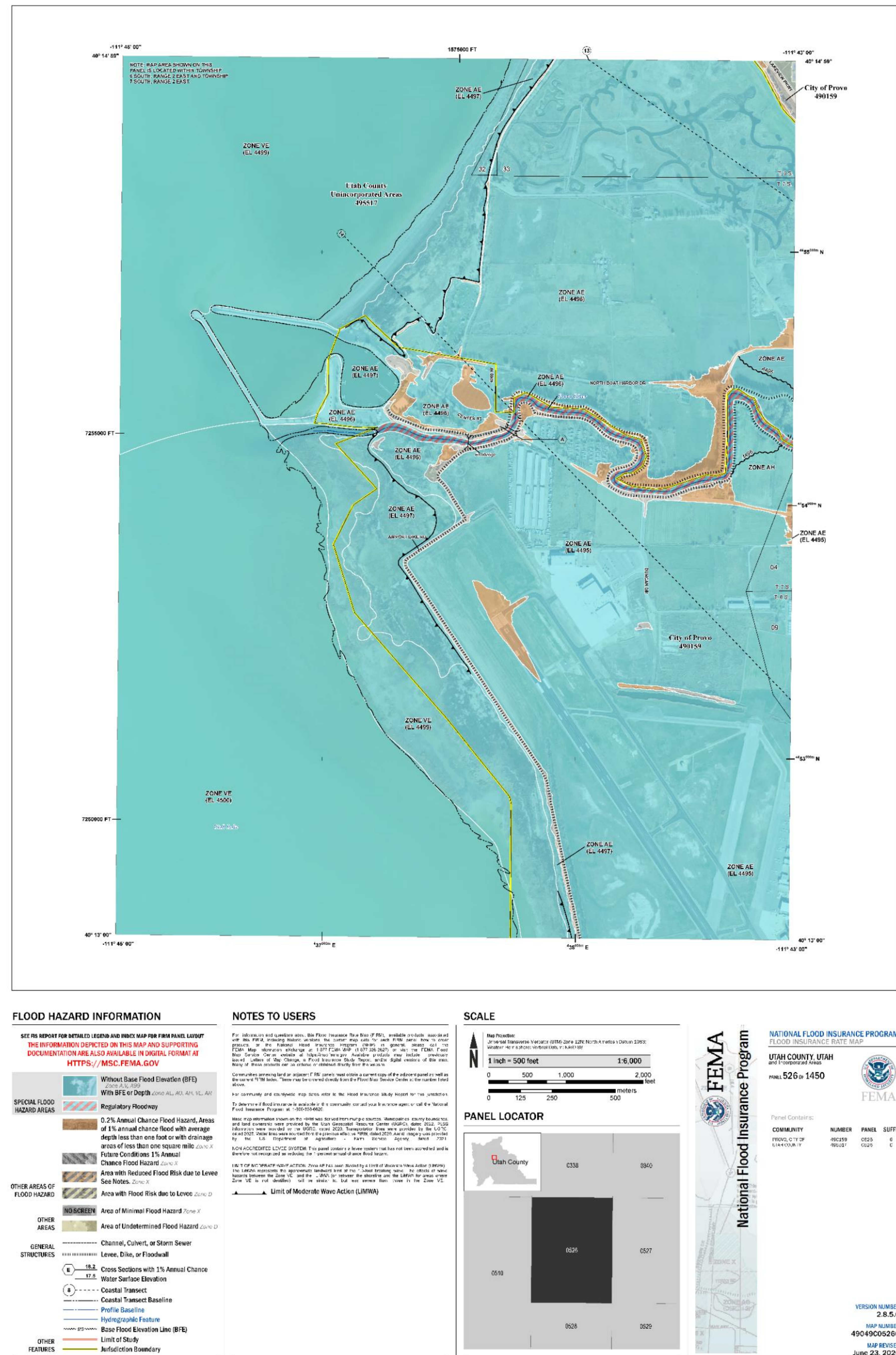
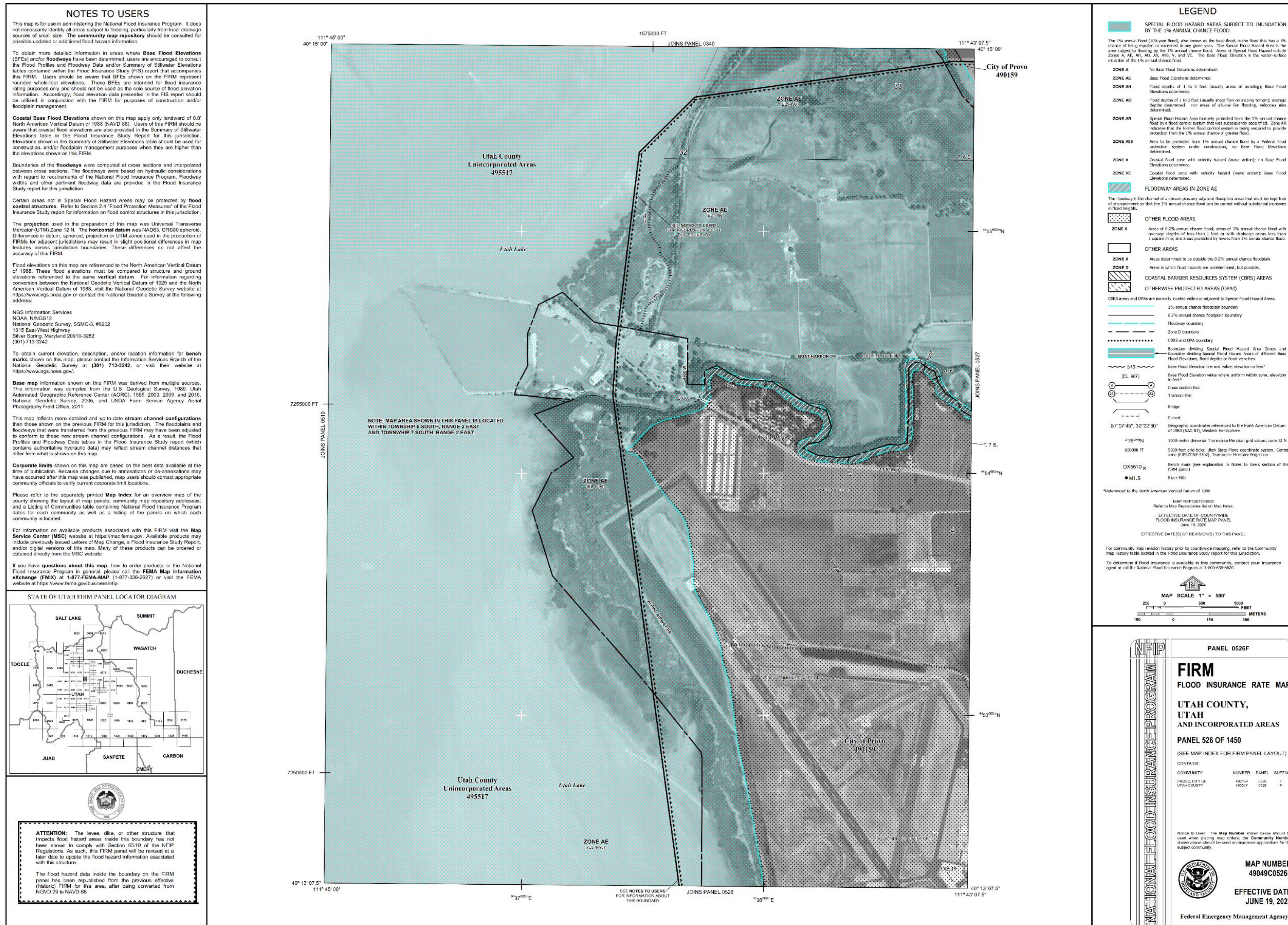
How Does This Affect Planning/Development?

- No change to the 1-foot of freeboard requirement in Special Flood Hazard Area (SFHA)
- Remodels in SFHA will be required to follow standards in all new additions
- Floodproofing in the new airport facilities
- Conditional Letter of Map Revision (CLOMR) required for larger sites and LOMR for all sites in SFHA

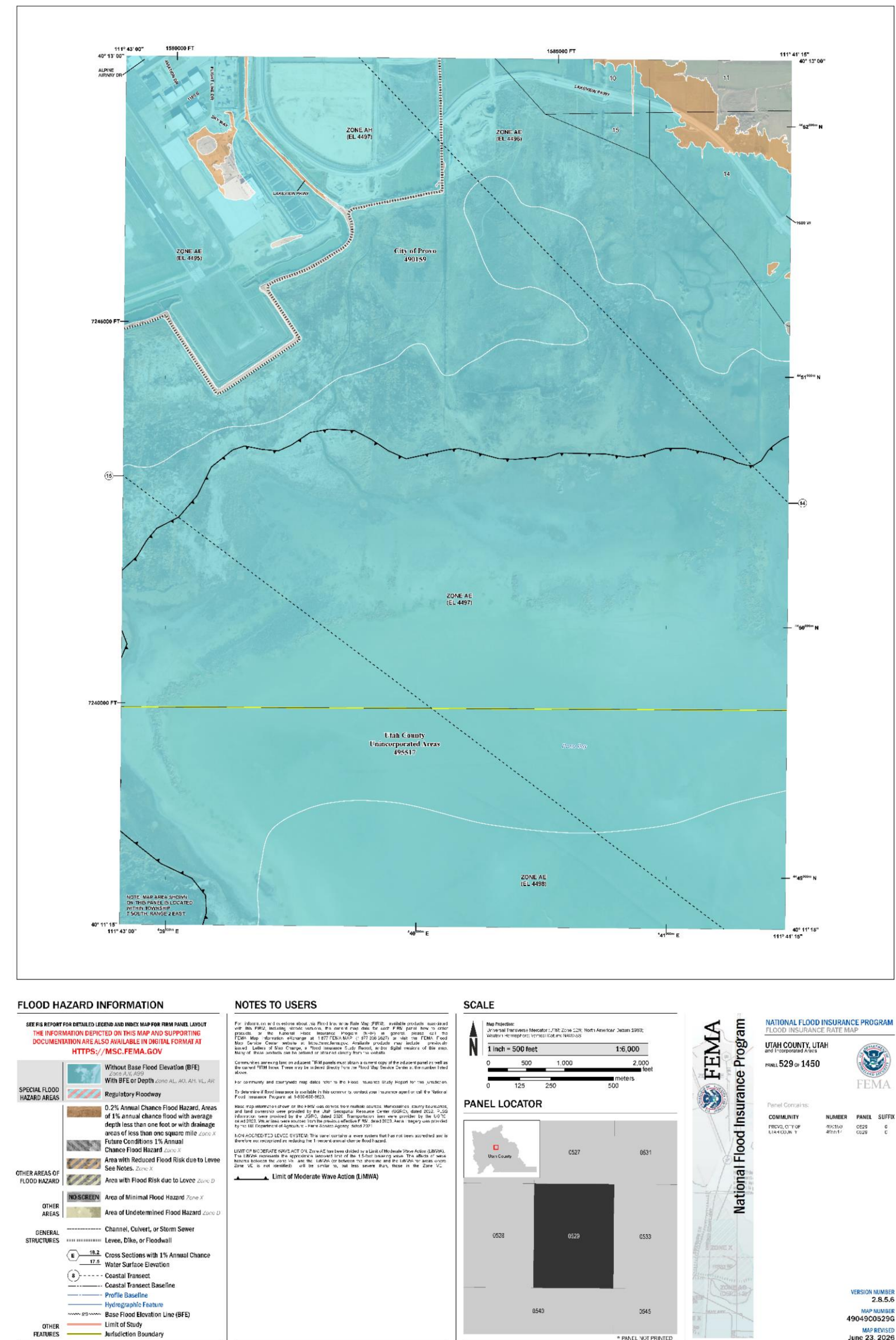
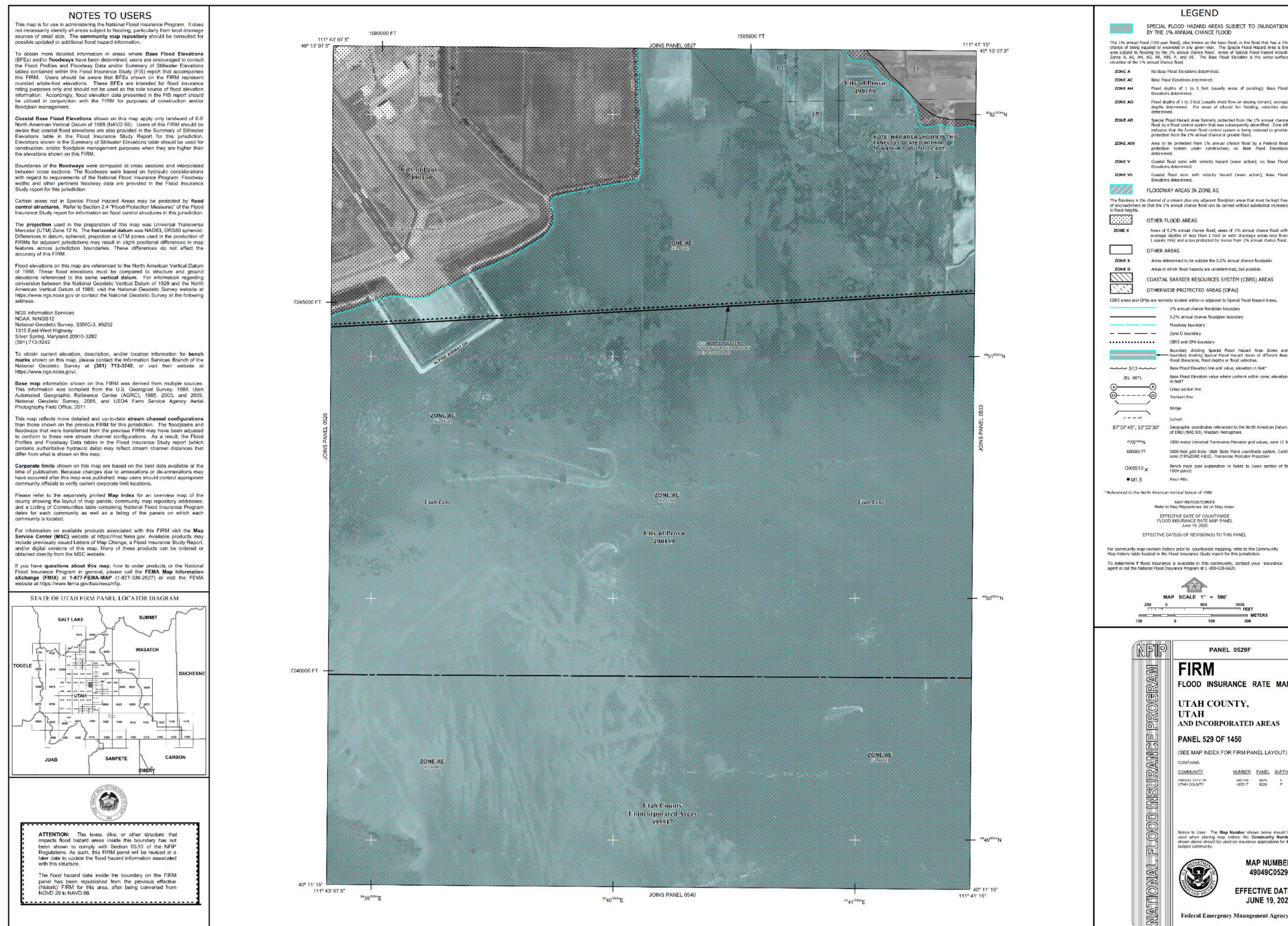
Flood Insurance Rate Map (FIRM) Changes



Flood Insurance Rate Map (FIRM) Changes



Flood Insurance Rate Map (FIRM) Changes



THANK
YOU!



***ITEM 1**

Provo Public Works requests Ordinance Text Amendments to Provo City Code 15.05.180, Floodplain Management and Development Standards, to adopt new FEMA maps and update language within the ordinance.

Citywide Application

PLOTA20260185

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: HSALZL
Presenter: Hannah Salzl, City Planner and Thomas Scherbel,
Engineer/Flood Plain Manager
Department: Development Services
Meeting Date: 6/9/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: PLOTA20260185

SUBJECT: 5 An ordinance amending Provo City Code regarding floodplain management and development standards. (PLOTA20260185)

ADMINISTRATIVE RECOMMENDATION: The Planning Commission recommended approval 8:9 with the recommendation that the City reach out directly to educate and support residents who would now be required to have flood insurance and meet the other new requirements, and that staff should begin working with residents who qualify for the appeal process.

ADMINISTRATIVE MEMO: The proposed update to Provo City Code Section 15.05.180 amends the City's floodplain regulations to better align with current FEMA requirements and the National Flood Insurance Program (NFIP), including adoption of updated Flood Insurance Rate Maps effective June 23, 2026. The ordinance expands definitions, clarifies administrative authority, and establishes more detailed procedures for Floodplain Development Permits, map revisions (CLOMR/LOMR), and certificates of occupancy. It also formalizes the role of the Floodplain Administrator and strengthens documentation and engineering requirements for development within Special Flood Hazard Areas (SFHAs).

Compared to the existing ordinance, the proposed code introduces more detailed and prescriptive development standards. These include requirements for elevation (maintaining 1-foot freeboard above Base Flood Elevation), floodproofing, floodway restrictions, manufactured housing, crawlspaces, and utilities, along with clearer rules for substantial improvement and damage determinations. The update also adds stronger enforcement mechanisms, including stop-work authority and penalties. Overall, the changes represent a shift from a basic compliance ordinance to a comprehensive floodplain management framework intended to reduce flood risk and improve regulatory clarity.

FISCAL IMPACT: N/A

TIME SENSITIVITY: The text must be adopted before the end of June in order to comply with FEMA standards.

COUNCIL STAFF MEMO:

***ITEM 1** Provo Public Works requests Ordinance Text Amendments to Provo City Code 15.05.180, Floodplain Management and Development Standards, to adopt new FEMA maps and update language within the ordinance. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20260185

APPLICANT: Thomas Scherbel APPLICATION TYPE: Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

A neighborhood meeting was not held for this item.

PROJECT SUMMARY

The proposed update to Provo City Code Section 15.05.180 amends the City's floodplain regulations to better align with current FEMA requirements and the National Flood Insurance Program (NFIP), including adoption of updated Flood Insurance Rate Maps effective June 23, 2026. The ordinance expands definitions, clarifies administrative authority, and establishes more detailed procedures for Floodplain Development Permits, map revisions (CLOMR/LOMR), and certificates of occupancy. It also formalizes the role of the Floodplain Administrator and strengthens documentation and engineering requirements for development within Special Flood Hazard Areas (SFHAs).

Compared to the existing ordinance, the proposed code introduces more detailed and prescriptive development standards. These include requirements for elevation (maintaining 1-foot freeboard above Base Flood Elevation), floodproofing, floodway restrictions, manufactured housing, crawlspaces, and utilities, along with clearer rules for substantial improvement and damage determinations. The update also adds stronger enforcement mechanisms, including stop-work authority and penalties. Overall, the changes represent a shift from a basic compliance ordinance to a comprehensive floodplain management framework intended to reduce flood risk and improve regulatory clarity.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Applicant Response: The public purpose of this amendment is to update the City's floodplain regulations to align with current requirements of the Federal Emergency Management Agency (FEMA), including adoption of the most recent Flood Insurance Rate Maps (FIRMs) and associated Flood Insurance Studies (FIS). This ensures continued eligibility in the National Flood Insurance Program (NFIP), promotes public

safety, and reduces risk to life and property from flooding.

Staff Response: This amendment is a prerequisite for the NFIP and reduces flood risk.

FINDING: Meets the standard.

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

Applicant Response: The proposed amendment is the most effective way to implement updated FEMA requirements at the local level. Adoption of updated maps and ordinance language ensures regulatory consistency, enables proper floodplain management, and gives access to federally backed flood insurance for property owners within the city.

Staff Response: Complying with FEMA standards and NFIP requirements serves public safety and welfare.

FINDING: Meets the standard.

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

Applicant Response: The amendment is compatible with the City's General Plan, particularly goals related to public safety, infrastructure resilience, and responsible land use. Updating floodplain regulations supports long-term planning efforts by minimizing flood risk and guiding development within Special Flood Hazard Areas (SFHA) shown in the FIRMs.

Staff Response: The amendment is compatible and furthers General Plan goals.

FINDING: Meets the standard.

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

Applicant Response: The amendment is consistent with the General Plan's timing and sequencing provisions, as it represents a regulatory update required to reflect current federal mapping and standards. It does not introduce new development patterns. It does make sure that existing and future development within the SFHA complies with updated floodplain data and regulations.

Staff Response: The amendment is consistent, and there are no conflicts.

FINDING: Meets the standard.

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

Applicant Response: The proposed amendment will not hinder or obstruct attainment of General Plan policies. Instead, it supports those policies by promoting hazard mitigation, protecting infrastructure, and encouraging development practices that reduce long-term risk.

Staff Response: The amendment furthers General Plan goals. Staff do not foresee any way in which the amendment would hinder or obstruct or otherwise be in conflict.

FINDING: Meets the standard.

(f) Adverse impacts on adjacent landowners; and

Applicant Response: The amendment is not expected to create adverse impacts on adjacent landowners. While updated FEMA maps may change floodplain boundaries for certain properties, these changes are based on the best available scientific data and are applied uniformly. The ordinance itself does not impose impacts beyond those necessary to comply with federal requirements and protects public safety.

Staff Response: Because these amendments are required for NFIP, they are essential for landowners. Some landowners might be included in new floodplain areas on the new maps, but the amendment still serves their best interests.

FINDING: Meets the standard.

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

Applicant Response: This is not directly applicable, as the proposed action is a citywide text amendment and map adoption not a site-specific zoning or land use change. The amendment does not modify underlying zoning designations or land use classifications.

Staff Response: This amendment does not impact zoning.

FINDING: Meets the standard.

(h) In cases where a conflict arises between the General Plan Map and General Plan

Policies, precedence shall be given to the Plan Policies.

Applicant Response: No conflict.

Staff Response: No conflict.

FINDING: Meets the standard.

APPLICABLE ZONING CODES

The new text would entirely replace the old in Provo City Code 15.05.180 Floodplain Management and Development Standards.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval:** The proposal is consistent with the General Plan.
“I make a motion that we forward a recommendation of approval for the proposed Floodplain Management and Development Standards to the City Council.”
2. **Recommend Denial:** The proposal is not consistent with the General Plan.
“I make a motion that we forward a recommendation of denial for the proposed Floodplain Management and Development Standards to the City Council.”
3. **Continue:** New information presented at the public hearing or additional study needs to be done.
“I make a motion that we continue the proposed Floodplain Management and Development Standards to allow for further discussions.”

ATTACHMENTS

1. Attachment 1: Proposed New Text for 15.05.180 Floodplain Management and Development Standards

ATTACHMENT 1 – PROPOSED NEW TEXT FOR 15.05.180 **FLOODPLAIN MANAGEMENT AND DEVELOPMENT STANDARDS**

15.05.180

Floodplain Management and Development Standards.

(1) *Statutory Authorization.*

The Legislature of the State of Utah, under Utah Code. Ann. § 10-3-701, has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Provo Municipal Council, Utah ordains as follows:

Provo City elects to comply with the requirements of the National Flood Insurance Act of 1968 (Title XIII of P.L. 90-488, as amended).

(2) *Findings of Fact.*

The Special Flood Hazard Areas (SFHA) of Provo, Utah, are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare. These potential flood losses are caused by:

- (a) The cumulative effect of obstructions in floodplains that increase flood heights and velocities;
- (b) The occupancy of flood hazard areas by structures vulnerable to floods due to inadequate elevation or lack of protection from flood damages; and
- (c) Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

(3) *Statement of Purpose.*

The purpose of this ordinance is to promote the public health, safety, and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas through provisions designed to:

- (a) Protect human life and health;
- (b) Minimize damage to public and private infrastructure, including utilities, streets, and bridges susceptible to flooding;
- (c) Minimize prolonged business interruptions caused by flooding;

- (d) Reduce public expenditures on flood control projects;
- (e) Reduce the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the public;
- (f) Protect and safeguard the welfare and safety of first responders during emergency responses;
- (g) Help maintain a stable tax base by ensuring the sound use and development of flood-prone areas to minimize future flood blight areas; and
- (h) Promote notification of potential buyers of properties that are in a SFHA.

(4) *Methods for Reducing Flood Losses.*

To accomplish the purposes outlined in the *Statement of Purpose*, this ordinance applies the following methods:

- (a) Restrict or prohibit land uses that are dangerous to health, safety, or property in times of flooding, or that cause excessive increases in flood heights or velocities;
- (b) Require that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodating floodwaters;
- (d) Control filling, grading, dredging, and other developments that may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

(5) *Flood Study and Map.*

This ordinance applies to all current Special Flood Hazard Areas identified by FEMA in the Flood Insurance Rate Maps (FIRM), Flood Boundary-Floodway Maps (FBFM) and Digital Flood Insurance Rate Maps (DFIRM), including: (1) maps dated June 23, 2026, numbered 49049C0338G, 49049C0340G, 49049C0341G, 49049C0343G, 49049C0526G, 49049C0527G, 49049C0528G, 49049C0529G, 49049C0531G, 49049C0533G, and 49049C0534G; and (2) maps dated June 19, 2020, numbered 49049C0342F, 49049C0344F, and 49049C0532F. The Flood Insurance Study (FIS) and the Provo City Flood Insurance Rate Map (FIRM) with an effective date of June 23, 2026, prepared by FEMA, along with any amendments, is adopted by reference and is available on the City's website for public examination and use. These maps,

along with any subsequent revisions, are adopted by reference and declared to be an integral part of this ordinance.

Provo City's flood hazard information may vary from the official FEMA data/maps. In cases where the best available data is more restrictive, the City will use the more stringent flood hazard information in accordance with FEMA guidelines, as outlined in Floodplain Management Publication 480.

Where base flood elevation data has not been provided on the FIRM or in the FIS, the Floodplain Administrator may review and reasonably utilize base flood elevation and floodway data available from Federal, State, or other sources. This data will serve as criteria for ensuring that new construction, substantial improvements, or other development within the floodplain are administered in accordance with Subsection (11) of this Section, General Development Standards.

(6) *Definitions.*

For purposes of this Section, the following words and phrases have the meanings outlined below:

“Accessory Structure” is a structure that is on the same property as a principal structure, used for purposes incidental to the principal structure. It must be non-residential, of low value, and used solely for parking vehicles or storing tools, materials, or equipment. Human habitation is not permitted within an accessory structure.

“Addition” is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions (to the side, front, or rear), vertical additions (on top), and enclosures (underneath).

“Areas of Shallow Flooding” means a designated zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where there is no clearly defined channel, the flooding path is unpredictable, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. These zones are represented on the FIRM as AO, AH, AR/AO, or AR/AH zones.

“Base flood” means a flood having a one percent (1%) chance of being equaled or exceeded in any given year, also known as the One-Percent-Annual-Chance Flood.

“Base Flood Elevation (BFE)” is the water surface elevation of the one-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface

elevation resulting from the flood that has a 1 percent (1%) chance of equaling or exceeding that level in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

“Best Available Data” means existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

“Building” A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site.

“Conditional Letter of Map Revision (CLOMR)” is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

“Conditional Letter of Map Revision Based on Fill (CLOMR-F)” is FEMA's comment on a proposed structure or property that would, upon construction, result in a modification of the SFHA through the placement of fill outside the existing regulatory floodway. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

“Crawlspace” means an under-floor space that has its interior floor area (finished or not) no more than four (4) feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of floodwater, and is not used for habitation.

“Development” means any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the Special Flood Hazard Area.

“Elevated Building” is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

“Enclosure” refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

“Erosion” means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

“Existing Manufactured Home Park” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEMA” means the Federal Emergency Management Agency.

“Fill” refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing it with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

“Flood” or **“flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary-Floodway Maps (FBFM)” means an official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated. The FBFM is no longer produced but is an older version of a flood map and is based on approximate data.

“Flood Insurance Rate Map (FIRM)” means the official map of which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Emergency Management Agency that compiles and presents flood risk data for specific water bodies within a community.

“Flood Opening” refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

“Floodplain” means the relatively flat area or lowlands adjoining a river, stream, watercourse, ocean, or lake which have been or may be covered by floodwater. For purposes of this Chapter, this is the area designated on the FIRM as Special Flood Hazard Areas.

“Floodplain Administrator” means the local official or other person designated by a community as responsible for administering the floodplain management ordinance.

“Floodplain Development Permit” is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community’s ordinance.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure area.

“Flood Protection System” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory

standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

“Floodway” means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one (1) foot.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Functionally Dependent Use” means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior, or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

“Letter of Map Revision (LOMR)” means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

“Letter of Map Revision Based on Fill (LOMR-F)” means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

“Levee” means a human-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Lowest Adjacent Grade (LAG)” means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is built in accordance with enclosure requirements of this ordinance and 44 CFR Section 60.3.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle; however, a manufactured home may be used for both residential and non-residential use.

“Manufactured Home Park” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the FHBM or the FIRM for a community issued by FEMA.

“Mean Sea Level” means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

“New construction” means structures for which the start of construction commenced on or after the effective date of this Chapter.

“New Manufactured Home Park” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No-Rise Certifications” are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (zero (0) feet) in flood levels within the community during the occurrence of a base flood event.

“One-Percent-Annual-Chance Flood” means a flood having a recurrence interval that has a one percent (1%) chance of being equaled or exceeded during any given year. Also known as the Base Flood.

“Recreational Vehicle” means a vehicle that is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etc., which can be intermittent or perennial.

“Special Flood Hazard Area (SFHA)” is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V.

“Start of construction” includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling;

nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. The term building or structure does not include open pavilions, bleachers, carports and similar structures that do not have at least two rigid walls and a roof.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term “substantial improvement” does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief by a community from the terms of a flood plain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the North American Vertical Datum of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

“Watercourse” means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch, or other similar feature.

(7) *Administration.*

The Public Services section of the Public Works Department is designated as the Floodplain Administrator responsible for administering and implementing the provisions of this ordinance as well as relevant sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

Duties and responsibilities of the Floodplain Administrator include, but are not limited to, the following:

- (a) Uphold the goals of the community and the NFIP's objectives to reduce risk when possible and increase the community's resistance to future disasters.
- (b) Maintain and make available for public inspection all records related to this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures within the SFHA.
- (c) Maintain and make available for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
- (d) Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
- (e) Review, approve, or deny all applications for development permits required by this ordinance.
- (f) Ensure that all necessary permits have been obtained from relevant federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Endangered Species Act of 1973) where prior approval is required.
- (g) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (h) Notify adjacent impacted communities and the State Coordinating Agency, which is the Utah Division of Emergency Management, prior to any alteration or relocation of a watercourse in riverine situations and submit evidence of such notification to FEMA.
- (i) Where interpretation is needed as to the exact location of the boundaries of the of Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator is authorized to make the necessary interpretation.

(j) When BFE data has not been provided by FEMA, the Floodplain Administrator is required to obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, to administer the provisions of this ordinance.

(k) When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) are permitted within Zones AE and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

(8) *Floodplain Development Permit.*

(a) A Floodplain Development Permit must be obtained before construction or development begins within the SFHA.

(b) Applications for a Floodplain Development Permit must be made on forms furnished by the Floodplain Administrator. These applications may include, but are not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

(c) Specifically, the following information is required:

(i) Location of the proposed development project in relation to SFHAs.

(ii) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. Plans must show that the elevation of lowest floor (including basement) is at least one (1) foot above the BFE.

(iii) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(d) Choose one of the following if the application would alter the course, elevations or delineations of floodplains based on riverine or overland flow:

(i) A CLOMR may be required at the discretion of the Floodplain Administrator. Upon approval by the Floodplain Administrator, the CLOMR must be submitted to FEMA. Approval by FEMA is required to obtain the Floodplain Development Permit. A LOMR must be obtained to complete the process.

(ii) A CLOMR-F may be required at the discretion of the Floodplain Administrator if fill is used to the site out of the SFHA. Upon approval by the Floodplain Administrator,

the CLOMR-F must be submitted to FEMA. Approval by FEMA is required to obtain the Floodplain Development Permit. A LOMR-F must be obtained to complete the process.

- (e) All applications for a Floodplain Development Permit must be approved by the Floodplain Administrator.
- (f) Applicants for a Floodplain Development Permit must pay the associated permit fee as indicated in the Consolidated Fee Schedule.
- (g) Copies of all Floodplain Development Permits and the associated documents are Provo City property and are kept as a permanent record.
- (h) Approval of a Floodplain Development Permit by the Floodplain Administrator is based on the provisions of this ordinance and the following relevant factors:
 - (i) The danger to life and property due to flooding or erosion damage.
 - (ii) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
 - (iii) The risk that materials could be swept onto other lands, causing injury to others.
 - (iv) The compatibility of the proposed use with existing and anticipated development.
 - (v) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
 - (vii) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, as well as the effects of wave action, if applicable, anticipated at the site.
 - (viii) The necessity to the development of a waterfront location, where applicable.
 - (ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (x) The relationship of the proposed use to the comprehensive plan for that area.
- (i) The Board of Adjustment is responsible for hearing and rendering judgment on requests for variances from the requirements of this ordinance after a Floodplain Development

Permit has been denied. Additionally, the Appeal Board is authorized to hear and adjudicate appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(i) Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(ii) Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the District Court of competent jurisdiction.

(iii) The Floodplain Administrator must maintain a record of all actions involving an appeal and must report variances to FEMA and the State Coordinating Agency upon issuing a variance.

(iv) Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(v) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances may only be issued upon:

(i) Showing a good and sufficient cause.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(iii) A determination that the granting of a variance:

(A) will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

(B) will not create nuisances; cause fraud on or victimization of the public;

(C) will not conflict with existing local laws or ordinances;

(D) considers the need of ingress and egress during times of floods; and

(E) does not jeopardize first responders' health and welfare.

(k) Any applicant to whom a variance is granted is required to receive written notice stating that the structure is permitted to be built with the lowest floor elevation below the BFE. The notice will also inform the applicant that the cost of flood insurance needs to reflect the increased risk resulting from the reduced lowest floor elevation.

(l) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) The criteria outlined in this section are met; and

(ii) The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(9) *Submittal Requirements for the Certificate of Occupancy.*

The following is required prior to the issuance of any certificate of occupancy for any structure in the SFHA:

(a) An approved Floodplain Development Permit from Provo City; and

(b) One of the following:

(i) A letter of map change (LOMC) approved by the Floodplain Administrator and FEMA to remove the structure from the SFHA; or

(ii) A LOMC that has been submitted to FEMA that has not yet been approved, but has had a previous conditional approval from FEMA (i.e. CLOMR and CLOMR-F), and a FEMA elevation certificate completed and signed by a registered professional engineer or land surveyor indicating the structure is above the base flood indicated in the LOMC submittal.

(10) *New Technical Data*

(a) The property owner or developer must notify FEMA by submittal of a LOMR or LOMR-F within 6 months of project completion when an applicant has obtained a CLOMR or LOMR-F from FEMA or when development has altered a watercourse, modified floodplain boundaries, or modified BFE.

(b) The property owner or developer is responsible for preparing technical data to support the CLOMR, CLOMR-F, LOMR, or LOMR-F application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and is required to provide all necessary data to FEMA if requested during the review process to ensure that the CLOMR or LOMR is issued.

(c) The Floodplain Administrator is not required to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR/CLOMR-F/LOMR-F application, until the applicant demonstrates that the project is going to meet or has met the requirements of this ordinance, all applicable state, federal, and local laws.

(11) *General Development Standards.*

In order for any final subdivision, condominium, or other record of survey plat to be approved, or for any Floodplain Development Permit to be issued, for property located within the SFHA all of the following requirements must be met:

- (a) All applicable development permits for the proposed construction or improvements must be obtained from Federal, State, or local governmental agencies from which prior approval is required.
- (b) 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 must first obtain a CLOMR approved by the Floodplain Administrator and FEMA before construction begins.
- (c) All new construction or substantial improvements, including manufactured homes, must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (d) All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage. The construction materials used must be resistant to flood damage.
- (e) 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 storm drainage system performance standards of Provo City Code Section [18.03.020](#).
- (f) All public utilities including sewer, gas, electricity, and water systems must be located and constructed to minimize or eliminate flood damage. All proposals for construction or improvements (including replacements), within the SFHA, must be provided with water supply systems or sanitary sewage systems that are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwater. On-site waste disposal systems must be located so as to avoid impairment of them, or contamination from them, during flooding.

(g) Any structure, earth fill, or parking lot, in connection with any development, or any surface obstruction to water flow, must be located at least one hundred (100) feet from the high point of the bank of Provo River, except for:

- (i) Bridges;
- (ii) Flood Control Devices;
- (iii) Public Restrooms; and
- (iv) Recreational Facilities.

(h) All new construction and substantial improvements must 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.

(i) Any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials that could be hazardous to public health, safety, and welfare must be located one (1) foot above the BFE.

(j) All new public surface improvements (roads, curb and gutter, sidewalk, manhole rims, etc.) must be constructed one foot above the BFE.

(k) Lowest floors (including basements) of all structures in the SFHA must be a minimum of one (1) foot above the BFE. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

(l) The minimum elevation of parking lots must be no lower than six (6) inches below the BFE.

(12) *Substantial Improvement.*

If the structure has sustained substantial damage any repairs are considered substantial improvements regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official, and that are the minimum necessary to ensure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(12) *Substantial Damage.*

When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

(13) *Substantial Improvement and Substantial Damage Determination.*

For building permit applications within the SFHA related to improvements of buildings and structures, including alterations, relocations, enlargements, replacement, repairs, changes in occupancy, additions, rehabilitations, renovations, and any other form of work on such buildings and structures, the Floodplain Administrator and staff, must:

- (a) Require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure, not including the land, before the start of construction of the proposed work. In the cases of repairs, the market value of the buildings or structures must be the market value before the damage occurred and before any repairs are made.
- (b) Compare the cost to perform the improvements, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the buildings or structures.
- (c) Determine and document whether the proposed work constitutes substantial improvement. This determination requires evaluation of any permits issued for improvements and repairs as specified in the first paragraph of this section, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
- (d) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage.

(14) *Specific Development Standards for Floodplain Development.*

- (a) Subdivision proposals, including the placement of manufactured home parks, within the SFHA must:
 - (i) Meet the Floodplain Development Permit requirements of this ordinance to minimize flood damage;
 - (ii) Include the mapped flood hazard zones from the effective FIRM;
 - (iii) Have adequate drainage provided to reduce exposure to flood hazards; and

(iv) Ensure that public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

(b) Where BFE data does not already exist for subdivision proposals and other proposed developments, including the placement of manufactured home parks, within the SFHA, it must be generated if they either exceed fifty (50) lots or five (5) acres.

(15) *Standards for Areas of Shallow Flooding (AO/AH Zones)*

One type of SFHA includes areas designated as shallow flooding. Such flooding is characterized by ponding or sheet flow. The Provo City standard is one (1) foot freeboard, meaning that the following requirements apply:

(a) All new construction and substantial improvements of all structures must have the lowest floor elevated one (1) foot above the BFE defined as the ponding depth specified, in feet, on the FIRM compared to the HAG. If no depth is specified, the BFE is assumed to be two (2) feet above the HAG. The lowest floor must then be elevated an additional one (1) foot above the BFE for freeboard.

(b) A registered professional engineer or architect must submit a certification to the Floodplain Administrator confirming that the standards of this Subsection are met.

(c) Zones AH or AO require adequate drainage paths around structures on slopes to direct floodwaters away from the proposed structures.

(16) *Standards for Velocity Zones in Coastal Hazard Areas (V1-30/V/VE Zones)*

One uncommon type of SFHA in Provo City includes high-risk coastal velocity or wave action zones that include an additional hazard from storm waves. All new construction and substantial improvements of all structures in these zones must have the approval of the City Engineer. The Provo City standard of one (1) foot freeboard, meaning that the following requirements will apply:

(a) All new construction and substantial improvements of all structures must be elevated and secured to anchored pilings or columns and have the lowest horizontal structural member of the lowest floor elevated one (1) foot above the BFE.

(b) A registered professional engineer or architect must submit a certification to the Floodplain Administrator confirming that the standards of this Subsection are met.

(c) The space below the lowest floor must either be free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage.

- (d) All new construction must be landward of the mean high tide.
- (e) No fill for structural support shall be permitted within these zones.
- (f) No altering of sand dunes and mangrove stands shall be permitted.

(17) Standards for Nonresidential Construction

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) foot above the BFE, or, together with attendant utility and sanitary facilities, be designed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

At the discretion of the Floodplain Administrator loading docks may be designed below the BFE provided they are floodproofed to the elevation of the BFE.

(18) Enclosures

New construction and substantial improvements with fully enclosed areas below the lowest floor that are intended solely for parking of vehicles, building access, or storage (excluding basements), and subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs to meet this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (a) A minimum of two openings must be provided, with a total net area of at least one (1) square inch for every square foot of enclosed area subject to flooding.
- (b) The bottom of all openings may not be higher than one (1) foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform to the provisions in FEMA/Federal Insurance Administration (FIA) Technical Bulletins 1 and 2. Certification and documentation from a licensed professional engineer or architect are required if the structure's lowest floor is built below the BFE.

(19) *Crawlspace*

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed to meet or exceed the standards found in FEMA's Technical Bulletins 1, 2, and 11, including but not limited to the following:

- (a) The structure must be affixed to a permanent foundation, designed, and adequately anchored to resist flotation, collapse, and lateral movement resulting from hydrodynamic and hydrostatic loads, including buoyancy effects. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
- (b) As the crawlspace is an enclosed area below the BFE, it must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening may not be more than one (1) foot above the LAG.
- (c) The crawlspace enclosure must have proper openings to equalize hydrostatic pressure by allowing automatic entry and exit of floodwaters. A minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.
- (d) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes the foundation walls of the crawlspace and any joists, insulation, piers, or other materials extending below the BFE. Ductwork must either be placed above the BFE or sealed from floodwaters.
- (e) Any building utility systems within the crawlspace must be elevated above the BFE or designed to prevent floodwaters from entering or accumulating within the system components during flood conditions.
- (f) The interior grade of a crawlspace below the BFE may not be more than 2 feet below the LAG.
- (g) The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor, cannot exceed four (4) feet at any point.

(h) There must be an adequate drainage system to remove floodwaters from the interior area of the crawlspace. The enclosed area must be able to drain within a reasonable time after a flood event.

(20) Manufactured Homes

(a) All manufactured homes placed within Zone A on Provo City's FHBM or FIRM must be installed using methods and practices that minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Acceptable anchoring methods include, but are not limited to, over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State anchoring requirements for resisting wind forces.

(b) Manufactured homes placed, or substantially improved, within Zones A1-30, AH, AE, V, VE, and V1-30 on Provo City's FIRM must meet the conditions in Subsection (c) if they are:

- (i) Outside of a manufactured home park;
- (ii) In a new manufactured home park;
- (iii) In an expansion to an existing manufactured home park; or
- (iv) In an existing manufactured home park where a manufactured home has incurred substantial damage as a result of a flood.

(c) Manufactured homes described in Subsection (b) must be elevated on a permanent foundation such that the lowest floor is at least one (1) foot above the BFE and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) All manufactured homes located within Zones A1-30, AH, AO, AE, V, VE, and V1-30 and not described in subsection (b), must be either:

- (i) Elevated so that the lowest floor is at least one (1) foot above the BFE; or
- (ii) If no BFE is specified on the FIRM, the chassis must be supported by reinforced piers that are securely anchored and at least 36 inches above the HAG.

(21) Recreational Vehicles

In all Special Flood Hazard Areas, Recreational Vehicles must either:

- (a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions; or

(c) Meet all the requirements for a Floodplain Development Permit and meet the anchoring and elevation requirements for manufactured homes as specified in this ordinance.

(22) *Floodways.*

Floodways located within SFHAs are extremely hazardous areas due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. Therefore, the following requirements must be met with regard to floodways:

(a) Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.

(b) Encroachments, including fill, new construction, substantial improvements and other development within adopted regulatory floodways are prohibited unless hydrologic and hydraulic analyses demonstrate that the proposed encroachment will not increase flood levels and a registered professional engineer signs and submits a No-Rise Certificate. Exceptions require a CLOMR and LOMR as outlined in this ordinance.

(c) All new construction and substantial improvements must comply with all applicable provisions of this ordinance.

(23) *Noncompliance.*

(a) Enforcement Authority. The Floodplain Administrator, or the Floodplain Administrator's designee, shall have the authority to issue notices of violation and stop work orders and to recoup any costs incurred to correct a violation of this ordinance.

(b) Notice of Violation. Whenever the Floodplain Administrator or the Floodplain Administrator's designee finds that a person has violated any of the provisions of this ordinance, the Floodplain Administrator or the Floodplain Administrator's designee may issue a written notice of violation. Such notice shall comply with the provisions of Section 17.030.020, Provo City Code

(c) Stop Work Order. Where there is work in progress that causes or constitutes a violation of any provision of this ordinance, the Floodplain Administrator or the Floodplain Administrator's designee is authorized to issue a stop work order to prevent further or continuing violations. All persons to whom the stop work order is directed, or who are involved, in any way, with the work described in the stop work order shall fully comply therewith. In situations which may be deemed a risk to the public health or safety, the

Floodplain Administrator or the Floodplain Administrator's designee may also undertake or cause to be undertaken any necessary or advisable protective measures to correct the violation, the cost of which shall be the responsibility of the owner of the property upon which the work is being done and any person carrying out or participating in the work. Such costs shall be a lien upon the property. In cases where the violation is associated with work permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon the property, at the discretion of the City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new permits by the City until the costs have been repaid to the City in full.

(d) Penalties. Continuing any work after receiving a stop work order, except as required to remove a violation or unsafe condition, is unlawful and is punishable as a Class B misdemeanor.

If, as the result of the violation of any provision of this ordinance, the City, or any other party, suffers damages and is required to make repairs and/or replace any materials, the cost of such repair, disposal, and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties. In cases where the violation is associated with work permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon the property, at the discretion of the City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new permits by the City until the costs have been repaid to the City in full.

(e) Administrative Hearing. A person or entity served a notice of violation of any of the provisions of this ordinance shall have the right to an administrative hearing. A request for such hearing shall be in writing and shall be filed, with the Public Works Director or the Director's designee within ten (10) days from the date of service of the notice. Failure to request an administrative hearing shall constitute a waiver to an administrative hearing and a waiver of the right to appeal. Administrative hearings shall adhere to the provisions of Chapter [17.02](#), Provo City Code.

(24) *Warning and Disclaimer of Liability.*

(a) The flood protection measures outlined in this Chapter are deemed reasonable for regulatory purposes and are grounded on engineering and scientific methodologies. It is important to acknowledge that larger floods may occur, and flood heights may be increased by human or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain will be free from flooding or flood damages. Provo City and its officials are not liable for any flood damages resulting from adherence to this Chapter or any lawful administrative decisions made in accordance with it.

- (b) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (c) If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

Provo City Planning Commission

Report of Action

May 13, 2026

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- * **ITEM 1** Provo Public Works requests Ordinance Text Amendments to Provo City Code 15.05.180, Floodplain Management and Development Standards, to adopt new FEMA maps and update language within the ordinance. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLOTA20260185
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The following action was taken by the Planning Commission on the above described item at its regular meeting of May 13, 2026:

RECOMMENDED APPROVAL

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

Motion By: Anne Allen

Second By: Melissa Kendall

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

Jonathon Hill was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

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

STAFF PRESENTATION

- Public Works staff presented the proposed amendment.
- The Staff Report to the Planning Commission provides details of the facts of the case and the Planning 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 or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

- The public did not raise any concerns or make any public comments.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Lyons asked about the impact to the airport and homeowners that are now in floodplain areas. Those properties would now be required to have flood insurance, which can vary between \$400-\$2000 annually for single-

family homes, depending on the property and the depth of the river. Some mortgages may pull the loan if the insurance is required by not acquired. There would also be additional development standards for new builds. A total of 115 homes would be added to the floodplain areas.

- The Commission and staff clarified that the 1% chance of flooding means a 1% chance annually. The areas in the map are deemed to be at risk of flooding in the event of a severe flood.
- Commissioner Lyons asked what would happen if the new floodplain standards were not adopted. If Provo were not to adopt the new standards by June 23, Provo would lose eligibility for the National Flood Insurance Program that offers a 10% discount on flood insurance for residents. Additionally, if there were a flood, Provo could not receive FEMA funding.
- Commissioner Lyons asked about FEMA decertifying the levies. Commissioner Hill was the Neighborhood Chair at the time the levies were decertified. FEMA has a universal nationwide standard for all levies on all rivers, and many communities across the country lost certification status. Provo Public Works has worked with FEMA, but the levies were ultimately decertified. They are exploring options for coming into compliance. Additionally, staff are working to reduce flooding risk to minimize the impacts to residents, which might in the future reduce the floodplain areas and allow residents to have that designation removed from their properties. Former floodplain maps were generated by FEMA, but the new maps are generated by the City with collaboration from a consultant.
- Commissioner Jensen sought clarification about whether the proposed amendment's language came from FEMA or staff. FEMA provided a template which Provo customized. It was reviewed by FEMA before being proposed to the Planning Commission and Council. The ordinance had not been updated in about 10 years and needed to include V zones and substantial improvement requirements for homes—meaning that if a property owner wanted to improve their home in a way that impacts 50% or more of the building, the whole building must be brought into compliance with the new code.
- Commissioner Jensen asked about possible pain points in the new standards. Staff responded that the new code gives some flexibility for the City to work with residents to help them better navigate the standards and avoid triggering heavier requirements, like the substantial improvements clause.
- Commissioner Hill asked if there was an appeal process for properties that have made the required improvements to their property to meet flood resilience standards. There is, and property owners may reach out to Public Works to begin the appeal process.
- Commissioners Wheelwright and Gonzales asked for more information about how much the residents who will be impacted know about the process. Staff held an open house that had very low turnout. They could not estimate how well impacted residents understand. Staff plans to notify the community as well as they can, and FEMA also reaches out.
- Commissioner Hill asked when residents would be required to have insurance. Staff responded that it would be required by the end of July.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- The amendment and new maps are necessary and should be adopted, but they recommend that the City reach out directly to educate and support residents who would now be required to have flood insurance and meet the other new requirements. Staff should begin working with residents who qualify for the appeal process.



Planning Commission Chair



Director of Development Services

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

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

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

EXHIBIT A

CHAPTER 15.05 FLOODPLAIN MANAGEMENT AND DEVELOPMENT STANDARDS

Sections:

15.05.180 Floodplain Management and Development Standards.

15.05.180

Floodplain Management and Development Standards.

(1) Statutory Authorization.

The Legislature of the State of Utah, under Utah Code. Ann. § 10-3-701, has delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Provo Municipal Council, Utah ordains as follows:

Provo City elects to comply with the requirements of the National Flood Insurance Act of 1968 (Title XIII of P.L. 90-488, as amended).

(2) Findings of Fact.

The Special Flood Hazard Areas (SFHA) of Provo, Utah, are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare. These potential flood losses are caused by:

- (a) The cumulative effect of obstructions in floodplains that increase flood heights and velocities;
- (b) The occupancy of flood hazard areas by structures vulnerable to floods due to inadequate elevation or lack of protection from flood damages; and
- (c) Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

(3) Statement of Purpose.

The purpose of this ordinance is to promote the public health, safety, and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas through provisions designed to:

- (a) Protect human life and health;
- (b) Minimize damage to public and private infrastructure, including utilities, streets, and bridges susceptible to flooding;

- (c) Minimize prolonged business interruptions caused by flooding;
- (d) Reduce public expenditures on flood control projects;
- (e) Reduce the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the public;
- (f) Protect and safeguard the welfare and safety of first responders during emergency responses;
- (g) Help maintain a stable tax base by ensuring the sound use and development of flood-prone areas to minimize future flood blight areas; and
- (h) Promote notification of potential buyers of properties that are in a SFHA.

(4) *Methods for Reducing Flood Losses.*

To accomplish the purposes outlined in the *Statement of Purpose*, this ordinance applies the following methods:

- (a) Restrict or prohibit land uses that are dangerous to health, safety, or property in times of flooding, or that cause excessive increases in flood heights or velocities;
- (b) Require that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodating floodwaters;
- (d) Control filling, grading, dredging, and other developments that may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

(5) *Flood Study and Map.*

This ordinance applies to all current Special Flood Hazard Areas identified by FEMA in the Flood insurance Rate Maps (FIRM), Flood Boundary-Floodway Maps (FBFM) and Digital Flood Insurance Rate Maps (DFIRM), including: (1) maps dated June 23, 2026, numbered 49049C0338G, 49049C0340G, 49049C0341G, 49049C0343G, 49049C0526G, 49049C0527G, 49049C0528G, 49049C0529G, 49049C0531G, 49049C0533G, and 49049C0534G; and (2) maps dated June 19, 2020, numbered 49049C0342F, 49049C0344F, and 49049C0532F. The Flood Insurance Study (FIS) and the Provo City Flood Insurance Rate Map (FIRM) with an effective date of June 23, 2026, prepared by FEMA, along with any amendments, is adopted by reference and is available on the City's website for public examination and use. These maps, along with any subsequent revisions, are adopted by reference and declared to be an integral part of this ordinance.

Provo City's flood hazard information may vary from the official FEMA data/maps. In cases where the best available data is more restrictive, the City will use the more stringent flood hazard information in accordance with FEMA guidelines, as outlined in Floodplain Management Publication 480.

Where base flood elevation data has not been provided on the FIRM or in the FIS, the Floodplain Administrator may review and reasonably utilize base flood elevation and floodway data available from Federal, State, or other sources. This data will serve as criteria for ensuring that new construction, substantial improvements, or other development within the floodplain are administered in accordance with Subsection (11) of this Section, General Development Standards.

(6) Definitions.

For purposes of this Section, the following words and phrases have the meanings outlined below:

“Accessory Structure” is a structure that is on the same property as a principal structure, used for purposes incidental to the principal structure. It must be non-residential, of low value, and used solely for parking vehicles or storing tools, materials, or equipment. Human habitation is not permitted within an accessory structure.

“Addition” is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions (to the side, front, or rear), vertical additions (on top), and enclosures (underneath).

“Areas of Shallow Flooding” means a designated zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where there is no clearly defined channel, the flooding path is unpredictable, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. These zones are represented on the FIRM as AO, AH, AR/AO, or AR/AH zones.

“Base flood” means a flood having a one percent (1%) chance of being equaled or exceeded in any given year, also known as the One-Percent-Annual-Chance Flood.

“Base Flood Elevation (BFE)” is the water surface elevation of the one-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1 percent (1%) chance of equaling or exceeding that level in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

“Best Available Data” means existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

“Building” A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site.

“Conditional Letter of Map Revision (CLOMR)” is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

“Conditional Letter of Map Revision Based on Fill (CLOMR-F)” is FEMA's comment on a proposed structure or property that would, upon construction, result in a modification of the SFHA through the placement of fill outside the existing regulatory floodway. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

“Crawlspace” means an under-floor space that has its interior floor area (finished or not) no more than four (4) feet from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of floodwater, and is not used for habitation.

“Development” means any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the Special Flood Hazard Area.

“Elevated Building” is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

“Enclosure” refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

“Erosion ” means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

“Existing Manufactured Home Park” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEMA” means the Federal Emergency Management Agency.

“Fill” refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing it with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

“Flood” or **“flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary-Floodway Maps (FBFM)” means an official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated. The FBFM is no longer produced but is an older version of a flood map and is based on approximate data.

“Flood Insurance Rate Map (FIRM)” means the official map of which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Emergency Management Agency that compiles and presents flood risk data for specific water bodies within a community.

“Flood Opening” refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

“Floodplain” means the relatively flat area or lowlands adjoining a river, stream, watercourse, ocean, or lake which have been or may be covered by floodwater. For purposes of this Chapter, this is the area designated on the FIRM as Special Flood Hazard Areas.

“Floodplain Administrator” means the local official or other person designated by a community as responsible for administering the floodplain management ordinance.

“Floodplain Development Permit” is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community’s ordinance.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure area.

“Flood Protection System” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

“Floodway” means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one (1) foot.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Functionally Dependent Use” means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior, or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

“Letter of Map Revision (LOMR)” means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

“Letter of Map Revision Based on Fill (LOMR-F)” means FEMA’s amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

“Levee” means a human-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Lowest Adjacent Grade (LAG)” means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is built in accordance with enclosure requirements of this ordinance and 44 CFR Section 60.3.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle; however, a manufactured home may be used for both residential and non-residential use.

“Manufactured Home Park” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the FHBM or the FIRM for a community issued by FEMA.

“Mean Sea Level” means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

“New construction” means structures for which the start of construction commenced on or after the effective date of this Chapter.

“New Manufactured Home Park” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No-Rise Certifications” are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (zero (0) feet) in flood levels within the community during the occurrence of a base flood event.

“One-Percent-Annual-Chance Flood” means a flood having a recurrence interval that has a one percent (1%) chance of being equaled or exceeded during any given year. Also known as the Base Flood.

“Recreational Vehicle” means a vehicle that is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etc., which can be intermittent or perennial.

“Special Flood Hazard Area (SFHA)” is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V.

“Start of construction” includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. The term building or structure does not include open pavilions, bleachers, carports and similar structures that do not have at least two rigid walls and a roof.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term “substantial improvement” does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief by a community from the terms of a flood plain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the North American Vertical Datum of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

“Watercourse” means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch, or other similar feature.

(7) Administration.

The Public Services section of the Public Works Department is designated as the Floodplain Administrator responsible for administering and implementing the provisions of this ordinance as well as relevant sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

Duties and responsibilities of the Floodplain Administrator include, but are not limited to, the following:

- (a) Uphold the goals of the community and the NFIP’s objectives to reduce risk when possible and increase the community’s resistance to future disasters.
- (b) Maintain and make available for public inspection all records related to this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures within the SFHA.

- (c) Maintain and make available for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.
- (d) Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
- (e) Review, approve, or deny all applications for development permits required by this ordinance.
- (f) Ensure that all necessary permits have been obtained from relevant federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Endangered Species Act of 1973) where prior approval is required.
- (g) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (h) Notify adjacent impacted communities and the State Coordinating Agency, which is the Utah Division of Emergency Management, prior to any alteration or relocation of a watercourse in riverine situations and submit evidence of such notification to FEMA.
- (i) Where interpretation is needed as to the exact location of the boundaries of the of Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator is authorized to make the necessary interpretation.
- (j) When BFE data has not been provided by FEMA, the Floodplain Administrator is required to obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, to administer the provisions of this ordinance.
- (k) When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) are permitted within Zones AE and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

(8) *Floodplain Development Permit.*

- (a) A Floodplain Development Permit must be obtained before construction or development begins within the SFHA.
- (b) Applications for a Floodplain Development Permit must be made on forms furnished by the Floodplain Administrator. These applications may include, but are not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.
- (c) Specifically, the following information is required:
 - (i) Location of the proposed development project in relation to SFHAs.

- (ii) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. Plans must show that the elevation of lowest floor (including basement) is at least one (1) foot above the BFE.
 - (iii) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- (d) Choose one of the following if the application would alter the course, elevations or delineations of floodplains based on riverine or overland flow:
- (i) A CLOMR may be required at the discretion of the Floodplain Administrator. Upon approval by the Floodplain Administrator, the CLOMR must be submitted to FEMA. Approval by FEMA is required to obtain the Floodplain Development Permit. A LOMR must be obtained to complete the process.
 - (ii) A CLOMR-F may be required at the discretion of the Floodplain Administrator if fill is used to the site out of the SFHA. Upon approval by the Floodplain Administrator, the CLOMR-F must be submitted to FEMA. Approval by FEMA is required to obtain the Floodplain Development Permit. A LOMR-F must be obtained to complete the process.
- (e) All applications for a Floodplain Development Permit must be approved by the Floodplain Administrator.
- (f) Applicants for a Floodplain Development Permit must pay the associated permit fee as indicated in the Consolidated Fee Schedule.
- (g) Copies of all Floodplain Development Permits and the associated documents are Provo City property and are kept as a permanent record.
- (h) Approval of a Floodplain Development Permit by the Floodplain Administrator is based on the provisions of this ordinance and the following relevant factors:
- (i) The danger to life and property due to flooding or erosion damage.
 - (ii) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
 - (iii) The risk that materials could be swept onto other lands, causing injury to others.
 - (iv) The compatibility of the proposed use with existing and anticipated development.
 - (v) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
 - (vii) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, as well as the effects of wave action, if applicable, anticipated at the site.

(viii) The necessity to the development of a waterfront location, where applicable.

(ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(x) The relationship of the proposed use to the comprehensive plan for that area.

(i) The Board of Adjustment is responsible for hearing and rendering judgment on requests for variances from the requirements of this ordinance after a Floodplain Development Permit has been denied. Additionally, the Appeal Board is authorized to hear and adjudicate appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(i) Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(ii) Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the District Court of competent jurisdiction.

(iii) The Floodplain Administrator must maintain a record of all actions involving an appeal and must report variances to FEMA and the State Coordinating Agency upon issuing a variance.

(iv) Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(v) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances may only be issued upon:

(i) Showing a good and sufficient cause.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(iii) A determination that the granting of a variance:

(A) will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

(B) will not create nuisances; cause fraud on or victimization of the public;

(C) will not conflict with existing local laws or ordinances;

- (D) considers the need of ingress and egress during times of floods; and
- (E) does not jeopardize first responders' health and welfare.

(k) Any applicant to whom a variance is granted is required to receive written notice stating that the structure is permitted to be built with the lowest floor elevation below the BFE. The notice will also inform the applicant that the cost of flood insurance needs to reflect the increased risk resulting from the reduced lowest floor elevation.

(l) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (i) The criteria outlined in this section are met; and
- (ii) The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(9) *Submittal Requirements for the Certificate of Occupancy.*

The following is required prior to the issuance of any certificate of occupancy for any structure in the SFHA:

- (a) An approved Floodplain Development Permit from Provo City; and
- (b) One of the following:
 - (i) A letter of map change (LOMC) approved by the Floodplain Administrator and FEMA to remove the structure from the SFHA; or
 - (ii) A LOMC that has been submitted to FEMA that has not yet been approved, but has had a previous conditional approval from FEMA (i.e. CLOMR and CLOMR-F), and a FEMA elevation certificate completed and signed by a registered professional engineer or land surveyor indicating the structure is above the base flood indicated in the LOMC submittal.

(10) *New Technical Data*

- (a) The property owner or developer must notify FEMA by submittal of a LOMR or LOMR-F within 6 months of project completion when an applicant has obtained a CLOMR or LOMR-F from FEMA or when development has altered a watercourse, modified floodplain boundaries, or modified BFE.
- (b) The property owner or developer is responsible for preparing technical data to support the CLOMR, CLOMR-F, LOMR, or LOMR-F application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and is required to provide all necessary data to FEMA if requested during the review process to ensure that the CLOMR or LOMR is issued.
- (c) The Floodplain Administrator is not required to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR/CLOMR-F/LOMR-F application, until the applicant demonstrates that the project is going to meet or has met the requirements of this ordinance, all applicable state, federal, and local laws.

(11) *General Development Standards.*

In order for any final subdivision, condominium, or other record of survey plat to be approved, or for any Floodplain Development Permit to be issued, for property located within the SFHA all of the following requirements must be met:

- (a) All applicable development permits for the proposed construction or improvements must be obtained from Federal, State, or local governmental agencies from which prior approval is required.
- (b) 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 must first obtain a CLOMR approved by the Floodplain Administrator and FEMA before construction begins.
- (c) All new construction or substantial improvements, including manufactured homes, must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (d) All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage. The construction materials used must be resistant to flood damage.
- (e) 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 storm drainage system performance standards of Provo City Code Section 18.03.020.
- (f) All public utilities including sewer, gas, electricity, and water systems must be located and constructed to minimize or eliminate flood damage. All proposals for construction or improvements (including replacements), within the SFHA, must be provided with water supply systems or sanitary sewage systems that are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwater. On-site waste disposal systems must be located so as to avoid impairment of them, or contamination from them, during flooding.
- (g) Any structure, earth fill, or parking lot, in connection with any development, or any surface obstruction to water flow, must be located at least one hundred (100) feet from the high point of the bank of Provo River, except for:
 - (i) Bridges;
 - (ii) Flood Control Devices;
 - (iii) Public Restrooms; and
 - (iv) Recreational Facilities.
- (h) All new construction and substantial improvements must 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.

- (i) Any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials that could be hazardous to public health, safety, and welfare must be located one (1) foot above the BFE.
- (j) All new public surface improvements (roads, curb and gutter, sidewalk, manhole rims, etc.) must be constructed one foot above the BFE.
- (k) Lowest floors (including basements) of all structures in the SFHA must be a minimum of one (1) foot above the BFE. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.
- (l) The minimum elevation of parking lots must be no lower than six (6) inches below the BFE.

(12) *Substantial Improvement.*

If the structure has sustained substantial damage any repairs are considered substantial improvements regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official, and that are the minimum necessary to ensure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(12) *Substantial Damage.*

When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

(13) *Substantial Improvement and Substantial Damage Determination.*

For building permit applications within the SFHA related to improvements of buildings and structures, including alterations, relocations, enlargements, replacement, repairs, changes in occupancy, additions, rehabilitations, renovations, and any other form of work on such buildings and structures, the Floodplain Administrator and staff, must:

- (a) Require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure, not including the land, before the start of construction of the proposed work. In the cases of repairs, the market value of the buildings or structures must be the market value before the damage occurred and before any repairs are made.
- (b) Compare the cost to perform the improvements, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the buildings or structures.

(c) Determine and document whether the proposed work constitutes substantial improvement. This determination requires evaluation of any permits issued for improvements and repairs as specified in the first paragraph of this section, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.

(d) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage.

(14) *Specific Development Standards for Floodplain Development.*

(a) Subdivision proposals, including the placement of manufactured home parks, within the SFHA must:

- (i) Meet the Floodplain Development Permit requirements of this ordinance to minimize flood damage;
- (ii) Include the mapped flood hazard zones from the effective FIRM;
- (iii) Have adequate drainage provided to reduce exposure to flood hazards; and
- (iv) Ensure that public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

(b) Where BFE data does not already exist for subdivision proposals and other proposed developments, including the placement of manufactured home parks, within the SFHA, it must be generated if they either exceed fifty (50) lots or five (5) acres.

(15) *Standards for Areas of Shallow Flooding (AO/AH Zones)*

One type of SFHA includes areas designated as shallow flooding. Such flooding is characterized by ponding or sheet flow. The Provo City standard is one (1) foot freeboard, meaning that the following requirements apply:

- (a) All new construction and substantial improvements of all structures must have the lowest floor elevated one (1) foot above the BFE defined as the ponding depth specified, in feet, on the FIRM compared to the HAG. If no depth is specified, the BFE is assumed to be two (2) feet above the HAG. The lowest floor must then be elevated an additional one (1) foot above the BFE for freeboard.
- (b) A registered professional engineer or architect must submit a certification to the Floodplain Administrator confirming that the standards of this Subsection are met.
- (c) Zones AH or AO require adequate drainage paths around structures on slopes to direct floodwaters away from the proposed structures.

(16) *Standards for Velocity Zones in Coastal Hazard Areas (VI-30/V/VE Zones)*

One uncommon type of SFHA in Provo City includes high-risk coastal velocity or wave action zones that include an additional hazard from storm waves. All new construction and substantial improvements of all structures in these zones must have the approval of the City Engineer. The Provo City standard of one (1) foot freeboard, meaning that the following requirements will apply:

- (a) All new construction and substantial improvements of all structures must be elevated and secured to anchored pilings or columns and have the lowest horizontal structural member of the lowest floor elevated one (1) foot above the BFE.
- (b) A registered professional engineer or architect must submit a certification to the Floodplain Administrator confirming that the standards of this Subsection are met.
- (c) The space below the lowest floor must either be free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage.
- (d) All new construction must be landward of the mean high tide.
- (e) No fill for structural support shall be permitted within these zones.
- (f) No altering of sand dunes and mangrove stands shall be permitted.

(17) Standards for Nonresidential Construction

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) foot above the BFE, or, together with attendant utility and sanitary facilities, be designed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

At the discretion of the Floodplain Administrator loading docks may be designed below the BFE provided they are floodproofed to the elevation of the BFE.

(18) Enclosures

New construction and substantial improvements with fully enclosed areas below the lowest floor that are intended solely for parking of vehicles, building access, or storage (excluding basements), and subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs to meet this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (a) A minimum of two openings must be provided, with a total net area of at least one (1) square inch for every square foot of enclosed area subject to flooding.

(b) The bottom of all openings may not be higher than one (1) foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform to the provisions in FEMA/Federal Insurance Administration (FIA) Technical Bulletins 1 and 2. Certification and documentation from a licensed professional engineer or architect are required if the structure's lowest floor is built below the BFE.

(19) Crawlspace

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed to meet or exceed the standards found in FEMA's Technical Bulletins 1, 2, and 11, including but not limited to the following:

- (a) The structure must be affixed to a permanent foundation, designed, and adequately anchored to resist flotation, collapse, and lateral movement resulting from hydrodynamic and hydrostatic loads, including buoyancy effects. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
- (b) As the crawlspace is an enclosed area below the BFE, it must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening may not be more than one (1) foot above the LAG.
- (c) The crawlspace enclosure must have proper openings to equalize hydrostatic pressure by allowing automatic entry and exit of floodwaters. A minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.
- (d) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes the foundation walls of the crawlspace and any joists, insulation, piers, or other materials extending below the BFE. Ductwork must either be placed above the BFE or sealed from floodwaters.
- (e) Any building utility systems within the crawlspace must be elevated above the BFE or designed to prevent floodwaters from entering or accumulating within the system components during flood conditions.
- (f) The interior grade of a crawlspace below the BFE may not be more than 2 feet below the LAG.
- (g) The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor, cannot exceed four (4) feet at any point.
- (h) There must be an adequate drainage system to remove floodwaters from the interior area of the crawlspace. The enclosed area must be able to drain within a reasonable time after a flood event.

(20) Manufactured Homes

(a) All manufactured homes placed within Zone A on Provo City's FHBM or FIRM must be installed using methods and practices that minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Acceptable anchoring methods include, but are not limited to, over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State anchoring requirements for resisting wind forces.

(b) Manufactured homes placed, or substantially improved, within Zones A1-30, AH, AE, V, VE, and V1-30 on Provo City's FIRM must meet the conditions in Subsection (c) if they are:

- (i) Outside of a manufactured home park;
- (ii) In a new manufactured home park;
- (iii) In an expansion to an existing manufactured home park; or
- (iv) In an existing manufactured home park where a manufactured home has incurred substantial damage as a result of a flood.

(c) Manufactured homes described in Subsection (b) must be elevated on a permanent foundation such that the lowest floor is at least one (1) foot above the BFE and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) All manufactured homes located within Zones A1-30, AH, AO, AE, V, VE, and V1-30 and not described in subsection (b), must be either:

- (i) Elevated so that the lowest floor is at least one (1) foot above the BFE; or
- (ii) If no BFE is specified on the FIRM, the chassis must be supported by reinforced piers that are securely anchored and at least 36 inches above the HAG.

(21) Recreational Vehicles

In all Special Flood Hazard Areas, Recreational Vehicles must either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions; or
- (c) Meet all the requirements for a Floodplain Development Permit and meet the anchoring and elevation requirements for manufactured homes as specified in this ordinance.

(22) Floodways.

Floodways located within SFHAs are extremely hazardous areas due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. Therefore, the following requirements must be met with regard to floodways:

- (a) Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.
- (b) Encroachments, including fill, new construction, substantial improvements and other development within adopted regulatory floodways are prohibited unless hydrologic and hydraulic analyses demonstrate that the proposed encroachment will not increase flood levels and a registered professional engineer signs and submits a No-Rise Certificate. Exceptions require a CLOMR and LOMR as outlined in this ordinance.
- (c) All new construction and substantial improvements must comply with all applicable provisions of this ordinance.

(23) *Noncompliance.*

- (a) Enforcement Authority. The Floodplain Administrator, or the Floodplain Administrator's designee, shall have the authority to issue notices of violation and stop work orders and to recoup any costs incurred to correct a violation of this ordinance.
- (b) Notice of Violation. Whenever the Floodplain Administrator or the Floodplain Administrator's designee finds that a person has violated any of the provisions of this ordinance, the Floodplain Administrator or the Floodplain Administrator's designee may issue a written notice of violation. Such notice shall comply with the provisions of Section 17.030.020, Provo City Code
- (c) Stop Work Order. Where there is work in progress that causes or constitutes a violation of any provision of this ordinance, the Floodplain Administrator or the Floodplain Administrator's designee is authorized to issue a stop work order to prevent further or continuing violations. All persons to whom the stop work order is directed, or who are involved, in any way, with the work described in the stop work order shall fully comply therewith. In situations which may be deemed a risk to the public health or safety, the Floodplain Administrator or the Floodplain Administrator's designee may also undertake or cause to be undertaken any necessary or advisable protective measures to correct the violation, the cost of which shall be the responsibility of the owner of the property upon which the work is being done and any person carrying out or participating in the work. Such costs shall be a lien upon the property. In cases where the violation is associated with work permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon the property, at the discretion of the City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new permits by the City until the costs have been repaid to the City in full.
- (d) Penalties. Continuing any work after receiving a stop work order, except as required to remove a violation or unsafe condition, is unlawful and is punishable as a Class B misdemeanor.

If, as the result of the violation of any provision of this ordinance, the City, or any other party, suffers damages and is required to make repairs and/or replace any materials, the cost of such repair, disposal, and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties. In cases where the violation is associated with work permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon the property, at the discretion of the City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new permits by the City until the costs have been repaid to the City in full.

(e) Administrative Hearing. A person or entity served a notice of violation of any of the provisions of this ordinance shall have the right to an administrative hearing. A request for such hearing shall be in writing and shall be filed, with the Public Works Director or the Director's designee within ten (10) days from the date of service of the notice. Failure to request an administrative hearing shall constitute a waiver to an administrative hearing and a waiver of the right to appeal. Administrative hearings shall adhere to the provisions of Chapter 17.02, Provo City Code.

(24) *Warning and Disclaimer of Liability.*

- (a) The flood protection measures outlined in this Chapter are deemed reasonable for regulatory purposes and are grounded on engineering and scientific methodologies. It is important to acknowledge that larger floods may occur, and flood heights may be increased by human or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain will be free from flooding or flood damages. Provo City and its officials are not liable for any flood damages resulting from adherence to this Chapter or any lawful administrative decisions made in accordance with it.
- (b) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

FEMA Floodplain Mapping and Levee Events Timeline

- Feb 1979 – Provo's first FEMA Maps are issued. Original maps show protection by levees along most of Provo River, but airport is shown in the Floodplain
- FEB-MAR1983 – US Army Corps of Engineers (USACE) raises and connects levees around airport and along lower Provo River
- Apr 1983 – USACE turns levees over to Provo. Letter from USACE says levees “should **not** be thought of as a major flood control project, but as a measure intended only to meet the immediate emergency... Local authorities now must maintain the protective levees and will ultimately have the responsibility for, and the choice of, removing them.”
- Spring 1984 – As Utah Lake rises higher than the previous year, USACE again raises and fortifies levees as a protective measure
- Apr 1984 – Initial Meeting with FEMA to update Provo's FEMA Maps
- 1985 – FEMA Issues criteria for levees to be certified as providing 100-year protection, but does not reevaluate existing levees
- Nov 1986 – USACE sends a Letter recommending Provo “submit a plan to accept/or upgrade the dikes as permanent measures.” Letter states that to be “officially certified as permanent 100-year flood protection measures ... there is a need to make soils and stability analysis and obtain certification.” There is no record such an analysis was ever completed.
- Sep 1988 – Provo's current FEMA maps become official, which show Provo River and Utah Lake levees provide 100-Year protection
- APR-Oct 1993 – Mississippi and Missouri Rivers and their tributaries cause one of the costliest floods in Us history. 1994 report finds overtopping and breaching of levees, and poor location or construction of levees caused considerable damage. floods bring new attention to the condition of levees.
- Apr 1997 – USACE's *Provo and Vicinity, Utah General Investigation and Reconnaissance Report* estimates that upgrading lower Provo River levees to 100-year protection would cost \$6.18 MILLION (Does not include Lake Levees).
 - Report assumes floodwalls on top of levees, since there was not enough existing right-of-way to enlarge earthen levees.
 - annualized 50-year life span cost (\$500,000) was more than the estimated annualized flood protection benefit (\$390,000). Report concludes portions of Provo River levee upgrades were justified.
 - Report Proposes Additional “Feasibility Phase” Analysis, and in June 1997 a Draft cost sharing Agreement is Sent to Provo
- 1998 – USACE and Provo City push the Feasibility Phase to begin July 2001
- Oct 2001 – Letter from USACE Indicates the Feasibility Phase has not started. This appears to end correspondence with USACE, and feasibility phase is never initiated

- 2004 – FEMA begins implementing map modernization projects nationwide. As part of project, FEMA requires all levees provide documentation that they meet criteria for providing 100-year protection.
- 2004 – Bowen, Collins & Associates (BC&A) is hired to restudy Provo River hydrology, hydraulics, and levees.
- 2006 – FEMA/Utah DEM begin Utah County Map Modernization Project
- AUG 2007 – BC&A completes *draft Provo River Flood Study*, which concludes that the Provo River levees do not meet FEMA certification criteria. The Report includes recommended levee improvements at 9 locations, costing an estimated \$1.54 Million. These proposed improvements include to raising and fortifying the levees, and removing deposition. The report also recommends developing a river management plan, to include sediment deposition, river bank erosion, river bank vegetation, beaver activity, and certifying the existing levees. The scope does not include a geotechnical soils stability analysis of existing levees. the study is left as a draft, and the BC&A data and Analysis is given to FEMA for their use.
- Sep 2007 – in meeting with Provo, FEMA AND Utah DEM confirm Provo Levees are being decertified and won't show flood protection on new maps. Greg Beckstrom informs Mayor Billings via email.
- Spring 2011 – Utah County Map Modernization postponed due to congressional inquiry on levees.
- 2013 – FEMA/Utah DEM resume county-wide project, using an “exclusion boundary” for areas protected be levees until FEMA guidance finalized.
- 2013 – FEMA completes new procedures for analyzing flood hazards for non-accredited (decertified) levees.
- May 2016 – FEMA/Utah DEM Hold a Progress Meeting on the Levee Analysis, and includes an initial analysis shown on the figure to the right.
- DEC 2016 – Provo River hydrology finalized, showing significantly lower 100-year flow.
- 2017
 - May 2017 – FEMA releases *Draft Levee Analysis and Mapping Plan, Provo River*, which proposes to finalize Provo River mapping assuming no levee.
 - Provo City sends letter to FEMA disagreeing with FEMA flood analysis
- 2018
 - Provo City receives \$150K Pre-Disaster Mitigation (PDM) Grant. Provo City uses grant funding to assess FEMA studies, and look into options and alternatives to reduce flooding concerns in Provo.
 - FEMA meets with Utah County Stakeholders and agrees to restudy 100-year Utah Lake level based on Provo City request
- 2019

- Provo City hires CRS to assess the condition of levees, access FEMA modeling and reports, Deer Creek and Jordanelle operations
- Email sent to Utah DEM/FEMA indicating the City disagrees with the proposed mapping approach
- 2020
 - Provo City investigates levee reconstruction and rehabilitation options. Initial cost estimate of \$50M to rebuild all levees
 - Letter sent to Utah DEM/FEMA expressing concerns with not adequately considering the effects of the flood storage in Jordanelle Reservoir, expressing concerns regarding levee heights used in model
 - FEMA denies Provo City request to consider Deer Creek and Jordanelle Dam operating agreement concerning downstream flooding
- 2021
 - July 13: Presentation to City Council for Westside Levee Study Findings (Ben Rood of CRS)
 - CRS finalizes analysis of FEMA studies and analysis
 - Provo City Consultant determines there are deficiencies with the levee--that they do not meet FEMA certification requirements in all categories
- 2022
 - Provo City applies for Federal BRIC grant funding to rebuild the levees
 - Provo River is significantly modified to send flows to the newly constructed Delta project. This changes the flow characteristics of the river
 - (2022-2023) Provo City meets with multiple water user agencies to look into options to reduce river flows
 - Metropolitan Water District, Salt Lake City Department of Public Works, Provo River Water Users, Central Utah Water Conservancy District, U. S. Army Corps of Engineers, Utah Reclamation Mitigation Commission
- 2023
 - Provo City applies for BRIC and FMA grants, is turned down
 - March: Utah Division of Emergency Management (Jamie Huff) presents results of FEMA study, proposed maps, flow rate updates, levee analysis, homes in floodplain, etc.
 - June 28, 2023: Public open house with Utah DEM, FEMA and Provo City
 - Sent notifications to 650+ residents inviting them to meeting
 - Put updated floodplain mapping information on all city social media sites.

- 2024
 - March: Spring runoff and floodplain update meeting provided to City Council
 - August 6, 2024: Public open house with Utah DEM, FEMA and Provo City
 - Sent notifications to 650+ residents inviting them to meeting
 - Put updated floodplain mapping information on all city social media sites.
 - Meeting with BOR and CUWCD to discuss options to change dam operations, thereby lowering the flow rate within the Provo River
- 2025
 - March: Provo City formally appeals the map changes based on: incorrect topographic data, incorrect/poor data-Hydrology Hydrograph, Methodology no applied correctly—Lateral weir and hydraulic connections.
 - May: The appeal is acknowledged as being received by FEMA
 - June 30: The appeal is rejected by FEMA because it wasn't stamped by a PE, topo data wasn't certified, lateral weir model only did one side of the river (for the sake of time). None of the actual scientific or technical issues were addressed; the rejection was based on procedural formalities. FEMA says the submittal was considered a "Comment", which is different than an appeal
 - July 16: Provo City requests a Scientific Review Panel, asserting that the technical and scientific data was not properly considered per 44 CFR 67.8(a)
 - August 19: FEMA states that they won't do a Scientific Review Panel because those only apply to appeals and that our appeal was not a valid one.
 - August 20: DEM emails that the Letter of Final Determination is anticipated for Dec. 23, 2025 with an effective map occurring six months after that date on June 23, 2026.

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING
FLOODPLAIN MANAGEMENT AND DEVELOPMENT STANDARDS.
(PLOT20260185)

RECITALS:

It is proposed that Provo City Code Section 15.05.180 (Floodplain Management and Development Standards) be repealed in its entirety and reenacted as shown in Appendix A, in order to adopt the new Federal Emergency Management Agency maps and update the language to meet new standards;

On May 13, 2026, 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 8:0;

On June 9, 2026, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

Provo City Code Section 15.05.180 is repealed

PART II:

Provo City Code Section 15.05.180 is reenacted as shown in Exhibit A.

PART III:

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

- 41 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
42 sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the
43 remainder of the ordinance is not affected by that determination.
44
- 45 C. This ordinance takes effect immediately after it has been posted or published in accordance
46 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
47 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
48
- 49 D. The Municipal Council directs that the official copy of Provo City Code be updated to
50 reflect the provisions enacted by this ordinance.

EXHIBIT A

15.05.180 Floodplain Management and Development Standards.

(1) National Flood Insurance Act.

Provo City elects to comply with the requirements of the National Flood Insurance Act of 1968 (Title XIII of P.L. 90-488, as amended).

(2) Findings of Fact.

The Special Flood Hazard Areas (SFHA) of Provo, Utah, are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare. These potential flood losses are caused by:

- (a) the cumulative effect of obstructions in floodplains that increase flood heights and velocities;
- (b) the occupancy of flood hazard areas by structures vulnerable to floods due to inadequate elevation or lack of protection from flood damage; and
- (c) uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

(3) Statement of Purpose.

The purpose of this ordinance is to promote the public health, safety, and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas through provisions designed to:

- (a) protect human life and health;
- (b) minimize damage to public and private infrastructure, including utilities, streets, and bridges susceptible to flooding;
- (c) minimize prolonged business interruptions caused by flooding;
- (d) reduce public expenditures on flood control projects;
- (e) reduce the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the public;
- (f) protect and safeguard the welfare and safety of first responders during emergency responses;
- (g) help maintain a stable tax base by ensuring the sound use and development of flood-prone areas to minimize future flood blight areas; and
- (h) promote notification of potential buyers of properties that are in a SFHA.

(4) Methods for Reducing Flood Losses.

To accomplish the purposes outlined in the *Statement of Purpose*, this ordinance:

- (a) restrict or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or that cause excessive increases in flood heights or velocities;

- (b) requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (c) controls the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodating floodwaters;
- (d) controls filling, grading, dredging, and other developments that may increase flood damage; and
- (e) prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

(5) *Flood Study and Map.*

This ordinance applies to all current Special Flood Hazard Areas identified by FEMA in the Flood Insurance Rate Maps (FIRM), Flood Boundary-Floodway Maps (FBFM) and Digital Flood Insurance Rate Maps (DFIRM), including: (1) maps dated June 23, 2026, numbered 49049C0338G, 49049C0340G, 49049C0341G, 49049C0343G, 49049C0526G, 49049C0527G, 49049C0528G, 49049C0529G, 49049C0531G, 49049C0533G, and 49049C0534G; and (2) maps dated June 19, 2020, numbered 49049C0342F, 49049C0344F, and 49049C0532F. The Flood Insurance Study (FIS) and the Provo City Flood Insurance Rate Map (FIRM) with an effective date of June 23, 2026, prepared by FEMA, along with any amendments, is adopted by reference and is available on the City's website for public examination and use. These maps, along with any subsequent revisions, are adopted by reference and declared to be an integral part of this ordinance.

Provo City's flood hazard information may vary from the official FEMA data/maps. In cases where the best available data is more restrictive, the City will use the more stringent flood hazard information in accordance with FEMA guidelines, as outlined in Floodplain Management Publication 480.

Where base flood elevation data has not been provided on the FIRM or in the FIS, the Floodplain Administrator may review and reasonably utilize base flood elevation and floodway data available from Federal, State, or other sources. This data will serve as criteria for ensuring that new construction, substantial improvements, or other development within the floodplain are administered in accordance with Subsection (11) of this Section, General Development Standards.

(6) *Definitions.*

For purposes of this Section, the following words and phrases have the meanings outlined below:

“Accessory Structure” is a structure that is on the same property as a principal structure, used for purposes incidental to the principal structure. It must be non-residential, of low value, and used solely for parking vehicles or storing tools, materials, or equipment. Human habitation is not permitted within an accessory structure.

127 **“Addition”** is any improvement that expands the enclosed footprint or increases the square footage of an
128 existing structure. This includes lateral additions (to the side, front, or rear), vertical additions (on top),
129 and enclosures (underneath).

131 **“Areas of Shallow Flooding”** means a designated zone on a community's Flood Insurance Rate Map
132 (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to
133 three (3) feet where there is no clearly defined channel, the flooding path is unpredictable, and velocity
134 flow may be evident. Such flooding is characterized by ponding or sheet flow. These zones are
135 represented on the FIRM as AO, AH, AR/AO, or AR/AH zones.

137 **“Base flood”** means a flood having a one percent (1%) chance of being equaled or exceeded in any given
138 year, also known as the One-Percent-Annual-Chance Flood.

140 **“Base Flood Elevation (BFE)”** is the water surface elevation of the one-percent-annual-chance flood
141 event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood
142 at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the
143 FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR,
144 V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1 percent
145 (1%) chance of equaling or exceeding that level in any given year.

147 **“Basement”** means any area of the building having its floor subgrade (below ground level) on all sides. A
148 walkout basement that does not require a step up to grade is not considered a basement.

150 **“Best Available Data”** means existing flood hazard information adopted by a community and reflected
151 on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard
152 information supplied by FEMA or from another source. Other sources may include, but are not limited to,
153 the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used
154 by the community.

155 **“Breakaway Wall”** means a wall that is not part of the structural support of the building and is intended
156 through its design and construction to collapse under specific lateral loading forces, without causing
157 damage to the elevated portion of the building or supporting foundation system. Any walls below the
158 lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing
159 collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or
160 columns. Breakaway walls apply only to V or VE Zones.

162 **“Building”** A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a
163 permanent site.

165 **“Conditional Letter of Map Revision (CLOMR)”** is FEMA's comment on a proposed project that
166 would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and
167 thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA.
168 The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be
169 recognized by FEMA.

171 **“Conditional Letter of Map Revision Based on Fill (CLOMR-F)”** is FEMA's comment on a proposed
172 structure or property that would, upon construction, result in a modification of the SFHA through the
173 placement of fill outside the existing regulatory floodway. The letter does not revise an effective map; it
174 indicates whether the project, if built as proposed, would be removed from the floodplain.

176 **“Crawlspace”** means an under-floor space that has its interior floor area (finished or not) no more than
177 four (4) feet from the bottom floor joist of the next higher floor elevation, designed with proper openings
178 that equalize hydrostatic pressures of floodwater, and is not used for habitation.

180 **“Development”** means any human-made change to improved or unimproved real estate, including, but
181 not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or
182 drilling operations located within the Special Flood Hazard Area.

184 **“Elevated Building”** is a non-basement building built, in the case of a building in Zone A1-30, AE, A,
185 A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means
186 of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately
187 anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude
188 of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an
189 “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls
190 with openings sufficient to facilitate the unimpeded movement of floodwaters.

192 **“Enclosure”** refers to an enclosed walled-in area below the lowest floor of an elevated building.
193 Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

195 **“Erosion ”** means the process of the gradual wearing away of land masses by wind, water, or other
196 natural agents.

198 **“Existing Manufactured Home Park”** means a manufactured home park or subdivision for which the
199 construction of facilities for servicing the lots on which the manufactured homes are to be affixed
200 (including, at a minimum, the installation of utilities, the construction of streets, and either final site
201 grading or the pouring of concrete pads) is completed before the effective date of the floodplain
202 management regulations adopted by a community.

204 **“Expansion to an Existing Manufactured Home Park”** means the preparation of additional sites by the
205 construction of facilities for servicing the lots on which the manufacturing homes are to be affixed
206 (including the installation of utilities, the construction of streets, and either final site grading or the
207 pouring of concrete pads).

208
209 **“FEMA”** means the Federal Emergency Management Agency.
210

211 **“Fill”** refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or
212 portion of a property above the natural elevation of the site, regardless of where the material was obtained
213 from. The common practice of removing unsuitable material and replacing it with engineered material is
214 not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to
215 the area being mapped as a flood hazard area is not deemed as fill.
216

217 **“Flood”** or **“flooding”** means a general and temporary condition of partial or complete inundation of
218 normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid
219 accumulation or runoff of surface waters from any source.
220

221 **“Flood Boundary-Floodway Maps (FBFM)”** means an official map of a community issued by FEMA,
222 where the boundaries of the flood, mudflow and related erosion areas having special hazards have been
223 designated. The FBFM is no longer produced but is an older version of a flood map and is based on
224 approximate data.
225

226 **“Flood Insurance Rate Map (FIRM)”** means the official map of which the Federal Emergency
227 Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones
228 applicable to the community.
229

230 **“Flood Insurance Study (FIS)”** means the official report provided by the Federal Emergency
231 Management Agency that compiles and presents flood risk data for specific water bodies within a
232 community.
233

234 **“Flood Opening”** refers to an opening in the wall of an enclosed structure that allows floodwaters to
235 automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.
236

237 **“Floodplain”** means the relatively flat area or lowlands adjoining a river, stream, watercourse, ocean, or
238 lake which have been or may be covered by floodwater. For purposes of this Chapter, this is the area
239 designated on the FIRM as Special Flood Hazard Areas.
240

241 **“Floodplain Administrator”** means the local official or other person designated by a community as
242 responsible for administering the floodplain management ordinance.

243
244 **“Floodplain Development Permit”** is a community issued permit or document that is used for any
245 development that occurs within an SFHA identified by FEMA or the community. It is used to address the
246 proposed development to ensure compliance with the community’s ordinance.

247
248 **“Floodplain Management”** means the operation of an overall program of corrective and preventive
249 measures for reducing flood damage, including but not limited to emergency preparedness plans, flood
250 control works, mitigation plans, and floodplain management regulations.

251
252 **“Floodproofing”** means any combination of structural and non-structural additions, changes, or
253 adjustments to structures that reduce or eliminate flood damage to real estate or improved real property,
254 water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in
255 the form of dry floodproofing in which the structure is watertight below the levels that need flood
256 protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent
257 or provide resistance to a structure that prevent or provide resistance to damage from flooding, while
258 allowing floodwaters to enter the structure area.

259
260 **“Flood Protection System”** means those physical structural works for which funds have been authorized,
261 appropriated, and expended and which have been constructed specifically to modify flooding in order to
262 reduce the extent of the area within a community subject to an SFHA and to reduce the depths of
263 associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or
264 dikes. These specialized, flood modifying works are constructed in conformance with sound engineering
265 standards. FEMA only accredits levees, both private and public, that have been certified by a professional
266 engineer or firm in which the certification shows that the levee have met and continue to meet the
267 minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal
268 Regulations (44 CFR 65.10).

269
270 **“Floodway”** means the channel of the river or other watercourse and the adjacent land areas that must be
271 reserved in order to discharge the base flood without accumulatively increasing the water surface
272 elevation more than one (1) foot.

273
274 **“Freeboard”** means a factor of safety usually expressed in feet above a flood level for purposes of flood
275 plain management. Freeboard tends to compensate for the many unknown factors that could contribute to
276 flood heights greater than the height calculated for a selected size flood and floodway conditions, such as
277 wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

278
279 **“Functionally Dependent Use”** means a development that cannot perform its intended purpose unless it
280 is located or carried out in close proximity to water. The term includes docking facilities, port facilities

that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) By an approved state program as determined by the Secretary of the Interior, or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

“Letter of Map Revision (LOMR)” means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

“Letter of Map Revision Based on Fill (LOMR-F)” means FEMA’s amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

“Levee” means a human-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Lowest Adjacent Grade (LAG)” means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point

where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is built in accordance with enclosure requirements of this ordinance and 44 CFR Section 60.3.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle; however, a manufactured home may be used for both residential and non-residential use.

“Manufactured Home Park” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the FHBM or the FIRM for a community issued by FEMA.

“Mean Sea Level” means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

“New construction” means structures for which the start of construction commenced on or after the effective date of this Chapter.

“New Manufactured Home Park” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No-Rise Certifications” are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (zero (0) feet) in flood levels within the community during the occurrence of a base flood event.

“One-Percent-Annual-Chance Flood” means a flood having a recurrence interval that has a one percent (1%) chance of being equaled or exceeded during any given year. Also known as the Base Flood.

358 **“Recreational Vehicle”** means a vehicle that is:

- 359 (a) Built on a single chassis;
- 360 (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- 361 (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- 362 (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for
- 363 recreational, camping, travel, or seasonal use.

364
365 **“Riverine”** means relating to, formed by, or resembling a river (including tributaries), stream, brook,
366 creek, etc., which can be intermittent or perennial.

367
368 **“Special Flood Hazard Area (SFHA)”** is the land in the flood plain within a community subject to a one
369 percent (1%) or greater chance of flooding in any given year. The area may be designated as Zones A,
370 AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V.

371
372 **“Start of construction”** includes substantial improvements and means the date the building permit was
373 issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement
374 was within one hundred eighty (180) days of the permit date. The actual start means the first placement of
375 permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of
376 piles, the construction of columns, or any work beyond the stage of excavation or the placement of a
377 manufactured home on a foundation. Permanent construction does not include land preparation such as
378 clearing, grading, and filling; nor does it include excavation for a basement, footings, piers, or
379 foundations or the erection of temporary forms; nor does it include the installation on the property of
380 accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main
381 structure. For a substantial improvement, the actual start of construction means the first alteration of any
382 wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external
383 dimensions of the building.

384
385 **“Structure”** means, for floodplain management purposes, a walled and roofed building, including a gas
386 or liquid storage tank that is principally above ground, as well as a manufactured home. The term building
387 or structure does not include open pavilions, bleachers, carports and similar structures that do not have at
388 least two rigid walls and a roof.

389
390 **“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of
391 restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the
392 market value of the structure before the damage occurred.

393
394 **“Substantial Improvement”** means any reconstruction, rehabilitation, addition, or other improvement of
395 a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure
396 before the “start of construction” of the improvement. This term includes structures which have incurred

substantial damage, regardless of the actual repair work performed. The term “substantial improvement” does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief by a community from the terms of a flood plain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the North American Vertical Datum of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the floodplains of coastal or riverine areas.

“Watercourse” means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch, or other similar feature.

(7) *Administration.*

The Public Services section of the Public Works Department is designated as the Floodplain Administrator responsible for administering and implementing the provisions of this ordinance as well as relevant sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

Duties and responsibilities of the Floodplain Administrator include, but are not limited to, the following:

(a) Uphold the goals of the community and the NFIP’s objectives to reduce risk when possible and increase the community’s resistance to future disasters.

(b) Maintain and make available for public inspection all records related to this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures within the SFHA.

(c) Maintain and make available for public inspection maps that identify and locate the boundaries of the SFHAs to which this ordinance applies, including, but not limited to, the FIRM.

(d) Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.

(e) Review, approve, or deny all applications for development permits required by this ordinance.

(f) Ensure that all necessary permits have been obtained from relevant federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Endangered Species Act of 1973) where prior approval is required.

(g) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(h) Notify adjacent impacted communities and the State Coordinating Agency, which is the Utah Division of Emergency Management, prior to any alteration or relocation of a watercourse in riverine situations and submit evidence of such notification to FEMA.

(i) Where interpretation is needed as to the exact location of the boundaries of the of Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator is authorized to make the necessary interpretation.

(j) When BFE data has not been provided by FEMA, the Floodplain Administrator is required to obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, to administer the provisions of this ordinance.

(k) When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) are permitted within Zones AE and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

(8) *Floodplain Development Permit.*

(a) A Floodplain Development Permit must be obtained before construction or development begins within the SFHA.

(b) Applications for a Floodplain Development Permit must be made on forms furnished by the Floodplain Administrator. These applications may include, but are not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

(c) Specifically, the following information is required:

(i) Location of the proposed development project in relation to SFHAs.

(ii) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. Plans must show that the elevation of lowest floor (including basement) is at least one (1) foot above the BFE.

(iii) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(d) Choose one of the following if the application would alter the course, elevations or delineations of floodplains based on riverine or overland flow:

(i) A CLOMR may be required at the discretion of the Floodplain Administrator. Upon approval by the Floodplain Administrator, the CLOMR must be submitted to FEMA. Approval

by FEMA is required to obtain the Floodplain Development Permit. A LOMR must be obtained to complete the process.

(ii) A CLOMR-F may be required at the discretion of the Floodplain Administrator if fill is used to the site out of the SFHA. Upon approval by the Floodplain Administrator, the CLOMR-F must be submitted to FEMA. Approval by FEMA is required to obtain the Floodplain Development Permit. A LOMR-F must be obtained to complete the process.

(e) All applications for a Floodplain Development Permit must be approved by the Floodplain Administrator.

(f) Applicants for a Floodplain Development Permit must pay the associated permit fee as indicated in the Consolidated Fee Schedule.

(g) Copies of all Floodplain Development Permits and the associated documents are Provo City property and are kept as a permanent record.

(h) Approval of a Floodplain Development Permit by the Floodplain Administrator is based on the provisions of this ordinance and the following relevant factors:

(i) The danger to life and property due to flooding or erosion damage.

(ii) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.

(iii) The risk that materials could be swept onto other lands, causing injury to others.

(iv) The compatibility of the proposed use with existing and anticipated development.

(v) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.

(vii) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, as well as the effects of wave action, if applicable, anticipated at the site.

(viii) The necessity to the development of a waterfront location, where applicable.

(ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(x) The relationship of the proposed use to the comprehensive plan for that area.

(i) The Board of Adjustment is responsible for hearing and rendering judgment on requests for variances from the requirements of this ordinance after a Floodplain Development Permit has been denied. Additionally, the Appeal Board is authorized to hear and adjudicate appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(i) Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(ii) Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the District Court of competent jurisdiction.

(iii) The Floodplain Administrator must maintain a record of all actions involving an appeal and must report variances to FEMA and the State Coordinating Agency upon issuing a variance.

(iv) Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(v) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances may only be issued upon:

(i) Showing a good and sufficient cause.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(iii) A determination that the granting of a variance:

(A) will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

(B) will not create nuisances; cause fraud on or victimization of the public;

(C) will not conflict with existing local laws or ordinances;

(D) considers the need of ingress and egress during times of floods; and

(E) does not jeopardize first responders' health and welfare.

(k) Any applicant to whom a variance is granted is required to receive written notice stating that the structure is permitted to be built with the lowest floor elevation below the BFE. The notice will also inform the applicant that the cost of flood insurance needs to reflect the increased risk resulting from the reduced lowest floor elevation.

(l) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) The criteria outlined in this section are met; and

(ii) The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(9) *Submittal Requirements for the Certificate of Occupancy.*

The following is required prior to the issuance of any certificate of occupancy for any structure in the SFHA:

(a) An approved Floodplain Development Permit from Provo City; and

(b) One of the following:

(i) A letter of map change (LOMC) approved by the Floodplain Administrator and FEMA to remove the structure from the SFHA; or

(ii) A LOMC that has been submitted to FEMA that has not yet been approved, but has had a previous conditional approval from FEMA (i.e. CLOMR and CLOMR-F), and a FEMA elevation certificate completed and signed by a registered professional engineer or land surveyor indicating the structure is above the base flood indicated in the LOMC submittal.

(10) New Technical Data

(a) The property owner or developer must notify FEMA by submittal of a LOMR or LOMR-F within 6 months of project completion when an applicant has obtained a CLOMR or LOMR-F from FEMA or when development has altered a watercourse, modified floodplain boundaries, or modified BFE.

(b) The property owner or developer is responsible for preparing technical data to support the CLOMR, CLOMR-F, LOMR, or LOMR-F application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and is required to provide all necessary data to FEMA if requested during the review process to ensure that the CLOMR or LOMR is issued.

(c) The Floodplain Administrator is not required to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR/CLOMR-F/LOMR-F application, until the applicant demonstrates that the project is going to meet or has met the requirements of this ordinance, all applicable state, federal, and local laws.

(11) *General Development Standards.*

In order for any final subdivision, condominium, or other record of survey plat to be approved, or for any Floodplain Development Permit to be issued, for property located within the SFHA all of the following requirements must be met:

(a) All applicable development permits for the proposed construction or improvements must be obtained from Federal, State, or local governmental agencies from which prior approval is required.

(b) 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 must first obtain a CLOMR approved by the Floodplain Administrator and FEMA before construction begins.

(c) All new construction or substantial improvements, including manufactured homes, must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(d) All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage. The construction materials used must be resistant to flood damage.

(e) 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 storm drainage system performance standards of Provo City Code Section 18.03.020.

(f) All public utilities including sewer, gas, electricity, and water systems must be located and constructed to minimize or eliminate flood damage. All proposals for construction or improvements (including replacements), within the SFHA, must be provided with water supply systems or sanitary sewage systems that are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwater. On-site waste disposal systems must be located so as to avoid impairment of them, or contamination from them, during flooding.

(g) Any structure, earth fill, or parking lot, in connection with any development, or any surface obstruction to water flow, must be located at least one hundred (100) feet from the high point of the bank of Provo River, except for:

(i) Bridges;

(ii) Flood Control Devices;

(iii) Public Restrooms; and

(iv) Recreational Facilities.

(h) All new construction and substantial improvements must 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.

(i) Any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials that could be hazardous to public health, safety, and welfare must be located one (1) foot above the BFE.

(j) All new public surface improvements (roads, curb and gutter, sidewalk, manhole rims, etc.) must be constructed one foot above the BFE.

(k) Lowest floors (including basements) of all structures in the SFHA must be a minimum of one (1) foot above the BFE. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

(l) The minimum elevation of parking lots must be no lower than six (6) inches below the BFE.

(12) *Substantial Improvement.*

If the structure has sustained substantial damage any repairs are considered substantial improvements regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official, and that are the minimum necessary to ensure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(13) *Substantial Damage.*

When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.

(14) *Substantial Improvement and Substantial Damage Determination.*

For building permit applications within the SFHA related to improvements of buildings and structures, including alterations, relocations, enlargements, replacement, repairs, changes in occupancy, additions, rehabilitations, renovations, and any other form of work on such buildings and structures, the Floodplain Administrator and staff, must:

- (a) Require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure, not including the land, before the start of construction of the proposed work. In the cases of repairs, the market value of the buildings or structures must be the market value before the damage occurred and before any repairs are made.
- (b) Compare the cost to perform the improvements, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the buildings or structures.
- (c) Determine and document whether the proposed work constitutes substantial improvement. This determination requires evaluation of any permits issued for improvements and repairs as specified in the first paragraph of this section, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
- (d) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage.

(15) *Specific Development Standards for Floodplain Development.*

(a) Subdivision proposals, including the placement of manufactured home parks, within the SFHA must:

- (i) Meet the Floodplain Development Permit requirements of this ordinance to minimize flood damage;
- (ii) Include the mapped flood hazard zones from the effective FIRM;
- (iii) Have adequate drainage provided to reduce exposure to flood hazards; and
- (iv) Ensure that public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

(b) Where BFE data does not already exist for subdivision proposals and other proposed developments, including the placement of manufactured home parks, within the SFHA, it must be generated if they either exceed fifty (50) lots or five (5) acres.

(16) *Standards for Areas of Shallow Flooding (AO/AH Zones)*

One type of SFHA includes areas designated as shallow flooding. Such flooding is characterized by ponding or sheet flow. The Provo City standard is one (1) foot freeboard, meaning that the following requirements apply:

- (a) All new construction and substantial improvements of all structures must have the lowest floor elevated one (1) foot above the BFE defined as the ponding depth specified, in feet, on the FIRM compared to the HAG. If no depth is specified, the BFE is assumed to be two (2) feet above the HAG. The lowest floor must then be elevated an additional one (1) foot above the BFE for freeboard.
- (b) A registered professional engineer or architect must submit a certification to the Floodplain Administrator confirming that the standards of this Subsection are met.
- (c) Zones AH or AO require adequate drainage paths around structures on slopes to direct floodwaters away from the proposed structures.

(17) Standards for Velocity Zones in Coastal Hazard Areas (VI-30/V/VE Zones)

One uncommon type of SFHA in Provo City includes high-risk coastal velocity or wave action zones that include an additional hazard from storm waves. All new construction and substantial improvements of all structures in these zones must have the approval of the City Engineer. The Provo City standard of one (1) foot freeboard, meaning that the following requirements will apply:

- (a) All new construction and substantial improvements of all structures must be elevated and secured to anchored pilings or columns and have the lowest horizontal structural member of the lowest floor elevated one (1) foot above the BFE.
- (b) A registered professional engineer or architect must submit a certification to the Floodplain Administrator confirming that the standards of this Subsection are met.
- (c) The space below the lowest floor must either be free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage.
- (d) All new construction must be landward of the mean high tide.
- (e) No fill for structural support shall be permitted within these zones.
- (f) No altering of sand dunes and mangrove stands shall be permitted.

(18) Standards for Nonresidential Construction

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) foot above the BFE, or, together with attendant utility and sanitary facilities, be designed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building

changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

At the discretion of the Floodplain Administrator loading docks may be designed below the BFE provided they are floodproofed to the elevation of the BFE.

(19) Enclosures

New construction and substantial improvements with fully enclosed areas below the lowest floor that are intended solely for parking of vehicles, building access, or storage (excluding basements), and subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters. Designs to meet this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (a) A minimum of two openings must be provided, with a total net area of at least one (1) square inch for every square foot of enclosed area subject to flooding.
- (b) The bottom of all openings may not be higher than one (1) foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

The development and construction of the structure must conform to the provisions in FEMA/Federal Insurance Administration (FIA) Technical Bulletins 1 and 2. Certification and documentation from a licensed professional engineer or architect are required if the structure's lowest floor is built below the BFE.

(20) Crawlspace

New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed to meet or exceed the standards found in FEMA's Technical Bulletins 1, 2, and 11, including but not limited to the following:

- (a) The structure must be affixed to a permanent foundation, designed, and adequately anchored to resist flotation, collapse, and lateral movement resulting from hydrodynamic and hydrostatic loads, including buoyancy effects. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
- (b) As the crawlspace is an enclosed area below the BFE, it must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening may not be more than one (1) foot above the LAG.
- (c) The crawlspace enclosure must have proper openings to equalize hydrostatic pressure by allowing automatic entry and exit of floodwaters. A minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.

(d) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes the foundation walls of the crawlspace and any joists, insulation, piers, or other materials extending below the BFE. Ductwork must either be placed above the BFE or sealed from floodwaters.

(e) Any building utility systems within the crawlspace must be elevated above the BFE or designed to prevent floodwaters from entering or accumulating within the system components during flood conditions.

(f) The interior grade of a crawlspace below the BFE may not be more than 2 feet below the LAG.

(g) The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor, cannot exceed four (4) feet at any point.

(h) There must be an adequate drainage system to remove floodwaters from the interior area of the crawlspace. The enclosed area must be able to drain within a reasonable time after a flood event.

(21) *Manufactured Homes*

(a) All manufactured homes placed within Zone A on Provo City's FHBM or FIRM must be installed using methods and practices that minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Acceptable anchoring methods include, but are not limited to, over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State anchoring requirements for resisting wind forces.

(b) Manufactured homes placed, or substantially improved, within Zones A1-30, AH, AE, V, VE, and V1-30 on Provo City's FIRM must meet the conditions in Subsection (c) if they are:

- (i) Outside of a manufactured home park;
- (ii) In a new manufactured home park;
- (iii) In an expansion to an existing manufactured home park; or
- (iv) In an existing manufactured home park where a manufactured home has incurred substantial damage as a result of a flood.

(c) Manufactured homes described in Subsection (b) must be elevated on a permanent foundation such that the lowest floor is at least one (1) foot above the BFE and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) All manufactured homes located within Zones A1-30, AH, AO, AE, V, VE, and V1-30 and not described in subsection (b), must be either:

- (i) Elevated so that the lowest floor is at least one (1) foot above the BFE; or
- (ii) If no BFE is specified on the FIRM, the chassis must be supported by reinforced piers that are securely anchored and at least 36 inches above the HAG.

(22) *Recreational Vehicles*

In all Special Flood Hazard Areas, Recreational Vehicles must either:

- (a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions; or

(c) Meet all the requirements for a Floodplain Development Permit and meet the anchoring and elevation requirements for manufactured homes as specified in this ordinance.

(23) *Floodways.*

Floodways located within SFHAs are extremely hazardous areas due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. Therefore, the following requirements must be met with regard to floodways:

(a) Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.

(b) Encroachments, including fill, new construction, substantial improvements and other development within adopted regulatory floodways are prohibited unless hydrologic and hydraulic analyses demonstrate that the proposed encroachment will not increase flood levels and a registered professional engineer signs and submits a No-Rise Certificate. Exceptions require a CLOMR and LOMR as outlined in this ordinance.

(c) All new construction and substantial improvements must comply with all applicable provisions of this ordinance.

(24) *Noncompliance.*

(a) Enforcement Authority. The Floodplain Administrator, or the Floodplain Administrator's designee, shall have the authority to issue notices of violation and stop work orders and to recoup any costs incurred to correct a violation of this ordinance.

(b) Notice of Violation. Whenever the Floodplain Administrator or the Floodplain Administrator's designee finds that a person has violated any of the provisions of this ordinance, the Floodplain Administrator or the Floodplain Administrator's designee may issue a written notice of violation. Such notice shall comply with the provisions of Section 17.030.020, Provo City Code

(c) Stop Work Order. Where there is work in progress that causes or constitutes a violation of any provision of this ordinance, the Floodplain Administrator or the Floodplain Administrator's designee is authorized to issue a stop work order to prevent further or continuing violations. All persons to whom the stop work order is directed, or who are involved, in any way, with the work described in the stop work order shall fully comply therewith. In situations which may be deemed a risk to the public health or safety, the Floodplain Administrator or the Floodplain Administrator's designee may also undertake or cause to be undertaken any necessary or advisable protective measures to correct the violation, the cost of which shall be the responsibility of the owner of the property upon which the work is being done and any person carrying out or participating in the work. Such costs shall be a lien upon the property. In cases where the violation is associated with work permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon the property, at

the discretion of the City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new permits by the City until the costs have been repaid to the City in full.

(d) Penalties. Continuing any work after receiving a stop work order, except as required to remove a violation or unsafe condition, is unlawful and is punishable as a Class B misdemeanor.

If, as the result of the violation of any provision of this ordinance, the City, or any other party, suffers damages and is required to make repairs and/or replace any materials, the cost of such repair, disposal, and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties. In cases where the violation is associated with work permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon the property, at the discretion of the City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new permits by the City until the costs have been repaid to the City in full.

(e) Administrative Hearing. A person or entity served a notice of violation of any of the provisions of this ordinance shall have the right to an administrative hearing. A request for such hearing shall be in writing and shall be filed, with the Public Works Director or the Director's designee within ten (10) days from the date of service of the notice. Failure to request an administrative hearing shall constitute a waiver to an administrative hearing and a waiver of the right to appeal. Administrative hearings shall adhere to the provisions of Chapter 17.02, Provo City Code.

(25) *Warning and Disclaimer of Liability.*

(a) The flood protection measures outlined in this Chapter are deemed reasonable for regulatory purposes and are grounded on engineering and scientific methodologies. It is important to acknowledge that larger floods may occur, and flood heights may be increased by human or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain will be free from flooding or flood damages. Provo City and its officials are not liable for any flood damages resulting from adherence to this Chapter or any lawful administrative decisions made in accordance with it.

(b) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: KMARTINS
Presenter: Kelsey Zarbock, Budget Officer
Department: Recorder
Meeting Date: 6/9/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-001

SUBJECT: 6 A public hearing regarding the FY27 budget for Provo City (26-001)

ADMINISTRATIVE RECOMMENDATION: Public hearing only

ADMINISTRATIVE MEMO: The City is required to have two public hearings prior to budget adoption on June 23rd.

FISCAL IMPACT: NA

COUNCIL STAFF MEMO:

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: JUHARRISON
Presenter: Justin Harrison, Council Executive Director
Department: Council
Meeting Date: 6/9/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-001

SUBJECT: 7 A resolution approving property tax rates for Provo City Corporation for the fiscal year beginning July 1, 2026, and ending June 30, 2027 (26-001)

ADMINISTRATIVE RECOMMENDATION: Approve and adopt the certified property tax rates provided by Utah County.

ADMINISTRATIVE MEMO: Although fiscal year taxing entities in the State of Utah have until June 30 of each year to adopt a budget for the upcoming fiscal year, UCA 59-2-912 requires the governing board of each taxing entity to adopt certified property tax rates before June 22. Since the Provo City Council is scheduled to adopt the Fiscal Year 2027 budget on Tuesday, June 23, 2026, and has not elected to increase property tax rates through Truth in Taxation, Provo City certified tax rates as provided by Utah County must be adopted and provided to the Utah Tax Commission.

FISCAL IMPACT: TBD

COUNCIL STAFF MEMO:

1 RESOLUTION 2026 <<Document Number>>

2
3 A RESOLUTION APPROVING PROPERTY TAX RATES FOR PROVO CITY
4 CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2026, AND
5 ENDING JUNE 30, 2027 (26-001)

6
7 RECITALS:
8

9 It is proposed that the Provo Municipal Council adopt certified tax rates for Fiscal Year
10 2027 as set forth in UCA 59-2-912;
11

12 On June 9, 2026, the Municipal Council met to consider the facts regarding this matter and
13 receive public comment, which facts and comments are found in the public record of the Council's
14 consideration; and
15

16 After considering the facts presented to the Municipal Council, the Council finds that (i) the
17 proposed action should be approved as described herein, and (ii) such action furthers the health,
18 safety, and general welfare of the citizens of Provo City.
19

20 THEREFORE, the Provo Municipal Council resolves as follows:
21

22 PART I:
23

24
25 The Provo Municipal Council adopts as the following certified tax rates to support tax
26 revenue in the General, Library, and Debt Service Funds for Fiscal Year 2027:
27

28	Library Fund	.000
29	Debt Service Fund	.000
30	General Fund	.000

31
32 PART II:
33

34 This resolution takes effect immediately.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: KMARTINS
Presenter: NA
Department: Recorder
Meeting Date: 6/9/2026
Requested Duration (Minutes): NA minutes
CityView or Issue File Number: PLRZ20260115

SUBJECT: 8 ***CONTINUED*** An ordinance amending the zone map classification of real property for a residential development with 75 lots and 50 townhomes, located approximately at 5450 N Canyon Rd. North Timpview neighborhood
PLRZ20260115

ADMINISTRATIVE RECOMMENDATION: NA

ADMINISTRATIVE MEMO: NA

FISCAL IMPACT: NA

COUNCIL STAFF MEMO:

PROVO MUNICIPAL COUNCIL COUNCIL MEETING STAFF REPORT



Submitter: MMCNALLEY
Presenter: Melissa McNalley, Redevelopment Agency Director
Department: Development Services
Meeting Date: 6/9/2026
Requested Duration (Minutes): 5-10 Minutes minutes
CityView or Issue File Number: 26-005

SUBJECT: 9 A resolution adopting a project area budget for the Lakeview Parkway Community Reinvestment Area (26-005)

ADMINISTRATIVE RECOMMENDATION: Request approval of the revised Lakeview Parkway CRA budget

ADMINISTRATIVE MEMO: This is a revised version of the Lakeview Parkway Budget first proposed to council in January 2026. Upon council request the numbers have been revised to show sales anticipated from general retain and not big box store numbers. The Budget anticipates a 50% participation rate in post performance sales tax incentives on all parcels in the Community Reinvestment area. No sales tax reimbursements will take place without interlocal agreements and participation agreements approved by Council and RDA Board action.

FISCAL IMPACT: 50% of City share in Point of Sale tax in specific locations.

TIME SENSITIVITY: This is time sensitive as it was noticed 30 days in advance as required by Utah Code that a hearing for this item takes place on June 9, 2026.

COUNCIL STAFF MEMO:

1 RDA RESOLUTION <<Document Number>>

2
3 A RESOLUTION ADOPTING A PROJECT AREA BUDGET FOR THE
4 LAKEVIEW PARKWAY COMMUNITY REINVESTMENT AREA (26-005)

5
6 RECITALS:

7
8 It is proposed that the Governing Board of the Redevelopment Agency of Provo City (the
9 Agency Governing Board) adopt the Lakeview Parkway Community Reinvestment Project Area
10 Budget as shown in Exhibit A.

11
12 On June 9, 2026, the Agency Governing Board met to consider the facts regarding this
13 matter and receive public comment, which facts and comments are found in the public record of
14 the Board's consideration; and

15
16 After considering the facts presented to the Agency Governing Board, the Board finds
17 that (i) the proposed action should be approved as described herein, and (ii) such action furthers
18 the health, safety, and general welfare of the citizens of Provo City.

19
20 THEREFORE, the Agency Governing Board resolves as follows:

21
22 PART I:

23
24 The Lakeview Parkway Community Reinvestment Project Area Budget is approved and
25 adopted.

26
27
28 PART II:

29
30 This resolution takes effect immediately.

Community Reinvestment Project Area Budget

2025-1 Lakeview Parkway

Utah Code §17C-5-303

Provo City Redevelopment Agency

I. Tax Increment

The base tax year for the project area shall be 2025. The base taxable value of the area is \$3,091,100, established across the three parcels comprising the project area as follows:

Parcel Number	Base Taxable Value
21:051:0062	\$1,729,100
21:051:0063	\$1,362,000
21:039:0024	—
Total Base Taxable Value	\$3,091,100

The incremental taxable value of the project area is projected to reach \$210,428,899 in Year 20 of the project area plan, generating an estimated \$32,339,759 in incremental property tax revenue across all participating taxing entities over the 20-year duration. The projected incremental tax revenue by taxing entity, and the maximum amount the Agency may receive, are set forth in Section IV (Exhibit A) of this Budget.

The Agency does not currently plan to collect property tax increment from this project area. In the event the Agency elects to collect tax increment in the future, participation shall be limited to Provo City's increment only and shall not exceed the maximum amounts set forth in Exhibit A. No tax increment shall be collected from any other taxing entity.

II. Sales and Use Tax Revenue

The Agency anticipates entering into an interlocal agreement with Provo City for 50% of the City's portion of the Sales and Use Tax revenue generated by the retail sites within the project area. Such agreements are anticipated to commence upon the issuance of a Certificate of Occupancy for each participating retail site and to continue for a period of 20 years.

Any sales and use tax revenue collected under such agreements will be applied toward the extraordinary costs of developing the land for commercial use, including infrastructure improvements and the cost of fill material necessary to create developable area, as the sites currently lie within the 100-year floodplain. No other Agency incentives are currently proposed.

III. Use of Project Area Funds

Agency funds collected within the project area shall be allocated as follows:

- No more than 5% shall be expended for administrative costs associated with the project area, in accordance with Utah Code §17C-5-303.
- No less than 10% shall be deposited into the Agency's Housing Fund in accordance with Utah Code §17C-5-307.

- The remaining balance shall be applied to redevelopment activities and project area development costs as further described in Exhibit A.

The Agency does not currently own any property within the project area.

Exhibit A

Project Area Budget — Lakeview Parkway CRA (2025-1)

A.1 Base Taxable Value by Parcel

Parcel Number	Base Taxable Value
21:051:0062	\$1,729,100
21:051:0063	\$1,362,000
21:039:0024	—
Total Base Taxable Value	\$3,091,100

A.2 Incremental Property Tax Revenue and Agency Participation by Taxing Entity (20-Year Projection)

Taxing Entity	Tax Rate	20-Year Incremental Revenue (All Entities)	Agency Participation (Maximum)
Utah State	0.0652%	\$2,076,212	—
Multicounty Assessing & Collecting	0.0015%	\$47,740	—
County Assessing & Collecting	0.0109%	\$346,805	—
Provo City School District	0.7208%	\$22,945,059	—
Provo City	0.1775%	\$5,649,755	\$5,649,755
Central Utah Water Conservancy	0.0400%	\$1,274,186	—
TOTALS	1.0159%	\$32,339,757	\$5,649,755

* The Agency currently plans no property tax increment collection. The Agency participation column above represents the maximum allowable amount if the Agency elects to collect from Provo City's increment only in a future action.

A.3 Agency Revenue Sources (20-Year Projection)

Revenue Source	20-Year Projected Maximum
Property Tax Increment (Conditional)	
<i>Provo City Tax Increment (Maximum — not currently planned for collection)</i>	\$5,649,755
Sales and Use Tax Revenue (Anticipated — No Agreement in Place)	
<i>50% of Provo City Point-of-Sale Tax — Amount to be determined upon execution of interlocal agreement</i>	\$19,481,867
Maximum Authorized Property Tax Increment	\$5,649,755

A.4 Sales and Use Tax Revenue Projection — 20-Year Summary

Projected gross taxable sales and Agency participation based on full buildout of 637,000 SF across all three use types, phased over 5 years, with 2% annual sales growth. Sales tax participation modeled at 50% of the City of Provo's 1.10% point-of-sale share under a future interlocal agreement (Utah Code §17C-5-204). No agreement is currently in place.

A.4.1 Gross Taxable Sales by Use Type

Use Type	Total SF	Est. Annual Sales/SF	20-Year Projected Gross Sales
General Retail	497,000	\$250	\$2,746,415,564
Restaurant	40,000	\$400	\$353,663,171
Hotel	100,000	\$200	\$442,078,964
TOTAL	637,000	—	\$3,542,157,699

A.4.2 Sales Tax Distribution and Agency Participation

Revenue Component	Rate	20-Year Projected Amount
Total Gross Taxable Sales (all use types)	—	\$3,542,157,699
Combined Sales Tax Generated (City, County, State, Special Districts)	7.45%	\$263,890,749
City of Provo Point-of-Sale Share	1.10%	\$38,963,735
Agency Participation — 50% of City's Share (Utah Code §17C-5-204)	0.55%	\$19,481,867
Net Sales Tax Retained by City of Provo after Agency Participation	0.55%	\$19,481,867

** All projections assume a phased buildout (15% in Year 1 through 100% by Year 5), a 2% annual sales growth rate, and the annual sales per SF benchmarks shown above. Actual revenues will vary based on tenant mix, occupancy, and market conditions. Hotel revenue modeled as taxable room revenue. No sales tax participation agreement is currently in place; revenues are contingent upon future execution of an interlocal agreement with Provo City.*

A.5 Expenditure Allocations

Expenditure Category	Statutory %	20-Year Projected Amount
Administration (maximum)	5%	\$974,093
Agency Housing Fund (minimum per Utah Code 17C-5-307)	10%	\$1,948,187
Redevelopment and Development Activities	85%	\$16,559,587
TOTAL	100%	\$19,481,867

A.6 Project Area Development Activities — Authorized Uses of Funds

The remaining 85% of Agency funds collected within the project area shall be applied to redevelopment activities within or directly benefiting the project area, which may include the following priority uses:

- **Extraordinary Site Preparation Costs** — Fill material, grading, and infrastructure improvements necessary to develop parcels currently located within the 100-year floodplain to a developable condition.
- **Public Infrastructure Improvements** — Construction or reimbursement of on- and off-site infrastructure including roads, utilities, drainage, and related improvements required to support commercial development within the project area.
- **Development Incentives and Agreements** — Financial assistance to qualified developers pursuant to participation agreements authorized under Utah Code Title 17C, to offset extraordinary development costs and incentivize investment within the project area.
- **Agency Administration of Redevelopment Activities** — Costs directly associated with implementing the project area plan, including professional services, legal, and project management.

Specific expenditures shall be authorized by the Agency Board through future action consistent with Utah Code Title 17C and the Provo City Redevelopment Agency's adopted policies and procedures.

All dollar amounts represent 20-year nominal projections based on a 2.5% annual inflation rate. Net present values are calculated at a 5% discount rate. Actual revenues and expenditures are subject to development timing, market conditions, and future Agency action.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: KZARBOCK
Presenter: Kelsey Zarbock, Budget Officer
Department: Finance
Meeting Date: 6/9/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: 26-001

SUBJECT: 10 A public hearing regarding the Redevelopment Agency's FY27 Budget (26-001)

ADMINISTRATIVE RECOMMENDATION: Public hearing on June 9th
Public hearing and budget adoption on June 23rd

ADMINISTRATIVE MEMO: Provo City Redevelopment Agency is required to have two public hearings prior to budget adoption on June 23rd.

FISCAL IMPACT: Fiscal Year 2027 Budget

TIME SENSITIVITY: Provo City Redevelopment Agency is required to have two public hearings prior to budget adoption on June 23rd.

COUNCIL STAFF MEMO:

1 RESOLUTION 2026-RDA-XX-XXX

2
3 A RESOLUTION ADOPTING A BUDGET FOR THE REDEVELOPMENT
4 AGENCY OF PROVO CITY CORPORATION FOR THE FISCAL YEAR
5 BEGINNING JULY 1, 2026 AND ENDING JUNE 30, 2027, IN THE AMOUNT
6 OF \$2,086,500. (26-XXX)
7

8 WHEREAS, on May 5, 2026, the Governing Board of the Redevelopment Agency of Provo
9 City Corporation (the “Governing Board”) held a public meeting to consider the Tentative Budget
10 and by resolution tentatively adopted the Tentative Budget for the fiscal year 2026-2027 (Fiscal
11 Year 2027) as required by law; and
12

13 WHEREAS, the Tentative Budget includes operational expenditures, housing programs,
14 small business loans, tax increment projects, capital projects, and other community-oriented
15 programs; and
16

17 WHEREAS, the Tentative Budget, together with supporting schedules and data, has been
18 reviewed and considered by the Governing Board and has been available for public inspection as
19 required by law; and
20

21 WHEREAS, notice of a public hearing to consider the adoption of a final Budget has been
22 properly given; and
23

24 WHEREAS, on June 9, 2026, and June 23, 2026, the Governing Board held duly noticed
25 public hearings to receive public comment and ascertain the facts regarding the Tentative Budget,
26 which facts and comments are found in the hearing records; and
27

28 WHEREAS, all interested persons were heard, for or against the estimates of revenue and
29 expenditures as set forth in the Tentative Budget and any proposed amendments thereto; and
30

31 WHEREAS, all statutory and legal requirements for the final adoption of said Budget have
32 been completed; and
33

34 WHEREAS, after considering the facts and comments presented to the Governing Board,
35 the Governing Board finds (i) a final budget for the Redevelopment Agency of Provo City
36 Corporation should be adopted as set forth in the attached Exhibit A and (ii) adoption of the final
37 Budget reasonably furthers the health, safety and general welfare of the citizens of Provo City.
38

39 NOW, THEREFORE, be it resolved by the Governing Board as follows:
40

41 PART I:
42

43 The Redevelopment Agency of Provo City Corporation Budget in the amount of
44 \$2,086,500, as summarized in the attached Exhibit A, is hereby adopted as the final Budget for
45 Fiscal Year 2027.

46 PART II:

47
48 All outstanding encumbrances and project/grant balances as of June 30, 2026 and approved
49 by the Executive Officer shall be continued and re-appropriated for expenditure in Fiscal Year
50 2027 and shall be presented at a meeting of the Governing Board in September 2026.

51
52 PART III:

53
54 The functions within the Project Divisions cannot be deleted or changed in budget amount
55 by more than 10% of the original cost or \$50,000, whichever is less, or new functions added
56 without further official action of the Governing Board.

57
58 PART IV:

59
60 The Executive Officer is hereby authorized to move budget appropriations along with
61 needed expenditure adjustments including capitalized labor from the individual enterprise
62 operating divisions to the corresponding capital improvement division in conjunction with the
63 fixed asset (capital expenditures) reconciliation for the fiscal year ending June 30, 2026.

64
65 PART V:

66
67 The Executive Officer is hereby authorized to increase budget authority for revenues in
68 excess of the adopted budget in the following areas: grants, interest earnings, reimbursement(s)
69 from projects, revenues over budget, and donations. The Executive Officer is authorized to
70 increase budget authority in internal service funds for unexpected expenditures related to those
71 funds.

72
73 PART VI:

74
75 The Governing Board hereby directs that an Adopted Annual Budget document be
76 prepared corresponding to the actions taken herein and that said document be certified, filed, and
77 made available for public inspection as required by law.

78
79 PART VII:

80
81 This resolution shall take effect immediately.

82
83 END OF RESOLUTION.

EXHIBIT A

Provo City Redevelopment Agency

Redevelopment Summary	Actual FY 2023	Actual FY 2024	Actual FY 2025	Original Budget FY 2026	Adjusted Budget FY 2026	Tentative Budget FY 2027
Revenue						
Charges for Services	\$ 107,896	\$ 102,920	\$ 133,358	\$ 107,000	\$ 107,000	\$ 107,000
Property Tax	842,550	1,132,464	562,644	1,442,550	1,442,550	1,300,000
Lease Income	-	-	-	-	-	-
Miscellaneous	-	30,000	3,492,770	-	-	-
Interest Income	249,148	349,636	475,671	202,771	202,771	160,000
Total Revenue	1,199,594	1,615,020	4,664,443	1,752,321	1,752,321	1,567,000
Expenditure						
Tax Increment	\$ 1,223,544	\$ 249,949	\$ 745,826	\$ 1,456,575	\$ 5,063,040	\$ 1,454,284
New Development	8,254	18,198	58,770	32,216	155,698	632,216
Total Expenditure	1,231,798	268,147	804,596	1,488,791	5,218,738	2,086,500
Net Increase (Decrease)	(32,234)	1,346,873	3,859,848	263,530	(3,466,417)	(519,500)

Department Function

- The Redevelopment Agency of Provo City (Agency) is a separate governmental entity created by Provo City under Title 17 of the Utah Code which governs "community development and renewal agencies." The City Council is the governing board of the Redevelopment Agency and the Mayor also serves as the Agency's Chief Executive Officer. The Redevelopment Agency primarily deals with programs and projects to help revitalize targeted areas of the City of Provo including the Central Business District (Provo's downtown and surrounding neighborhoods) and other project areas as designated by the City Council. The Redevelopment Agency's primary asset in this revitalization effort is tax increment financing which allows the Agency to participate in a variety of ways in its redevelopment efforts.



Tax Increment

Tax Increment	Actual FY 2023	Actual FY 2024	Actual FY 2025	Original Budget FY 2026	Adjusted Budget FY 2026	Tentative Budget FY 2027
Revenue						
Taxes	\$ 842,550	\$ 1,132,464	\$ 562,644	\$ 1,442,550	\$ 1,442,550	\$ 1,300,000
Investment Income	202,772	275,099	404,180	202,771	202,771	160,000
Miscellaneous	-	30,000	3,492,770	-	-	-
Other Financing	-	-	-	-	-	-
Transfer In	-	-	-	-	-	-
Total Revenue	1,045,321	1,437,563	4,459,594	1,645,321	1,645,321	1,460,000
Expenditure						
Tax Increment	\$ 1,223,544	\$ 249,949	\$ 745,826	\$ 1,456,575	\$ 5,063,040	\$ 1,454,284
Total Expenditure	1,223,544	249,949	745,826	1,456,575	5,063,040	1,454,284
Net Change in Fund Balance	(178,223)	1,187,614	3,713,769	188,746	(3,417,719)	5,716
		Beginning Fund Balance		11,169,900	11,169,900	7,752,181
		Ending Fund Balance		11,358,646	7,752,181	7,757,897

Department Function

- The Tax Increment Fund is for the property tax increment we receive from Utah County and pay for projects. Property tax increment is the increase in the property taxes generated in a project area over and above the property taxes that were collected prior to the new development. The Redevelopment Agency can receive a portion of the increase in property taxes if the taxing entities agree to participate.

New Development

	Actual FY 2023	Actual FY 2024	Actual FY 2025	Original Budget FY 2026	Adjusted Budget FY 2026	Tentative Budget FY 2027
New Development						
Revenue						
Charges for Services	\$ 107,866	\$ 102,920	\$ 133,358	\$ 107,000	\$ 107,000	\$ 107,000
Lease Income	-	-	-	-	-	-
Investment Income	46,376	74,537	71,491	-	-	-
Miscellaneous	-	-	-	-	-	-
Total Revenue	46,376	177,457	204,849	107,000	107,000	107,000
Expenditure						
New Development	\$ 8,254	\$ 18,198	\$ 58,770	\$ 32,216	\$ 155,698	\$ 632,216
Total Expenditure	8,254	18,198	58,770	32,216	155,698	632,216
Net Change in Fund Balance	38,122	159,259	146,079	74,784	(48,698)	(525,216)
				1,625,753	1,625,753	1,577,055
				1,700,537	1,577,055	1,051,839

Department Function

- The New Development Fund was used to hold funds the Redevelopment Agency received that weren't property tax increment. For example, when the Redevelopment Agency was leasing out the former Sears building to RC Willey, those lease payments went into the New Development Fund.

Performance Measures

Priority	Goal	Performance Measure	Annual Totals			
			FY 2025	FY 2026		FY 2027
			Actual	Current	Target	Target
Economic Development, Diverse and Resilient	Encourage economic development and business opportunities at and around the airport (2b)	Create Lakeview Parkway CRA to encourage economic opportunity along Lakeview Parkway to enhance the development of the Airport	Lakeview Parkway CRA plan is adopted and working on getting the budget adapted for the Lakeview Parkway CRA.			
Housing: You Belong Here	2e. Identify opportunities for and invest in rehabilitation of existing uninhabitable housing stock into Moderate Income housing. (2e)	Work in conjunction with other funding sources to create a purchase/rehab/resale program	This is a new goal for 2027. We will work to define funding and an organization to partner with and investigate the possibility of this program creation.			
Economic Development, Diverse and Resilient 1. Employ innovative approaches to promote local business and create community	Encourage incorporation of gateway development and compact commercial properties that integrate both social and retail needs into designated mixed-use centers.	The redevelopment of the mall and the Lakeview Parkway CRA will address the southern gateway. The continued development of Mountain Vista Business Park also aids in this effort. In the next year, The RDA will make efforts to create a CRA on the west side of Center street to continue to address this goal and enhance the City's entryways.	Ongoing			

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: KZARBOCK
Presenter: Kelsey Zarbock, Budget Officer
Department: Finance
Meeting Date: 6/9/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: 26-001

SUBJECT: 11 A public hearing regarding the FY27 Budget for the Stormwater Service District (26-001)

ADMINISTRATIVE RECOMMENDATION: Public Hearing only on June 9th
Public Hearing and subsequent budget adoption on June 23rd

ADMINISTRATIVE MEMO: The City is required to have two public hearings prior to budget adoption on June 23rd.

FISCAL IMPACT: Fiscal Year 2027 Budget

TIME SENSITIVITY: The City is required to have two public hearings prior to budget adoption on June 23rd.

COUNCIL STAFF MEMO:

1 RESOLUTION 2026-SSD-XX-XX-XX

2
3 A RESOLUTION ADOPTING A BUDGET FOR THE PROVO CITY
4 STORMWATER SERVICE DISTRICT IN THE AMOUNT OF \$7,291,034 FOR
5 THE FISCAL YEAR BEGINNING JULY 1, 2026 AND ENDING JUNE 30, 2027.
6 (26-XX)
7

8 WHEREAS, on May 05, 2026, the Governing Board of the Provo City Stormwater Service
9 District tentative adopted the Tentative Budget for the fiscal year 2026-2027 (Fiscal Year 2027)
10 as required by law; and
11

12 WHEREAS, the Tentative Budget, together with supporting schedules and data, has been
13 reviewed and considered by the Governing Board of the Provo City Stormwater Service District
14 and have been available for public inspection as required by law; and
15

16 WHEREAS, notice of a public hearing to consider the adoption of a final Budget has been
17 properly given; and
18

19 WHEREAS, on June 9, 2026 and June 23, 2026, the Governing Board of the Provo City
20 Stormwater Service District held duly noticed public hearings to receive public comment and
21 ascertain the facts regarding the Tentative Budget, which facts and comments are found in the
22 hearing records; and
23

24 WHEREAS, all interested persons were heard, for or against the estimates of revenue and
25 expenditures as set forth in the Tentative Budget and any proposed amendments thereto; and
26

27 WHEREAS, all statutory and legal requirements for the final adoption of said Budget have
28 been completed; and
29

30 WHEREAS, after considering the facts and comments presented to the Governing Board
31 of the Provo City Stormwater Service District, the Governing Board finds (i) a final Budget for
32 the Provo City Stormwater Service District should be adopted as set forth in the attached Exhibit
33 A and (ii) adoption of the final Budget reasonably furthers the health, safety and general welfare
34 of the District residents and property owners.
35

36 NOW, THEREFORE, be it resolved by the Governing Board of the Provo City Stormwater
37 Service District as follows:
38

39 PART I:
40

41 The Provo City Stormwater Service District Budget in the amount of \$7,291,034, as
42 summarized in the attached Exhibit A, is hereby adopted as a final Budget for Fiscal Year 2027.
43

44 PART II:
45

46 All outstanding encumbrances and project/grant balances as of June 30, 2026 and
47 approved by the Executive Officer shall be continued and re-appropriated for expenditure in
48 Fiscal Year 2027 and shall be presented at a meeting of the Governing Board in September 2026.
49

50 PART IV:
51

52 The functions within the Capital Improvement Divisions cannot be deleted, changed in
53 budget amount by more than 10% of the original cost or \$50,000, whichever is less, or new
54 functions added without further official action of the Governing Board.
55

56 PART V:
57

58 The Executive Officer is hereby authorized to move budget appropriations along with
59 needed expenditure adjustments including capitalized labor from the individual enterprise
60 operating divisions to the corresponding capital improvement division in conjunction with the
61 fixed asset (capital expenditures) reconciliation for the fiscal year ending June 30, 2026.
62

63 PART VI:
64

65 The Executive Officer is hereby authorized to increase budget authority for revenues in
66 excess of the adopted budget in the following areas: grants, interest earnings, impact fees, aid to
67 construction, reimbursement(s) from projects, revenues over budget, and donations. The
68 Executive Officer is authorized to increase budget authority in internal service funds for
69 unexpected expenditures related to those funds.
70

71 PART VII:
72

73 The Governing Board hereby directs that an Adopted Annual Budget document be
74 prepared corresponding to the actions taken herein and that said document be certified, filed, and
75 made available for public inspection as required by law.
76

77 PART VIII:
78

79 This resolution shall take effect immediately.
80

81 END OF RESOLUTION.

Exhibit A

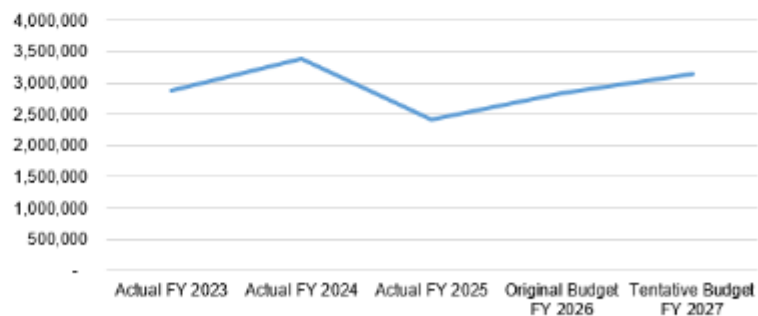
Stormwater Service District

Storm Drain	Actual FY 2023	Actual FY 2024	Actual FY 2025	Original Budget FY 2026	Adjusted Budget FY 2026	Tentative Budget FY 2027
Revenue						
Utilities Revenue	\$ 5,856,899	\$ 5,922,994	\$ 6,017,967	\$ 5,950,000	\$ 6,140,000	\$ 6,140,000
Miscellaneous	360,685	341,642	506,562	8,000	596,000	364,000
Charges for Services	118,839	26,225	26,885	383,000	25,000	15,000
Investment Income	252,132	329,895	240,082	150,000	150,000	160,000
Total Revenue	6,588,554	6,620,756	6,791,496	6,491,000	6,911,000	6,679,000
Operation Expenditure						
Storm Drain	\$ 2,880,752	\$ 3,397,424	\$ 2,416,516	\$ 2,831,681	\$ 2,900,143	\$ 3,143,534
Total Expenditure	2,880,752	3,397,424	2,416,516	2,831,681	2,900,143	3,143,534
Capital Expenditure						
Storm Drain CIP	\$ 3,986,093	\$ 2,365,308	\$ 3,875,677	\$ 3,377,755	\$ 7,847,667	\$ 3,380,000
Total Expenditure	3,986,093	2,365,308	3,875,677	3,377,755	7,847,667	3,380,000
Transfer Out	692,375	686,480	676,937	743,750	743,750	767,500
Total Revenues	6,588,554	6,620,756	6,791,496	6,491,000	6,911,000	6,679,000
Total Expenditures and Transfers Out	(7,559,220)	(6,429,230)	(6,969,130)	(6,953,186)	(11,491,560)	(7,291,034)
Net Change in Fund Balance	(970,666)	191,526	(177,634)	(462,186)	(4,580,560)	(612,034)
		Beginning Fund Balance		5,421,586	5,421,586	841,026
		Ending Fund Balance		4,959,400	841,026	228,992

Department Function

- The Stormwater Division of the Public Works Department is responsible for protecting property from flooding and preventing the public street system from being encumbered with flood water during rainstorms and spring snow melt runoff. This division also builds, operates, and maintains a storm drainage system such that citizens, property owners, business people, and even Stormwater employees can rest comfortably during runoff events. The division complies with new federal storm water quality regulations. Irrigation water is delivered to customers along the City irrigation ditches in the central and southwest areas of the City.

Storm Drain Total Operating Expenditures



What's new in FY 2027?

- Stormwater and Airport coordinated to build a new pump station.

Performance Measures

Priority	Goal	Performance Measure	Annual Totals			
			2025	2026	2027	
			Actual	Current	Target	Target
Healthy, Inviting Environment	Decrease Recycling Contamination	Number Of Household Recycling Audits Per Month	35	32	30	35