



PROVO MUNICIPAL COUNCIL

Redevelopment Agency Governing Board

Work Meeting

11:30 AM, Tuesday, June 09, 2026
Provo Peaks Conference Room (Room 110)
445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

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

To listen to the meeting by phone: June 09 Work Meeting: Dial 346-248-7799. Enter Meeting ID 817 4924 4830 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

May 26, 2026 Work Meeting

Business

- 1 A presentation from EDGE Homes regarding condominium development and associated liability considerations (26-037)
- 2 A discussion regarding external accessory dwelling units. (26-038)
- 3 An ordinance amending Provo City Code regarding floodplain management and development standards. (PLOT20260185)
- 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 A resolution approving the adoption of the state-approved Wildland Urban Interface ("WUI") map. (26-045)
- 6 A presentation regarding FY27 proposed water rate increases (26-039)
- 7 An ordinance changing Solid Waste code enforcement and adding sanitation collection to the noise exemption code (26-042)
- 8 A resolution regarding year-end appropriations and transfers in the General, Parks and Recreation capital improvement, Airport, Justice Court, Ice Arena, and Golf Course Funds for the fiscal year ending June 30, 2026. (26-043)
- 9 A presentation regarding utility transfers (26-046)

- 10 A presentation regarding the Parks and Recreation FY27 budget follow-up, including the consolidated fee schedule, Recreation Center operations, and capital improvement projects (26-001)
- 11 A review of proposed changes to the Fiscal Year 2027 Provo City budget ordinance (26-001)
- 12 A discussion regarding the proposed Philo development term sheet for Lakeview Crossing (26-044)

Redevelopment Agency Governing Board

- 13 A presentation on a proposed economic development incentive for the Lakeview Walmart project. (26-047)

Closed Meeting

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

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.gov 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 Work 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.

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



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM | May 26, 2026

Provo Peaks Conference Room (110)

445 W. Center Street, Provo, UT 84601

Agenda

Roll Call

Council Chair Katrice MacKay, conducting
Council Vice-Chair Craig Christensen
Councilor Gary Garrett
Councilor Jeff Whitlock
Councilor Becky Bogdin
Councilor Travis Hoban
Councilor Rachel Whipple
Mayor Marsha Judkins

Approval of Minutes

- April 22, 2025 Council Meeting
- June 17, 2025 Council Meeting
- March 10, 2026 Council Meeting
- May 5, 2026 Council Meeting
- May 12, 2026 Work Meeting
- May 12, 2026 Council Meeting

These minutes were approved by unanimous consent.

Business

1. A Presentation on Voluntary Stretch Energy Codes by Utah Clean Energy (26-040) [02:17](#)

The presentation was delivered by Kevin Emerson, Director of Building Efficiency and Decarbonization at Utah Clean Energy, and Alyson Bergomi, Clean Energy Associate at Utah Clean Energy.

Emerson provided background on Utah Clean Energy, describing it as a 25-year-old nonprofit, nonpartisan organization. He noted that in 2023, he had previously presented to the Council regarding voluntary approaches to encourage construction of energy-efficient and low-emission buildings. He explained that in 2025, Utah Clean Energy was awarded a three-year cooperative agreement from the U.S. Department of Energy to work with Provo City and three other jurisdictions in the Intermountain region—Boise, Jackson, and Salt Lake City. Over the

preceding sixteen months, Utah Clean Energy had been coordinating with Provo City staff in planning, building services, economic development, and the RDA, as well as with industry stakeholders and community members, to conceptualize a voluntary stretch energy code program.

Bergomi elaborated on the community-level purpose of the program, describing it as being aimed at empowering local governments to implement voluntary, incentive-based programs that would allow developers to construct emissions-free homes. She referenced a showcase home built in 2024 by Garbett Homes in partnership with Utah Clean Energy—an all-electric home meeting the latest ENERGY STAR standards—noting that the homeowners achieved a positive return on their investment in approximately 1.4 years due to reduced utility costs. She emphasized that homes built today would remain in service for decades and that the program represented an opportunity to future-proof housing stock while improving long-term affordability.

Emerson then described the two conceptual tiers of the proposed program. A zero-emission building would be energy efficient, utilize all-electric equipment with no on-site combustion, and be powered with clean energy through a utility program such as a shared solar arrangement or rooftop solar. A low-emission building would be similar but might include some on-site gas use for space heating or cooking, such as dual-fuel heat pumps, and might be partially powered by clean energy or be solar-ready.

Council Chair MacKay raised a question about the claim of a building being powered 100 percent by clean energy, noting that Provo Power's energy mix, while strong, was not technically 100 percent clean. Emerson acknowledged this, explaining that the industry-accepted practice was to associate the energy generated through a utility program—such as a shared solar program—with the energy consumed by the building on an annual basis, as an accepted means of achieving that designation, even if the actual electricity flowing to the building at any given moment came from the broader grid. Chief Administrative Officer Scott Henderson noted that City Hall participated in a solar allotment for this purpose.

Emerson described two pathways within each tier. The first pathway would use the most current energy code—the 2024 International Energy Conservation Code—along with specific voluntary appendices as a design and construction recipe. The second pathway would use a baseline energy code with fewer appendices, offering a simpler option. A third pathway would reference existing industry-recognized third-party certification programs, which Emerson noted could streamline city implementation by having another entity conduct oversight for standard compliance. He recommended that any certifications included in the program carry zero or very low certification fees. Emerson also suggested incorporating water conservation standards, such as WaterSense-certified fixtures, Localscapes landscaping, or coordination with the Utah WaterSavers rebate program, noting the relevance given the Governor's recent drought declaration.

Bergomi then summarized feedback received from Provo City stakeholders on potential incentive types. Five categories had been identified in partnership with the New Buildings Institute: rebates and green financing, technical assistance, streamlined permits, zoning variances, and promotion and awards. Regarding rebates, she noted an upcoming conversation

with the Director of Provo Power and interest in leveraging existing lawn conversion and water-efficient irrigation rebates through Localscapes and the Central Utah Water Conservancy District. On technical assistance, she noted that the project had funding for staff and contractor training and a third-party plan review consultant, and that Building Services had expressed interest in checklists and reference materials. Streamlined permitting had been identified as a priority based on Building Services' interest and feedback from industry stakeholders. Regarding zoning variances, she noted interest in density bonuses for zero-emission multifamily housing as a significant incentive for the highest tier, though such variances were described as relatively uncommon in Provo. Promotion and awards through newsletters and social media were also noted as a low-cost added incentive.

Emerson and Bergomi then made the formal request of the Council: a written statement of continued support for the project to be submitted to the U.S. Department of Energy, which was a built-in checkpoint in the cooperative agreement before advancing to the next phase. They emphasized that this request did not constitute a vote on a voluntary incentive program, but rather a demonstration of continued interest and willingness to participate in the remaining eighteen months of the three-year agreement, which ran through December 2027.

Councilor Whitlock asked whether the letter was for the Department of Energy, which was confirmed. He also asked whether the cost and payback projections shown were based on Provo-specific utility rates. Emerson clarified that the data was based on Rocky Mountain Power rates, as the showcase home was constructed within that service area, and offered to produce updated projections using Provo Power rates if the Council was interested. Councilor Whitlock then asked whether there was value in the program independent of incentives, or whether incentives were central to its effectiveness. Emerson responded that incentives—including non-financial ones such as technical support—were an important component for encouraging builders who had not previously constructed to these standards to participate. Whitlock further asked about the value of local government coordination versus allowing the market to self-regulate. Emerson explained that because state law sets required building codes and prohibits local governments from mandating higher standards, the program was designed as a voluntary, incentive-based tool for local governments to pursue community goals related to energy efficiency and reduced emissions that complement statewide code requirements.

Bergomi added that Utah was experiencing a significant housing boom, and that a program of this nature could accelerate adoption of low- and zero-emission building practices and advance both housing affordability and air quality goals sooner than market forces alone. Councilor Whitlock asked about the proportion of particulate matter attributable to homes and buildings versus automobiles. Emerson estimated that homes and buildings accounted for approximately 10 to 15 percent, with automobiles being a substantially larger source of local criteria pollutants. He noted that gas combustion in buildings—leading to PM 2.5 and NOx emissions—was the primary air quality contribution from building energy use, and that zero-emission buildings with no on-site combustion would directly address those emissions.

Councilor Whipple expressed appreciation for the program's structure, noting that by tying energy upgrades to long-term savings, incentives for developers were more likely to result in direct benefits to homeowners. She also expressed appreciation for having an external expert

team and grant funding available without the city bearing the cost of procurement. Councilor Christensen asked about the costs to the city of moving forward. Emerson acknowledged that staff time would be involved in the next phase of the project and that seed funding from the Department of Energy cooperative agreement was available to help pilot specific components such as streamlined permitting or technical assistance. He emphasized that submitting a statement of support would not bind the city to any specific expenditure or program element without those coming back to the Council first.

Council Chair MacKay questioned whether city incentives were necessary given existing federal incentive programs. Emerson clarified that most federal incentives were targeted at affordable housing and that there were very few federal or state incentives applicable to market-rate construction. He noted that the proposed program would align with energy efficiency requirements within low-income housing tax credit programs but would not be limited to affordable housing. Bergomi added that a lack of market awareness among homebuyers about low-emission construction was itself a barrier, and that incentives could help builders participate and thus expand awareness through a positive feedback loop.

Council Chair MacKay asked about the mention of RDA coordination, noting that as the RDA Board, members had not heard of those conversations. Emerson clarified that conversations with the RDA Director had been very early-stage and were focused on exploring whether there might be opportunities to align energy efficiency goals with existing RDA project incentives—not to direct RDA funds toward the program. MacKay stated she would not support using RDA funds for this type of incentive but was receptive to the idea of using energy efficiency as an additional consideration when RDA tax benefits were being offered to a development.

Councilor Garrett asked for clarification on the timeline, confirming that the city was in the middle of the three-year cooperative agreement, with June 2026 marking the end of the first eighteen months, and the second phase running from July 2026 through December 2027. Emerson confirmed this and noted that during the second phase, the goal would be to finalize a specific set of recommendations for the Council to formally consider adopting as a program. Councilor Whipple asked whether the second phase would allow for city-specific customization of the options presented. Emerson confirmed that was the intent, giving the example that streamlined permitting had risen to a higher priority specifically based on Provo Building Services' feedback, while other jurisdictions had different priorities.

Council Chair MacKay noted that while the federal funding for the cooperative agreement was already committed, the question for the city was whether the benefits to Provo residents justified the staff time involved, which Bergomi estimated at approximately three to eight hours per month based on prior reporting. Mayor Judkins indicated she believed that level of staff commitment would be manageable and that the administration would be willing to accommodate it if the Council directed. Councilor Whitlock summarized the decision before the Council as: the cooperative agreement was proceeding with or without Provo's participation; signing on would allow the city to continue influencing the direction of the program; and the primary cost of participation was staff time.

Council Vice-Chair Christensen moved to continue the city's participation in the voluntary stretch energy code project and authorize the submission of a letter of continued support to the U.S. Department of Energy. The motion was seconded by Councilor Garrett. The motion passed: 7-0.

2. A presentation on Provo's water system and proposed water rate increases (25-039) [36:00](#)

The presentation was delivered by Policy Analyst Taguchi, with additional commentary from Public Works Director Gordon Haight, Water Resources Division Director Ryan York, and Public Works Business Manager Jimmy McKnight.

Taguchi opened by framing the purpose of the presentation: to provide an overview of the state of Provo's water distribution system and to discuss the proposed 6 percent water rate increase for the coming fiscal year. He noted that his broader recommendation was to continue gathering comparative data from neighboring cities and from the water division before a final decision on the rate was made.

Taguchi first addressed the historical trajectory of Provo's water rate increases, noting that increases had continued at a steady pace through COVID-19, unlike many comparable cities. He explained that he had selected for comparison cities with lower water rates than Provo in order to understand what factors might explain the difference. He noted that several of those cities were also considering water rate increases for the coming fiscal year.

He then presented the dollar impact of the proposed 6 percent increase on residents. Using a standard one-inch meter connection as a baseline, he estimated that a typical resident would pay approximately \$41 more per year, rising to approximately \$52 per year for higher-volume users who entered the tier-two rate range. The Council engaged in brief discussion on the structure of the tiered rate system and the relationship between meter size and billing tier thresholds.

Taguchi identified two underlying principles driving the rate increase proposal. First, water distribution pipes are subject to corrosion, mechanical stress from temperature changes and seismic activity, and eventual failure, requiring ongoing maintenance and replacement. Second, inflation steadily increases the cost of maintaining and operating the water system.

Taguchi then drew attention to geographic and material differences between Provo and several comparison cities. Using data from the U.S. Department of Agriculture Web Soil Survey, he showed that Provo's soil environment is characterized by a high degree of corrosivity, more so than Spanish Fork and Springville, whose residential areas include larger portions of moderately corrosive soils. Council Vice-Chair Christensen asked why the downtown area appeared to have no data on the corrosivity map; Taguchi noted that the absence of data in that area was unexplained, possibly related to ground coverage.

Taguchi also identified a materials difference: Provo's water main pipes are composed primarily of ductile iron, as is the case in Orem, whereas Spanish Fork and Springville have been transitioning to thick PVC pipe over the past 30 years. Ductile iron in a corrosive soil environment is more susceptible to pinhole corrosion and eventual failure than PVC. Taguchi noted that PVC was approximately 50 percent less expensive as a material than ductile iron, in addition to its corrosion resistance benefits, though the long-term track record of PVC in water systems remained limited. Council Chair MacKay asked whether PVC posed a microplastics risk in drinking water. Director York responded that there was currently no data indicating that PVC pipe used in water systems contributes to microplastics in drinking water, and that the concern was too recent to have produced long-term data.

Councilor Whipple noted that the city had updated its installation practices for ductile iron pipes to better protect against corrosion. Taguchi confirmed that a plastic wrapping process was used around ductile iron pipes for this purpose, but acknowledged debate about its effectiveness, particularly when not installed correctly. Director York added that past installation errors had in some cases negated the protective benefit, and that even on new plastic lines, all fittings were still made of ductile iron and required proper installation to avoid corrosion.

Taguchi then presented data comparing water main leaks over time between Provo and Spanish Fork. Provo's leak frequency had been elevated compared to Spanish Fork's and had shown a more recent spike, while Spanish Fork's numbers remained relatively consistent. Council Chair MacKay asked whether the city was primarily operating on a reactive basis, fixing breaks as they occurred. Director York confirmed that while some proactive projects were budgeted, much of the activity remained reactive. He noted that engineering staff were coordinating with road rehabilitation projects to get ahead of known issues before road surfaces were repaired.

Taguchi referenced the consultant's report underlying the rate increase schedule, which had been calculated based on a target of replacing pipes approaching the risk of failure within an 80-year time frame, meaning that after any given replacement, the system would be managed on a schedule such that no pipe would be in service for more than 80 years before being reviewed again. He explained that the financial goal of the rate increases over the following ten years was to build capacity to replace approximately 5.5 miles of pipe per year, a pace that would allow the system to operate at what was characterized as a healthy, sustainable replacement rate.

Taguchi noted a second financial consideration: Provo was drawing a notably higher share of general fund subsidy from its enterprise funds, including the water division, compared to other comparable cities (approximately 12 percent in the current year). He used the analogy of filling a bucket with a hole at the bottom, noting that rate increases intended to fund pipe replacement would be partially offset by this transfer. City Attorney Brian Jones provided context, explaining that such transfers were a common and legitimate practice in municipal finance, particularly in cities like Provo that operate a municipal power utility. He noted that ratepayers who are not property taxpayers effectively contribute to the general fund through this mechanism, and that Provo's higher transfer rate relative to other cities likely reflected the demographic makeup of its ratepayer base versus its property tax base.

Councilor Hoban expressed initial concern that water rate revenue might not be going entirely toward water infrastructure. Jones' explanation addressed this concern to Hoban's satisfaction. Councilor Whitlock confirmed mathematically that approximately 0.7 percent of the 6 percent proposed rate increase would flow to the general fund based on the 12 percent transfer rate.

Taguchi then addressed two general philosophies for financing water infrastructure: revenue bonding and pay-as-you-go. He noted that bonding was generally considered advantageous for large, discrete capital projects with defined timelines, as it locks in costs against future inflation. Pay-as-you-go had the advantage of avoiding interest costs and was better suited to dispersed, ongoing replacement needs. McKnight added that the current approach was a ten-year plan to work toward the 80-year replacement rate, and that bonding in addition to the current rate increases would likely require larger rate increases rather than serving as a substitute.

Council Vice-Chair Christensen asked about the real-world capacity for large-scale pipe replacement, given the constraints of coordinating across city infrastructure. Director York estimated that the city's own crews could complete a few miles per year, while contractor support could increase that figure to 10 to 20 miles annually, but that the full replacement of over 400 miles of pipe would require many years regardless of funding. Council Chair MacKay asked whether the city could bond for the most critical pipes to address a backlog. Director York responded that a complicating factor was that many recent breaks had occurred not on the oldest pipes but on newer pipes that had been improperly installed, suggesting that age alone was not a reliable predictor of failure risk. Director Haight added that the corrosive soil environment, improper past wrapping practices, and the susceptibility of ductile iron fittings even on otherwise PVC lines all contributed to this complexity.

Council Vice-Chair Christensen asked whether a formal cash-flow analysis comparing bonding versus pay-as-you-go had been completed, factoring in net present value and the higher cost of reactive versus proactive repairs. Taguchi acknowledged that such an analysis had not yet been done, citing the ongoing comparative work with neighboring cities, but offered to undertake it with the water division's project list and cost data if the Council desired. The Council expressed interest in receiving that analysis. Taguchi noted that industry sources cited by the water division indicated that proactive replacement carried a cost ratio of approximately 160 percent less than reactive replacement.

Taguchi presented data on liability claims paid out to residents in connection with water-related damages, noting an upward trend over time and a spike in 2025 attributed to a catastrophic failure on Center Street. Director York explained that the Center Street failure involved a 1990-era pipe that had corroded through, creating the dramatic geyser event, and that it was not a failure that would have been predictable or likely to have been prioritized for proactive replacement. He noted that when responding to any break or leak, staff inspected beyond the immediate failure point to assess the condition of adjacent pipe and determine whether additional section replacement was warranted.

Councilor Hoban expressed appreciation for the work being done but reiterated concern about the burden placed on higher-tier water users and stated that he could support a flat across-the-board rate increase, though he questioned whether 6 percent was the appropriate figure given

some indications of reduced costs in some materials. Councilor Whipple noted that when the rate increase schedule had previously been discussed and voted upon, it had included a range of annual increases—beginning lower, rising to 8 percent, and then declining back to 4 percent—and that the current year's 6 percent reflected adjustments made because only a 3.3 percent increase had been implemented the prior year, plus a year with no increase. She asked whether conditions had changed sufficiently since the prior year's analysis to warrant deviation from the established schedule. Director Haight acknowledged that some materials costs had improved while others, such as petroleum-based products, had worsened, and that a formal re-analysis of the assumptions underlying the consultant's rate model had not been conducted.

McKnight reported that through ten months of the current fiscal year, water revenues were running approximately 4.9 percent above the prior year's same period, which he described as tracking ahead of the 3.3 percent rate increase applied. Director Haight noted that staff would conduct a more thorough review once the full fiscal year's data was available.

Councilor Whitlock raised the question of whether the city had looked into new technologies for better assessing the condition and risk profile of the pipe backlog without physically uncovering pipes. Director Haight acknowledged that the division had discussed several such technologies and had found them promising but not yet fully effective for their specific system, and that they had not formally executed any such analysis. Councilor Whitlock suggested that investing in improved risk assessment would make it easier to communicate the infrastructure situation to the public and to target the most vulnerable pipes for replacement. Haight agreed and committed to reporting back on how such an approach might be pursued.

Councilor Whipple noted that replacing all pipes in a short window would also create a future problem of simultaneous infrastructure failure, comparing it to the situation facing school districts that built many schools in the same era. She also observed that the current drought conditions and public conservation efforts introduced uncertainty about water consumption patterns for the coming year.

Director Haight provided additional detail on the city's planning framework, describing a 20-year list of pipe segments identified as high priority, with a firmer window of three years and a soft six-year window for project sequencing, adjusted as other infrastructure projects, developer activity, and available funding created or eliminated opportunities. He confirmed that 100 percent of any rate increase revenue above current operating levels was being directed to capital pipe replacement.

Councilor Garrett referenced the prior-year consultant's recommendation of a 5 percent annual increase and asked why that figure had changed to 6 percent. Councilor Whipple reiterated that the adjustment was driven by the prior year's smaller-than-recommended increase and an earlier year with no increase.

Council Chair MacKay noted that the Council had previously approved a rate increase schedule. Councilor Whipple observed that no council is bound by the decisions of a prior council, which was precisely why the current-year rate required separate deliberation. She expressed that having

an updated analysis of whether the assumptions in the consultant's model remained accurate would be the key piece of information needed to determine whether 6 percent was appropriate.

Taguchi summarized the direction from the Council as follows: staff should return with a more detailed justification for the 6 percent increase, including updated analysis of cost assumptions, and should continue gathering comparative data from neighboring cities, with a particular focus on Orem given its similar soil conditions.

3. A resolution to place a 5.079 acre parcel of ground located to the south of the Epic Sports Park on Lakeview Parkway in Provo on the surplus property list. (26-012) [2:01:40](#)

The presentation was delivered by Economic Development Division Director Cody Hill.

Hill provided background on the parcel, explaining that when the city originally acquired the land for the Epic Sports Park, it had contemplated zoning the southern approximately five acres for commercial use to serve as a support for Sports Park operations and to complement the adjacent airport. The parcel is already zoned SC2 and is described as very close to shovel-ready, with utilities lined up and only minor grading and earthwork required.

Hill reported that the city had issued a Request for Proposals on the parcel and had selected a development group to work with. As part of advancing the development process, it was necessary to formally place the property on the surplus property list. An appraisal of the parcel had been completed, valuing it at \$4,360,000. Hill noted that this figure was higher than comparables he had assembled, which came in at approximately \$3.7 million, and higher than the developer's broker's opinion of value, which came in at approximately \$2.8 million. He indicated that staff were currently working with the development group on a term sheet and that details of the development agreement would be brought forward in the near future.

Councilor Bogdin asked what information could be shared with the public regarding what was contemplated for the site. Hill indicated that once a development agreement was finalized, it would be an appropriate time to communicate with the public. City Attorney Jones noted that the RFP document itself was a public record and could be distributed. In response to a question from Councilor Bogdin, Hill confirmed that the RFP had called for a gas station and convenience store, retail space, and a hotel. Councilor Garrett asked whether the parcel had already been leveled and filled, and Hill confirmed that it was very close to shovel-ready.

4. A discussion regarding external accessory dwelling units. (26-38) [2:06:16](#)

The discussion was led by Policy Analyst Dayley, with participation from City Attorney Jones, Development Services Director Bill Peperone, and Planning Supervisor Aaron Ardmore.

Dayley framed the item as having two components: first, state-mandated changes under SB 284 that the city was required to incorporate into its ADU chapter (Title 14.30); and second, a broader opportunity for the Council to revisit the current code and consider any additional amendments before the October 1 implementation deadline.

Dayley explained that the state-mandated change under SB 284 pertained primarily to two areas: the geographic scope of where external ADUs would be allowed, and parking requirements. Under the new state law, external ADUs would be permitted on any parcel in the city that was 11,000 square feet or greater and that permitted or allowed single-family dwellings as a use. Dayley noted that in Provo, this definition almost entirely overlapped with residential zones, with the West Gateway zone being one narrow exception. She estimated that this change would bring approximately 3,900 parcels into eligibility, roughly doubling or more than doubling the previously eligible area. The second mandatory change concerned parking: the city currently required four off-street parking spaces for an external ADU, but under SB 284, a maximum of two spaces could be required for units over 650 square feet, and only one for units of 650 square feet or less.

Dayley clarified that internal ADUs were not affected by SB 284; the new state requirement applied only to external ADUs. She displayed a map illustrating the current allowance area for ADUs in blue overlay and the parcels newly eligible under SB 284 in yellow, noting that many of the newly eligible parcels were in the northeast, the tree streets, and the west side of the city.

Dayley then presented two options for the Council: Option 1, where any desired amendments would be incorporated into the forthcoming zoning code rewrite in Title 14.30 scheduled for adoption in late summer or early fall; or Option 2, where amendments would be processed separately through Planning Commission and brought to a Council vote as early as July 14, a couple of months sooner. Jones encouraged incorporating any changes into the zoning rewrite rather than creating a separate amendment process, characterizing it from a drafting standpoint as preferable given the significant effort already invested in the rewrite. Dayley confirmed that a planning commission work session was scheduled for the following day and that the zoning rewrite was being divided into two parts, with the first part moving through Planning Commission shortly.

Councilor Christensen offered the following initial thoughts on potential amendments: a height limitation of one story with a basement; a privacy-related standard addressing windows that look into adjacent properties or yards; and a square footage ratio requirement limiting the ADU's size relative to the primary dwelling or lot.

Councilor Whipple raised a concern about a blanket one-story limitation, noting that many older homes in Provo lacked attached garages, and that a common and useful form of external ADU in those neighborhoods was a garage with a living unit above. She noted that her own home was two stories plus an attic, and that requiring a basement would impose a different and more costly form of construction. She suggested that the height limitation approach should account for these circumstances.

Councilor Hoban agreed with the concern about tall ADUs that could overlook neighbors' yards, diminishing privacy and sunlight access. He expressed that he was more comfortable with a basement-and-one-story approach as a way to avoid towering structures, while also raising the idea of translucent window glazing as an alternative to prohibiting windows altogether.

Director Peperone offered several observations from a development services perspective. He expressed concern about the city's current requirement that external ADUs have fully separate utility connections and laterals, explaining that in another jurisdiction he had worked in, such a requirement had facilitated an illegal subdivision of property following a divorce, creating years of legal conflict between a court decree and zoning enforcement. He suggested that requiring ADU utilities to be connected to the primary dwelling's existing connections—consistent with the approach of other cities—would reduce this risk. He also noted that an above-garage unit was architecturally beneficial for maintaining open space on a lot, since a separate structure and separate parking would consume more lot coverage than a combined garage-and-unit structure. He suggested that rather than a blanket height limitation, a maximum building height lower than the zone's standard residential height of 35 feet, such as 20 to 25 feet, would address the concern about ADUs feeling overwhelming relative to the primary dwelling while still allowing above-garage configurations.

Jones added that the existing requirement for owner occupancy was already included in the code and provided some protection against speculative or absentee uses. Under this requirement, either the ADU or the primary home must be occupied by the owner. If the property is owned by an LLC, all LLC members must reside in the home.

Councilor Whipple raised a broader policy question, noting that Provo's external ADU requirements included impact fees of approximately \$6,000 and mandatory separate utility connections. He observed that these costs had likely contributed to the extremely low application rate, with approximately two permit requests submitted over the prior five years. She questioned whether adding further restrictions was appropriate given that the program had seen almost no uptake even in its current form, and expressed concern that additional barriers would run contrary to the state's evident policy intent in enacting SB 284. She also suggested that allowing internal ADUs in areas newly eligible for external ADUs under SB 284 would be a less impactful and less controversial way to address housing needs in those areas, given that internal ADUs would not carry the privacy and lot coverage concerns associated with external structures.

Councilor Christensen and Council Chair MacKay both indicated they did not share that view, with MacKay citing Provo's shortage of four-plus-bedroom homes and the concern that internal ADUs could reduce the city's stock of larger family homes. Christensen acknowledged Whipple's logic as rational but maintained that it is possible for the rest of the Council to see the issue differently. Councilor Whitlock noted that the data clearly showed Provo was in a more challenged position relative to comparable cities in terms of pipe infrastructure, and he extended a similar analytical lens to ADUs: the Council should consider whether it wanted to merely comply with the state mandate or whether it wanted to genuinely facilitate the policy intent in a Provo-appropriate way.

Councilor Garrett raised a question about whether flag lot regulations were relevant to how ADU development might interact with future lot division. Peperone clarified that ADUs would be subject to the same zoning standards as the zone in which they were located, and noted that the requirement for separate utility laterals was what most practically enabled illegal or quasi-legal lot splits, as was illustrated by his earlier example.

Councilor Whitlock confirmed that the existing minimum size requirement of approximately 200 square feet for ADUs would remain applicable. Jones confirmed the owner-occupancy rule structure. Councilor Hoban expressed support for reaching a clear list of desired amendments and directing staff to draft them.

Dayley summarized the items identified for further drafting:

1. A privacy and height standard, approached through a setback-and-height framework drawn from examples in other cities, potentially including Saint George's code, rather than through a blanket window prohibition or a one-story rule, with consideration for whether the adjacent use is residential.
2. A maximum lot coverage standard for external ADUs, ensuring coverage does not exceed 40 percent, applied consistently across zones.
3. A requirement that ADU utilities be connected to the primary dwelling rather than established as separate service connections.

Council Chair MacKay asked about the separate utility connection requirement's origins, and Peperone explained it had been a requirement under former leadership in the Public Works department, with the stated rationale of preventing disputes over responsibility for shared lines. He and Jones both noted that such disputes were effectively a non-issue in owner-occupied situations and that the separate connection requirement created more problems than it solved. Council Chair MacKay noted that before changing this requirement, it would be appropriate to consult with the current Public Works leadership to understand whether the underlying concern had changed.

Dayley confirmed the path forward: staff would develop draft language for the three identified items, present the proposed amendments to the Council at the June 9 work meeting for review, and then incorporate the final language into the zoning code rewrite for adoption as part of that package in late summer or early fall—prior to the October 1 SB 284 implementation deadline. Jones noted that no immediate regulatory gap existed, as SB 284 was not yet in effect and only two external ADU applications had been received over the preceding five years.

5. An ordinance amending Provo City code to add a caretaker dwelling as a permitted accessory use in the general commercial zone. (PLOT20260119)

[2:50:36](#)

The presentation was delivered by Planning Supervisor Aaron Ardmore.

Ardmore explained that the item originated from a request by Revere Health, located at 1561 North Grandview Lane. The business had been experiencing issues with crime and homelessness occurring on its property after hours and had sought staff guidance on whether a caretaker could be stationed on-site overnight. Staff determined that a residential use in a commercial zone was not permitted under the current code. Revere Health then formally requested that a caretaker dwelling be added as a permitted accessory use to the General Commercial (CG) zone. Ardmore noted that caretaker dwellings were already listed as a permitted accessory use in several other zones, though they were rarely utilized; he cited a storage facility near the lake as one example.

Ardmore explained that the existing caretaker dwelling standards in Title 14.34 included the following: the unit must be accessory to a functioning principal use, a maximum of one unit per lot, located on the same property as the principal use, occupied by one family only, no associated accessory living space, a maximum of 1,200 square feet, architecturally compatible construction, non-manufactured dwelling, and occupied or rented only by an employee or subcontractor of the legal entity that owns the principal use. Ardmore noted that under this proposal, a caretaker dwelling would be a permitted accessory use rather than a conditional use. As a result, once a qualifying commercial use was established, the caretaker dwelling could be added by right with a building permit.

The Council inquired briefly about the existing caretaker dwelling standards. Councilor Whitlock read the relevant provisions from Title 14.34 aloud for reference. Council Chair MacKay noted that 1,200 square feet was roughly equivalent to the size of the conference room in which the meeting was being held.

MacKay asked whether the current code in other zones allowed live-work arrangements, such as a property owner living above a mortuary or pet store, and whether the same 1,200-square-foot limitation applied. Ardmore clarified that in mixed-use and downtown zones, residential uses were permitted uses in their own right rather than accessory uses, and therefore were not subject to the same caretaker-specific size limitation. The CG zone did not currently include such a permitted use, and this amendment would open a pathway for a limited, regulated form of live-work arrangement within that zone.

Councilor Hoban asked what the potential for abuse of the provision might be. Ardmore suggested that the most likely concern would be overoccupancy or attempts to establish a second unit, both of which would be subject to code enforcement if a complaint were received. Councilor Bogdin and Councilor Whipple noted familiarity with caretaker dwelling arrangements in their neighborhoods, particularly in connection with mortuaries and storage facilities, where on-call presence was operationally necessary. Development Services Director Peperone noted that the accessory use classification was itself a protective mechanism, as it required the caretaker dwelling to remain a minor and subordinate part of the overall land use, preventing commercial buildings from being converted to predominantly residential use.

Councilor Garrett referenced a public comment from the Planning Commission report in which concerns about potential abuse were raised, and Ardmore confirmed that the concerns were consistent with those just discussed: overoccupancy and attempts to operate outside the employee-occupancy requirement.

Councilor Christensen asked whether anyone could identify a downside to the proposal. Ardmore stated that in his view there was none.

Redevelopment Agency Governing Board

The Provo Municipal Council recessed and convened as the RDA Governing Board by unanimous consent.

6. A resolution approving the Redevelopment Agency of Provo City to adopt a project area budget for the Lakeview Parkway community reinvestment area (26-005) [3:00:40](#)

The presentation was delivered by RDA Director Melissa McNalley.

McNalley explained that the budget before the Board was a revised version of what had been presented in the December and January iterations, reworked at the Council's prior request to reflect general retail uses rather than a superstore on the subject parcels. She noted that the budget figures were based on general retail square footage assumptions and that any incentive contemplated in the plan was structured as a sales tax incentive, specifically a percentage of the point-of-sale sales tax generated by the tenants, limited to the city's portion of that revenue. She emphasized that the budget itself did not obligate the city to any specific incentive, and that any incentive awarded to a particular entity would require a separate interlocal agreement and a participation agreement, both of which would come before the full RDA Board.

Board Member Bogdin asked for clarification on the structure of the budget figures. McNalley explained that the values listed for each parcel represented current taxable values according to county land records. The Epic Sports Park parcel carried a value of zero because it was city-owned and therefore had no taxable value. Board Member Bogdin asked whether the city could negotiate the incentive percentage below the 50 percent shown. McNalley confirmed that 50 percent had been used as a baseline consistent with past sales tax incentive agreements, but that the actual percentage for any specific deal would be determined through the participation agreement process and could be lower.

Board Member Whipple asked whether the recently completed appraisal of the Epic Sports Park parcel (valued at \$4,360,000) would need to be incorporated into the budget. McNalley clarified that the budget was based on taxable value, not appraised value, and that since the parcel was still city-owned, it carried no taxable value. She added that if a property tax increment incentive were ever considered for that parcel, the budget would need to be amended at that time to reflect the appraised value. In the current form, no amendment was needed in connection with the appraisal.

Council Chair MacKay noted that the budget, while a required step in the community reinvestment area process, did not bind the Board to any specific action; any actual deal with a developer would require separate Board action. McNalley confirmed that the budget must be in place as a prerequisite before any participation agreements could be executed. Board Member Christensen confirmed this understanding.

McNalley noted that a public hearing on this resolution was scheduled for the first Council meeting in June, at which time a formal resolution would come before the Board for a vote.

The RDA Governing Board recessed and reconvened as the Provo Municipal Council by unanimous consent.

Closed Meeting

Councilor Bogdin moved to close the meeting for the purpose of discussing the character and competence of an individual, discussing the property transaction of city property, and discussing the deployment of security devices and/or personnel. Councilor Christensen seconded the motion. The motion passed: 7-0.

Adjournment

EDGE HOMES

Andrew 2 Condos





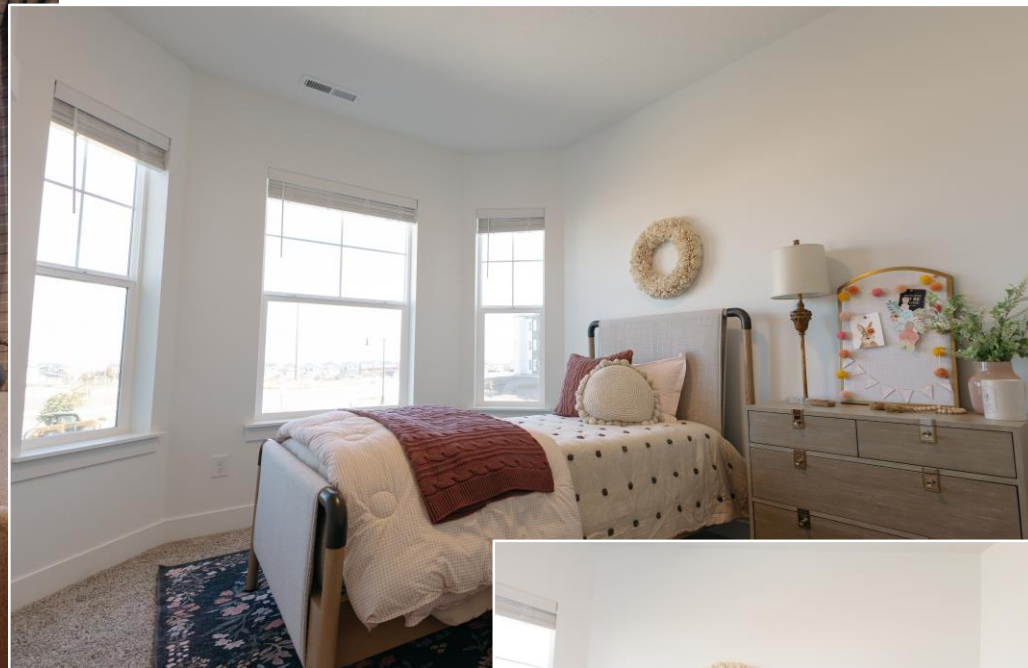
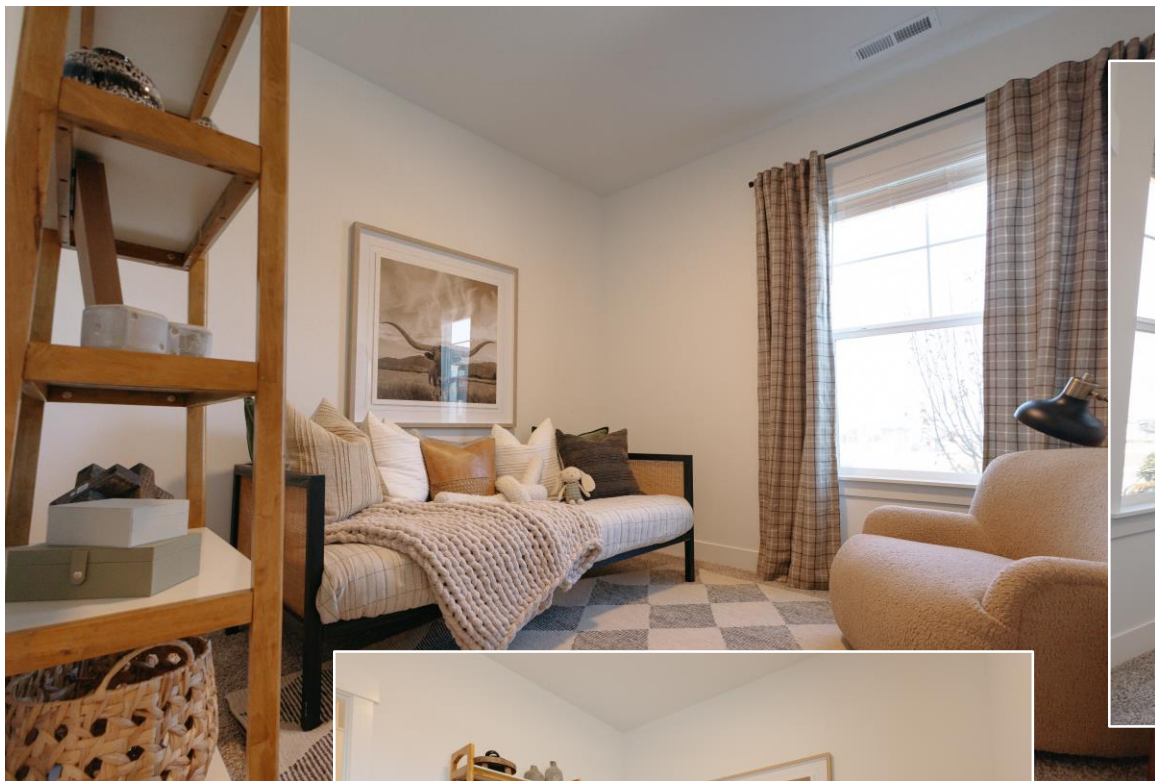
Andrew 2 - Exterior





Main Living Area





Bedrooms





Primary Bedroom/Bath





1,352 total
sq.ft.



3



2



SPECIFICATIONS

Total Sq. Ft. 1,352 sq.ft.

Bedrooms 3

Bathrooms 2

Floor Plan

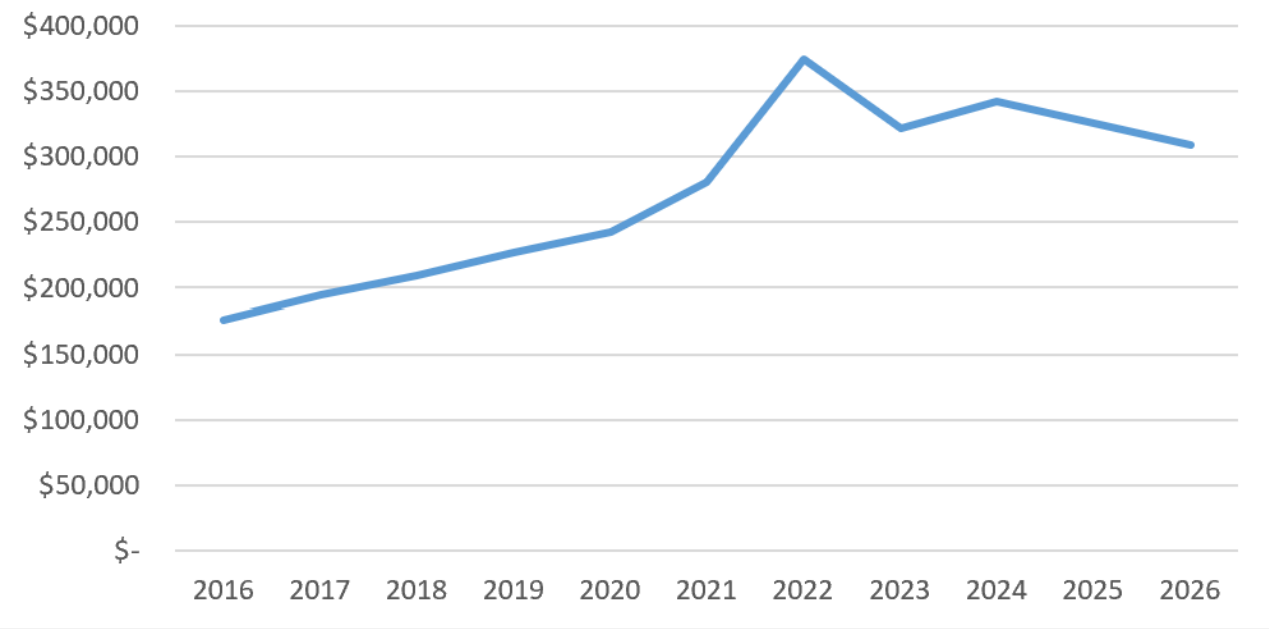


Number of Condominium Units Sold Per Year

YEAR:	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
UNITS:	96	383	354	444	356	417	297	427	386	389
TOTAL:	3,549 condominium units sold over the past 10 years									



AVERAGE SALES PRICE OF CONDOMINIUMS (BY YEAR)



Liability Risks: Many builders stay away from building/selling condominiums due to liability concerns. Construction Defect Law in Utah (*Davencourt* opinion from Utah Supreme Court 2009) – builders and developers owe duties to homebuyers, and will be liable for latent (hidden) defects that make a home unsafe or uninhabitable (water intrusion; foundation problems; etc.)



REASONS WE SUCCEED:

1. Quality Control During Construction – 3rd party inspector
2. Experience Counts – We've learned from experience
 - a. Sound Transfer Mitigation Measures
 - i. Sound mats beneath flooring
 - ii. Acoustical caulking
 - iii. Thicker common walls (2 layers of drywall on each side)
 - iv. Fasteners and vibration gaps
 - b. Functional Layouts and Parking
 - c. HOA Turnover Training
 - d. Reinvestment Fees (Robust HOA Reserves)
3. Mandatory Dispute Resolution Provisions
 - a. Notice and Cure Provisions
 - b. Mandatory Mediation
 - c. Binding Arbitration
4. Wrap Insurance Policies (everyone is covered by the same policy)
 - a. No finger pointing or fault allocation





PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KMARTINS
Presenter: Paxton Guymon, General Council from EDGE homes
Department: Recorder
Meeting Date: 6/9/2026
Requested Duration (Minutes): 30 minutes
CityView or Issue File Number: 26-037

SUBJECT: 1 A presentation from EDGE Homes regarding condominium development and associated liability considerations (26-037)

ADMINISTRATIVE RECOMMENDATION: Presentation Only

ADMINISTRATIVE MEMO: EDGE Homes representatives will provide a presentation regarding their experience developing for-sale condominium projects and the factors that have allowed such developments to move forward despite industry concerns related to construction defect liability and insurance costs. The presentation was requested to better understand how condominium projects can be successfully developed in the current market and to explore potential opportunities for increasing homeownership housing options within Provo. The discussion may help inform future conversations regarding housing policy, development incentives, and potential condominium projects within the city.

FISCAL IMPACT: TBD

COUNCIL STAFF MEMO:

External Accessory Dwelling Units

Discussion on amending current Provo City regulations

June 9, 2026

Provo External ADU Code w/ SB284 Changes

Chapter 14.30- Accessory Dwelling Units

Chapter 6.26- Rental Dwelling License

SB284 Changes- October 1, 2026 implementation deadline

Prohibited:

All PRO zones,
R2PD zones,
RM, R16, R17, R18, R19, R110, R w/ PD, SDP-5

Allowed:

West of I-15 (except SDP-5 & R2PD)
Specified R16 & R18 areas
Any parcel that is 11,000 sq ft or greater & allows
single-family dwellings

Regulations:

One ADU per primary dwelling
Owner Occupancy
Building height & footprint less than main dwelling
Architecturally compatible
Permanent foundation & utility infrastructure
~~4 off-street parking spots~~
Rental Dwelling License
Impact fees
2 off-street parking spaces maximum if the unit is 650 sq ft or larger
1 off-street parking space maximum if the unit is less than 650 sq ft

Proposed Amendment Language

(d) ~~As is~~ a detached accessory structure, or within a detached accessory structure including detached garages, located in the rear or side yard, subject to the following requirements:

(i) ~~The~~ All accessory structures and primary dwelling combined may not cover more than 40% of the total parcel area;

~~(ii) must have a building footprint and~~ The detached ADU maximum building height may be up to twenty five feet (25') or less than the main dwelling, whichever is less; accessory structures over sixteen feet (16') high must be set back from side and rear property lines in accordance with the minimum setbacks of this section, plus one foot (1') for each additional foot of height, or part thereof, in excess of sixteen feet (16') height smaller than the main dwelling. The minimum area of the structure must be at least 200 square feet;

~~(iii)~~ The detached ADU or structure must be set back at least 10 feet from any property line, or match the existing setback of the primary dwelling from that same property line, whichever is less;

~~(iv)~~ The accessory structure must be architecturally compatible with the main dwelling;

~~(v)~~ The structure must be permanently affixed to a site-built foundation and comply with all applicable Provo City building codes; and

~~(v) The structure must be permanently connected to all required utilities, with a separate and independent utility connection and meter from the main dwelling; and~~

(vi) Shipping containers may not be used as ADUs unless they comply with all applicable building codes and are clad with materials that are architecturally compatible with those of the main dwelling.

Parcel Coverage

Privacy

Utilities

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: MDAYLEY
Presenter: Melia Dayley, Council Policy Analyst
Department: Recorder
Meeting Date: 6/9/2026
Requested Duration (Minutes): 20 minutes
CityView or Issue File Number: 26-038

SUBJECT: 2 A discussion regarding external accessory dwelling units. (26-038)

ADMINISTRATIVE RECOMMENDATION: Discussion- seeking Council motion for further action.

ADMINISTRATIVE MEMO: N/A

FISCAL IMPACT: None

COUNCIL STAFF MEMO: This is a follow-up discussion from the May 26th Work meeting. As part of that meeting's discussion, Council motioned for staff to bring back suggested design and regulatory amendments regarding external ADUs that would address (1) privacy and height concerns, (2) parcel lot coverage, and (3) utility hookups.

14.43.030 Accessory Dwelling Unit (ADU) Development Standards

Accessory dwelling units (ADUs) are subject to the following development standards:

(1) *Number*. No more than one ADU is permitted in conjunction with each one-family detached dwelling.

(2) *Location*. An ADU may only be located in the following locations:

(a) Over an attached garage, provided the ADU has access to required parking and does not interfere with required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling, provided the addition does not alter the one-family character of the building; or

(d) ~~As in~~ a detached accessory structure, or within a detached accessory structure including detached garages, located in the rear or side yard, subject to the following requirements:

(i) ~~The All~~ accessory structures and primary dwelling combined may not cover more than 40% of the total parcel area;

(ii) ~~must have a building footprint and~~ The detached ADU maximum building height may be up to twenty five feet (25') or less than the main dwelling, whichever is less; accessory structures over sixteen feet (16') high must be set back from side and rear property lines in accordance with the minimum setbacks of this section, plus one foot (1') for each additional foot of height, or part thereof, in excess of sixteen feet (16') height smaller than the main dwelling. The minimum area of the structure must be at least 200 square feet;

(iii) ~~The detached ADU or structure must be set back at least 10 feet from any property line, or match the existing setback of the primary dwelling from that same property line, whichever is less;~~

(iv) ~~The accessory structure must be architecturally compatible with the main dwelling;~~

(v) ~~The structure must be permanently affixed to a site-built foundation and comply with all applicable Provo City building codes; and~~

~~(v) The structure must be permanently connected to all required utilities, with a separate and independent utility connection and meter from the main dwelling; and~~

(vi) Shipping containers may not be used as ADUs unless they comply with all applicable building codes and are clad with materials that are architecturally compatible with those of the main dwelling.

Visualizing SB284's Impact On ADUs in Provo City



Utah SB284 calls for cities with a population of 5,000 or more to allow detached ADUs on lots that fit the following criteria:

- At least 11,000 square feet
- Permits single-family dwellings*

Tax-exempt parcels and parcels with no recorded assessor division are excluded (roads, common areas, schools, etc.).

Provo City Code 14.30 (Accessory Dwelling Units) regulates both internal and external ADUs including where they are permitted and design, parking, and infrastructure standards.

While a parcel may be in an ADU-permitted zone or area, all potential ADUs must go through Provo City's permitting and rental dwelling licensing process before becoming a legal residence.

If you have any questions about the requirements for an ADU, contact Development Services at 801-852-6427.

-  **Parcels That Meet SB284 Criteria**
-  **Accessory Dwelling Unit Overlay**



*Lots that permit single-family dwelling units are found within the following zones: A11, A110, A11AT, A120, A140, A15, DT1, DT2, GW, HDR, LDR, MDR, MU, PRO-A12, PRO-A18, PRO-A19, PRO-A20, PRO-A21, PRO-A36, PRO-A6, PRO-A7, PRO-R1, PRO-R14, PRO-R22, PRO-R24, PRO-R25, PRO-R28, PRO-R29, PRO-R3, PRO-R34, PRO-R9, R110, R110PD, R120, R120PD, R16, R16PD, R17, R18, R18PD, R19, R2, R2PD, RA, RAPD, RC, RM, SDP1, SDP3, SDP4, SDP5, and WG.

Various Utah Cities' External/Detached ADU Regulations									
	Provo	Sandy	West Jordan	Spanish Fork	Murray	St George	Draper	Logan	Orem
Permitted Zones	West of I-15 (except SDP-5 & R2PD) Specified R16 & R18 areas Any parcel that is 11,000 sq ft or greater & allows single-family dwellings	Single family zones	only permitted on platted lots of 10,000 square feet and larger in R-1, RR, RE, PC, LSFR, and VLSFR zones	Residential zones	allowed on properties that allow single-family dwellings as a permitted use	Single family residential zones; shall be allowed only on parcels containing a single-family dwelling	permitted use in all primary residential zoning districts on individual parcel (12,000 ft ²) or greater	All zones- parcel needs a detached, single family dwelling exist	
Off-Street Parking	must have at least four (4) off-street parking spaces.	Off-street parking space shall be available for use by the occupants of the accessory apartment and shall comply with the City's adopted residential parking standards. If a detached garage is converted to DADU, parking spaces lost must be replaced parking shall be replaced	Minimum of one additional space; if a detached garage is converted to DADU, parking spaces lost must be replaced	Minimum of 4 off-street for D-ADUs. Minimum of 3 I-ADUs	In addition to the parking required for the primary unit, one (1) additional off street parking spaces shall be provided	one off-street space; if primary dwelling parking is converted to ADU, parking must be replaced	one additional spot in addition to the number required for the primary dwelling	minimum 2 spaces	
Setbacks	shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one (1) family dwelling from that same property line, whichever is less	Quite detailed by lot size and location of the structure- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	Six feet (6') setback from primary dwelling Six feet (6') setback from rear property line; Six feet (6') setback from internal side property line; and Twenty feet (20') setback from the corner side property line.	The minimum front setback shall conform to the minimum front setback for the existing principal structure and shall be set at least five (5) feet, measured from eave to eave, from all structures on the property.	Rear Yard: Ten feet (10') from property line. Side Yard: Ten feet (10') from property line. Corner Side Yard: Twenty feet (20') from property line	One (1) Story Structure: Rear Yard: Zero feet (0') from rear and side property lines Front, street side, and side; meet the single-family dwelling setbacks for the zone Two (2) story structure Meet the single-family dwelling setbacks for the zone, and maintain a minimum six foot (6') separation from any structure on the property Minimum six foot (6') separation from any structure on the property	same setbacks as underlying zone of primary dwelling	minimum building setbacks of the underlying zone	
Owner Occupancy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Square Footage /Lot Coverage	shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;	Quite detailed by lot size- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	the footprint area shall be less than the principal building; shall not cover more than twenty percent (20%) of the rear and side yard; Lots with EADUs are subject to all maximum building coverage requirements of the city code	combined square footage of all detached accessory structures shall not exceed 15% of the total lot area if the structure is entirely within the setbacks for the principal structure, or 10% of the total lot area if the structure is located elsewhere on the lot; On parcels that are less than one (1) acre in size, units shall not have more than 1,000 square feet of habitable living space.	Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks; shall not exceed one thousand (1,000) square feet	less than the gross floor area of the single-family dwelling	shall not exceed fifty percent (50%) of the single-family dwelling's total square footage not including the garage	not exceed 50% of the building footprint of primary dwelling; no larger than 1000 sq ft; cannot cover more than 50% of the rear and/or side yard area	
Minimum Lot Size	11,000 sq ft or permitted zone/area	Quite detailed by lot size- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	10,000 sq ft	6,000 sq ft	10,000 sq ft	-	-	-	
Utilities/Meters	must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the primary dwelling;	It shall be prohibited to install separate utility connections or meters. Private utility meters installed behind the primary meters and internal to the dwelling may be allowed.	illegal to have separate utility metering	No separate meter required; connected to primary dwelling or public-right-of-way laterals	illegal to have separate utility metering	-	illegal to have separate utility metering	illegal to have separate utility metering	
Secondary Address	shall have its own address assigned by Provo City	No separate addresses will be assigned to the property. Additional mailboxes are also prohibited.	-	Assigned a secondary address for public safety purposes. The address is not recognized by the USPS for mail delivery.	-	-	-	-	
License	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	Yes; annual	
ADUs per Dwelling	1	1	1	1	1	1; 2 within the "downtown"	1	1	
Height	height less than the main dwelling	Quite detailed by lot size- best to look at the charts in Sandy city code: https://library.municode.com/ut/sandy/codes/city_code?nodeId=COOR_TIT21LADECO_CH21-11SPUSST_S21-11-2ACST	maximum building height of each EADU is twenty feet (20'); EADU over seventeen feet (17') high shall be set back from side and rear property lines in accordance with the minimum setbacks of this section, plus one foot (1') for each additional foot of height, or part thereof, in excess of seventeen feet (17')	structures that meet the setback requirement for the principal building may be allowed to meet the maximum height allowed in that zone; 20 feet to the peak of the roof measured from the finish grade (measured five (5) feet from the proposed structure). Any structures taller than 15 feet shall have a roof pitch of no less than 2/12; Properties over one-half (1/2) acre in size can increase the maximum height to 24 feet by having the rear and side setbacks the same as the building height	limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less	Maximum: twenty-five feet (25')	shall conform to the height limit specified for main buildings in the zoning district in which it is located	not exceed the height of the primary dwelling, or up to 20 feet, whichever is more restrictive	
Design	shall be architecturally compatible with the main dwelling; shall be permanently affixed to a site-built foundation; Outside entrances shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.	Any additions to the existing dwelling unit or detached guesthouse, shall be designed and constructed as to blend in and be compatible with the architectural components of the primary dwelling unit (including, but not limited to matching exterior materials, colors, windows, architectural style, building articulations, design elements, and roof pitch); Only one primary entrance into the existing dwelling is allowed facing the street or front property. No additional entryways or access to these accessory living areas shall be visible from the street or front property line.	must be built on a permanent foundation which meets the building code; design and materials shall be similar to and compatible with the design of the primary dwelling and shall be approved by the design review committee	architecturally compatible with the Primary Structure	A separate entrance to the ADU shall not be allowed on the front yard. Any separate entrance shall be located to the side or rear of the principal residence; shall be compatible with the exterior color and materials of the principal dwelling	A detached ADU in the rear yard that is shorter than the single-family dwelling does not need to match its design. All other ADUs shall match the roof form, materials, and color scheme of the single-family dwelling	architectural design, color pallet, and materials of a D-ADU shall match those of the single-family dwelling.	-	
Location on lot	-	-	-	behind the front wall plane of the principal structure	-	anywhere	rear yard area	rear or side yard & at least 10 ft behind front wall plain of main dwelling;	
Short term rental	illegal use	illegal use	-	-	illegal use	illegal use	illegal use	-	
Occupancy Restrictions	The ADU shall not be occupied by more than three (3) related or unrelated adults, together with any minor children of those adults	shall be an additional single family. The occupants of the accessory apartment shall not sublease any portion of the accessory apartment to other individuals.	-	-	-	"family"; family defined (A) An individual; or (B)The immediate family members and up to one (1) additional unrelated person living with them as a single housekeeping unit in a dwelling unit; or (C) A group of not more than four (4) persons, who need not be immediate family members, living together as a single housekeeping unit in a dwelling unit; or (D) Two (2) unrelated persons and any children related to either of them living together as a single housekeeping unit.	-	-	

External ADUs not currently allowed

***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

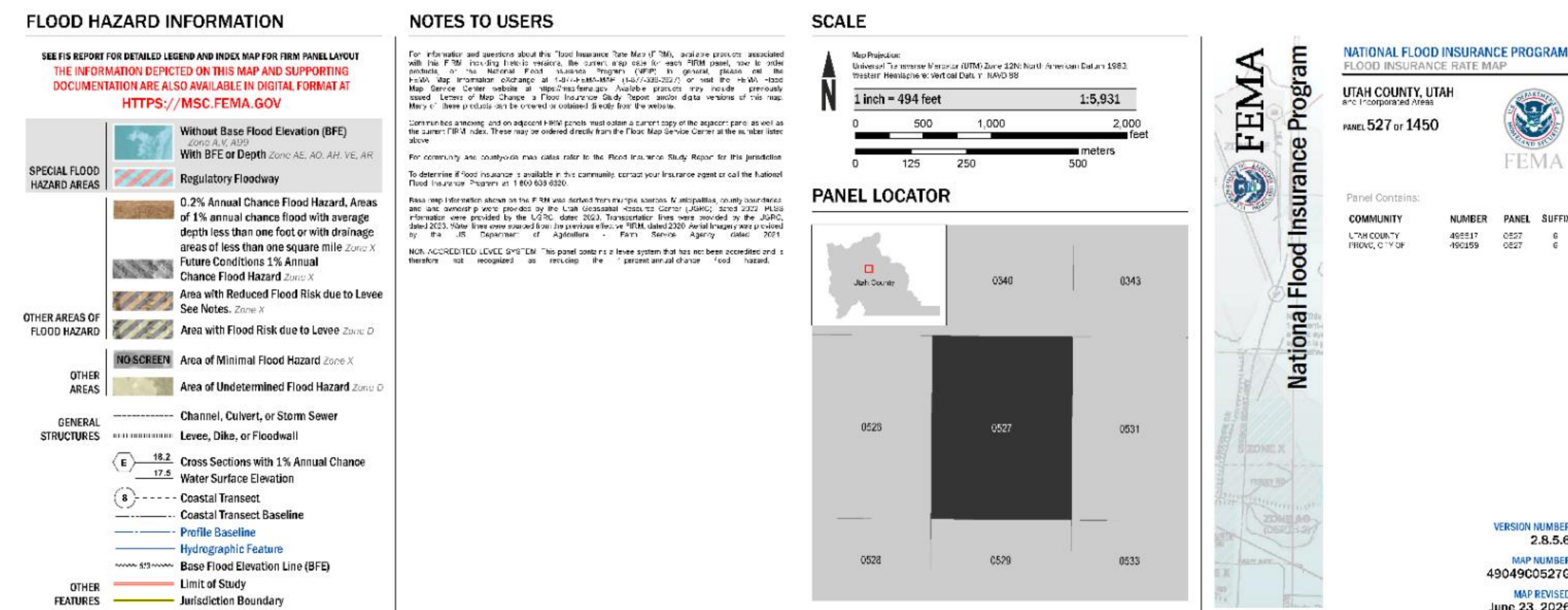
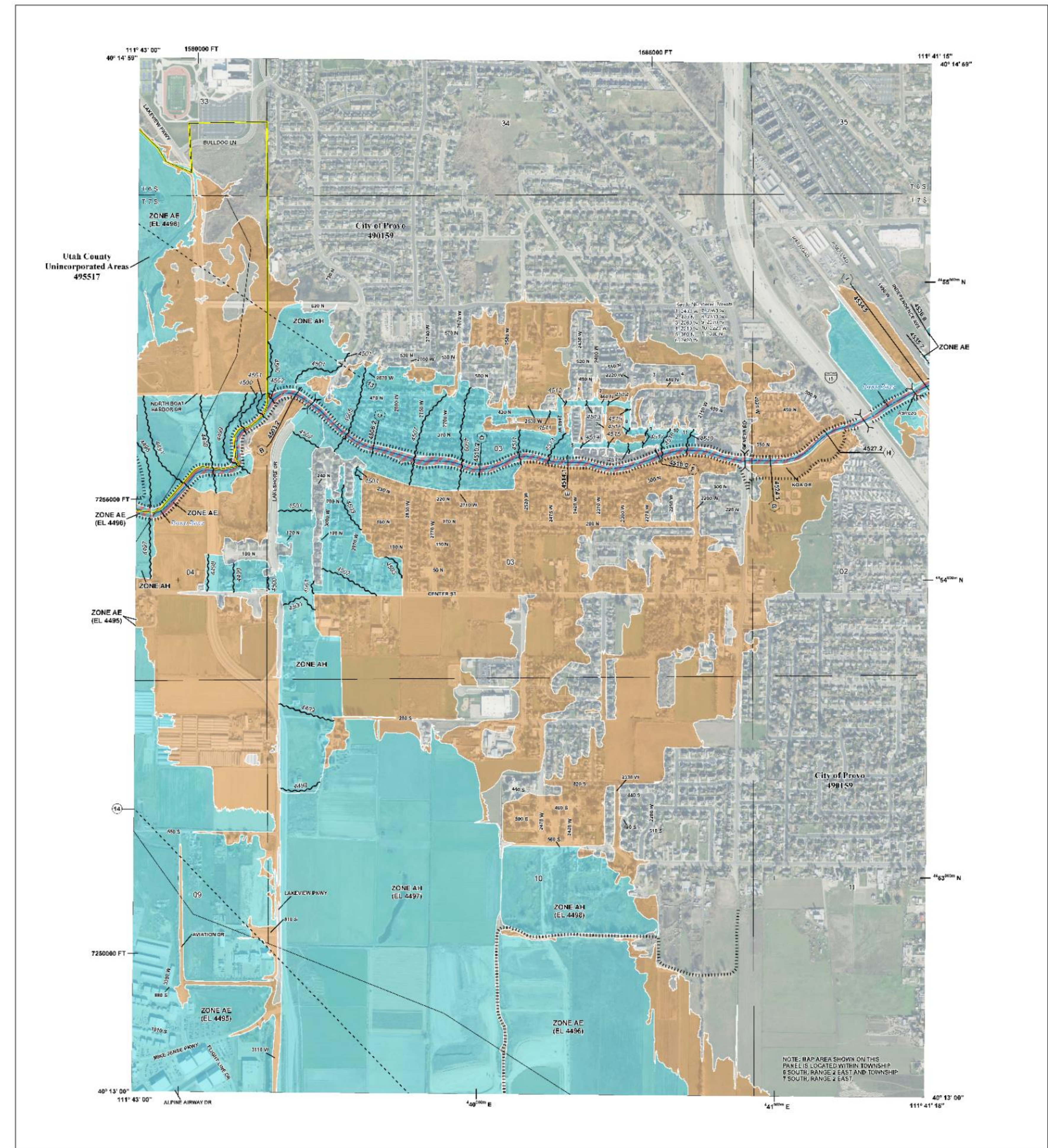
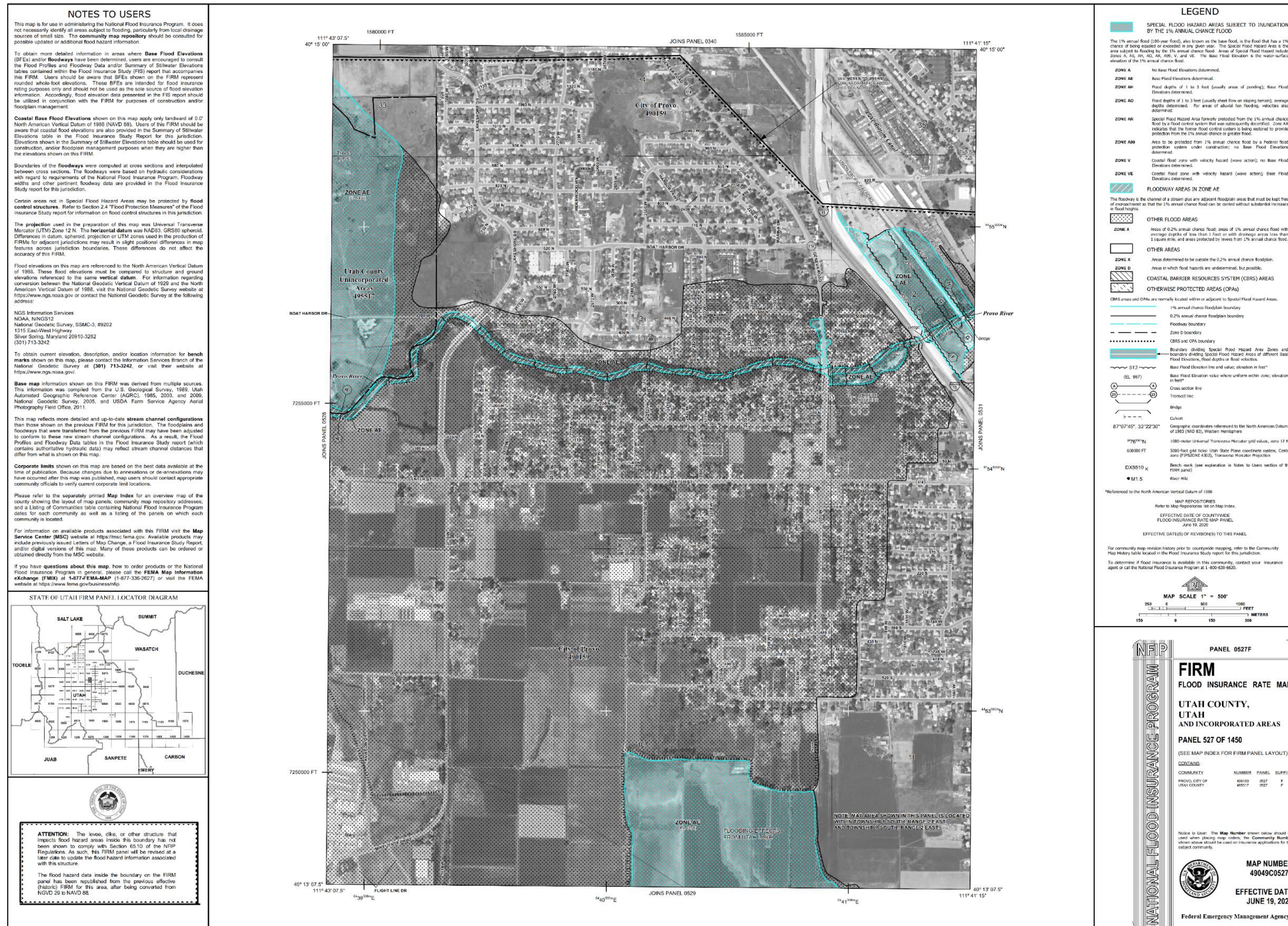
Updated Ordinance to Meet/Exceed FEMA Standards

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

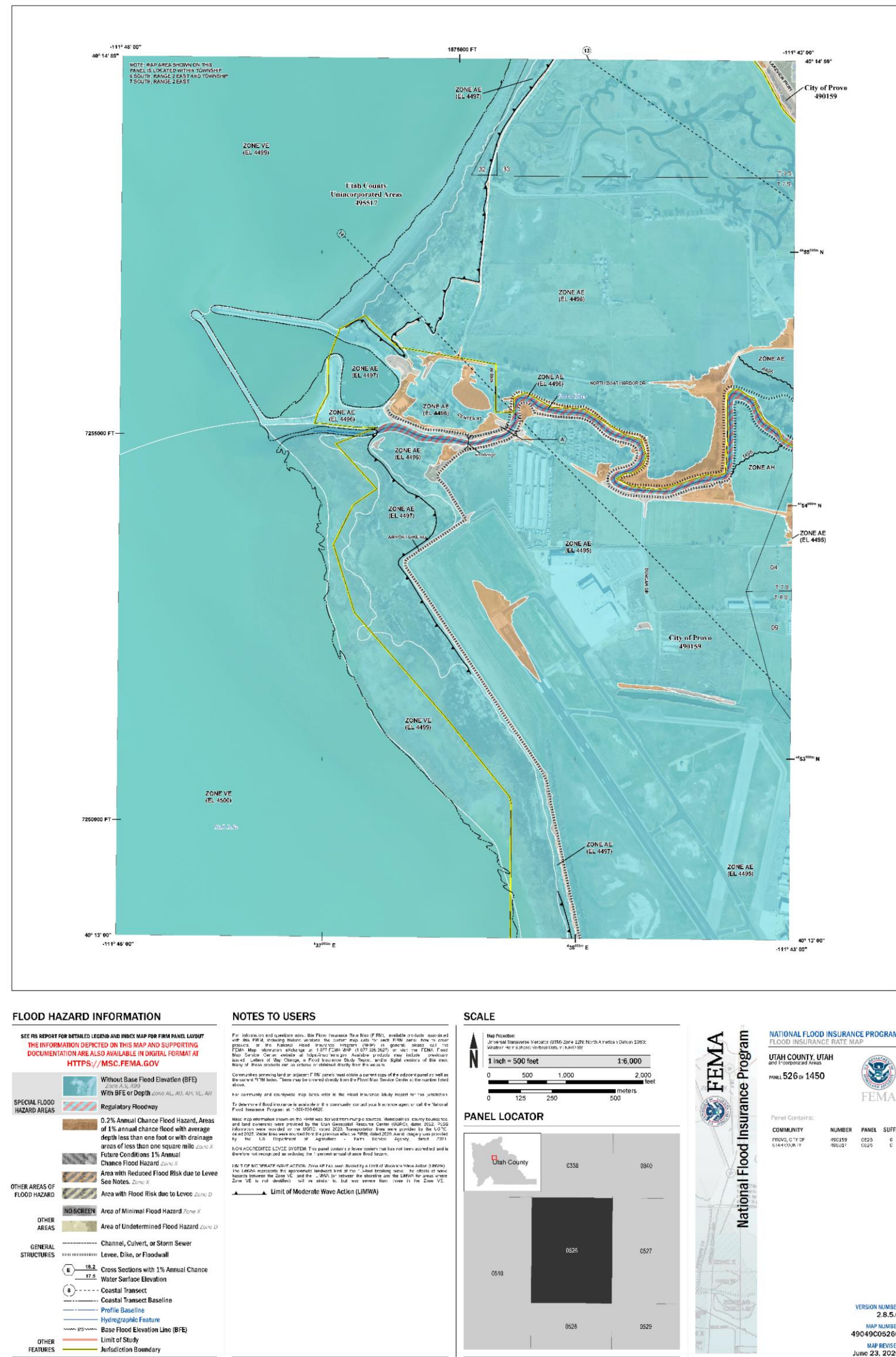
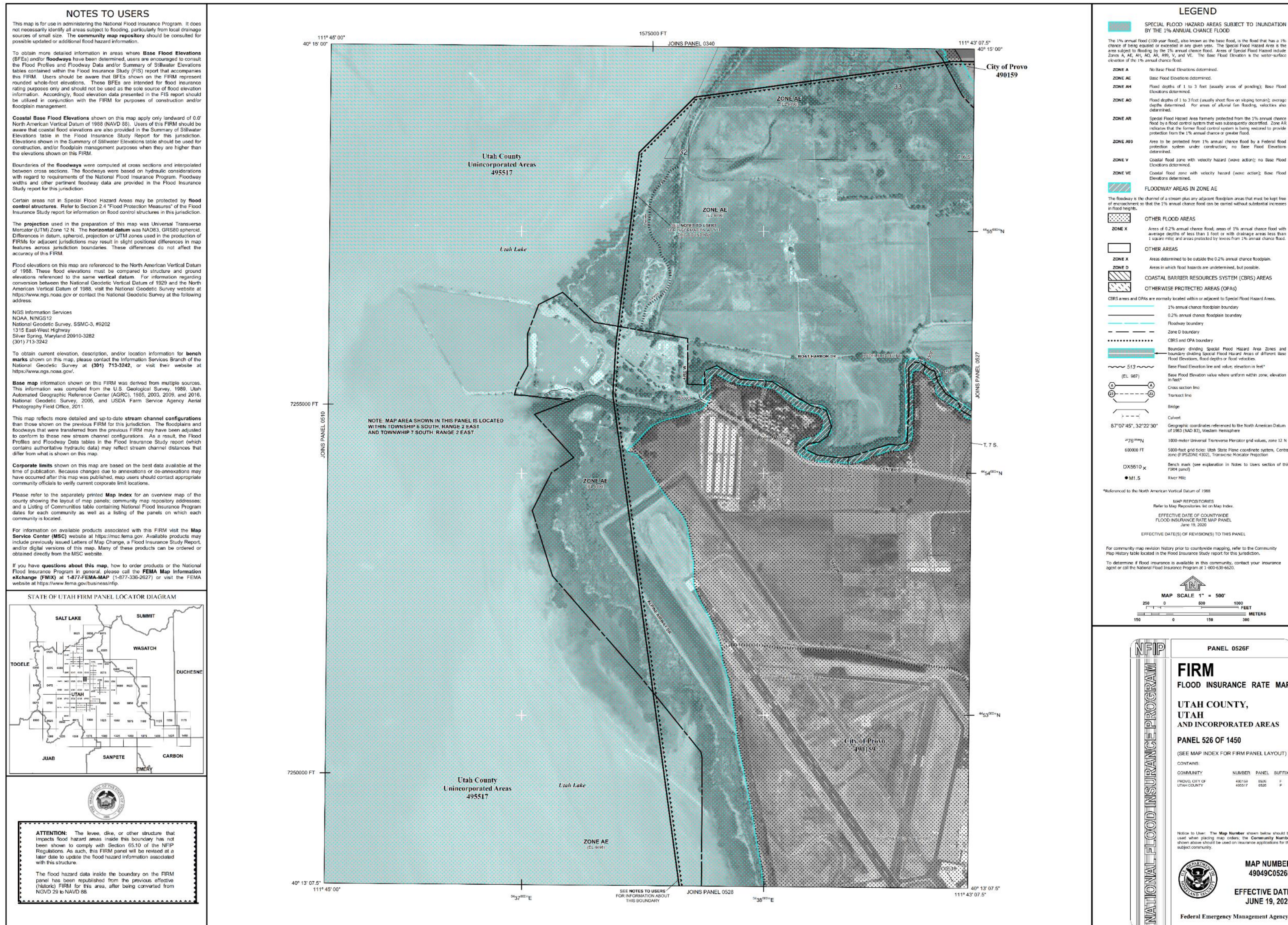
How Does This Affect Planning/Development?

- 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

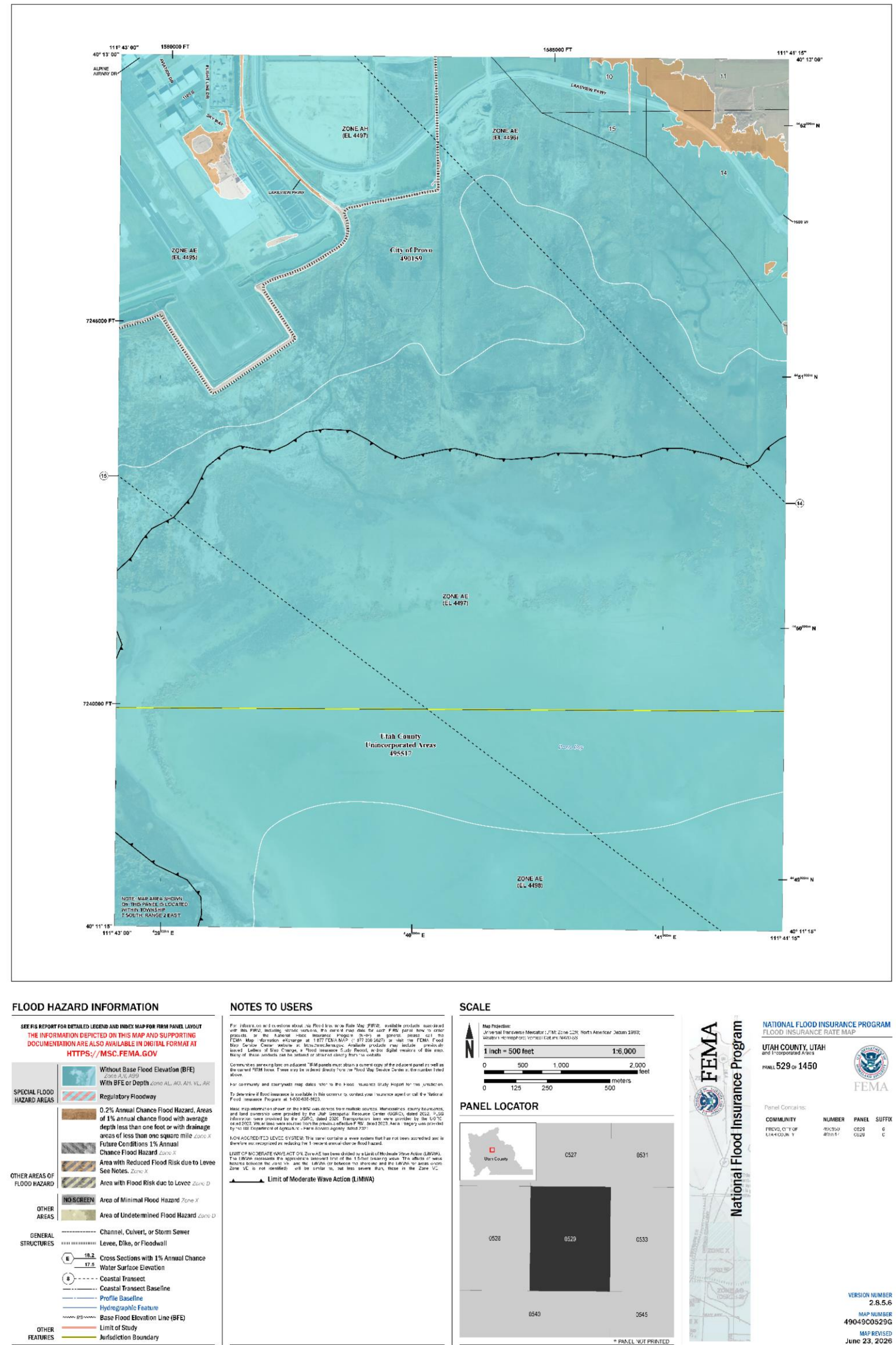
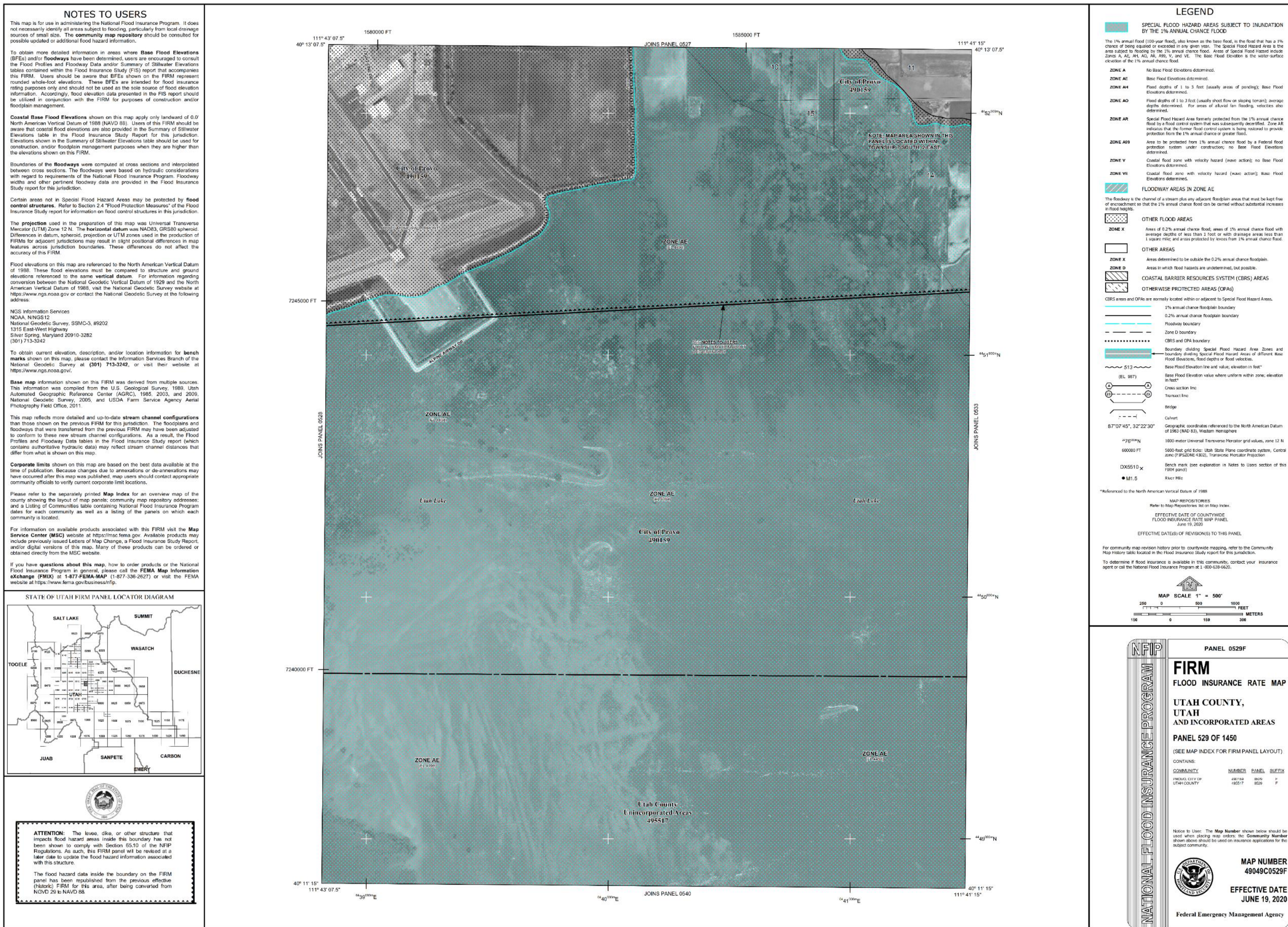
Flood Insurance Rate Map (FIRM) Changes



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 WORK SESSION 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: 3 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:

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.

***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
-

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 by 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 not 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.



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

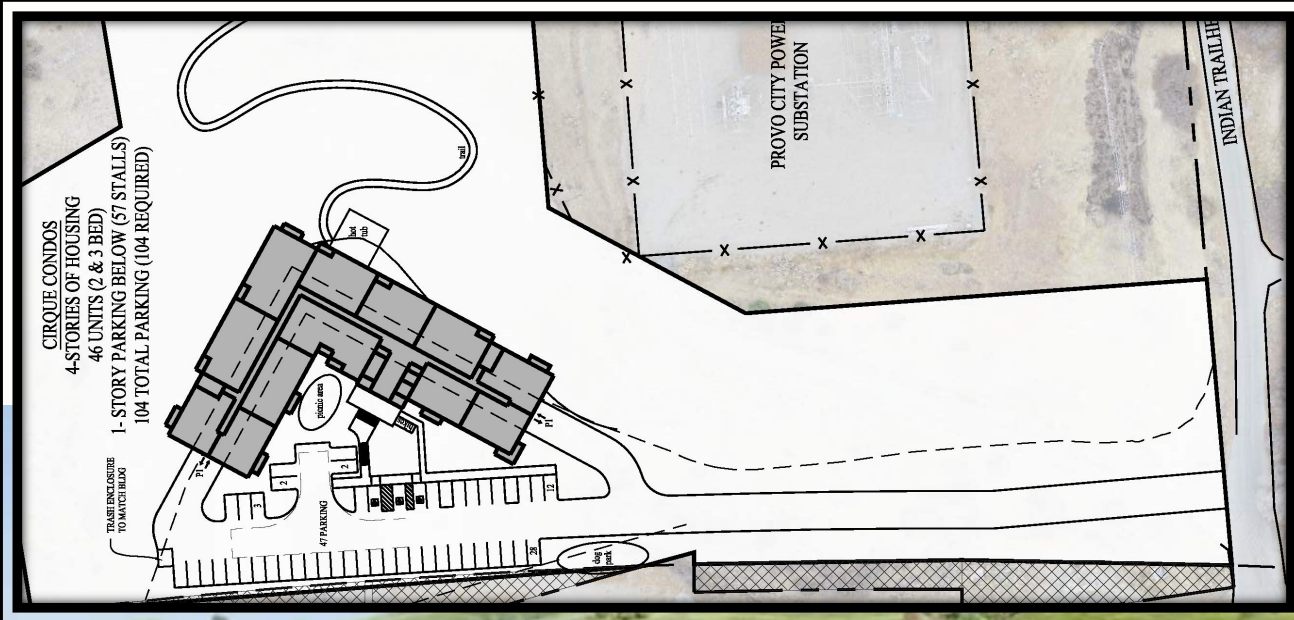


BUILDING HEIGHT:

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

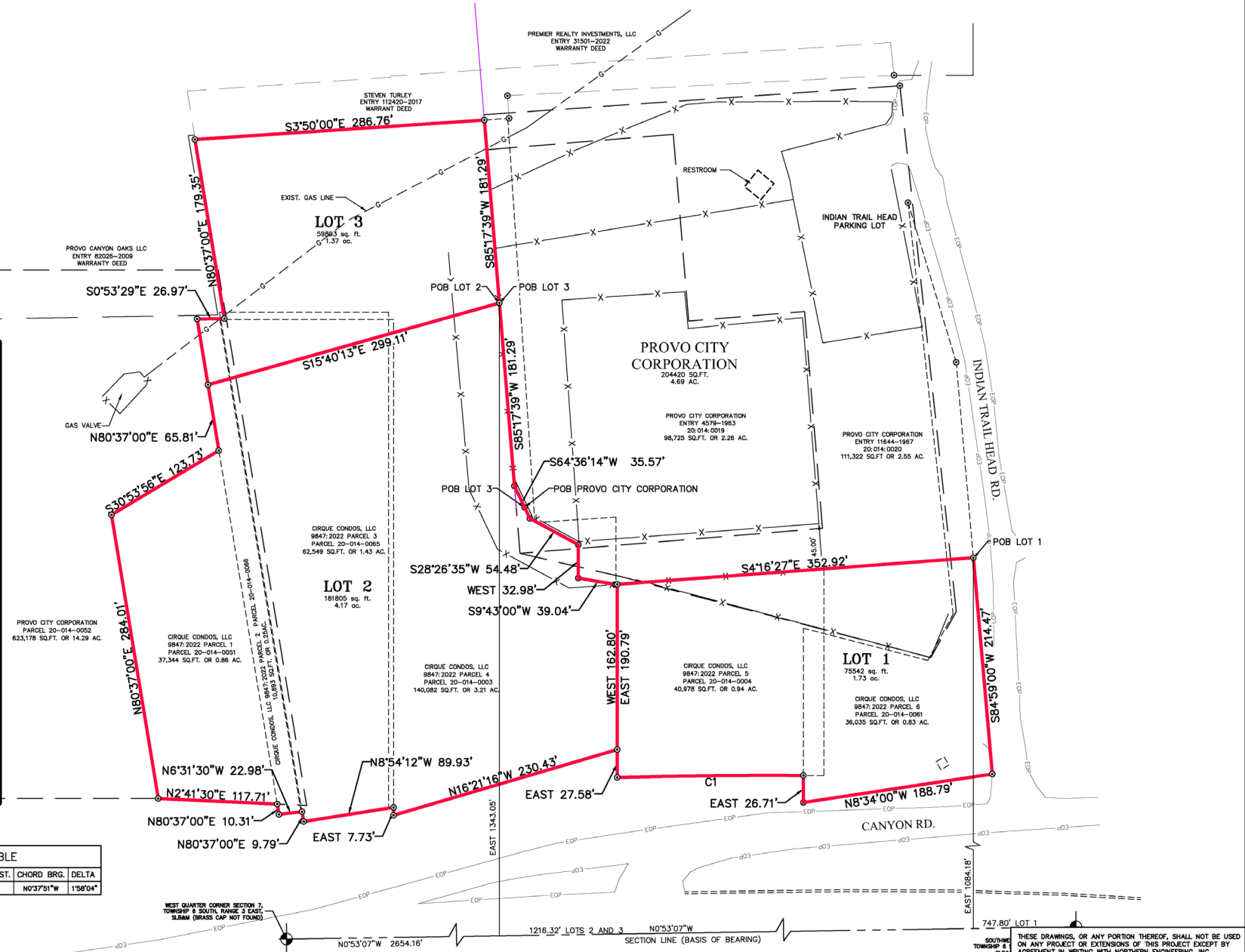
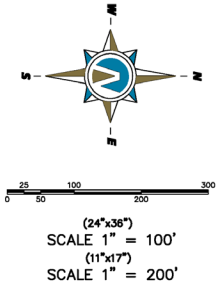




- Units will be majority owner occupied
- Units will average ~ 1,525 square Feet
- How will parking work in practice



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

PROVO MUNICIPAL COUNCIL WORK SESSION 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).

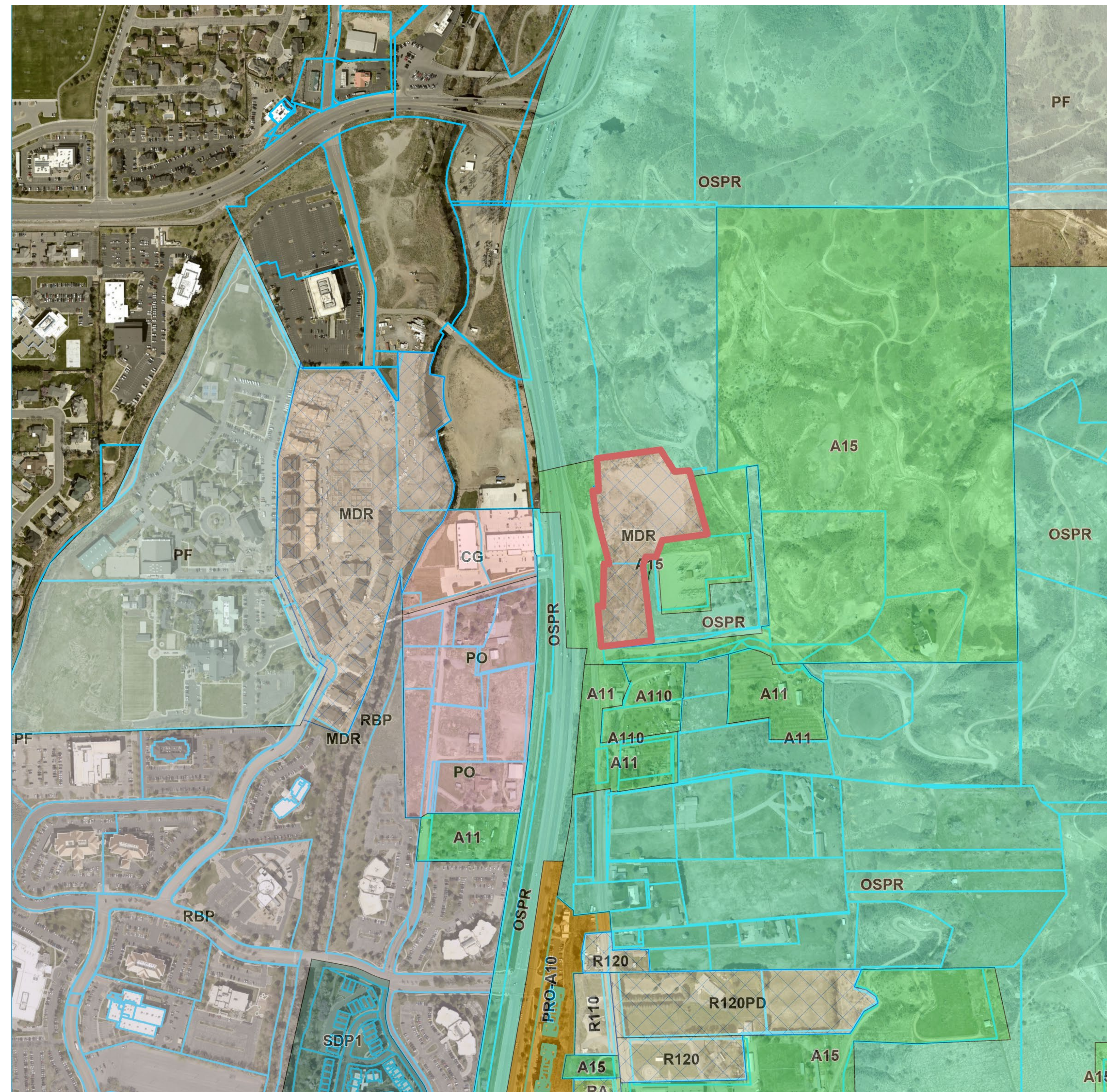
A concept plan has been submitted to show compliance with the proposed zone, details of which can be found in that staff report (5.13.26 Planning Commission agenda, item #2). That concept plan would be tied to a new development agreement to replace the existing one recorded on the property.

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.

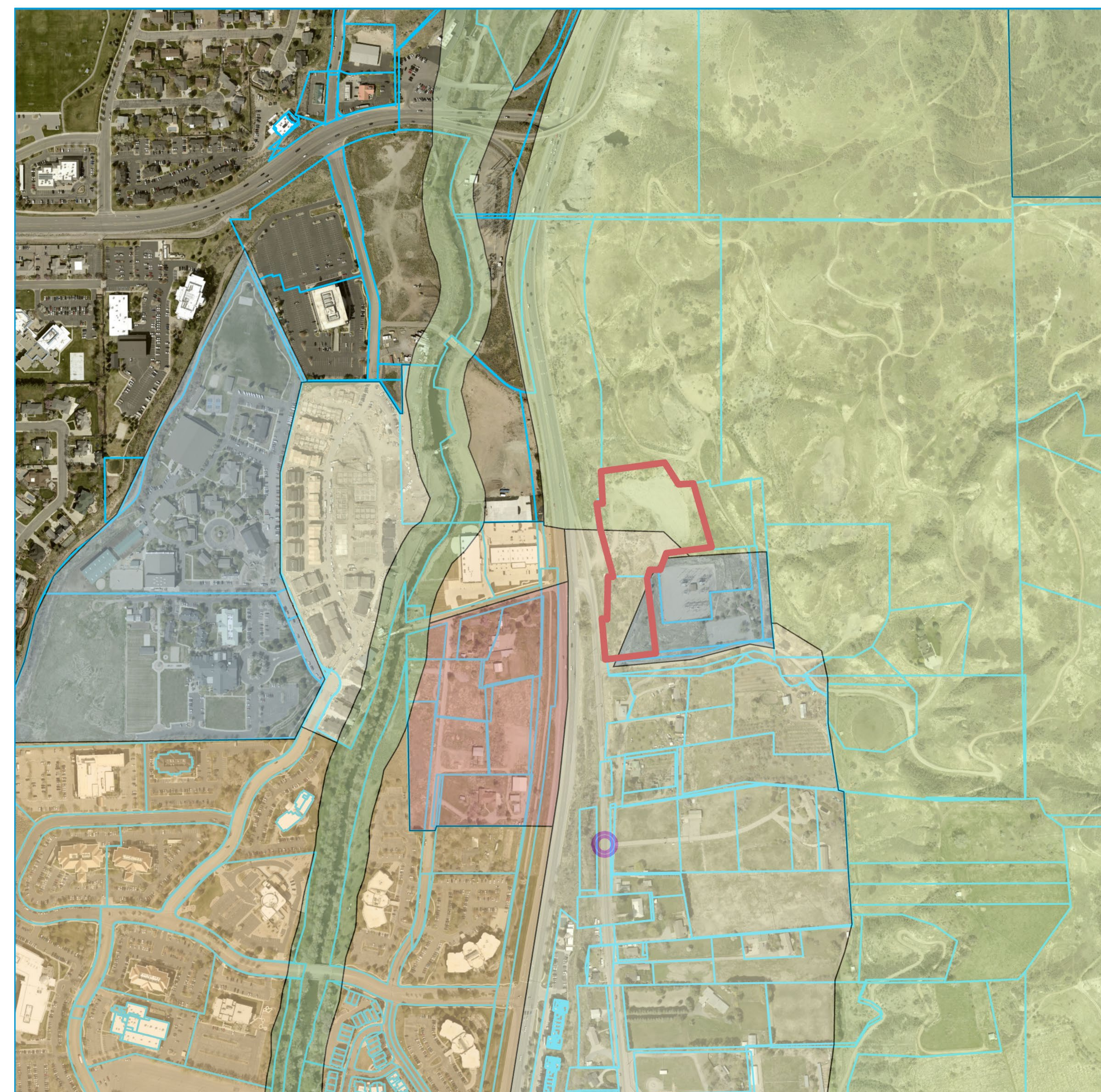
FISCAL IMPACT: None

COUNCIL STAFF MEMO:

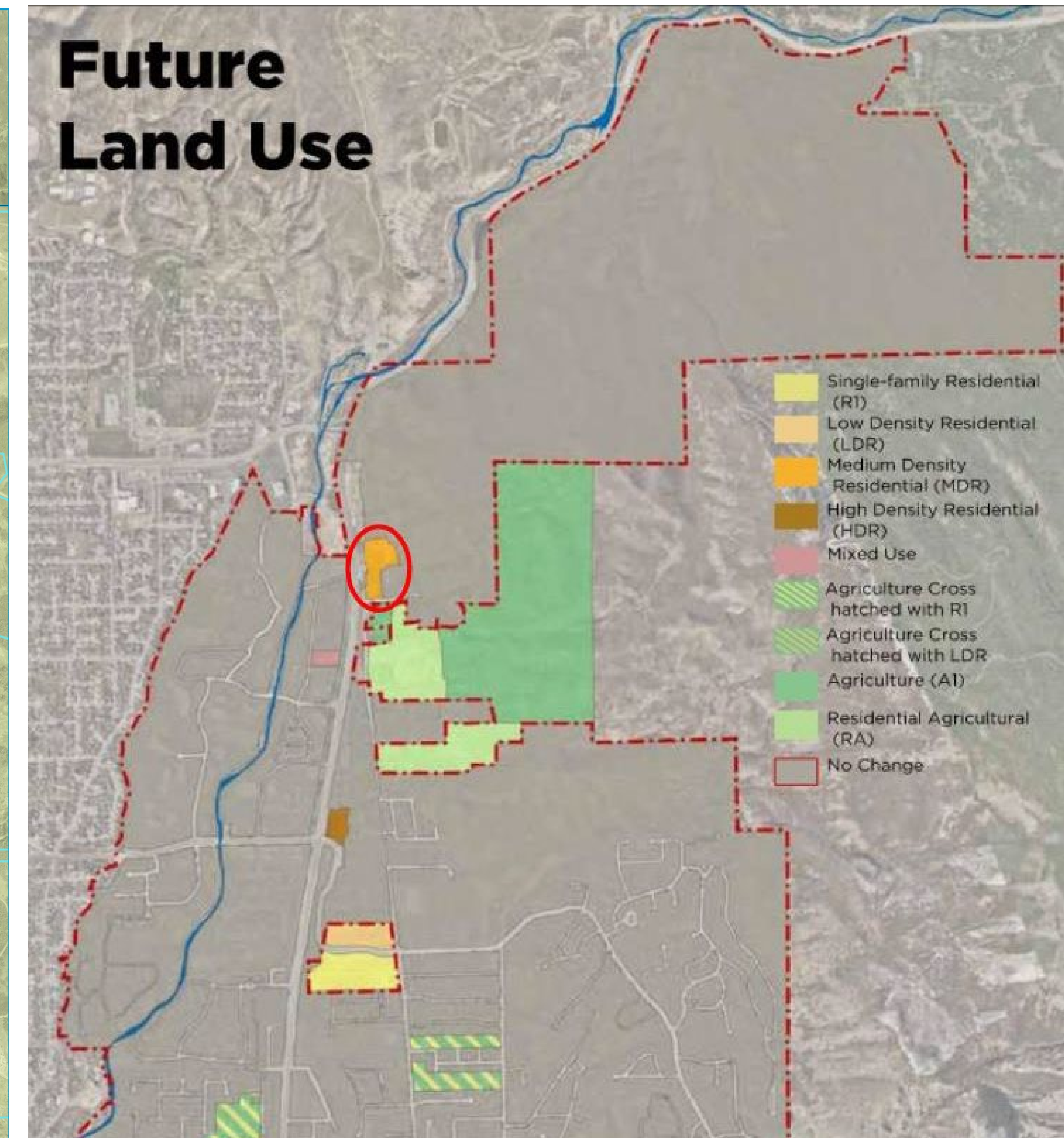
5568 N Canyon Rezone and Concept Plan



Current Zone Map



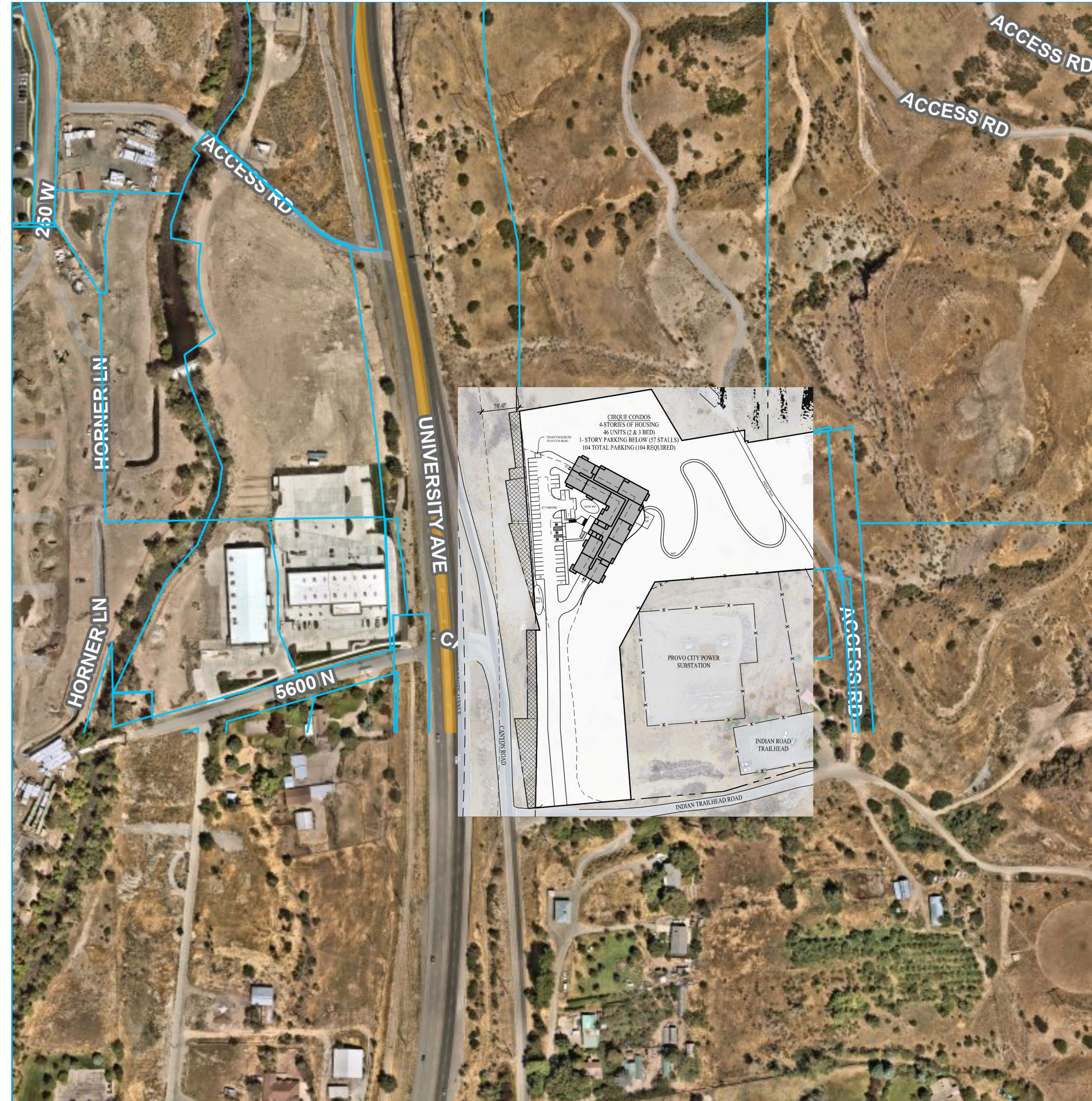
General Plan Map



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

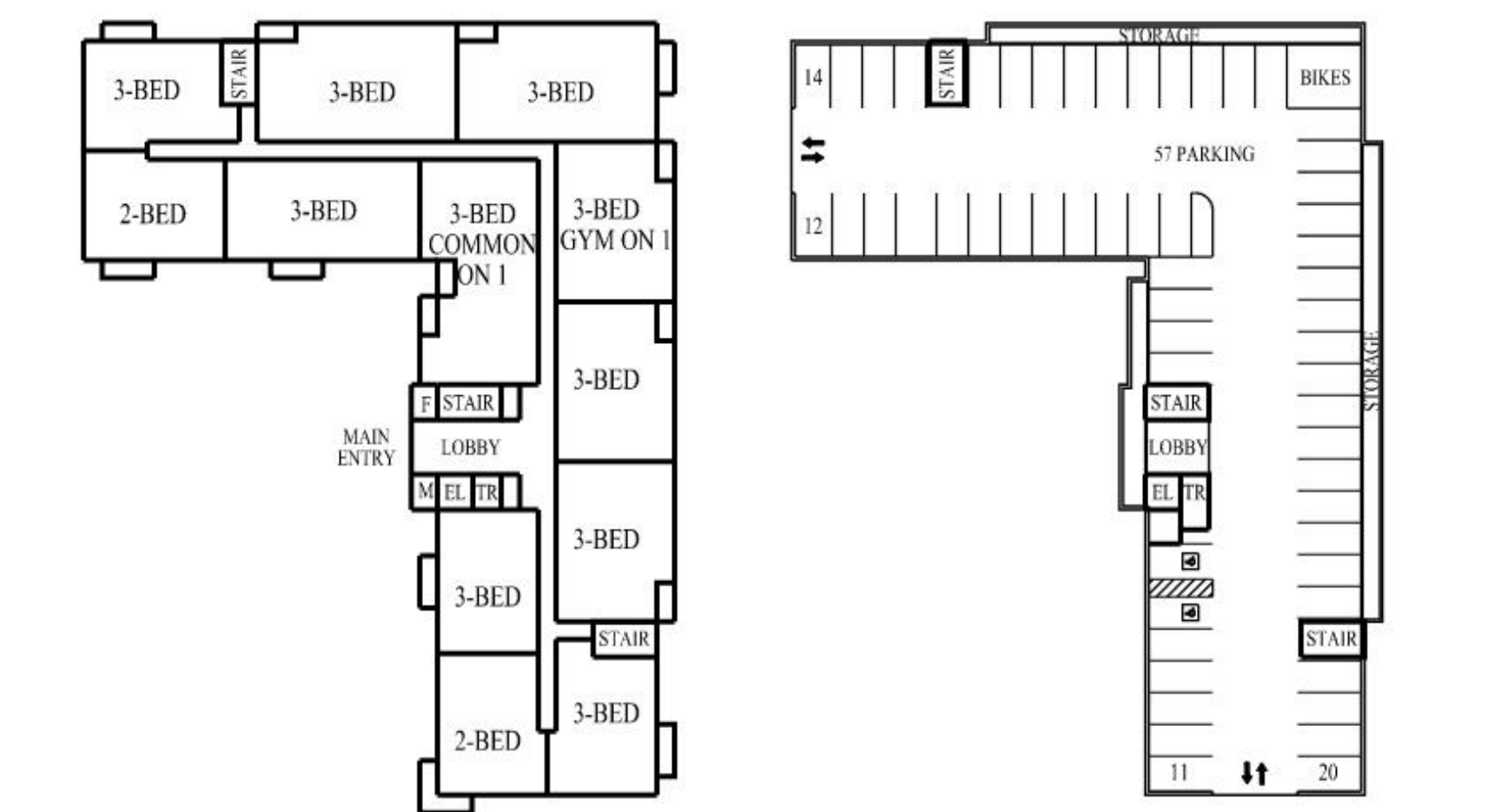
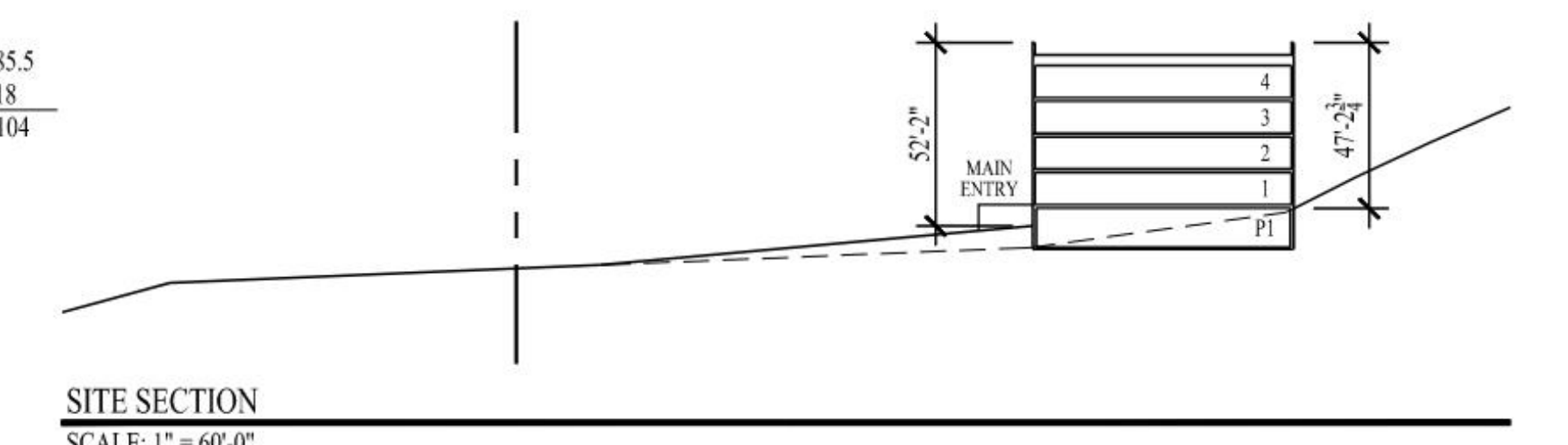


CIRQUE CONDOS

(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)



ORDER
ARCHITECTURE

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 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

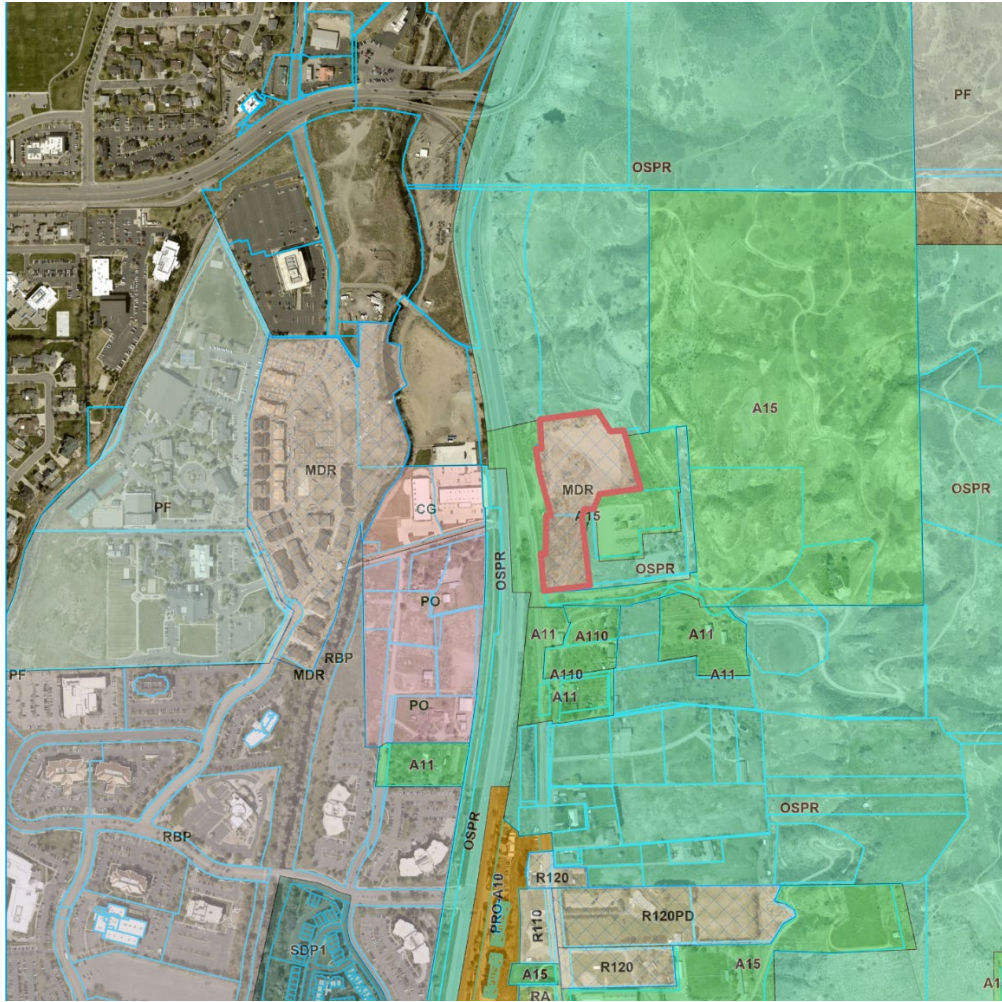
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ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

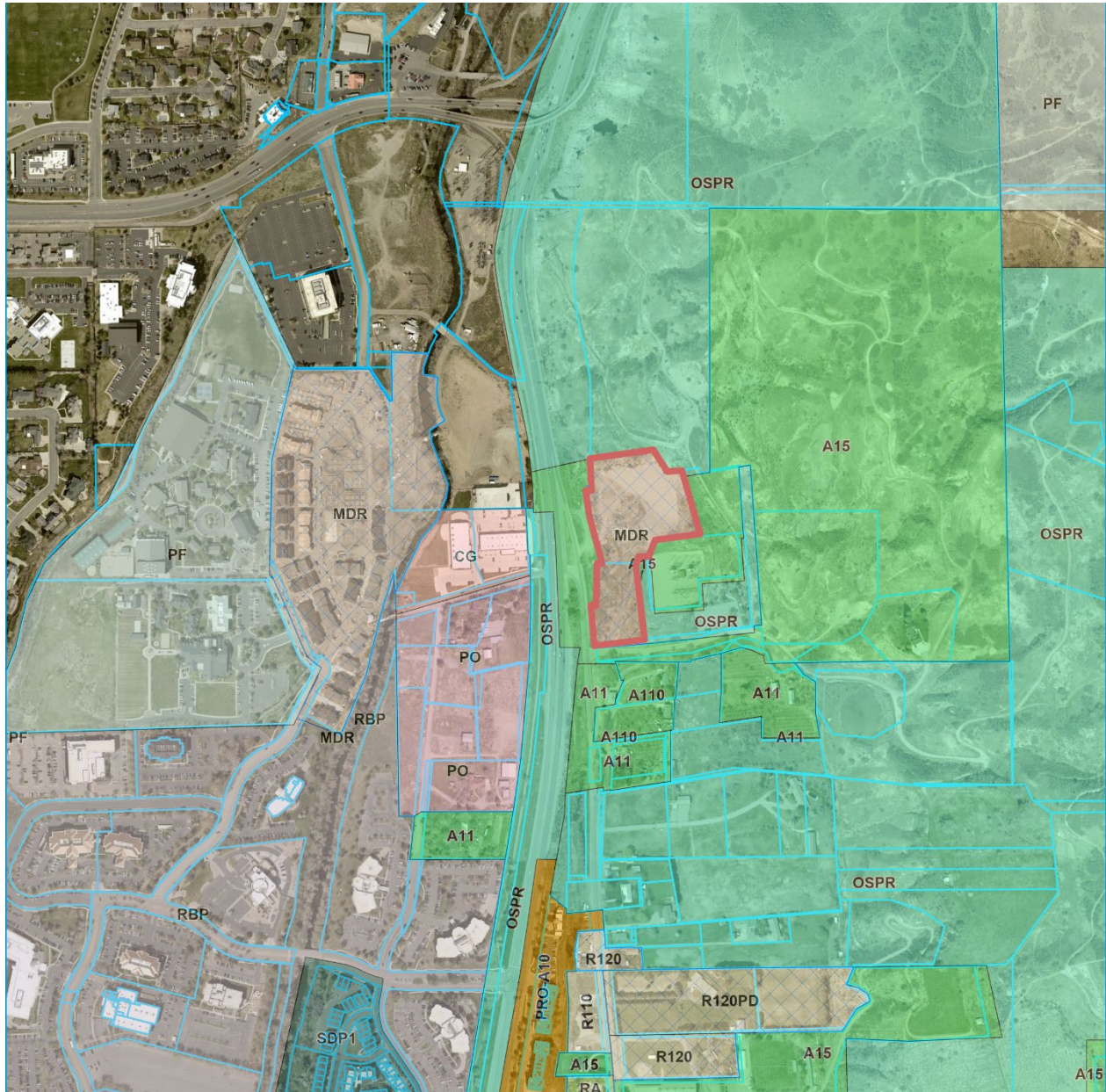
1. **Recommend Approval:** The proposal is consistent with the General Plan. *Make a motion to recommend approval of the proposed zone map amendment from the MDR Zone to the PRO-A10 Zone to the City Council. (state findings).*
2. **Recommend Denial:** The proposal is not consistent with the General Plan.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

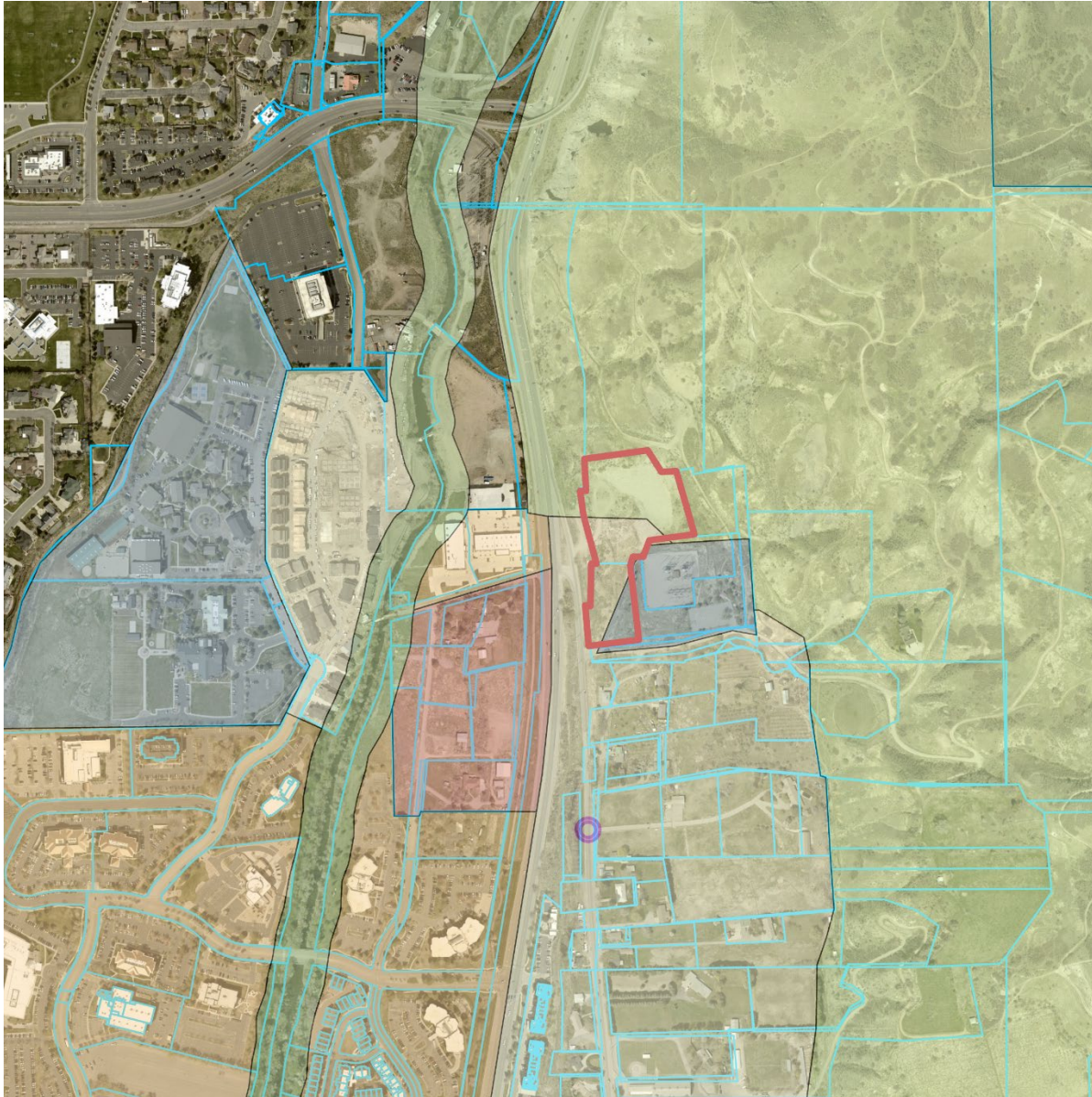
ATTACHMENTS

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

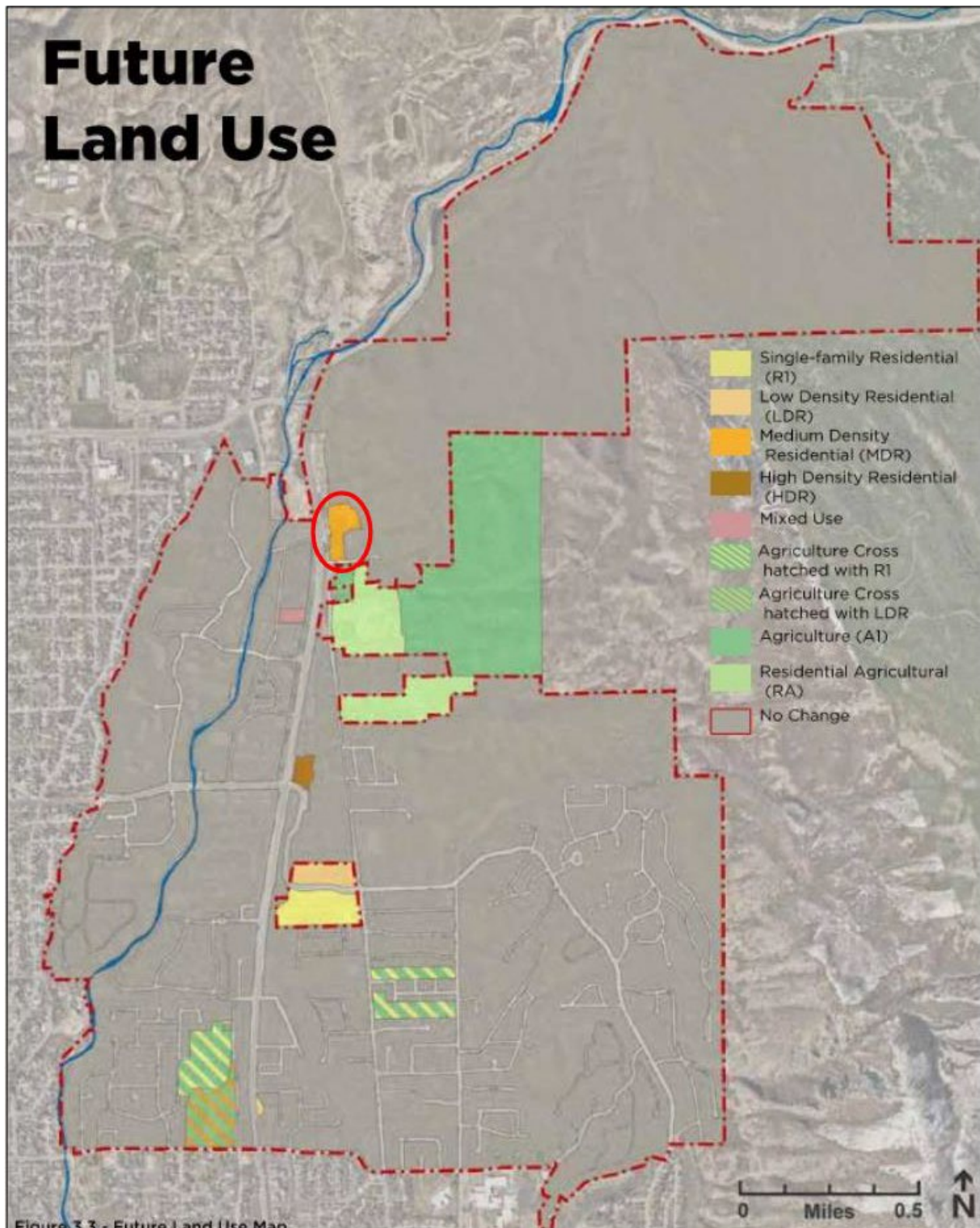
ATTACHMENT 1 – EXISTING ZONE MAP



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", with a stylized flourish at the end.

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:

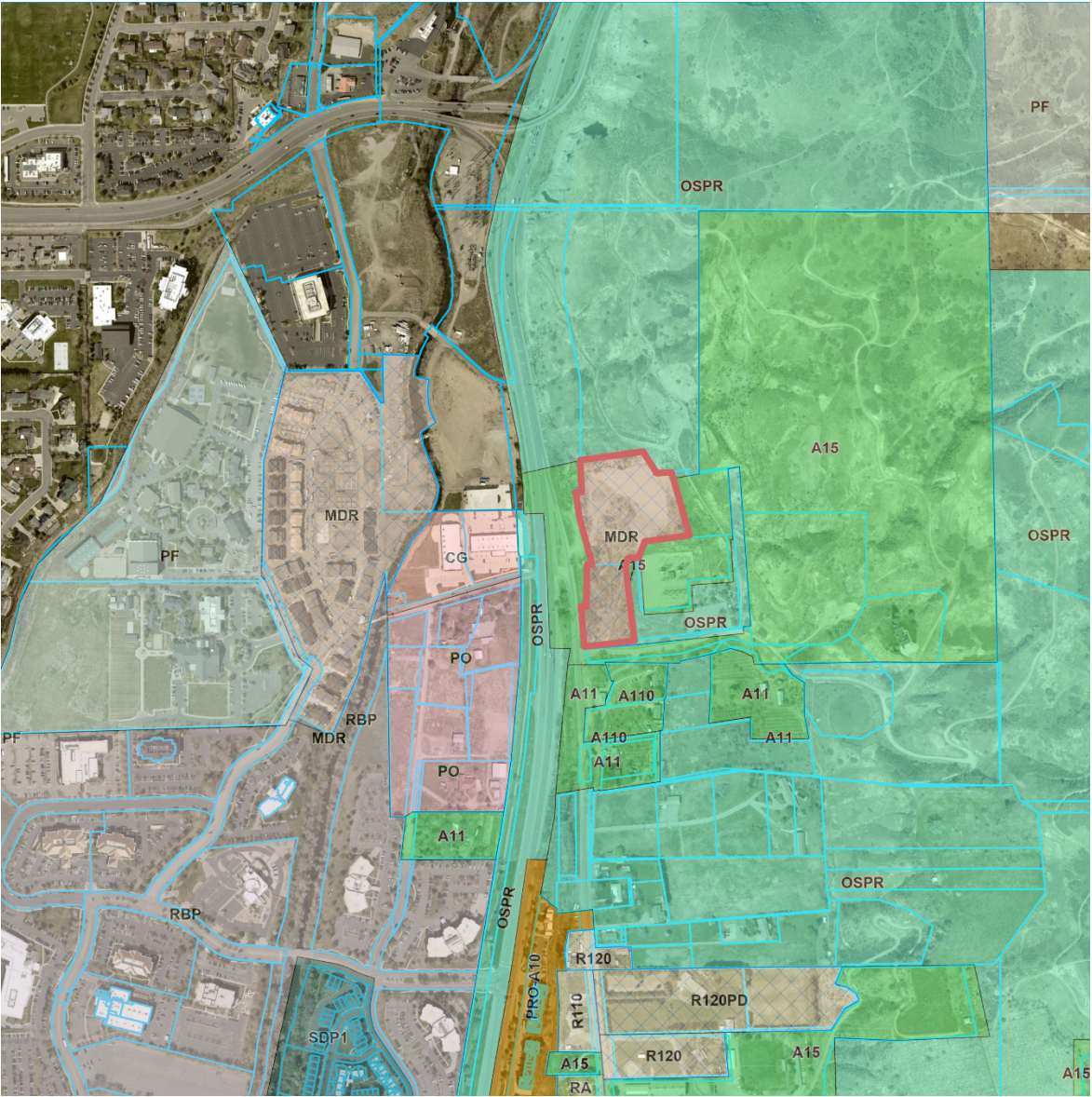
42 The Mayor is authorized to negotiate and execute a development agreement as proposed
43 by the applicant for this zone change, consistent with the representations made by the applicant
44 and the applicant's representatives to the Council. The agreement must be in form substantially
45 similar to 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

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Exhibit A

Legal Description of the Property

Parcel # 20:014:0110

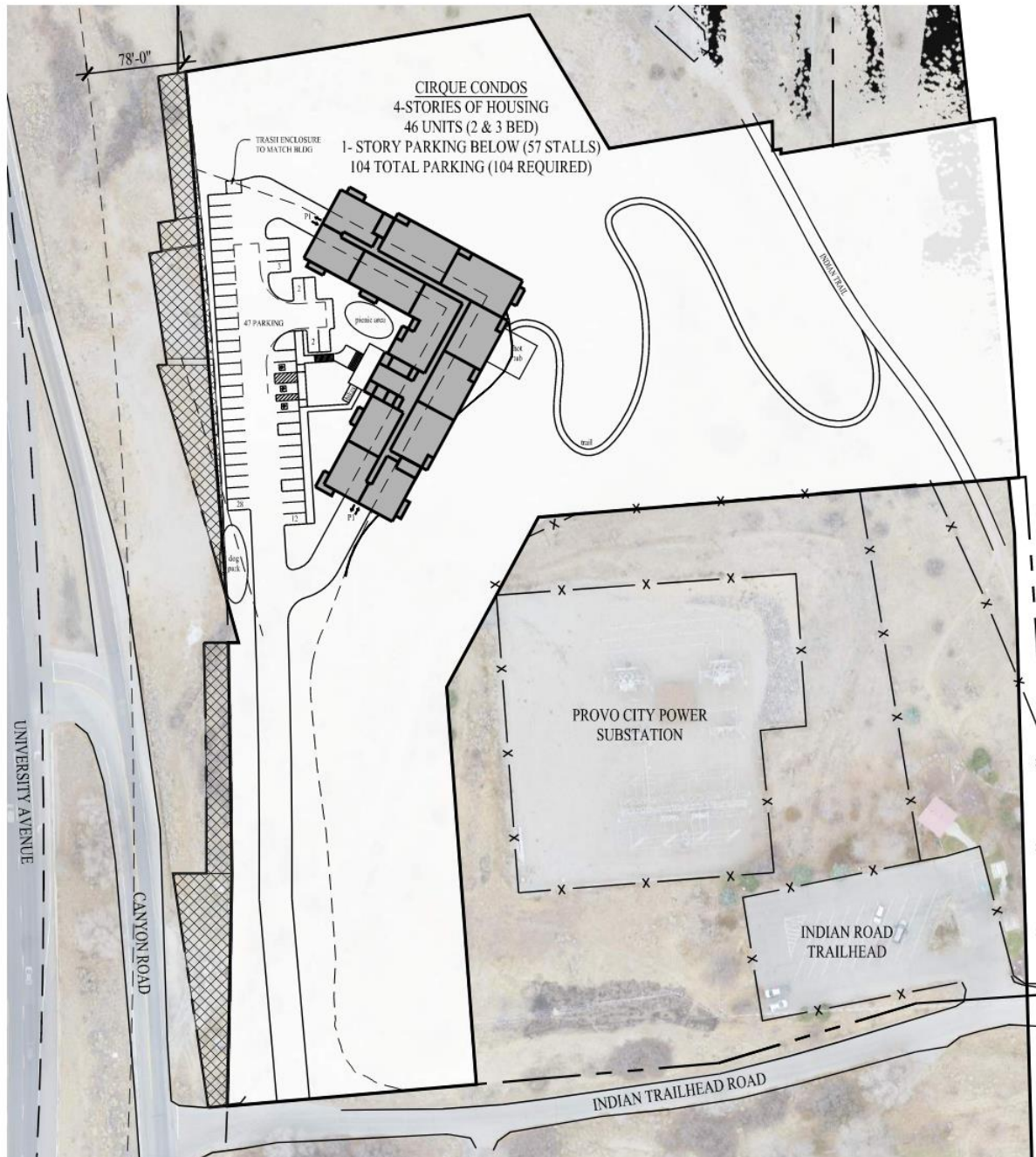
COM N 1216.175 FT & E 1324.257 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 85 DEG 17' 39" W 181.29 FT; S 64 DEG 36' 13" W 35.57 FT; S 28 DEG 26' 35" W 54.48 FT; W 32.98 FT; S 9 DEG 43' 0" W 39.04 FT; W 162.8 FT; N 16 DEG 21' 16" W 1.33 FT; N 16 DEG 21' 16" W 229.05 FT; N 16 DEG 21' 16" W .05 FT; E 7.73 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.

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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

ADOPTION OF PROVO CITY WILDLAND URBAN INTERFACE MAP

IMPLEMENTING STRATEGIC PLANNING FOR
WILDFIRE RISK MANAGEMENT

Presentation Purpose and Legislative Context

Legislative Framework

Utah 2026 House Bills 41 and 48 set statewide standards for wildfire mapping and ensure data alignment across jurisdictions.

Provo City WUI Map Adoption

The WUI Map has undergone technical review and state approval, ready for formal adoption by the City Council.

Collaborative Agreement

Provo City collaborates with the State of Utah for data sharing and coordinated review during map development.

Next Steps and Compliance

Presentation outlines next steps for City Council adoption and compliance with wildfire safety planning requirements.





State Legislation, Coordination, and CWPP Alignment

Legal Framework Establishment

Utah House Bills 41 and 48 create standardized wildfire mapping aligned with state and county boundaries.

Cooperative Development Process

Provo City's WUI Map was developed through formal cooperation with the State for shared data and coordinated updates.

CWPP Objective Alignment

The map supports Community Wildfire Protection Plan goals for emergency response, mitigation, and evacuation planning.

Local Implementation Responsibility

Final map adoption requires City Council approval, ensuring local accountability within the statewide framework.



Utah DNR Acceptance and Approved WUI Zones

State Acceptance Confirmation

Utah DNR officially accepted the Provo City WUI Map, confirming compliance with state regulations and legislation.

Boundary and Data Validation

The map's boundaries and data sources have been verified to meet technical, legal, and procedural standards.

Basis for Local Adoption

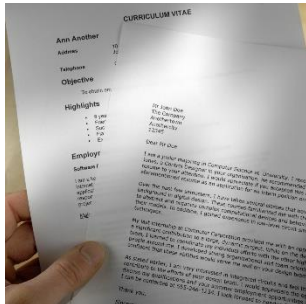
The approved map forms the legal foundation for City Council adoption, ensuring procedural readiness and certainty.

Required Actions, Summary, and Discussion



Council Adoption Actions

Provo City Council is required to formally adopt the state-accepted WUI Map to guide wildfire planning starting in 2026.



Summary of Compliance

The WUI Map complies with Utah House Bills and the Community Wildfire Protection Plan, developed with state partners.



Discussion and Transparency

The closing discussion invites questions on WUI boundaries, insurance, fees, and compliance to ensure informed decision-making.

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: JEREMYH
Presenter: Koby Hubbs, Fire Marshal
Department: Fire
Meeting Date: 6/9/2026
Requested Duration (Minutes): 20 minutes
CityView or Issue File Number: 26-045

SUBJECT: 5 A resolution approving the adoption of the state-approved Wildland Urban Interface (“WUI”) map. (26-045)

ADMINISTRATIVE RECOMMENDATION: We are asking for a resolution to approve the 2006 Wildland Urban Interface (WUI) Code Map. This map will only apply to new construction or significant remodels to existing homes in the WUI boundry.

ADMINISTRATIVE MEMO: Executive Summary

The Provo City Fire Department has developed a Wildland Urban Interface (WUI) Map in accordance with Utah 2026 House Bills 41 and 48, which establish statewide standards for wildfire risk mapping, coordination, and implementation. These laws require alignment between state, county, and municipal mapping efforts to ensure consistency in wildfire planning, emergency response, and future development decisions.

Provo City’s WUI Map was created through a formal cooperative process with the State of Utah, including data sharing, review, and revision alongside state fire and natural resource officials. The map is consistent with the City’s Community Wildfire Protection Plan (CWPP) and supports strategic planning for wildfire mitigation, evacuation, and public safety.

The completed WUI Map has been formally reviewed and accepted by the Utah Department of Natural Resources and approved by the Division of Forestry, Fire and State Lands (FFSL), with a letter of acceptance dated April 29, 2026. This approval confirms that the map meets all requirements outlined in H.B. 41 and H.B. 48 and establishes the legal foundation for local adoption.

City Council action is now required to formally adopt the state-approved WUI Map. Adoption will:

- Bring the City into compliance with state law
- Establish an official wildfire risk boundary for planning and development
- Support emergency response, evacuation planning, and CWPP implementation
- Fulfill the City’s statutory obligations under H.B. 41, and H.B. 48 to limit the City's financial responsibilities in case of a large fire originating on city property

Upon adoption, the map will be used beginning in 2026 as the official reference for wildfire risk areas within Provo City.

In summary, this action represents the final step in a coordinated state and local effort to improve wildfire preparedness, ensure regulatory compliance, and enhance the safety of residents, infrastructure, and natural resources within Provo City.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:

Executive Summary

The Provo City Fire Department has developed a Wildland Urban Interface (WUI) Map in accordance with Utah 2026 House Bills 41 and 48, which establish statewide standards for wildfire risk mapping, coordination, and implementation. These laws require alignment between state, county, and municipal mapping efforts to ensure consistency in wildfire planning, emergency response, and future development decisions.

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In summary, this action represents the final step in a coordinated state and local effort to improve wildfire preparedness, ensure regulatory compliance, and enhance the safety of residents, infrastructure, and natural resources within Provo City.

WUI Code Areas

Provo City Limit

WUI Code Area

Provo City Owned

Federal/State Owned

Unincorporated

Unincorporated Federal

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION APPROVING THE ADOPTION OF THE STATE-
4 APPROVED WILDLAND URBAN INTERFACE (“WUI”) MAP. (26-045)

5
6 RECITALS:

7
8 It is proposed that the Provo City Council formally adopt the state-approved WUI Map
9 developed by the Provo City Fire Department in conjunction with the State of Utah to comply
10 with the City’s statutory obligations under UTAH CODE § 65A-8-203; and

11
12 Utah HB 41 (2026) and HB 48 (2025) both amended UTAH CODE § 65A-8-203 to require
13 municipalities to either adopt the state-approved WUI Map or submit written recommended
14 changes, subject to the rejection or approval of the State; and

15
16 The Utah Department of Natural Resources and the Division of Forestry, Fire and State
17 Lands (“FFSL”) reviewed and accepted the WUI Map with a letter of acceptance date April 29,
18 2026; and

19
20 The Provo City Council is now required to adopt the state-approved WUI Map to bring
21 Provo City into compliance under UTAH CODE § 65A-8-203; and

22
23 Once adopted, the WUI Map will be used as the office reference for wild risk areas
24 within Provo City and will support strategic planning for wildfire mitigation, evacuation,
25 building code enforcement, and public safety;

26
27 _____;

28
29 On _____, the Municipal Council met to consider the facts regarding
30 this matter and receive public comment, which facts and comments are found in the public
31 record of the Council’s consideration; and

32
33 After considering the facts presented to the Municipal Council, the Council finds that (i)
34 the proposed action should be approved as described herein, and (ii) such action furthers the
35 health, safety, and general welfare of the citizens of Provo City.

36
37 THEREFORE, the Provo Municipal Council resolves as follows:

38
39 PART I:

41 The state-approved WUI Map is accepted and adopted, and the Provo Fire Department is
42 authorized to enforce building restrictions in compliance with the WUI Map.

43
44 PART II:

45
46 This resolution takes effect immediately.

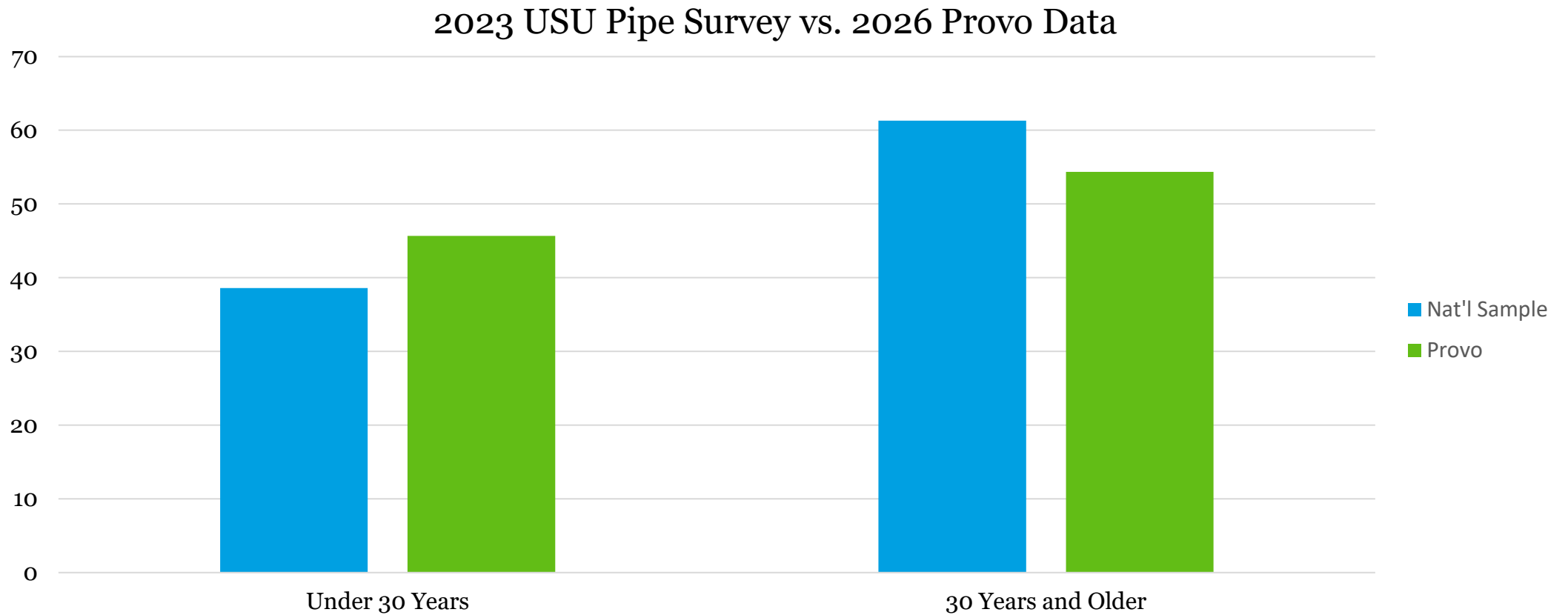
Proposed Water Rate Increase

Comparative Analysis and Long-Term Goals

Comparisons

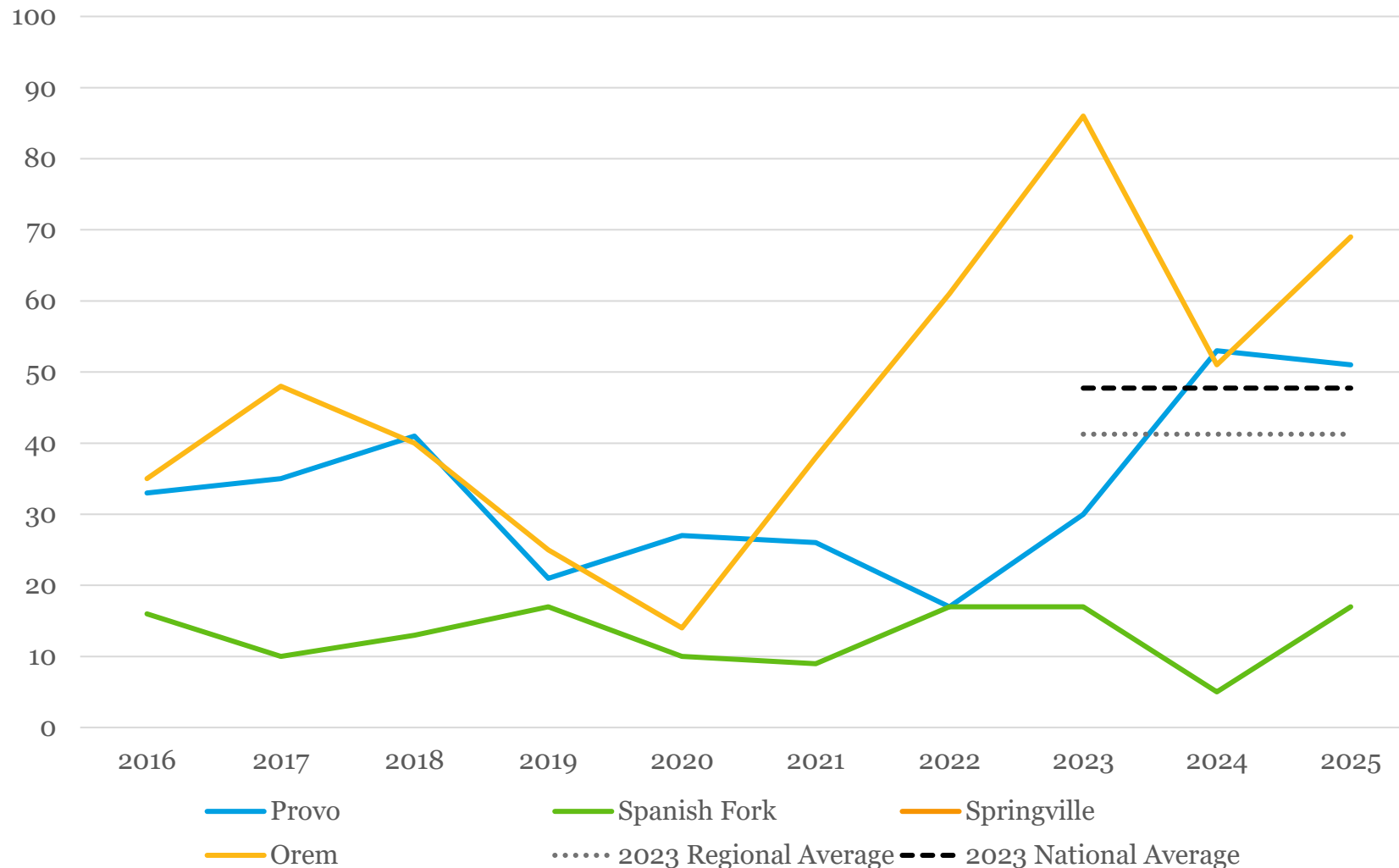
Macro and Micro

Provo's Pipes Are Newer On Average



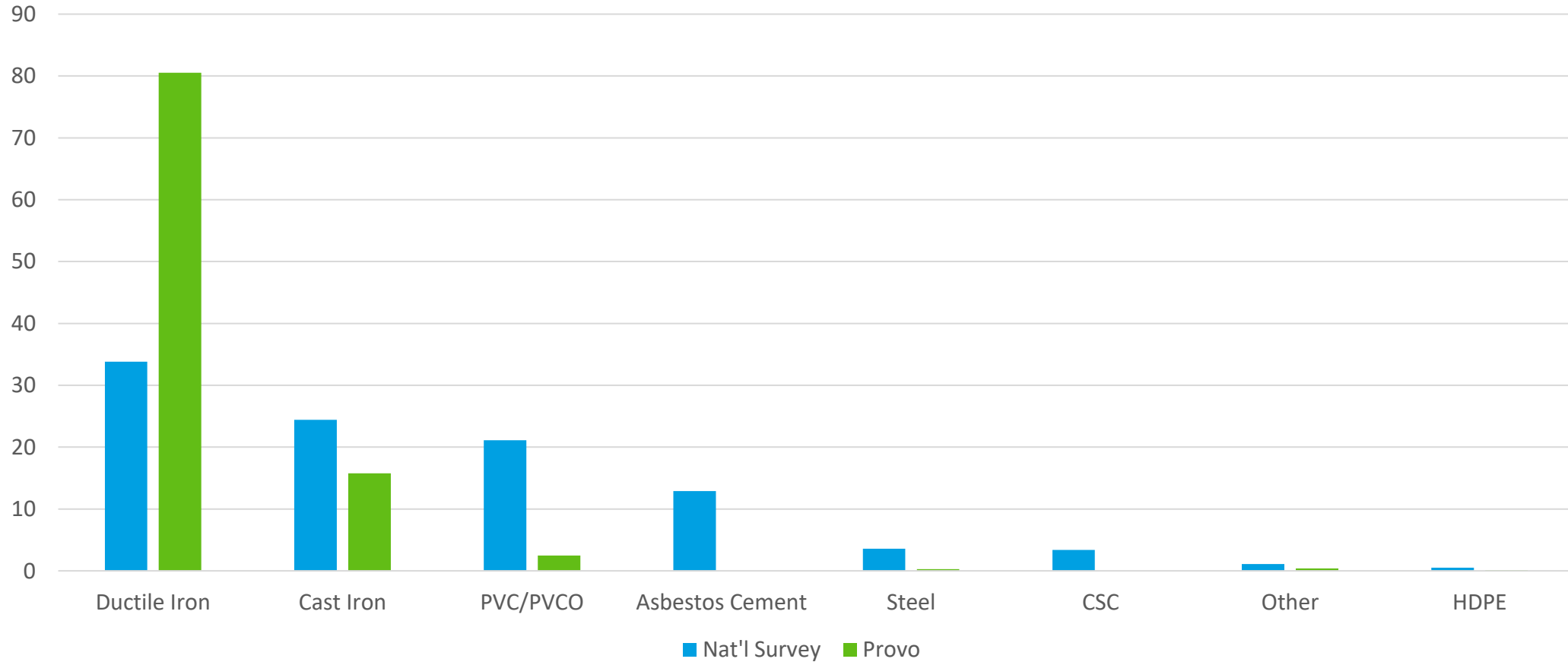
Surpassed Average Break Rates

2023 USU Pipe Survey vs. 2026 Local Data



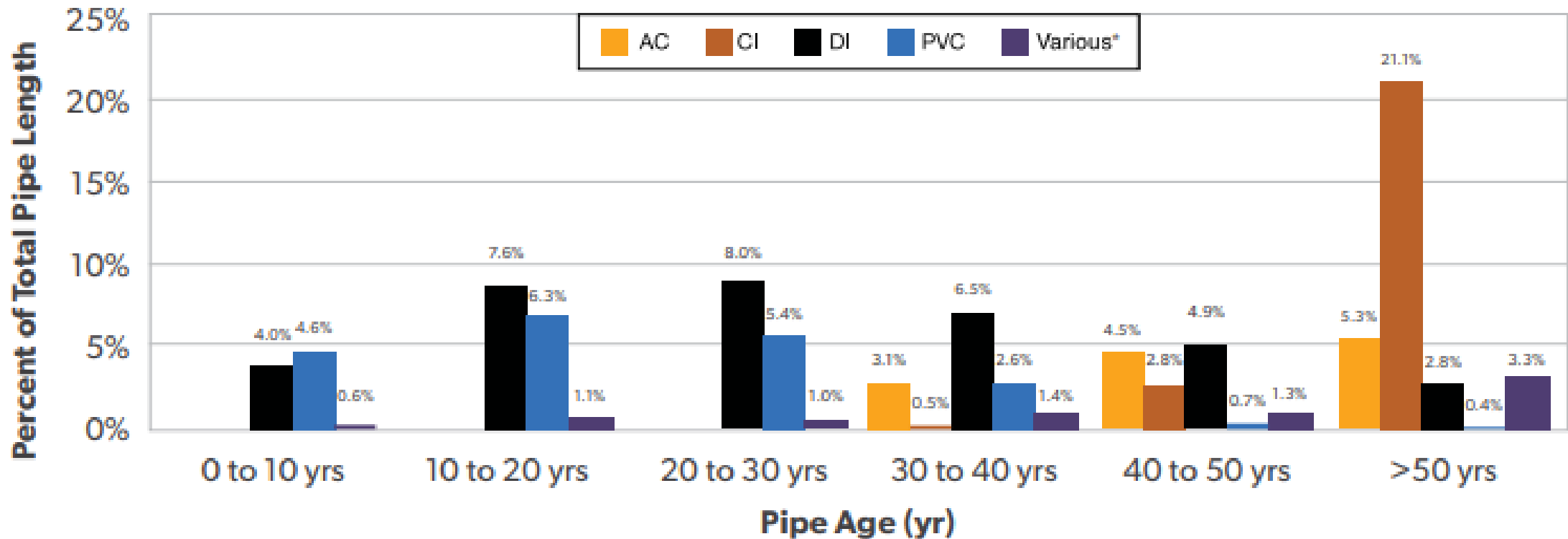
Provo Uses More Ductile Iron

2023 USU Pipe Survey vs. 2026 Provo Data



Nationwide Trends in Pipe Material

2023 USU Pipe Survey





Why 6%?

Provo Plans for Water Infrastructure

Variances from Projections Even Out

Following last year's 3.3% rate increase,
Provo has seen a 5.3% **increase** in water revenues.

Following a significant impact fee increase,
Provo has seen a 7.5% **decrease** in fee revenues.

Changes to Water Policies Have Contributed to Closing the Gap

- Evenly Divided Shared Personnel Costs
- Reduced Chargebacks
- Accounted For Outside Funds
- Increased Impact Fees

Provo's Identified High-risk Projects

Section	Length	Existing Size/Type	Replace Size	Age	Est Amt	Notes
1. 1020 East 300 North to 450 North	1000 ft	4" & 6" Ductile Iron	8"	1950	\$345,000	At least 5 clamps from multiple leaks, undersized for fire flow
2. 600 South 2050 West (stub to south)	560 ft	8" Ductile Iron	8"	1987	\$193,200	3 leaks in the last year
3. Mountain Vista 2000 South to Ironton	2500 ft	12" Ductile Iron	12"	1976	\$1,250,000	Multiple breaks due to high corrosion on unwrapped pipe
4. Hillside Circle East to Windsor Drive	800 ft	6" Ductile Iron	8"	1980	\$276,000	Multiple breaks corrosion and ground movement
5. 1370 North 1450 West to 1500 West	380 ft	6" Cast Iron	8"	1967	\$131,100	Multiple breaks and cast iron issues
6. Wimbledon Drive	960 ft	6" & 8" Ductile Iron	8"	1980	\$331,200	Multiple breaks from ground movement
7. Canyon Road 2100 North to 2825 North	4100 ft	24" Steel	24"	1950	\$3,542,400	Thin wall steel pipe, multiple leaks, inoperable valves, primary feed line to west side
8. Apple Avenue from Birch to Oakmont	1480 ft	8" Cast Iron	8"	1938	\$510,600	Multiple breaks, old unwrapped pipe, cast iron issues
9. Holly Circle	255 ft	8" Cast Iron	8"	1964	\$87,975	Multiple breaks, old unwrapped pipe, cast iron issues
10. 820 North 2770 West to Lakeshore	1500 ft	8" Ductile Iron	8"	1994	\$517,500	Multiple breaks due to high corrosion on unwrapped joints
11. Oquirrh Dr Teton to Cascade	520 ft	6" Cast Iron	8"	1967	\$179,400	Multiple breaks, old unwrapped pipe, cast iron issues

11 Project Total: \$7,366,275

Project Costs

		Project is New or has Significantly Changed								
Job Group	Project Title	Priority Level								Operating Impact
WACS	Wells	2. Necessary Infrastructure	No	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000	C. Potential increase
WACS	Spring Rehabilitation	2. Necessary Infrastructure	No	200,000	1,400,000	200,000	200,000	200,000	2,200,000	A. Potential decrease
WACS	Emergency Backup Power	2. Necessary Infrastructure	No	250,000	250,000	250,000	250,000	250,000	1,250,000	B. Little to no impact
WACS	Water Distribution System Improvements	2. Necessary Infrastructure	No	2,500,000	2,250,000	2,250,000	3,250,000	4,000,000	14,250,000	C. Potential increase
WACS	Water Main Oversizing	2. Necessary Infrastructure	No	200,000	200,000	200,000	200,000	200,000	1,000,000	B. Little to no impact
WACS	Contingency	2. Necessary Infrastructure	No	50,000	50,000	50,000	50,000	50,000	250,000	B. Little to no impact
WACS	New Meter Installation	2. Necessary Infrastructure	No	200,000	200,000	200,000	100,000	100,000	800,000	B. Little to no impact
WACS	Well House Rehab	2. Necessary Infrastructure	No	50,000	50,000	50,000	50,000	50,000	250,000	A. Potential decrease
WACS	Public Works Facilities Improvements	2. Necessary Infrastructure	No	150,000	150,000	150,000	150,000	150,000	750,000	C. Potential increase
WACS	Millrace Repair - 800 N to 500 N	2. Necessary Infrastructure	No	-	400,000	-	-	-	400,000	B. Little to no impact
WACS	Vehicle Replacement	2. Necessary Infrastructure	No	110,000	110,000	110,000	110,000	110,000	550,000	B. Little to no impact
WACS	Aquifer Storage and Recovery Projects	2. Necessary Infrastructure	No	200,000	200,000	200,000	200,000	200,000	1,000,000	B. Little to no impact
WACS	Main Reservoir Paint	2. Necessary Infrastructure	No	-	600,000	-	-	-	600,000	B. Little to no impact
WACS	Water Line The Mix to Carterville	2. Necessary Infrastructure	No	-	1,000,000	-	-	-	1,000,000	C. Potential increase
WACS	1730 N - 1500 W to Freeway (24" line)	2. Necessary Infrastructure	No	-	-	-	-	1,500,000	1,500,000	B. Little to no impact
WACS	920 South - University Ave to I-15 (24" Line)	2. Necessary Infrastructure	No	-	-	2,000,000	2,000,000	-	4,000,000	B. Little to no impact
WACS	Freedom Blvd - Center to 700 N (12" Line)	2. Necessary Infrastructure	No	-	-	-	2,500,000	2,500,000	5,000,000	C. Potential increase
WACS	500 W - 1560 S to 920 S (12 in. 3200 ft)	2. Necessary Infrastructure	No	-	-	1,200,000	-	-	1,200,000	C. Potential increase
WACS	Injection Wells	2. Necessary Infrastructure	No	1,500,000	-	-	-	-	1,500,000	B. Little to no impact
WACS	Treatment Plant (finish and lab equip)	2. Necessary Infrastructure	No	1,500,000	-	-	-	-	1,500,000	D. Current increase needed
Total Project Costs				\$ 7,910,000	\$ 7,860,000	\$ 7,860,000	\$ 10,060,000	\$ 10,310,000	\$ 44,000,000	

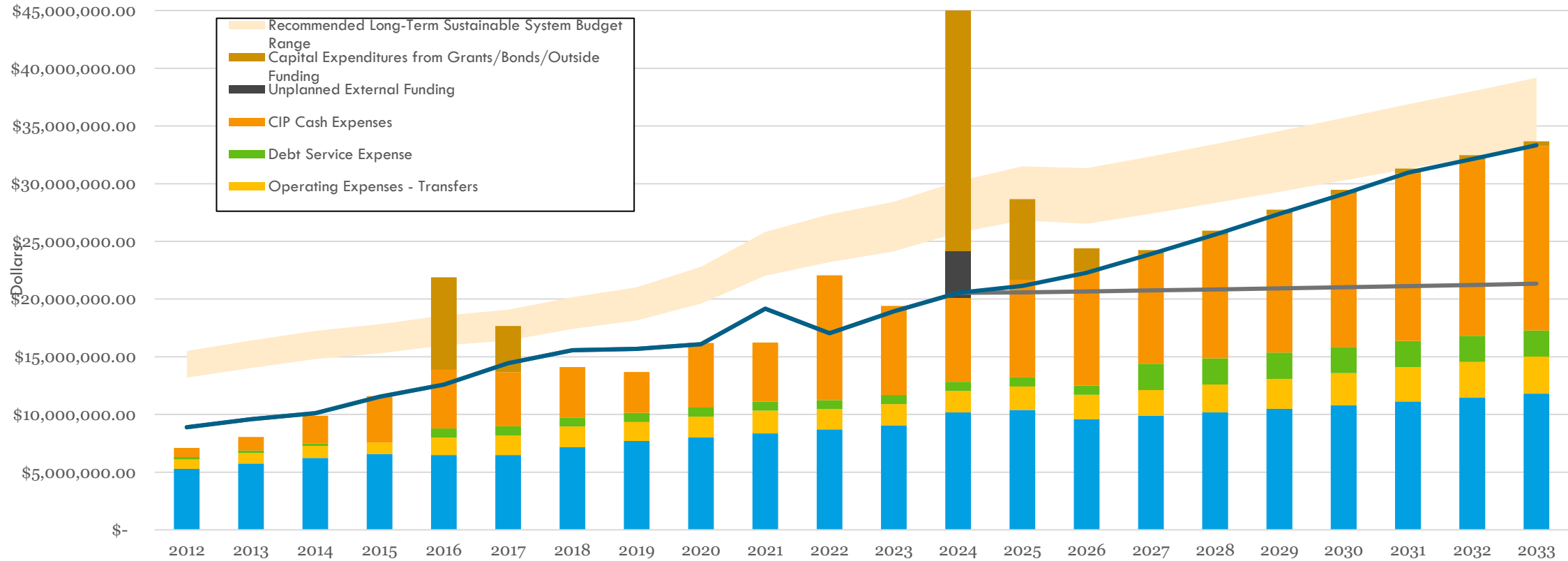
Priority Levels: 1 - Critical Health and Safety 2 - Necessary Infrastructure 3 - Aspirational Projects

2c - Projects with conditional funding 2d - Projects depending on outside funding

10-year Increase Plan Accounts for Inflation and “Backlog” Reduction



Goal of Rate Increases



3.3%	6.0%	6.0%	8.0%	8.0%	7.0%	7.0%	4.0%	4.0%
2025	2026	2027	2028	2029	2030	2031	2032	2033

Understanding the “Backlog”





Next Steps:

Adopt Budget in Council Meeting

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: TTAGUCHI
Presenter: Tanner Taguchi, Council Policy Analyst
Department: Recorder
Meeting Date: 6/9/2026
Requested Duration (Minutes): 30 minutes
CityView or Issue File Number: 26-039

SUBJECT: 6 A presentation regarding FY27 proposed water rate increases (26-039)

ADMINISTRATIVE RECOMMENDATION: Adopt the city budget during a Municipal Council Meeting according to state requirements.

ADMINISTRATIVE MEMO: This is a Council sponsored item. See attached memo document.

FISCAL IMPACT: The content of this presentation does not create a fiscal impact.

COUNCIL STAFF MEMO: See attached Council memo document.



Municipal Council Policy Analyst Memo

To: Provo Municipal Council

From: Tanner Taguchi, Council Policy Analyst

Re: Proposed Water Rate Increase (Second Meeting)

Date: Tuesday June 2, 2026

Executive Summary

This memorandum and attached presentation will expand on the information presented in the May 26 work meeting.

Provo's system is similar to cities nationwide in terms of age. 55% of Provo's pipe system is 30 years or older. However, the system differs significantly in its composition from a national sample. Provo's system is made of almost entirely iron pipe, whereas cities around the country, including Utah County, have rapidly started adopting plastic pipes.

Recent circumstances do not change the water division's assessment that a 6% rate increase is appropriate. While some revenues have exceeded expectation, others have fallen short underscoring the division's recommendation for consistently scheduled rate increases. Provo's CIP plan for pipe replacements seeks to address the most serious concern. The 11 most high-risk replacements will likely cost about \$7.5 million to complete.

Comparing Municipal Water Systems

Macro-scale

The age of Provo's water distribution system is similar to other cities. A nationwide survey of water systems conducted by Utah State University found that 60% of pipes in the sample were 30 years old or older compared to 40% that were newer. The composition of Provo's system is split 55/45 along those lines, making the pipes marginally newer than the national sample.

In terms of system composition, Provo's system is made up of significantly more iron pipe than other cities in the sample. Provo's distribution system is 95% cast or ductile iron compared to 58% in the national sample. Conversely, 21% of the sample was made up of PVC, while Provo's system only contains 2%. Nationally, there seems to be a trend toward using PVC in place of iron. Two reasons for this are that PVC is 50% cheaper than ductile iron and, according to the USU survey, PVC water mains failure about half as much as iron pipes.

The 2023 USU study found that the typical annual water main break rate is 11 breaks per 100 miles. Historically, Provo's rate has been far below that average. However, in 2025 and 2026, Provo's rate was approaching 12 breaks per 100 miles.

Micro Scale

Systems made of mainly iron, such as Provo and Orem, have higher need of repairs and replacements. This is likely due to those pipes' susceptibility to corrosion. In contrast, Spanish Fork and Springville which have followed the national trend of installing PVC have had fewer annual water main breaks.

Justification for the 6% Rate Increase

Context

The proposed 6% rate increase for this year is part of a ten-year plan to increase the pace of pipe replacement to an acceptable rate.

3.3%	6.0%	6.0%	8.0%	8.0%	7.0%	7.0%	4.0%	4.0%
2025	2026	2027	2028	2029	2030	2031	2032	2033

The acceptable rate, determined in consultation with the water division's consultant, is based on an 80-year system replacement timeline. Provo has long been replacing pipe at a slower than the useful life of the pipes in the system. This has increased the risk of failures that could negatively impact Provo residents. The rate increase schedule has two purposes (1) the account for the effect of inflation and (2) gradually close the gap between how fast the water division can replace pipe until they reach an acceptable pace. After the water division can sustainably replace pipes at the acceptable rate, future increases will be solely based on expected price changes due to inflation.

Potential Factors in Changing the Annual Rate

In response to Council questions, staff reviewed potential changes to the water division's revenues that may affect the need for a 6% rate increase this year. While water revenues have increased 5.3% compared to last year, water impact fee revenues have fallen short by 7.5% compared to last year, despite a significant fee increase. Overall, the current circumstances, do not indicate a need to lower the proposed rate increase.

Additionally, water division officials have stated that the 10-year schedule is best executed with consistent raises over that period. Any potential reductions in the rate this year, increases the risk that rate increases may need to intensify to account for future budget shortfalls.

Scale of Ongoing Projects

Replacements for the highest risk pipe segments are funded out of the Water Distribution System Improvements line of the water division CIP. For FY27, the expected value is \$2.5 million. That figure is based on the passage of the 6% rate increase. To put the CIP funds for pipe replacement in context, the estimated cost of the 11 highest priority pipe replacements total to \$7.4 million. Being able to address the highest risk sections of pipe and gradually work to prevent others from reaching this level, the division is recommending the proposed rate increase schedule.

Recommendation/Conclusion

The Council should consider the new information presented in this memo and the accompanying presentation and consider adopting the proposed rate increase as listed in the budget.

SOLID WASTE PROPOSED ORDINANCE CHANGES

Presentation Date



PROPOSED ORDINANCE CHANGES

- 9.06.050 – Add Sanitation Collection to Noise Exemption
 - 6:00 am to 6:00 pm
- 11.02 – Changes to Residential Solid Waste Code enforcement.
 - Class B Misdemeanor to Civil Violation
 - Civil Fine Rate Structure – Consolidated Fee Schedule
- 11.03 – Changes to Commercial Solid Waste Code enforcement
 - Class B Misdemeanor to Civil Violation
 - Civil Fine Rate Structure – Consolidated Fee Schedule
 - Brings Provo City in compliance with State and County Health Codes, and Storm Water Compliance.
- Upcoming Zoning updates to Mandate Recycling in New Commercial and Multifamily Housing

RESIDENTIAL SANITATION ORDINANCES CHANGE

From Class B Misdemeanor to a Civil Fee

- Cans Left Out On Street (Blocking Bike Lane Etc.)
- Trash In Green Waste
- Trash In Recycling Container
- Not Cleaning up Trash
- Using Someone Else's Trash Container

RESIDENTIAL RATES

Current Residential Rate:

- Trash in Yard Waste - \$25.00

Proposed Residential Rate:

Sanitation Violation - Within a Rolling 6-month Period

- 1st Violation - Notification
- 2nd Violation - \$25.00
- 3rd Violation - \$25.00
- 4th Violation - \$50.00 - Letter
- 5th Violation - \$50.00 - Letter and Removal of Recycle/Green Waste Container

COMMERCIAL SANITATION ORDINANCES CHANGE

From Class B Misdemeanor to a Civil Fee

- Pickup Up Trash Before 6:00 am
- Spilling Trash on Street (Not Cleaned Up)
- Oil/Hydraulic Spill (Not Cleaned Up)
- Not Placing Containers Back in Enclosures
- Leaving Containers on The Street
- Not Repairing Broken Containers

COMMERCIAL RATES

Current Commercial Rate:

- None

Proposed Commercial Rate:

Sanitation Violation - Within a Rolling 6-month Period

- 1st Violation - Notification
- 2nd Violation - \$100.00 - Letter
- 3rd Violation - \$500.00 - Letter and Visit

ADDITIONAL RATES CHANGES

Current Rate:

- Return Service Fee - \$10.00
- Rolloff Tipping Fee - \$44.00 per ton

Proposed Rate:

- Return Service Fee - \$25.00
- Rolloff Tipping Fee - \$47.00 per ton

The background features a large, abstract geometric design on the left side, composed of overlapping triangles in shades of blue and grey. The right side of the image is white, providing a clean space for the text.

**THANK
YOU!**

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: JMCKNIGHT
Presenter: Shane Winters, Public Services Division Director
Department: Public Works
Meeting Date: 6/9/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-042

SUBJECT: 7 An ordinance changing Solid Waste code enforcement and adding sanitation collection to the noise exemption code (26-042)

ADMINISTRATIVE RECOMMENDATION: Recommend approval of ordinance changing sanitation code to classify violations from Class B Misdemeanors to civil fines. The ordinance also adds sanitation collection to the public disturbance exemptions in section 9.

ADMINISTRATIVE MEMO: This item is an attempt to clean up various sections of City code related to sanitation collection, including exempting it in the public disturbance code and changing violations from misdemeanors to civil violations. Changes are made to both residential and commercial sanitation collection, and clarify requirements for solid waste container conditions and locations.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:

ORDINANCE <<Document Number>>

AN ORDINANCE CHANGING SOLID WASTE CODE ENFORCEMENT
AND ADDING SANITATION COLLECTION TO THE NOISE EXEMPTION
CODE. (26-____)

RECITALS:

It is proposed that Provo City Code be amended to exempt waste collection between 6:00 a.m. and 6:00 p.m. from noise limits;

It is also proposed that Provo City Code be amended to change solid waste violations from Class B Misdemeanors to Civil Violations;

On June 23, 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) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

Provo City Code section 9.06.050 is amended to read as indicated in Exhibit A.

Provo City Code section 11.02.030 is amended to read as indicated in Exhibit B.

Provo City Code sections 11.02.070 and 11.02.080 are added to read as indicated in Exhibit C.

Provo City Code section 11.03.070 is amended to read as indicated in Exhibit D.

Provo City Code section 11.03.090 is amended to read as indicated in Exhibit E.

PART II:

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

- 42
- 43 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
- 44 sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of
- 45 the ordinance is not affected by that determination.
- 46
- 47 C. This ordinance takes effect immediately after it has been posted or published in accordance
- 48 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
- 49 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- 50
- 51 D. The Municipal Council directs that the official copy of Provo City Code be updated to
- 52 reflect the provisions enacted by this ordinance.
- 53

Exhibit A

9.06.050 Exemptions.

(1) Noise generated by parades, carnivals, public social events, special construction projects, and similar activities may be granted an exemption from some or all of the noise restrictions of this Chapter by means of a written permit issued by the Mayor or the Mayor's designee. Such a permit will specify:

- (a) The specific nature of the event being exempted;
- (b) The maximum allowable noise level (dBA); and
- (c) The duration for which the exemption is valid.

Each permit is issued for a single event, unless it explicitly states otherwise. The permit may impose reasonable conditions to protect public peace and welfare. If the permit conditions are violated, the exemption may be revoked.

(2) Noise restrictions in this Chapter do not apply to the following activities:

- (a) Noise generated by emergency vehicles or sounds giving warning of emergencies.
- (b) Noise from official inter-school athletic competitions taking place at a sports venue that is designed for such competitions and is located on the property of an educational institution.
- (c) Between the hours of 7:00 a.m. and 10:00 p.m., noise from a noise source, including a public address system, located on the property of an educational institution and produced as part of any class or event sponsored by the institution, including musical or athletic performances, practices, or competitions, and conducted in a manner consistent with the purposes of the venue.
- (d) Noise from City-sponsored events, such as celebrations, special events, and public social gatherings.
- (e) Noise from temporary activities permitted by law and for which a City license or permit has been issued.
- (f) Noise resulting from fireworks when discharged in compliance with Utah Code Title 53, Chapter 7, as amended.
- (g) Noise from equipment used to remove snow and ice from roads and walkways.
- (h) Noise from landscaping equipment operating between 8:00 a.m. and 8:00 p.m.
- (i) [Noise from waste collection between 6:00 a.m. and 6:00 p.m.](#)

Exhibit B

11.020.030 Regulations Applicable to Provo City Residential Collection

The following regulations shall apply to residential collection provided by Provo City. Violation of any of the following shall be ~~a class-B misdemeanor~~: a civil violation and subject to a fee as found in the Consolidated fee schedule adopted by the Municipal Council:

(1) Residential refuse waste shall be collected only from containers obtained from Provo City.

(a) The City shall at reasonable times and places, but not less than once each week, collect and dispose of an accumulation of solid waste from each dwelling.

(b) For each residential refuse waste container possessed by a customer, the customer shall pay the regular monthly fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council notwithstanding whether or not the customer uses a container for the collection of solid waste on a regular basis.

(c) Residents shall only place onto the public street for collection containers obtained from Provo City and which they are currently paying fees in accordance with the Consolidated Fee Schedule adopted by the Municipal Council.

(2) Curbside residential recycle services will be provided by the City, for which an additional fee shall be imposed according to the Consolidated Fee Schedule as adopted by the Municipal Council.

(a) The City shall at reasonable times and places, but not less than once each week from March to December, collect and dispose of an accumulation of yard waste from each structure.

(b) For each yard waste container possessed by a customer, the customer shall pay the regular monthly fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council notwithstanding whether or not the customer uses the container for the collection of yard waste.

(c) The City or its designee shall at reasonable times and places, but not less than once every other week, collect and dispose of an accumulation of household recyclable materials from each structure.

(d) For each household recycling container possessed by a customer, the customer shall pay the regular monthly fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council notwithstanding whether or not the customer uses the container for household recycling on a regular basis.

(3) Additional services may be provided by the City, for which an additional fee shall be imposed according to the Consolidated Fee Schedule as adopted by the Municipal Council.

(4) Except where the Director shall otherwise agree, automated refuse, green waste, and recycling containers containing refuse, green waste, or recyclable items to be collected, shall be set out for collection on a city street adjacent to the property,~~collections shall be made from a street.~~ Containers shall be placed at the edge of the street in a manner that will allow an automated collection truck to be driven to service the container.

(5) Containers may not be set out upon the street for collection prior to the evening of the day before collection and shall be set out on the day of collection by six o'clock (6:00) A.M. and spaced three feet (3') (where possible) from the curb, any parked vehicle, other container, and any other obstruction ~~shall be placed in front of a residence for collection not earlier than the day before or no later than 6:00 am the day scheduled for collection~~ and shall be removed therefrom within twenty-four (24) hours after collection.

(6) The owner of a structure shall maintain containers serviced thereat in a clean and sanitary condition.

(7) Fluids shall be separately packaged when placed in a container with a maximum capacity of on (1) gallon. Fluids shall not be allowed to accumulate in the bottom of a container.

(8) Ashes shall be cold before being placed in a container.

(9) Employees of Provo City are hereby authorized and required to inspect the condition of customer storage areas and containers, with consent of the owner or occupier of the premises or under other proper circumstances.

(10) The Director is authorized to establish uniform written rules for the collection of fees for solid waste services and to take action to collect unpaid fees including, but not limited to, repossessing solid waste containers, terminating service, and bringing legal action. If legal action is necessary, in addition to recovering unpaid fees, the Director may seek to recover the reasonable costs of collection. Section 12.02.050 (Restitution of Payment), Provo City Code, shall apply to the collection provisions of this Subsection.

Exhibit C

11.02.070 ALLOWABLE MATERIALS FOR REFUSE, GREEN WASTE, RECYCLABLE ITEM, AND RECYCLABLE GLASS COLLECTION BY PROVO CITY:

This section shall apply to all solid wastes, recyclable items, set out for collection by Provo City. Recyclable items shall be separated from refuse and green waste. Only those items deemed to be recyclable items by the city shall be placed in an automated recycling container. If materials other than the allowable materials listed below are placed in an automated refuse, green waste, recycling container, the city may refuse to empty the container until the unallowable material has been removed, and the city may take enforcement action as described in section of this chapter.

(1) The following wastes are the only wastes that may be placed in an automated refuse container:

(a) "Refuse waste" as defined in section 11.01.020 of this chapter;

(b) Liquid wastes if the quantity is limited to less than one gallon, if the liquid is sealed in a leakproof container, and if the liquid is not considered a household hazardous waste, a hazardous waste, sewage, or any other type of waste that is not permitted in the automated refuse container under section 11.01.020 of this chapter;

(2) The following wastes are the only wastes that may be placed in automated green waste containers:

(a) "Yard waste" as defined in section 11.01.020 of this chapter;

(b) Discarded fruit and vegetable material from kitchens, if it is not mixed or contaminated with other refuse including other kitchen wastes.

(3) The following items are the only items that may be placed in automated recycling containers:

(a) Recyclable items as listed in section 11.01.020 of this chapter, except recyclable glass.

11.02.080 COMPLIANCE WITH AND ENFORCEMENT OF REFUSE, RECYCLING, AND GREEN WASTE COLLECTION SERVICE LAWS:

(1) In evaluating whether a violation of this chapter has occurred, city staff has the right to visit the premises of residences or eligible recycling customers that subscribe to the refuse, recycling, or green waste collection service or any private property open to the public to determine the presence and capacity of recycling or green waste containers, the presence and quantities of recyclable items or green waste in refuse containers, the presence and quantities of recyclable items in recycling containers, the presence and quantities of green waste in green waste containers, and the presence of signs, fliers, stickers, and other information that

promotes recycling, and to engage in discussion with property managers, residents, and owners regarding their refuse, recycling or green waste program.

(2) In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. Any violation of this chapter shall constitute a civil violation and shall be handled as provided by the consolidated fee schedule. Notice of a civil violation may be given: 1) to the owner, occupant, lessee, or agent of the property by tag placed on container by driver or 2) by mailing of the notice by first class mail to the owner of record.

(3) The city reserves the right to discontinue refuse, recycling or green waste collection service for any residence or eligible recycling customer that fails to comply with this code and rules promulgated thereunder governing the refuse, recycling or green waste collection service.

(4) For a period of six (6) months after the recycling or green waste collection service has been discontinued due to a violation, the owner or eligible recycling customer shall not be allowed to subscribe to the recycling, or green waste collection service. After the six (6) month period, the owner or eligible recycling customer may request recycling, or green waste collection service.

(5) Continuing violation shall be considered repeated or pervasive violation of the same ordinance in a rolling six-month period.

1st Violation – violation sticker placed on container by driver. Curtesy notification for educational purposes (no fee).

2nd Violation – violation sticker placed on container by driver. Fee in accordance with Provo City Consolidated fee schedule.

3rd Violation – violation sticker placed on container by driver. Fee in accordance with Provo City Consolidated fee schedule.

4th Violation – violation sticker placed on container by driver. Fee in accordance with Provo City Consolidated fee schedule. Continued violation letter sent to property owner by customer Service.

5th Violation – violation sticker placed on container by driver. Letter sent to property owner by customer Service.

(a) Removal of recycling or green waste containers for a minimum of six months.

Hand delivery of notification of continued violation letter by staff to property for refuse containers.

213

Exhibit D

214 **11.03.070 Regulations for Licensed Commercial Haulers and Private**
215 **Haulers.**

216 The following regulations shall apply to all licensed commercial haulers and private haulers. Violation
217 of any of the following shall be a ~~class B misdemeanor~~ [civil violation and subject to fee in](#)
218 [consolidated fee schedule](#) and shall constitute a sufficient basis to suspend or revoke a hauler's
219 license:

220 (1) All vehicles used to collect or carry solid waste must be in good mechanical condition and all
221 mechanisms relevant to the hauling of solid waste must be fully operational.

222 (2) All vehicles used to collect or transport solid waste, except for roll-off service containers, shall
223 be fully enclosed with watertight sides and bottom.

224 (3) The tailgate of each vehicle used to collect or carry solid waste shall be so constructed as to
225 prevent the contents of the body spilling or blowing from the vehicle while in motion.

226 (4) The outside of the body of each vehicle used by a commercial hauler to collect or carry solid
227 waste must be clearly painted and identified with the name, vehicle number and telephone number
228 of the licensee.

229 (5) All vehicles used to collect or carry solid waste shall comply with all applicable state and federal
230 statutes and regulations relating to such vehicles.

231 (6) Haulers shall comply with all provisions of this Title and all applicable state or federal
232 regulations or laws concerning the collection, transportation or disposal of solid waste.

233 (7) A commercial hauler shall, at the demand of Provo City, submit to Provo City a list of all of its
234 customers, including the name and address(es) of each customer and the frequency of collection at
235 each address.

236 (8) Except at times and locations otherwise agreed to by the Director, there shall be no pick-up or
237 collection of solid waste before six (6:00) a.m.

238 (9) Each solid waste container shall be emptied not less than once every eight (8) days.

239

Exhibit E

11.03.090 Solid Waste Containers.

The following regulations shall be a civil violation and subject to fees as listed in the consolidated fee schedule.

(1) All solid waste containers used or intended for use by commercial or private haulers shall be located and maintained as follows:

(a) Each solid waste container shall be located and maintained as described in an applicable project plan.

(b) If there is no applicable project plan, each solid waste container shall be located or screened so that it cannot be observed from public property.

(c) If there is no applicable project plan, and there is no reasonable way in which a particular solid waste container can be located or screened so that it cannot be observed from public property, the location and maintenance of said solid waste container shall be as approved by the Director.

(2) It shall be the duty of every property owner, lessee, or occupant of any building, premises or place of business to obtain:

(a) Suitable and sufficient metallic, plastic, or other approved receptacles with a tight-fitting lid that covers the entire container, for receiving and holding garbage, market waste and wet refuse that may accumulate from said building, place or business or upon said premises or the portion thereof under the control of such a person

(b) Suitable and sufficient receptacles for receiving and holding trade waste and other dry refuse that may accumulate from said building, place of business or upon said premises or the portion thereof under the control of such person.

(3) For the property owner, lessee, or occupant of any building, premises or place of business to:

(a) To maintain (or cause to be maintained) containers or container storage areas in an unsanitary condition.

(b) To modify or remove lids from a refuse container in a manner that prevents it from covering the entire container in a tight-fitting manner.

(b) To place for collection by the city, commercial or private hauler any material that is not waste materials as defined herein or that is prohibited from collection by the terms of this Title.

268 (c) To place a refuse, recyclable or yard waste container on any sidewalk, roadway or alleyway or
269 parking lot so as to impede pedestrian movement or vehicle traffic.

270 (d) For the owner of a structure receiving service from a commercial hauler to fail or refuse to
271 maintain the site of the solid waste container in a reasonably clean condition.

272 (4) For the owner of a structure, to fail or refuse to contract for sufficient refuse waste service from
273 Provo City or a licensed commercial hauler to remove all refuse waste generated at the structure with
274 respect to which the person is an owner. This Subsection (5) of this Section shall not apply if the owner
275 is a licensed private hauler.

276 ~~(2)~~(5) It shall be unlawful for an owner to fail or refuse to provide a site conforming to the
277 requirements of this section with respect to:

278 (a) each solid waste container located on property owned or controlled by the owner; and,

279 (b) each sold waste container which is used to deposit solid waste from the structure of the
280 owner.

281 ~~(3)~~(6) It shall be unlawful for a commercial hauler or private hauler to:

282 (a) empty a solid waste container with respect to which there is not a site conforming to the
283 requirements of this Section; or

284 (b) fail or refuse to return a solid waste container to the specific site or location conforming to the
285 requirements of Subsection (1) of this Section, after it has been emptied.

286 (c) provide a refuse or recycling container that does not have tight-fitting lids covering the entire
287 container.

288 (d) fail to maintain or to replace broken lids on containers owned and provided by private or
289 commercial hauler

290 ~~(4)~~(7) If the required location of a solid waste container is obstructed by spilled or excess solid waste,
291 the hauler who moves said container shall clean the required location sufficiently that the solid waste
292 container can be reasonably returned to the required location.

293 ~~(5)~~(8) All contracts entered into by a commercial hauler for the servicing of solid waste containers shall
294 be deemed subject to further amendment as necessary to comply with this Section.

FY26 Year-End Appropriation Requests

After assessing department budgets and learning of some requests that happen to fall at the end of the fiscal year, Finance recommends that the Council approve the budget appropriations in the table below for FY2026.

Fund/Division	Amount	Description	Funding Source
General Fund/Economic Development	\$ 93,000	Appropriate budget in the Economic Development division for an Economic Development Study .	General Fund balance
General Fund/Fire	\$ 180,497	Appropriate budget in the Fire Department for EMS Equipment (iSimulator, ventilators, airway bags) and Fire equipment .	General Fund balance
General Fund	\$ 50,000	Appropriate budget in the General Fund for indigent defense costs.	General Fund balance
General Fund - Transfer to Parks & Rec CIP	up to \$1.4 million	Transfer money from General Fund and appropriate in the Parks & Rec Capital Improvement Fund for Fort Utah Park improvements .	General Fund balance
Airport - Transfer from General Fund	\$ 490,053	Transfer money from the General Fund to the Airport to cover the principal payment on an interfund loan . (Airport will be paying the interfund loan interest out of FY26 Airport budget savings. In FY27, Airport will cover both principal and interest without a General Fund transfer.)	General Fund balance
Justice Court - Transfer from General Fund	\$ 10,200	Transfer money from the General Fund and appropriate in the Justice Court for mid-year building lease and security cost increases .	General Fund balance
Total Requests from General Fund Balance	\$ 2,223,750		

General Fund/Fire	\$ 121,994	Appropriate budget in the Fire Department for additional payroll costs for the Airport .	Airport Revenues
Total Requests from Airport Revenues	\$ 121,994		

Ice Arena	\$ 160,000	Appropriate budget to help purchase a new ice resurfacers .	Surplus Ice Arena FY26 revenues
Total Requests from Ice Arena Revenues	\$ 160,000		

Golf Course	\$ 38,600	Appropriate budget in the Golf Course fund to cover operating costs (seasonal staffing, concessions, and janitorial) associated with increased Golf Course usage .	Surplus Golf Course FY26 revenues
Golf Course	\$ 116,500	Appropriate budget to replace two aging sharpeners . These are essential machines used to keep golf course mowing equipment cutting grass cleanly and precisely. Replacing this equipment will improve turf health, reduce maintenance costs, and protect the golf course while maintaining the quality turf conditions.	Surplus Golf Course FY26 revenues
Golf Course	\$ 220,000	Appropriate budget to pay for driving range and golf course improvements (completion of driving range tee, sand replacement, path additions to reduce turf damage).	Surplus Golf Course FY26 revenues
Total Requests from Golf Course Revenues	\$ 375,100		

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KZARBOCK
Presenter: Kelsey Zarbock, Budget Officer
Department: Finance
Meeting Date: 6/9/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-043

SUBJECT: 8 A resolution regarding year-end appropriations and transfers in the General, Parks and Recreation capital improvement, Airport, Justice Court, Ice Arena, and Golf Course Funds for the fiscal year ending June 30, 2026. (26-043)

ADMINISTRATIVE RECOMMENDATION: Approve recommended appropriations and transfers

ADMINISTRATIVE MEMO: After assessing department budgets and learning of some requests that happen to fall at the end of the fiscal year, Finance recommends that the Council approve the budget appropriations in the table below for FY2026.

FISCAL IMPACT: FY2026

TIME SENSITIVITY: Appropriations and transfers must be approved before June 30th (fiscal year-end).

COUNCIL STAFF MEMO:

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION REGARDING YEAR-END APPROPRIATIONS AND
4 TRANSFERS IN THE GENERAL, PARKS AND RECREATION CAPITAL
5 IMPROVEMENT, AIRPORT, JUSTICE COURT, ICE ARENA, AND GOLF
6 COURSE FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2026. (26-
7 043)

8
9 It is proposed that the Council consider nine appropriations as part of the year-end budget
10 reconciliation process;

11
12 The first recommendation is to appropriate \$93,000 in the general fund for an economic
13 development study, which will be funded by general fund balance;

14
15 The second recommendation is to appropriate \$180,497 in the general fund for
16 emergency medical and other equipment, which will be funded by general fund balance;

17
18 The third recommendation is to appropriate \$50,000 in the general fund for unanticipated
19 indigent defense expenses, which will be funded by general fund balance;

20
21 The fourth recommendation is to transfer up to \$1.4 million for the general fund and
22 appropriate the budget in the Parks and Recreation capital improvement fund for improvements
23 at Fort Utah Park;

24
25 The fifth recommendation is to transfer \$490,053 from the general fund to the airport
26 fund to cover the fiscal year 2026 principal payment on an interfund loan, which will be funded
27 by general fund balance;

28
29 The sixth recommendation is to appropriate \$10,200 in the Justice Court fund for mid-
30 year increases to the building lease and security costs, which will be funded by a transfer from
31 general fund balance;

32
33 The seventh recommendation is to appropriate \$121,994 in the general fund for
34 additional firefighter services at the airport, which will be reimbursed by a chargeback from the
35 airport fund;

36
37 The eighth recommendation is to appropriate \$160,000 in the ice arena fund for an ice
38 resurfacer, which will be funded by surplus ice arena revenues;

39
40 The ninth recommendation is to appropriate \$375,100 in the golf course fund for
41 operating costs associated with golf course use, updated equipment, and golf course
42 improvements, which will be funded by surplus golf course revenues;

43
44 On June 23, 2026, the Municipal Council met to consider the facts regarding this matter
45 and receive public comment, which facts and comments are found in the public record of the
46 Council's consideration; and

47
48 After considering the Administration's recommendation, and facts and comments
49 presented to the Municipal Council, the Municipal Council finds the proposed appropriations
50 reasonably further the health, safety, and general welfare of the citizens of Provo City.

51
52 THEREFORE, the Provo Municipal Council resolves as follows:

53
54 PART I:

55
56 An appropriation of \$93,000 in the General Fund for an economic development study is
57 authorized.

58
59 PART II:

60
61 An appropriation of \$180,497 in the general fund for emergency medical and other
62 equipment is authorized.

63
64 PART III:

65
66 An appropriation of \$50,000 in the general fund for unanticipated indigent defense
67 expenses is authorized.

68
69 PART IV:

70
71 A transfer of \$490,053 from the general fund to the airport fund to cover the fiscal year
72 2026 principal payment on an interfund loan e is authorized.

73
74
75 PART V:

76
77 A transfer of \$490,053 from the general fund to the airport fund to cover the fiscal year
78 2026 principal payment on an interfund loan e is authorized.

79
80 PART VI:

81
82 An appropriation of \$10,200 in the Justice Court fund for mid-year increases to the
83 building lease and security costs is authorized.

84
85 PART VII:

86
87 An appropriation of \$121,994 in the general fund for additional firefighter services at the
88 airport is authorized.

89
90 PART VIII:

91
92 An appropriation of \$160,000 in the ice arena fund for an ice resurfacer is authorized.

93

94

95 PART IX:

96

97 An appropriation of \$375,100 in the golf course fund for operating costs associated with
98 golf course use, updated equipment, and golf course improvements is authorized.

99

100

101 PART X:

102

103 This resolution takes effect immediately.

104 END OF RESOLUTION.

Council Appropriation Request for \$180,497

We are asking the council for an appropriation of \$129,850 for EMS Equipment, and \$50,647 for the new Knox Box system. The total request is for \$180,497.

The first requests are for some Emergency Medical equipment. The breakdown is \$9,800 for the Isimulate training software, \$115,250 for 5 new ventilators, \$4,800 for 10-year-old airway bags.

The Isimulate software will help us give our paramedics even better training. The software can generate cardiac rhythms and have more real-to-life scenarios for training with changes based on the actions of the paramedics. This is useful for many medical emergency situations that paramedics may face in the field.

Our current ventilators have become so old that we can no longer service them. We have recently pulled them off the ambulances. The new ventilators will give us more control of how much air and oxygen is delivered to our patients based on the patient's size, and age.

Our current airway bags are falling apart and when we replace these items, we try to replace them all at the same time. This makes it so that no matter what ambulance a paramedic is working on they are familiar with the equipment and the location of every piece in each of the bags.

We would also like to be considered for another appropriation request for \$50,647 for an updated Knox Box system.

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KZARBOCK
Presenter: Dan Follett, Administrative Services Director
Department: Finance
Meeting Date: 6/9/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-046

SUBJECT: 9 A presentation regarding utility transfers (26-046)

ADMINISTRATIVE RECOMMENDATION: No action required - This is a required public hearing held every year prior to budget adoption

ADMINISTRATIVE MEMO: State Code 10-6-135.5 requires that municipalities hold a separate public hearing regarding transfers from enterprise funds to other funds. Since the proposed FY27 budget includes transfers from enterprise (utility) funds to the general fund, this agenda item fulfills this State requirement.

FISCAL IMPACT: FY27 Budget Impact

TIME SENSITIVITY: This public hearing must occur prior to the FY27 budget adoption on June 23rd. This public hearing has been advertised for the June 23rd Council Meeting in utility bill inserts mailed between May 11 - June 12.

COUNCIL STAFF MEMO:

NOTICE TO PROVO CITY UTILITY CUSTOMERS

State law requires that Provo City provide an annual disclosure of funds transferred from the utility enterprise funds to other funds. The following paragraphs explain the various transfers from enterprise funds to other funds in the proposed 2027 budget.

Historically, Provo has budgeted for the transfer of utility fund revenues to the General Fund as a “dividend” to Provo taxpayers as the result of the taxpayers’ investment in the City’s utility infrastructure. These funds are used each year to help cover the costs of important City services like police, fire, parks and recreation, and other city functions. The utility transfer, together with franchise fees, helps keep property taxes in Provo low. If City utility services were provided by private utility owners, these dividends would instead be paid to investor-owners. Because Provo taxpayers are the investor-owners, these dividends are used to offset what otherwise would be a significant increase in property tax rates. The transfer totals \$17,191,441 in the proposed 2027 budget.

It is more cost effective and operationally efficient for certain administrative functions such as legal, human resources, information technology and finance to be administered on a city-wide basis. Transfers from the funds receiving the benefit of these administrative services to the General Fund totaling \$1,919,836 have been included in the proposed 2027 budget.

This table outlines the transfers described above:

Transfer From	Transfer to General Fund		Total Transfer	Percent of Total Rev
	Transfer	Administrative Overhead		
Energy	\$ 9,875,316	\$ 637,267	\$ 10,512,583	12%
Water	2,408,000	504,447	2,912,447	13%
Wastewater	3,250,000	476,762	3,726,762	11%
Sanitation	890,625	198,332	1,088,957	14%
Storm Drain	767,500	103,028	870,528	13%
Total	\$ 17,191,441	\$ 1,919,836	\$ 19,111,277	12%

Public hearings regarding transfers from the enterprise funds to other funds for the fiscal year beginning July 1, 2026, and ending June 30, 2027, will be held during the Council Meeting on Tuesday, June 23, 2026. The meeting starts at 5:30 p.m. and will be held in the Council Chambers of the Provo City Hall Building, 445 W Center Street, Provo, Utah. The meeting will also be available to the public for live broadcast and on-demand viewing at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil). Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID 862 8479 1822 and Passcode 185104. To listen or comment via phone, dial 346-248-7799, enter Meeting ID 833 9747 5081 press #. Press # again for participant ID. Once connected, press *9 to indicate that you would like to comment.

Thank you for your support and involvement as a customer of Provo City’s utilities.

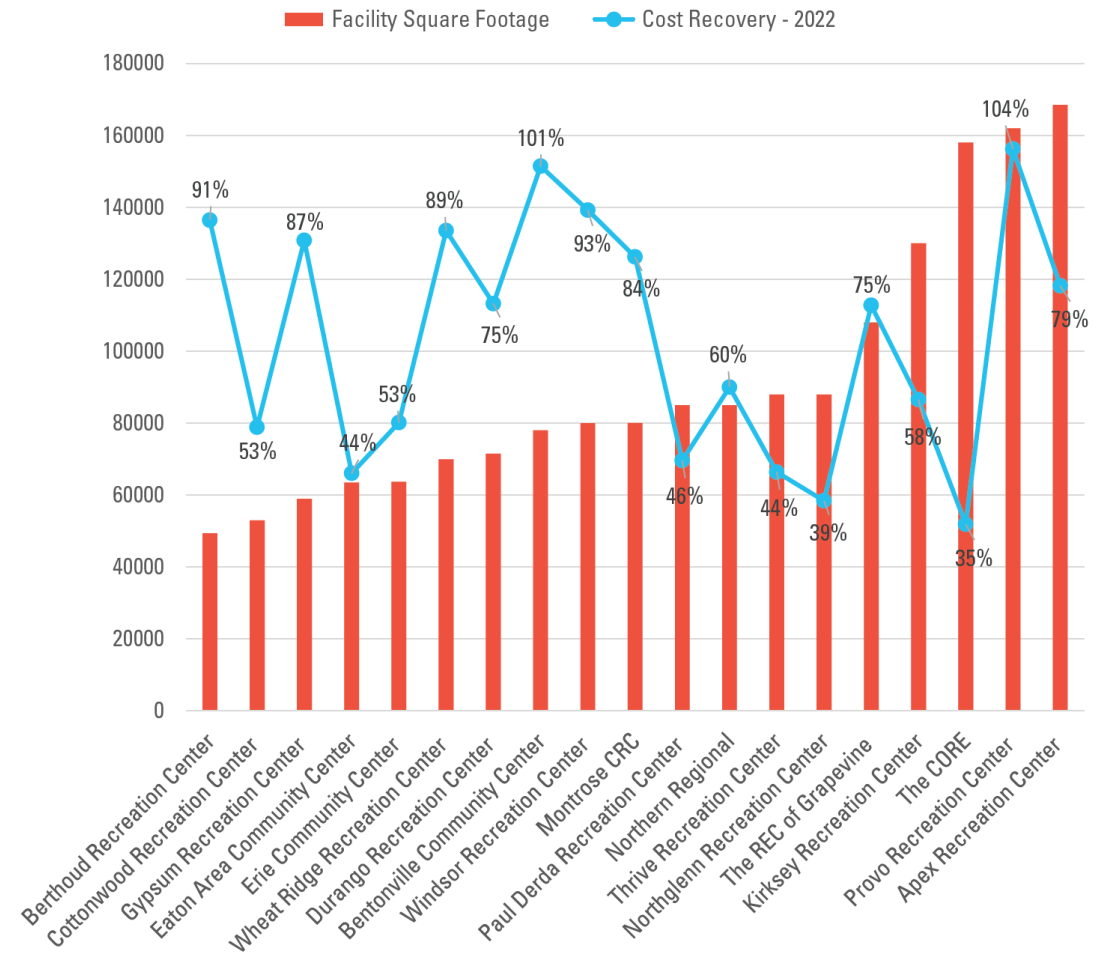
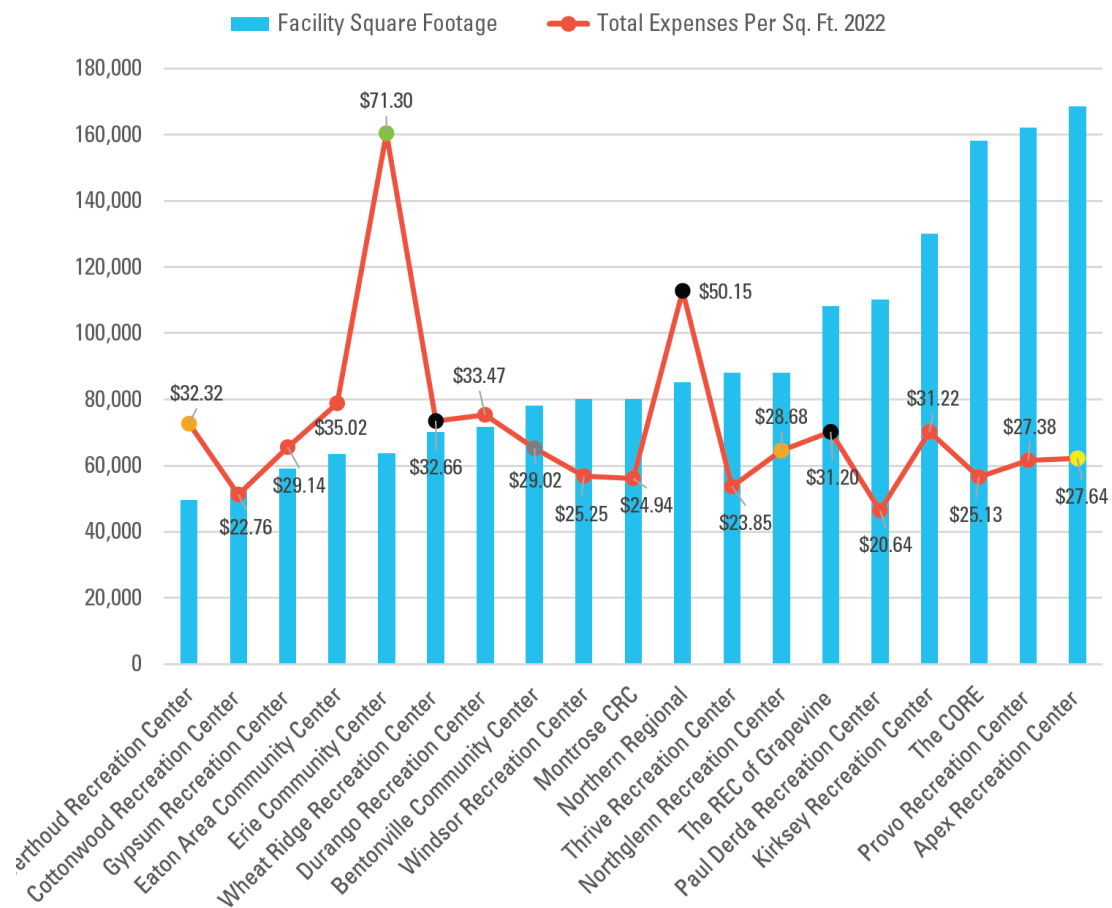


FY 2026-2027 Budget Follow-up
Consolidated Fee Schedule and Recreation
Center Operations
June 9, 2026

Topics and Context

- Discussion of the consolidated fee schedule
 - Market Analysis (Rec. Center)
 - Fee History
- Recreation Center Operations
 - New Software Change and effects
 - Cost savings measures
 - Marketing, sales, and promotions in FY26
 - Overall department balancing
- CIP Updates





Consolidated Fee Schedule

- In general, incremental increases on day passes, memberships, and rental rates at the Recreation Center, Peak Arena, Sport Programs, and the Covey Center
- Cleans up programs that are no longer offered
- Removed a proposed increase to extra family members
- Rec. Center membership fee increases only apply to new or non-continuous memberships
- With the Triple Play, still the best value in Recreation.



PRICE CHANGES OVER TIME



MEMBERSHIP FEES

(taxes added on top of membership fee)

2026 First Proposed Increase to Memberships



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Adult Resident Monthly Membership Rate	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$27.00	\$31.86
	-	-	-	-	-	-	-	-	-	-	-	-	-	Proposed Increase



DAILY ADMISSION FEES



2022 Added \$0.50



2026 Proposed \$0.50 Increase

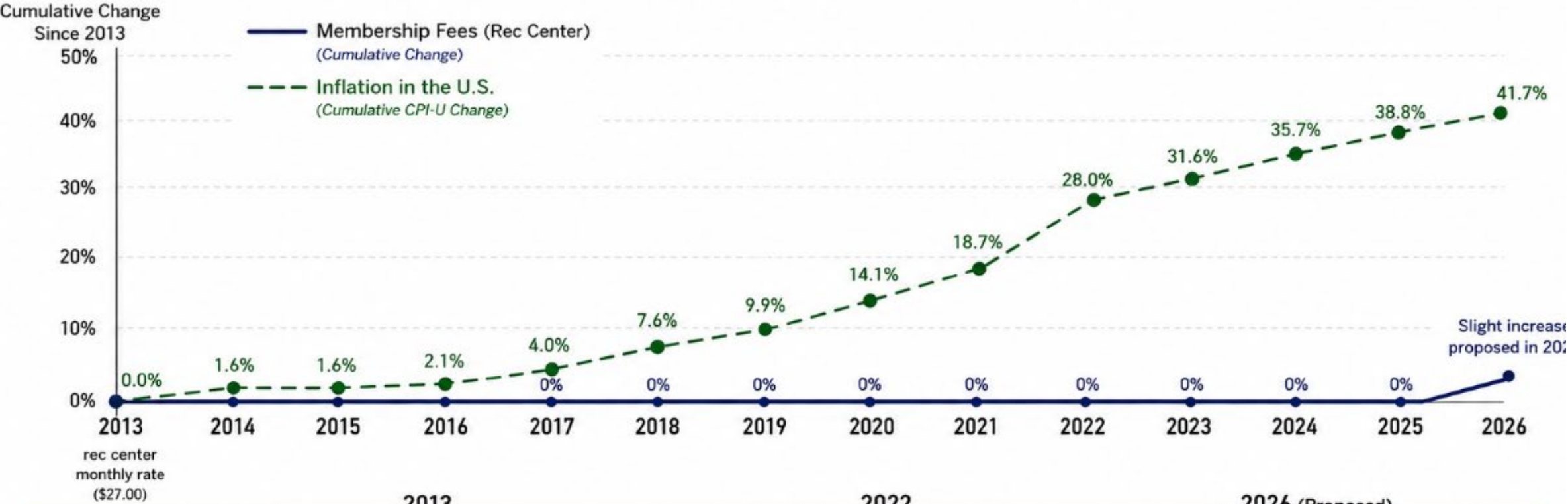


	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Adult Daily Admission Fee	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.50	\$6.50	\$6.50	\$7.00
	-	-	-	-	-	-	-	-	-	\$0.50 (added)	-	-	-	\$0.50 Proposed Increase



Membership Fees

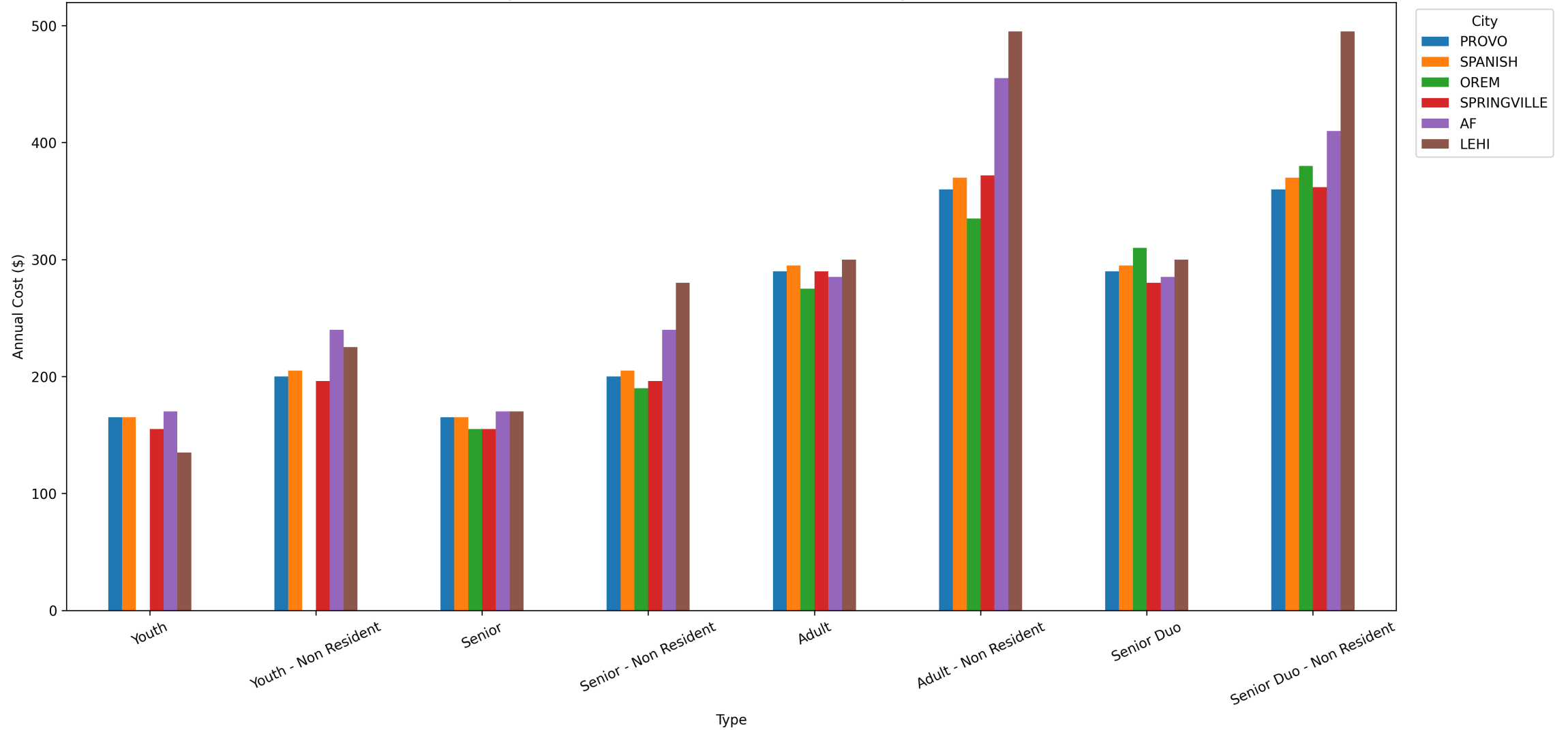
Compared to Inflation in the U.S.
(Adult Resident Monthly)



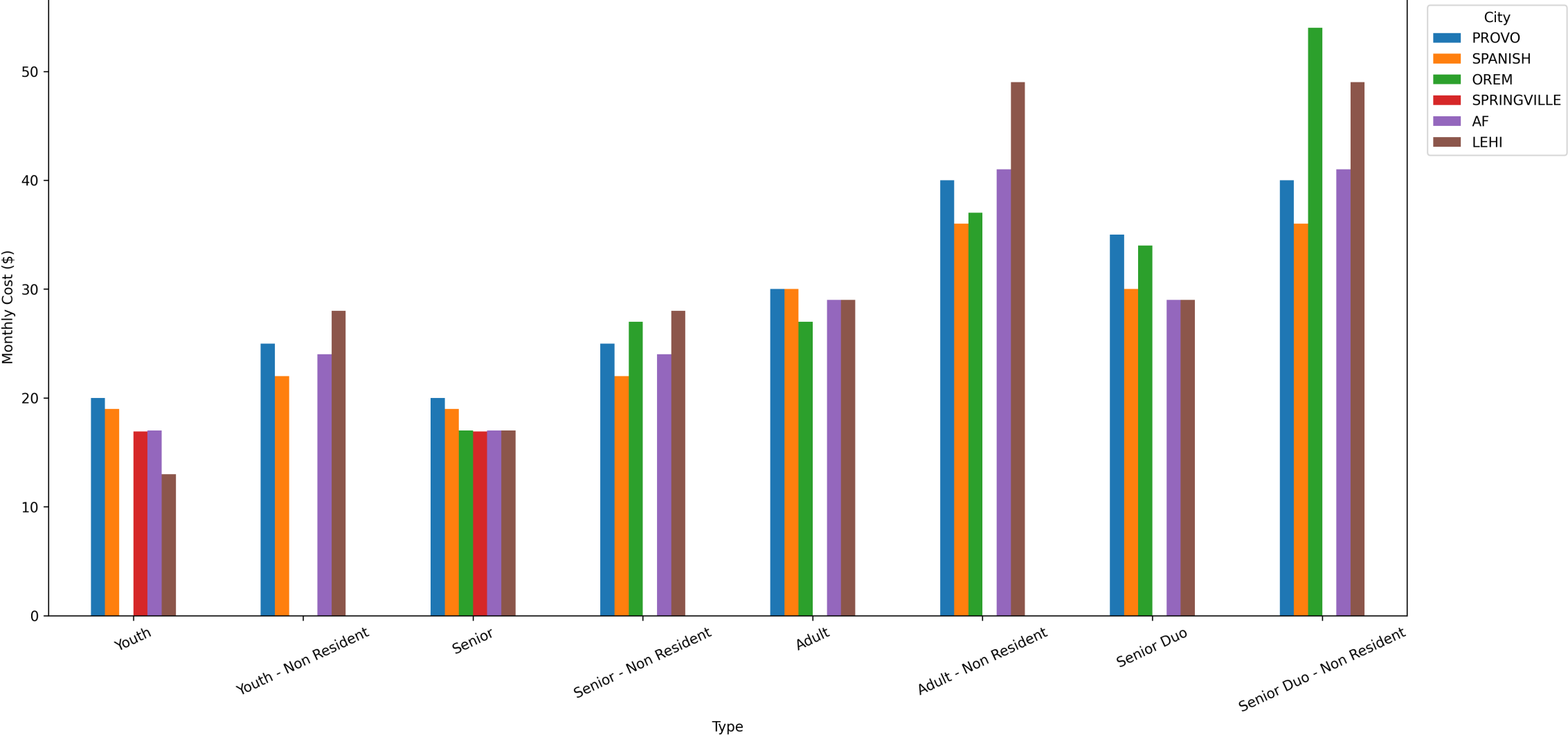
	2013	2022	2026 (Proposed)
Membership Fee (Rec Center) Monthly Rate	\$27.00 (Baseline)	\$27.00 (No increase)	Slight increase proposed (No amount determined)
Inflation in the U.S. (Cumulative CPI-U Change)	0.0% (Baseline)	+28.0%	+41.7%

Source: U.S. Bureau of Labor Statistics (BLS) — CPI-U (All Urban Consumers)
Note: Inflation percentages are cumulative changes from December 2012 to December of each year.

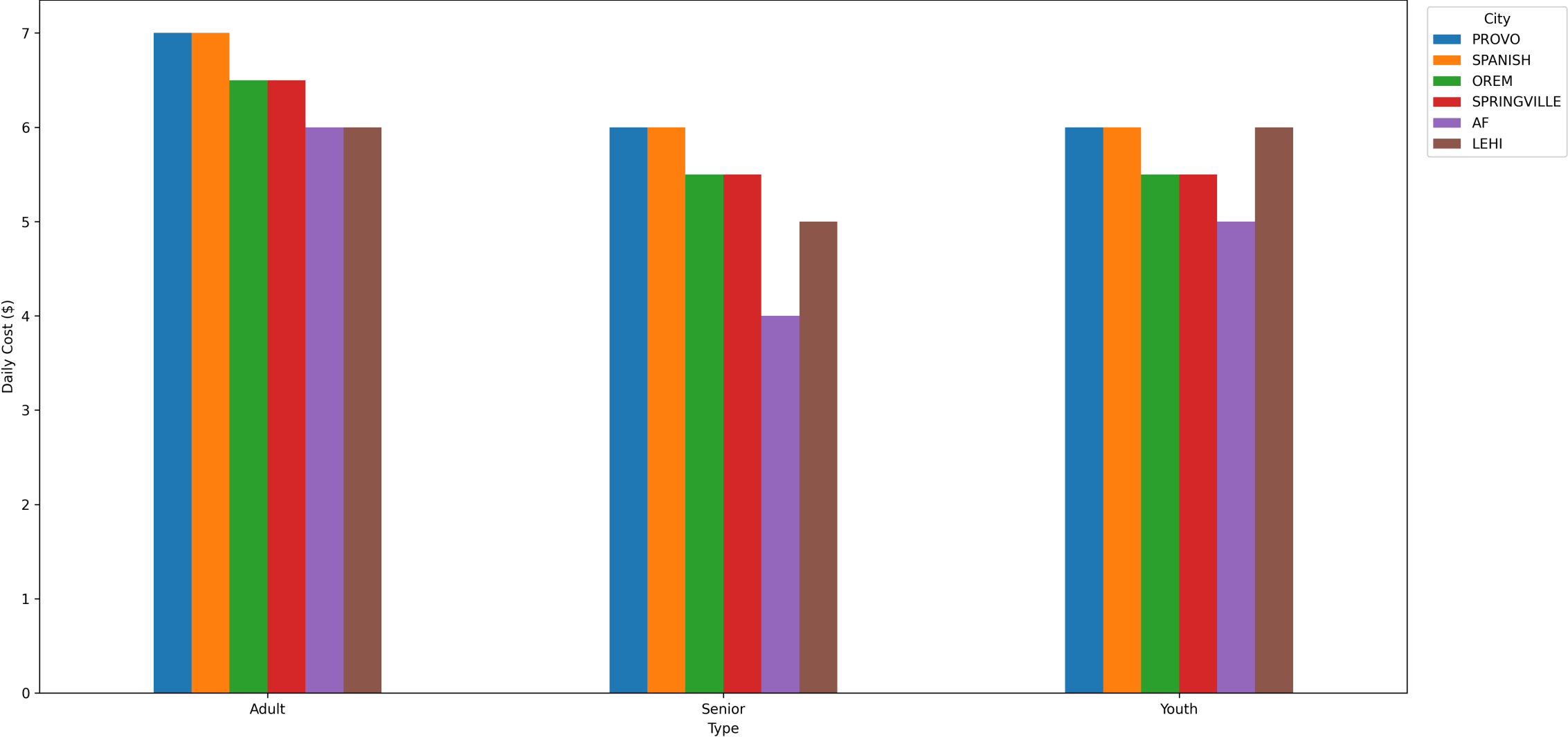
Proposed Paid in Full Rates Comparison



Proposed Monthly Rates Comparison



Proposed Daily Pass Rates Comparison

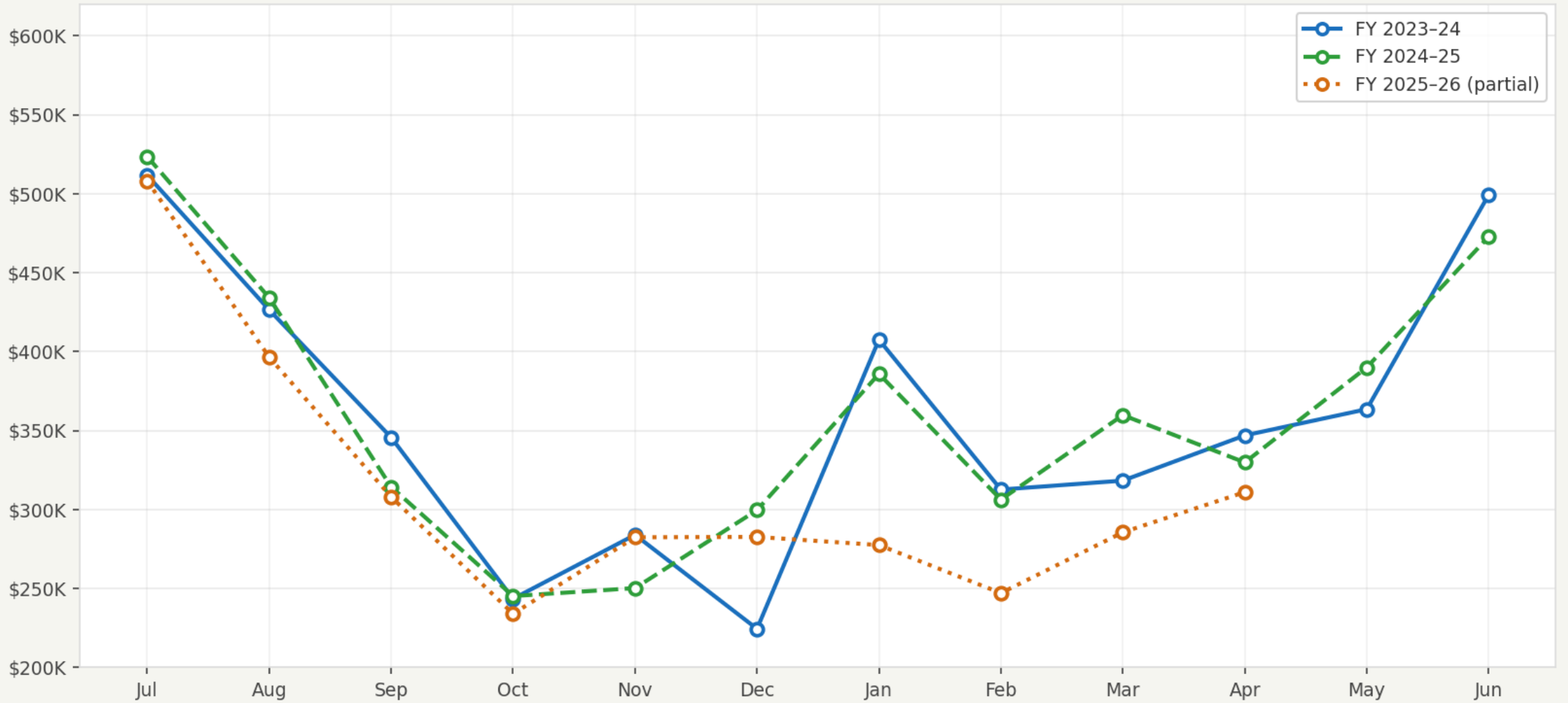


Recreation Center Operations

- Implemented a new Rec. Center Management software which began in January 2026
- This caused a one-time drop in membership that normally would have been spread out over time which dropped revenue
- In response, we have reduced expenditures for this fiscal year, and increased marketing, sales, and promotions have occurred to replace lost memberships
- As of the time of this presentation revenues and direct expenses are balanced



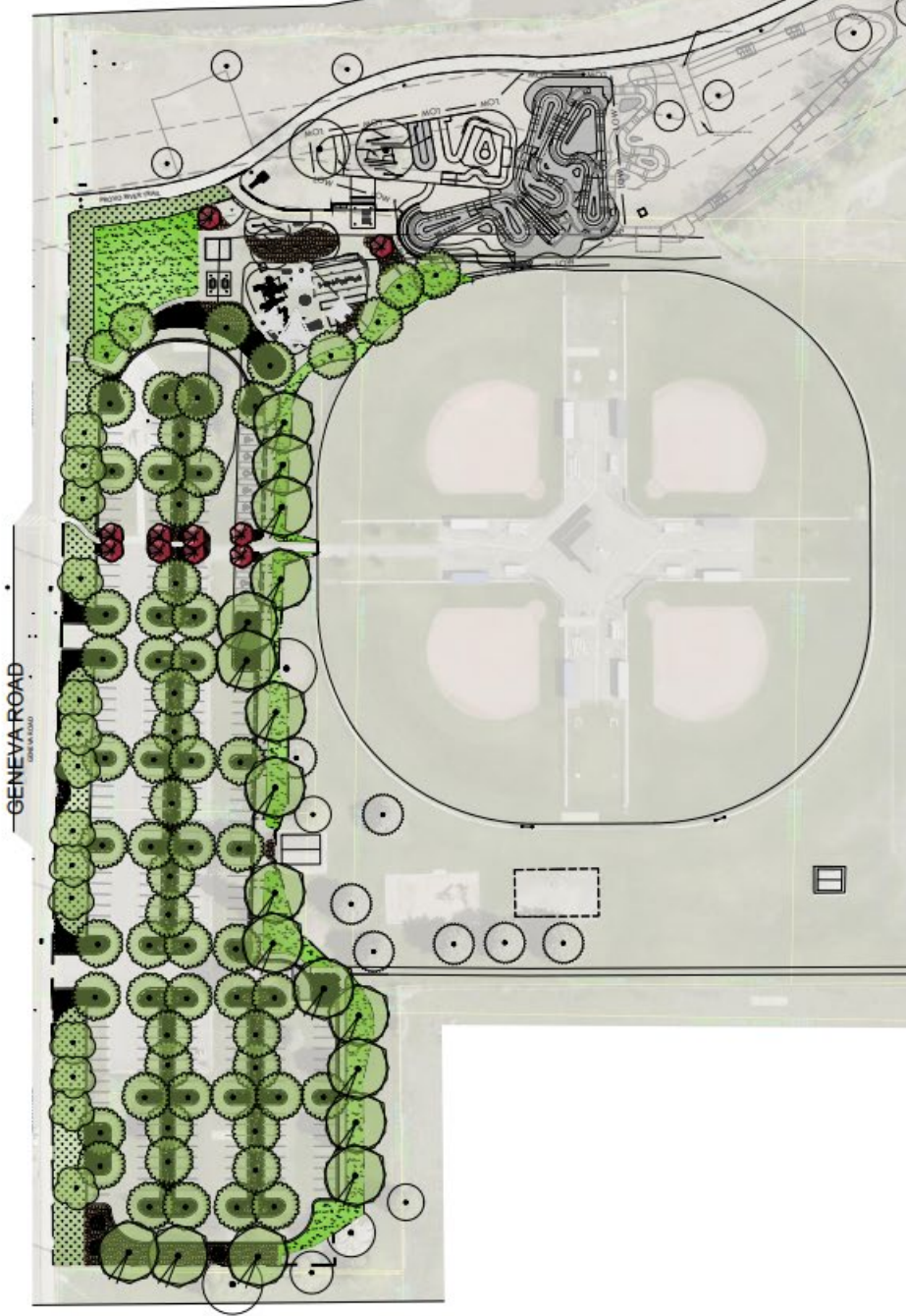
Monthly Memberships and Admissions



CIP Update

Job Group	Project Title	Priority Level	Project is New or has Significantly Changed							Operating Impact
PR3118	Dog Park Off Leash Areas	1. Critical Health and Safety	No	\$ 200,000	\$ -	\$ 450,000	\$ -	\$ -	\$ 650,000	B. Little to no impact
PR3128	Arts Projects	2. Necessary Infrastructure	No	340,000	350,000	360,000	370,000	380,000	1,800,000	B. Little to no impact
PR6049	Provo River Parkway Trail - Central	2c. Conditional funding secured	No	4,346,709	-	-	-	-	4,346,709	B. Little to no impact
PR3042	Bicentennial Park Expansion	2. Necessary Infrastructure	No	-	192,000	-	5,547,039	-	5,739,039	C. Potential increase
PR3129	Impact Fee Study	2. Necessary Infrastructure	Yes	25,000	5,000	5,000	5,500	5,500	46,000	B. Little to no impact
27-001	Parks and Recreation Master Plan	2. Necessary Infrastructure	Yes	95,000	-	-	-	-	95,000	C. Potential increase
PR2305	Memorial Park Site Plan	2. Necessary Infrastructure	Yes	40,000	250,000	-	-	-	290,000	0
22-002	Playground Replacements	2. Necessary Infrastructure	No	-	700,000	-	600,000	703,080	2,003,080	B. Little to no impact
22-003	Parks Restrooms	2. Necessary Infrastructure	No	-	200,000	-	650,000	-	850,000	B. Little to no impact
PR2304	Minor Capital Projects	2. Necessary Infrastructure	No	300,000	250,000	95,000	95,000	95,000	835,000	B. Little to no impact
	Total Project Costs			\$ 5,346,709	\$ 1,947,000	\$ 910,000	\$ 7,267,539	\$ 1,183,580	\$ 16,654,828	

PROVIDED FOR THE CITY OF PROVO, UTAH, BY THE CITY ENGINEER, 11/15/2024. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE CITY ENGINEER.



PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	QTY
TREES				
	A3C EME	ACER PLATANOIDES 'EMERALD QUEEN'	EMERALD QUEEN NORWAY MAPLE	A3
	P3C BLA	PICIA GLAUCIA DEHSATA	BLACK HILLS SPRUCE	3
	P1A H03	PLATANUS X ACERIFOLIA 'MORTON CIRCLE'	EXCLAMATION™ LONDON PLANE TREE	18
	P1U KWA	PRUNUS SERRULATA 'KWANZAN'	KWANZAN JAPANESE FLOWERING CHERRY	10
	Z1L SC2	ZELKOVA SERRATA 'SCHMIDTLOW'	WIRELESS JAPANESE ZELKOVA	14
GROUND COVERS				
	G1C NAT	BIO NATIVE GRASS	TALL NATIVE LOW WATER USE SCD	SCD 19,147 SF
	G2A PRA	POA PRATERGS	KENTUCKY BLUEGRASS	SCD 7,338 SF
	G3A PRA	POA PRATERGS	KENTUCKY BLUEGRASS PATCH & REPAIR	SCD 12,985 SF
MULCH				
	M1	STONE MULCH 1 (1"-2")	MATCH EXISTING ROCK MULCH (TANS, BROWNS, AND BUFF)	1"-2" 9,133 SF
	M2	STONE MULCH 1 (2" MINUS)	TANS, BROWNS, AND BUFF	2" AGG. 11,779 SF



PROGRESS REVIEW - NOT FOR CONSTRUCTION

0.3:1

11/15/2024 10:15 AM

11/15/2024 10:15 AM

11/15/2024 10:15 AM

PREPARED FOR:

PROVO CITY PARKS & RECREATION

1717 S. 350 E.

PROVO, UT 84606

CONSULTANTS:

PROVO FORT UTAH PARK

200 N. GENEVA RD.

PROVO, UT 84601

REVISIONS:

1

2

3

4

5

STAMP

SHEET TITLE:

PLANTING

CONCEPT PLAN

DATE:

11-06-2024

DRAWN BY:

LBS/JLH

CHECKED BY:

LBS

JOB NO.:

U24-028

SHEET NO.:

LM-100

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KMARTINS
Presenter: Brad Raney, Director of Parks and Recreation
Department: Recorder
Meeting Date: 6/9/2026
Requested Duration (Minutes): 20 minutes
CityView or Issue File Number: 26-001

SUBJECT: 10 A presentation regarding the Parks and Recreation FY27 budget follow-up, including the consolidated fee schedule, Recreation Center operations, and capital improvement projects (26-001)

ADMINISTRATIVE RECOMMENDATION: Presentation only

ADMINISTRATIVE MEMO: Parks and Recreation will provide a follow-up to the FY 2026-2027 budget discussion, with a focus on proposed updates to the Consolidated Fee Schedule, Recreation Center operations, and capital improvement planning. The proposed fee schedule changes include incremental increases to selected day passes, memberships, rentals, and program fees; removal of programs no longer offered; and a clarified approach that applies Recreation Center membership increases only to new or non-continuous memberships. The department will also review market comparisons, fee history, and the continued value of the Triple Play program.

The department will discuss Recreation Center operations following the implementation of new management software in January 2026, which caused a one-time membership and revenue disruption. In response, the department reduced expenditures and increased marketing, sales, and promotional efforts, and reports that revenues and direct expenses are currently balanced. The presentation will also include capital improvement updates, including funded and unfunded Parks and Recreation projects, a neighborhood master planning process, and a request for Council consideration of additional funding for Fort Utah parking improvements.

FISCAL IMPACT: Potential future fiscal impacts include approximately \$1.4 million for Fort Utah Park parking improvements and revenue changes associated with proposed fee adjustments.

COUNCIL STAFF MEMO:

Capital Improvement Summary Parks & Recreation CIP

Funded Projects

Funding Sources

	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Grants	\$ 4,032,126	\$ -	\$ -	\$ -	\$ 103,080	\$ 4,135,206
Taxes	\$ 1,044,583	\$ 1,595,000	\$ 905,000	\$ 1,715,000	\$ 1,075,000	6,334,583
Transfers	\$ 40,000	\$ -	\$ -	\$ -	\$ -	40,000
City Labor	\$ -	\$ -	\$ -	\$ -	\$ -	-
Impact Fees	\$ 25,000	\$ 197,000	\$ 5,000	\$ 5,552,539	\$ 5,500	5,785,039
Bonds	\$ -	\$ -	\$ -	\$ -	\$ -	-
Prior Year Carryover	\$ -	\$ -	\$ -	\$ -	\$ -	-
CIP Fund Balance	\$ 205,000	\$ 155,000	\$ -	\$ -	\$ -	360,000
New Year Budget	\$ -	\$ -	\$ -	\$ -	\$ -	-
Total Funding Sources	\$ 5,346,709	\$ 1,697,000	\$ 910,000	\$ 7,267,539	\$ 1,183,580	\$ 16,654,828

Project Costs

Job Group	Project Title	Priority Level	Project is New or has Significantly Changed							Operating Impact
PR3118	Dog Park Off Leash Areas	1. Critical Health and Safety	No	\$ 200,000	\$ -	\$ 450,000	\$ -	\$ -	\$ 650,000	B. Little to no impact
PR3128	Arts Projects	2. Necessary Infrastructure	No	340,000	350,000	360,000	370,000	380,000	1,800,000	B. Little to no impact
PR6049	Provo River Parkway Trail - Central	2c. Conditional funding secured	No	4,346,709	-	-	-	-	4,346,709	B. Little to no impact
PR3042	Bicentennial Park Expansion	2. Necessary Infrastructure	No	-	192,000	-	5,547,039	-	5,739,039	C. Potential increase
PR3129	Impact Fee Study	2. Necessary Infrastructure	Yes	25,000	5,000	5,000	5,500	5,500	46,000	B. Little to no impact
27-001	Parks and Recreation Master Plan	2. Necessary Infrastructure	Yes	95,000	-	-	-	-	95,000	C. Potential increase
PR2305	Job ID - PR2305	2. Necessary Infrastructure	Yes	40,000	250,000	-	-	-	290,000	0
22-002	Playground Replacements	2. Necessary Infrastructure	No	-	700,000	-	600,000	703,080	2,003,080	B. Little to no impact
22-003	Parks Restrooms	2. Necessary Infrastructure	No	-	200,000	-	650,000	-	850,000	B. Little to no impact
PR2304	Minor Capital Projects	2. Necessary Infrastructure	No	300,000	250,000	95,000	95,000	95,000	835,000	B. Little to no impact
Total Project Costs				\$ 5,346,709	\$ 1,947,000	\$ 910,000	\$ 7,267,539	\$ 1,183,580	\$ 16,654,828	

Priority Levels: 1 - Critical Health and Safety 2 - Necessary Infrastructure 3 - Aspirational Projects
2c - Projects with conditional funding 2d - Projects depending on outside funding

Operating Impact: A - Potential decrease B - Little to no impact C - Potential increase D - Current Budget increase needed

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Dog Park Off Leash Areas

Job ID - PR3118

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation		Job Group: PR3118	
Project Contact: John Bunderson		Neighborhood: Citywide	
Description and Justification: This project would advance the Provo Parks & Recreation Master Plan by expanding off leash recreation areas to meet community service needs. New dog parks planned for FY27 and FY29 will create safe, well designed social spaces that enhance responsible pet ownership and park access citywide. The proposed FY27 site at 859 N 800 West, linked to the Provo River Trail, brings needed recreation options to nearby neighborhoods. It will feature secure fencing with a double gate entry, shaded seating, and ADA accessible, Provo River Trail connected access. The FY29 site would be identified to improve geographic balance and daily community activation. Planned amenities include PRMP standard safety features, improved surfacing for drainage, and upgraded shade and seating.		Location Map or Description 	

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN							
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	70,910	200,000	-	450,000		-	720,910
Transfers	-	-	-		-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees			-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ 70,910	\$ 200,000	\$ -	\$ 450,000	\$ -	\$ -	\$ 720,910
Cost Elements:							
Planning & Design	\$ 70,910	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,910
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction		200,000	-	450,000		-	650,000
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ 70,910	\$ 200,000	\$ -	\$ 450,000	\$ -	\$ -	\$ 720,910
Percent for the Arts							\$ -
Status:	Funded		Priority:	1. Critical Health and Safety			
Annual Operating Budget Impact:			How project relates to adopted master plans, strategic plans, and/or policies: Provo General Plan p80; Provo Hillside and Canyons Plan p. 64; Provo River and Lakeshore Plan p. 16; Provo Parks and Recreation Master Plan p. 95. Dog Park Master Plan 2025				
Code:	B. Little to no impact						
Operating Impact Explanation: Existing operation and maintenance budgets will be used to cover these dog park improvements.							

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Arts Projects ☐

Job ID - PR3128

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation Project Contact: John Bunderson	Job Group: PR3128 Neighborhood: City Center
Description and Justification: Provide funding for music festivals, arts grants, and capital improvement needs at the Covey Arts Center	
Location Map or Description: 	

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	1,416,470	340,000	350,000	360,000	370,000	380,000	3,216,470
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ 1,416,470	\$ 340,000	\$ 350,000	\$ 360,000	\$ 370,000	\$ 380,000	\$ 3,216,470
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	1,416,470	340,000	350,000	360,000	370,000	380,000	3,216,470
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ 1,416,470	\$ 340,000	\$ 350,000	\$ 360,000	\$ 370,000	\$ 380,000	\$ 3,216,470

Percent for the Arts		\$ -
Status:	Funded	Priority: 2. Necessary Infrastructure
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies: Provo City General Plan p.89; Provo Conservation and Resiliency Plan p.52; Vision 2030 Plan: This project meets: Goal 3.1 -- Establish a system of attractive parks and recreational facilities that will provide a complete range of activities for all age groups. These projects are associated with plans developed by the Parks and Recreation Department, Administration and Municipal Council as part of the successful RAP Tax initiative passed 85.68% by the citizens of Provo in November 2025.
Code:	B. Little to no impact	
Operating Impact Explanation: Scheduled improvements to existing and enhanced arts facilities and Programs. Very little impact.		

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Provo River Parkway Trail - Central

Job ID - PR6049

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation		Job Group:		PR6049			
Project Contact: John Bunderson		Neighborhood: Carterville					
Description and Justification: This project will rehabilitate the aging section of the Provo River Trail between Columbia Lane and University Parkway. The 25 year old asphalt surface and two undersized tunnels no longer meet safety, accessibility, or capacity needs. The project includes widening the trail, improving access points, adding lighting, and expanding the tunnels under major intersections to enhance flow for both recreation and active transportation. Parks and Recreation is working closely with Public Works and their water and sewer infrastructure projects to coordinate construction, reduce permitting impacts, and minimize disruptions to the river corridor—achieving significant efficiencies by completing both departments' work at the same time. Recognized as a high community priority, the project is supported by MAG TIP Grant funding, saving Provo taxpayers over \$4 million originally planned through RAP Tax for existing facility upgrades.		Location Map or Description: 					

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN							
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2030-2031 Estimate	FY 2029-2030 Estimate	Total
Proposed Funding Sources:							
Grants	\$ 300,000	\$ 4,032,126	\$ -	\$ -	\$ -	\$ -	\$ 4,332,126
Taxes		314,583	-	-	-	-	314,583
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ 300,000	\$ 4,346,709	\$ -	\$ -	\$ -	\$ -	\$ 4,646,709
Cost Elements:							
Planning & Design	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Land Acquisition	240,000	-	-	-	-	-	240,000
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	4,346,709	-	-	-	-	4,346,709
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ 300,000	\$ 4,346,709	\$ -	\$ -	\$ -	\$ -	\$ 4,646,709

Percent for the Arts		\$ -
Status:	Funded	Priority:
Annual Operating Budget Impact:		2c. Conditional funding secured
Code:	B. Little to no impact	
Operating Impact Explanation: This project will renovate an existing facility. Existing operations budgets cover the ongoing operation of these facilities.		How project relates to adopted master plans, strategic plans, and/or policies: Provo City General Plan p.76; 2021 Parks and Recreation Master Plan - Walking and hiking trails are most important to resident households. Because of it's value it has also been chosen as the first major project to utilize RAP Tax funds. Vision 2030 Plan - Objective 3.2.4 Develop neighborhood walking, jogging, and biking trails with clear signage and safety features, and make them easily accessible for all age groups and Objective 1.1.2 Create and maintain bike trail and sidewalk systems that connect all parts of Provo.

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Bicentennial Park Expansion

Job ID - PR3042

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation	Job Group:	PR3042
Project Contact: John Bunderson	Neighborhood: 2	
Description and Justification: This Project is contingent on Public Works Infrastructure improvements identified for the Buckley Draw debris flow channel. The Bicentennial Park expansion will address park level of service needs identified in the Parks and Recreation Master Plan. In collaboration with a Public Advisory Committee of area residents and City staff, we will develop a site plan for the park after a thorough review. Public comments will be sought on the site plan, and revisions will be made before creating the necessary construction documents for the project. Committee will explore potential: Neighborhood level of service needs, updates to the existing dog park, addition of sport courts, a replacement restroom building, additional connective pathways, park signage, wetland access and wayfinding, additional pavilion, and other level of service needs in southeast Provo. These improvements will significantly enhance the park's usability, accessibility, and overall community enjoyment. By staggering design and development by a year allows the staff to secure potential grant funding to supplement local funding . This could save taxpayer cost and deliver the intended design elements.	Location Map or Description: 	

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	-			\$ -	\$ -	\$ -
Taxes	-	-		-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	192,000	-	5,547,039	-	5,739,039
Bonds	-	-		-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ 192,000	\$ -	\$ 5,547,039	\$ -	\$ 5,739,039
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ 192,000	\$ -	\$ -	\$ -	\$ 192,000
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	5,547,039		5,547,039
Equipment/Furniture	-	-	-	-	-		-
Construction	-	-			-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ 192,000	\$ -	\$ 5,547,039	\$ -	\$ 5,739,039

Percent for the Arts

\$ -

Status:	Partially Funded	Priority:	2. Necessary Infrastructure
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies: Provo General Plan p. 76; Provo Hillside and Canyons Plan p.48; Provo Parks and Recreation Master Plan p. 85	
Code:	C. Potential increase		
Operating Impact Explanation: Parks and Recreation will utilize existing resources and consider internal strategies to minimize impacts to operating budgets. Any needs would be justified in a supplemental funding request in the year the park is completed.			

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Impact Fee Study

Job ID - PR3129

New project or significantly changed from previous years

Yes

Department/Division: Parks and Recreation		Job Group:		PR3129			
Project Contact: John Bunderson		Neighborhood: Citywide					
Description and Justification: The City of Provo ("City") completed a Parks & Recreation Master Plan in December 2021. The Master Plan will be updated in 2026 and along with updated input from the City, forms the basis for this Impact Fee Facilities Plan (IFFP) for Parks, Trails and Recreation. The City has determined that there is one service area citywide and that there is no excess capacity in any existing park facilities. Only residential development is considered to create demand for parks, trails and recreation facilities and therefore only residential growth has been considered in the determination of impact fees. After the 2027 impact fee analysis there will be annual reviews/updates to more closely reflect changes in development patterns, population growth, and infrastructure needs.							

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN							
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	25,000	5,000	5,000	5,500	5,500	46,000
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ 25,000	\$ 5,000	\$ 5,000	\$ 5,500	\$ 5,500	\$ 46,000
Cost Elements:							
Planning & Design	\$ -	\$ 25,000	\$ 5,000	\$ 5,000	\$ 5,500	\$ 5,500	\$ 46,000
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ 25,000	\$ 5,000	\$ 5,000	\$ 5,500	\$ 5,500	\$ 46,000

Percent for the Arts		\$ -
Status:	Funded	Priority:
Annual Operating Budget Impact:		2. Necessary Infrastructure
Code:	B. Little to no impact	How project relates to adopted master plans, strategic plans, and/or policies:
Operating Impact Explanation: The collection of impact fees will provide funding for the development of new park, trail and open space facilities. The individual future projects will be evaluated for impacts to operational budgets as they are programmed into the Capital Improvement Plan.		

New project or significantly changed from previous years

Yes

Department/Division: Parks and Recreation		Job Group:		27-001			
Project Contact: Doug Robins		Neighborhood: Citywide					
Description and Justification: The Parks and Recreation Master Plan Update is an essential roadmap that guides Provo City's nationally accredited department over the next decade. Built on proven planning standards and shaped by input from residents, stakeholders, staff, the Parks and Recreation Advisory Board, and the City Council, this update is now ready to be updated to ensure the department's efforts remain aligned with the General Plan and the current Impact Fee Analysis and Facilities Plan (IFFP). This update strengthens the City's long term strategy by incorporating the 2025 Dog Park Master Plan and incorporating the Provo area Trails Master Plan, to synchronize the renewal cycle of the broader Parks and Recreation Master Plan. Together, these components create a comprehensive tool that clearly directs future priorities, projects, and budget decisions with greater confidence and consistency.		Location Map or Description:  					
PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN							
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	95,000		-	-	-	95,000
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ 95,000	\$ -	\$ -	\$ -	\$ -	\$ 95,000
Cost Elements:							
Planning & Design	\$ -	\$ 95,000		\$ -	\$ -	\$ -	\$ 95,000
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ 95,000	\$ -	\$ -	\$ -	\$ -	\$ 95,000
Percent for the Arts							
\$ -							
Status:	Funded	Priority:	2. Necessary Infrastructure				
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies:					
Code:	C. Potential increase						
Operating Impact Explanation: This Master Plan will provide a roadmap for the development of new park, trail and open space facilities and identify the levels of service needs for the community. The individual future projects will be evaluated for impacts to operational budgets as they are programmed into the Capital Improvement Plan.							

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Playground Replacements

Job ID - 22-002

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation Project Contact: John Bunderson	Job Group: 22-002 Neighborhood: City Wide
Description and Justification: Provo's 35+ playgrounds are vital community spaces that inspire active play, support healthy child development, and strengthen neighborhood connections, with nationally certified playground safety inspector Parks staff ensuring each site meets national safety standards through regular inspections and timely repairs. Replacement of playground equipment is guided by condition ratings, inability to obtain parts, and overall age to maintain safe, high quality play environments. Recreation, Arts, and Parks (RAP) revenues provide the dedicated funding that allows Provo to continually update aging equipment and maintain compliance with national child safety standards. Shade structures are not part of CPSI safety requirements, yet they are a valued community amenity. As playgrounds are replaced to meet current safety codes, shade structures are added. In addition, replacement playgrounds at Fort Utah, Harmon Park and Kiwanis Park are shown in other CIP projects.	Location Map or Description: 

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 103,080	\$ 103,080
Taxes	-	-	700,000	-	600,000	600,000	1,900,000
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ 700,000	\$ -	\$ 600,000	\$ 703,080	\$ 2,003,080
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	700,000	-	600,000	703,080	2,003,080
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ 700,000	\$ -	\$ 600,000	\$ 703,080	\$ 2,003,080

Percent for the Arts		\$ -
Status:	Funded	Priority: 2. Necessary Infrastructure
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies: Provo City General Plan p.76; The 2021 Provo Parks and Recreation Master Plan and RAP Tax initiative call for the establishment of an equipment life-cycle replacement plan. This funding request meets this objective by replacing aging playgrounds and maintaining safe public facilities according to CPSC standards.
Code:	B. Little to no impact	
Operating Impact Explanation: This project will replace old existing equipment. No additional operating impact is anticipated.		

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Parks Restrooms

Job ID - 22-003

New project or significantly changed from previous years

No

Department/Division: Project Contact: Description and Justification: Provo residents and visitors expect clean, safe, and accessible restrooms in outdoor recreation areas, yet many facilities are decades old and no longer meet modern standards. In the most recent master plan survey, adding new and/or improving existing restrooms in parks was the highest supported community priority (73%). Old and outdated restrooms must be replaced with modern, ADA compliant designs that enhance accessibility, durability, and public health—improving overall park usability and the visitor experience. New restroom projects are recommended at Lakewood Park (FY2028) and Wilderness Park (FY2030), including design, bidding, and construction, funded through eligible sources and shaped by neighborhood input.	Job Group: 22-003 Neighborhood: City Wide 
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PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN							
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	200,000	-	650,000	-	850,000
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ 200,000	\$ -	\$ 650,000	\$ -	\$ 850,000
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	200,000	-	650,000	-	850,000
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ 200,000	\$ -	\$ 650,000	\$ -	\$ 850,000

Percent for the Arts		\$ -
Status:	Funded	Priority: 2. Necessary Infrastructure
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies: Provo City General Plan p.76; 2021 Provo Parks and Recreation Master Plan and RAP Tax this funding provides a way to replace aging buildings. One of the core values of responsible government is keeping effective well-maintained public infrastructure. This project is associated with plans developed by the Parks and Recreation Department, Administration and Municipal Council as part of the successful RAP Tax initiative passed by the citizens of Provo in November 2015
Code:	B. Little to no impact	
Operating Impact Explanation: This project would replace old existing restroom structures. No additional operating impact is anticipated.		

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Minor Capital Projects

Job ID - PR2304

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation Project Contact: John Bunderson Description and Justification: There are many park amenities in city parks that are decades old and are in need of repair or life cycle replacement due to aged construction materials and structural concerns. The regularly used walking paths, lighting, structures, benches, tables, and pavilions are important amenities for families and other group events held throughout the community. RAP revenue has been identified as an ongoing funding source to replace the aged park infrastructure that is deteriorating and in need of replacement with contemporary, sustainable, and fire resistant building materials. All new improvements are implemented to bring the facility into compliance with ADA requirements, consistent with the department's ADA Transition Plan.	Job Group: PR2304 Neighborhood: Citywide Location Map or Description: 
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PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	95,000	95,000	95,000	95,000	95,000	475,000
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	205,000	155,000	-	-	-	360,000
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ 300,000	\$ 250,000	\$ 95,000	\$ 95,000	\$ 95,000	\$ 835,000
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	300,000	250,000	95,000	95,000	95,000	835,000
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ 300,000	\$ 250,000	\$ 95,000	\$ 95,000	\$ 95,000	\$ 835,000

Percent for the Arts \$ -

Status:	Funded	Priority:	2. Necessary Infrastructure
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies: The 2021 Provo Parks and Recreation Master Plan and RAP Tax initiative call for the establishment of a life-cycle replacement plan. This funding request meets the prescribed objective by replacing aging equipment and maintaining safe public facilities according to current standards.	
Code:	B. Little to no impact		
Operating Impact Explanation: This project would replace old existing pavilion structures. No additional operating impact is anticipated.			

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2025/2026

Memorial Park Site Plan

Job ID - PR2305

Unfunded
Partially Funded
Funded

New project or significantly changed from previous years

Yes

Department/Division: Parks and Recreation	Job Group: PR2305
Project Contact: John Bunderson	Neighborhood: Joaquin
Description and Justification: The 100 year old Memorial Park is a cherished Provo park. The playground was installed in 2006 and is coming due for replacement. There are varying community requests for park improvements including the potential addition of restrooms, removal of the 800 East roadway, improved security and more park amenities. The site planning process will engage the community in designing the desired improvements that will serve for decades to come. Funding for designed small scale improvements will be available in FY2028 upto \$250,000 and any remaining improvements will be scheduled at an indetermined date in the future when large scale project improvement funding is available.	
Location Map or Description: 	

1. Critical Health and Safety
 2. Necessary Infrastructure
 - 2c. Conditional funding secured
 - 2d. Projects depending on outside funding
 3. Aspirational Project
- A. Potential decrease
B. Little to no impact
C. Potential increase
D. Current increase needed

Yellow Cells = Regularly missed fields. Please fill out this year, in addition to white cells!

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Taxes			250,000				250,000
Transfers		40,000					40,000
City Labor							
Impact Fees							
Bonds							
Prior Year Carryover							
CIP Fund Balance							
New Year Budget							
TOTAL FUNDING	\$ -	\$ 40,000	\$ 250,000	\$ -	\$ -	\$ -	\$ 290,000
Cost Elements:							
Planning & Design	\$ -	\$ 40,000		\$ -	\$ -	\$ -	\$ 40,000
Land Acquisition							
Site Improvements			250,000				250,000
Equipment/Furniture							
Construction							
Labor							
TOTAL COSTS	\$ -	\$ 40,000	\$ 250,000	\$ -	\$ -	\$ -	\$ 290,000

Percent for the Arts

Status:	Funded	Priority:	2. Necessary Infrastructure
Annual Operating Budget Impact:	How project relates to adopted master plans, strategic plans, and/or policies:		
Code:	B. Little to no impact	Parks and Recreation Master Plan p. 91 "Park Recommendations"	
Operating Impact Explanation: This project will renovate an existing facility. Existing operations budgets cover the ongoing operation of these facilities.			

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

Fort Utah Improvements

Job ID - PR2402

New project or significantly changed from previous years

Yes

PR2402

Department/Division: Parks and Recreation	Job Group:	PR2402
Project Contact: John Bunderson	Neighborhood: West	
Description and Justification: This project is contingent on outside funding supported by \$750,000 secured UORG funding plus a funded \$805,000 LWCF grant. With the support of the Council and Staff, the LWCF grant places a required recreational easement on the park in perpetuity, preserving the park for future generations. Fort Utah Park is set for a major transformation featuring a vibrant new All Wheels Park with skate, pump track, and jump line elements, creating an energetic hub for riders of all ages and abilities. The project also includes a fully updated, relocated, and ADA enhanced year-round restroom facility to better serve park users, along with a modern, inclusive playground designed with the latest safety features, shade elements, and accessible equipment. These upgrades will dramatically elevate recreation, accessibility, and community experience at Fort Utah Park	Location Map or Description: Link to Fly Over video 	

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ 1,555,000	\$ -	\$ -	\$ -	\$ -	\$ 1,555,000
Taxes	\$ 119,550	\$ 1,800,000	-	-	-	-	1,919,550.00
Transfers	\$ -	1,400,000	-	-	-	-	1,400,000.00
City Labor	\$ -	-	-	-	-	-	-
Impact Fees	\$ -	-	-	-	-	-	-
Bonds	\$ -	-	-	-	-	-	-
Prior Year Carryover	\$ -	-	-	-	-	-	-
CIP Fund Balance	\$ -	-	-	-	-	-	-
New Year Budget	\$ -	-	-	-	-	-	-
TOTAL FUNDING	\$ 119,550	\$ 4,755,000	\$ -	\$ -	\$ -	\$ -	\$ 4,874,550
Cost Elements:							
Planning & Design	\$ 119,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 119,550
Land Acquisition	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment/Furniture	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Construction	\$ -	\$ 4,755,000	\$ -	\$ -	\$ -	\$ -	\$ 4,755,000
Labor	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL COSTS	\$ 119,550	\$ 4,755,000	\$ -	\$ -	\$ -	\$ -	\$ 4,874,550

Percent for the Arts \$ 32,000.00

Status:	Partially Funded	Priority:	2c. Conditional funding secured
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies:	
Code:	B. Little to no impact	Provo City General Plan p.76; The 2021 Provo Parks and Recreation Master Plan and RAP Tax initiative call for the establishment of an equipment life-cycle replacement plan. This funding request meets this objective by replacing aging playgrounds and maintaining safe public facilities according to CPSC standards. Provo City General Plan p.76; 2021 Provo Parks and Recreation Master Plan and RAP Tax this funding provides a way to replace aging buildings. One of the core values of responsible government is keeping effective well-maintained public infrastructure. This project is associated with plans developed by the Parks and Recreation Department, Administration and Municipal Council as part of the successful RAP Tax initiative passed by the citizens of Provo in November 2015	
Operating Impact Explanation: Parks and Recreation will utilize external financial resources and internal management staff to minimize impacts to operating budget. Mitigation Commission will reimburse all costs to deliver this project. Operational costs would be justified in a supplemental funding request in the year the park is completed.			

Capital Improvement Summary

Parks & Recreation CIP

Unfunded or Partially Funded Projects

Funding Sources	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Grants	\$ 1,930,000.00	\$ 11,768,875.00	\$ 103,080.00	\$ -	\$ -	\$ 13,801,955.00
Taxes	\$ 2,130,000.00	\$ -	\$ 700,000.00	\$ -	\$ -	\$ 2,830,000.00
Transfers	\$ 1,400,000.00	\$ 1,768,875.00	\$ 600,000.00	\$ -	\$ -	\$ 3,768,875.00
City Labor	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Impact Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bonds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Prior Year Carryover	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CIP Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Year Budget	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Funding Sources	\$ 5,460,000.00	\$ 13,537,750.00	\$ 1,403,080.00	\$ -	\$ -	\$ 20,400,830.00

Project Costs

Project Title	Priority Level	Project is New or has Significantly Changed								Operating Impact
Fort Utah Improvements	onal fundi	Yes	\$ 4,755,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,755,000.00	B. Little to no impact
Harmon Park Playground and Lighting	sary Infra	No	705,000.00	-	-	-	-	-	705,000.00	B. Little to no impact
The EPIC Sports Park	ending or	No	-	13,537,750.00	-	-	-	-	13,537,750.00	B. Little to no impact
Kiwanis Park Improvements	ending or	Yes	-	-	1,403,080.00	-	-	-	1,403,080.00	B. Little to no impact
(Project Title 6)	0	0	-	-	-	-	-	-	-	0
(Project Title 7)	0	0	-	-	-	-	-	-	-	0
(Project Title 8)	0	0	-	-	-	-	-	-	-	0
(Project Title 9)	0	0	-	-	-	-	-	-	-	0
(Project Title 10)	0	0	-	-	-	-	-	-	-	0
			-	-	-	-	-	-	-	
			-	-	-	-	-	-	-	
			-	-	-	-	-	-	-	
Total Project Costs			\$ 5,460,000.00	\$ 13,537,750.00	\$ 1,403,080.00	\$ -	\$ -	\$ -	\$ 20,400,830.00	

Priority Levels: **1** - Critical Health and Safety **2** - Necessary Infrastructure **3** - Aspirational Projects
2c - Projects with conditional funding **2d** - Projects depending on outside funding

Operating Impact: **A** - Potential decrease **B** - Little to no impact **C** - Potential increase **D** - Current Budget increase needed

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

Harmon Park Playground and Lighting

Job ID - 27-003

New project or significantly changed from previous years		No					
Department/Division: Parks and Recreation		Job Group: 27-003					
Project Contact: John Bunderson		Neighborhood: Central					
Description and Justification: This project depends on CDBG funding. The 25 year old Harmon Park playground has reached the end of its design life and is ready for replacement. New, modern equipment will bring fresh energy to this underserved neighborhood—giving local children and visiting families a safer, more engaging place to play. The park's 35 year old field lighting has also exceeded its service life, with two failed poles already requiring emergency removal. Replacing the system will ensure the park can continue supporting youth sports, community events, and evening recreation. The upgraded lighting will be dark sky compliant and feature high efficiency LED technology, reducing operating costs, improving sustainability, and creating a safer, more enjoyable park environment for the whole community.		Location Map or Description: 					
PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN							
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ 375,000	\$ -	\$ -	\$ -	\$ -	\$ 375,000.00
Taxes	-	330,000	-	-	-	-	330,000.00
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ 705,000	\$ -	\$ -	\$ -	\$ -	\$ 705,000.00
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	705,000	-	-	-	-	705,000.00
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ 705,000	\$ -	\$ -	\$ -	\$ -	\$ 705,000.00
Percent for the Arts							\$ -
Status:	Partially Funded		Priority:	2. Necessary Infrastructure			
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies:					
Code:	B. Little to no impact		Provo City General Plan p.76; The 2021 Provo Parks and Recreation Master Plan and RAP Tax initiative call for the establishment of an equipment life-cycle replacement plan. This funding request meets this objective by replacing aging playgrounds and maintaining safe public facilities according to CPSC standards.				
Operating Impact Explanation:							
This project will replace old existing equipment. No additional operating impact is anticipated.							

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

The EPIC Sports Park

Job ID - PR-3108

New project or significantly changed from previous years

No

Department/Division: Parks and Recreation	Job Group: PR-3108
Project Contact: Rylee Snelson	Neighborhood: West
Description and Justification: This Project is contingent on Outside Grant Funding The Epic Regional Sports Complex is situated along the new Lakeview Parkway and Provo Airport, which provides excellent access to the 15 active competition fields. Current facility operations have provided local teams access to safe well maintained natural turf sports fields. Once completed, this 20 field facility will be the largest in the region and meet the needs of local community, regional, and national sports programs. The construction of the remaining south section of the complex will be built as final project funding is secured.	Location Map or Description: 

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -		\$ 11,768,875.00	\$ -	\$ -	\$ -	\$ 11,768,875.00
Taxes	-	-	-	-	-	-	-
Transfers	-		1,768,875.00	-	-	-	1,768,875.00
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ 13,537,750.00	\$ -	\$ -	\$ -	\$ 13,537,750.00
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-		13,537,750.00	-	-	-	13,537,750.00
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ 13,537,750.00	\$ -	\$ -	\$ -	\$ 13,537,750.00

Percent for the Arts

\$ -

Status: Unfunded	Priority: 2d. Projects depending on outside funding
Annual Operating Budget Impact:	How project relates to adopted master plans, strategic plans, and/or policies:
Code: B. Little to no impact	
Operating Impact Explanation: The Department will expand the maintenance and operation plan that will utilize existing labor and equipment resources as effectively as possible. The EPIC Sports Park revenues are expected to cover all operation costs, resulting in a zero impact to General Fund	Provo City General Plan p.77; Provo Parks & Recreation Master Plan, p.97 Vision 2030 Plan - Goal 3.1 - Establish a system of attractive parks that will provide a complete range of activities for all age groups. 2021 Parks and Recreation Master Plan - Visionary Project - develop new sports fields. Create economic drivers for the community.

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

Kiwanis Park Improvements

Job ID - 27-002

New project or significantly changed from previous years		Yes	27-002
Department/Division: Parks and Recreation		Job Group:	
Project Contact: John Bunderson		Neighborhood: East	
Description and Justification: This project is contingent on funding from CDBG and Utah County Municipal Recreation Grant awards in the project year. The asphalt tennis courts at Kiwanis Park have reached the end of their useful life, with deep fissures and frost cracks that repeated patching can no longer address. As the area's primary court facility, their deteriorated condition limits safe, quality play. A proposed replacement of two tennis and four pickleball courts with long lasting post tensioned concrete and lighting would deliver more durable surface, better meet level of service expectation, and reliable courts for decades. Old outdated equipment removed from the nearby Wasatch school could be replaced with new equipment designed for 5–12 year old children. The new neighborhood amenity design introduces rubberized fall protection and shade sails, creating a safer, more accessible, and more comfortable play environment that supports kids and families.		Location Map or Description: 	
PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN			
	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate
		FY 2028-2029 Estimate	FY 2029-2030 Estimate
		FY 2030-2031 Estimate	Total
Proposed Funding Sources:			
Grants	\$ -	\$ -	\$ 103,080.00
Taxes	-	-	700,000.00
Transfers	-	-	600,000.00
City Labor	-	-	-
Impact Fees	-	-	-
Bonds	-	-	-
Prior Year Carryover	-	-	-
CIP Fund Balance	-	-	-
New Year Budget	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ 1,403,080.00
Cost Elements:			
Planning & Design	\$ -	\$ -	\$ 83,080.00
Land Acquisition	-	-	-
Site Improvements	-	-	1,320,000.00
Equipment/Furniture	-	-	-
Construction	-	-	-
Labor	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ 1,403,080.00
Percent for the Arts			\$ (1,030.80)
Status:	Partially Funded		Priority: 2d. Projects depending on outside funding
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies: The 2021 Provo Parks and Recreation Master Plan and RAP Tax initiative call for the establishment of a life-cycle replacement plan. This funding request meets the prescribed objective by engaging the neighborhood in design and replacing aging court equipment with facilities to meet current and future recreational demand. New facilities will be built to current safe public facilities standards.	
Code: B. Little to no impact			
Operating Impact Explanation: This project will renovate an existing facility. Existing operations budgets cover the ongoing operation of these facilities.			

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

**(Project Title 6)
Job ID - XXXXXX**

New project or significantly changed from previous years

Department/Division:	Job Group:
Project Contact:	Neighborhood:
Description and Justification:	Location Map or Description:

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Percent for the Arts		\$ -
Status:	Unfunded	Priority:
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies:
Code:		
Operating Impact Explanation:		

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

**(Project Title 7)
Job ID - XXXXXX**

New project or significantly changed from previous years

Department/Division:	Job Group:
Project Contact:	Neighborhood:
Description and Justification:	Location Map or Description:

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Percent for the Arts		\$ -
Status:	Unfunded	Priority:
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies:
Code:		
Operating Impact Explanation:		

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

**(Project Title 8)
Job ID - XXXXXX**

New project or significantly changed from previous years

Department/Division:	Job Group:
Project Contact:	Neighborhood:
Description and Justification:	Location Map or Description:

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Percent for the Arts \$ -

Status: **Unfunded** Priority:

Annual Operating Budget Impact: How project relates to adopted master plans, strategic plans, and/or policies:

Code:

Operating Impact Explanation:

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

**(Project Title 9)
Job ID - XXXXXX**

New project or significantly changed from previous years

Department/Division:	Job Group:
Project Contact:	Neighborhood:
Description and Justification:	Location Map or Description:

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Percent for the Arts \$ -

Status: **Unfunded** Priority:

Annual Operating Budget Impact: How project relates to adopted master plans, strategic plans, and/or policies:

Code:

Operating Impact Explanation:

PROVO CITY CAPITAL IMPROVEMENT PLAN FY 2026/2027

(Project Title 10)

Job ID - XXXXXX

New project or significantly changed from previous years

Department/Division:	Job Group:
Project Contact:	Neighborhood:
Description and Justification:	Location Map or Description:

PROJECT SCHEDULE, BUDGET, AND FIVE-YEAR CIP PLAN

	Cost-To-Date	FY 2026-2027 Estimate	FY 2027-2028 Estimate	FY 2028-2029 Estimate	FY 2029-2030 Estimate	FY 2030-2031 Estimate	Total
Proposed Funding Sources:							
Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Taxes	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-
City Labor	-	-	-	-	-	-	-
Impact Fees	-	-	-	-	-	-	-
Bonds	-	-	-	-	-	-	-
Prior Year Carryover	-	-	-	-	-	-	-
CIP Fund Balance	-	-	-	-	-	-	-
New Year Budget	-	-	-	-	-	-	-
TOTAL FUNDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cost Elements:							
Planning & Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Land Acquisition	-	-	-	-	-	-	-
Site Improvements	-	-	-	-	-	-	-
Equipment/Furniture	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-
Labor	-	-	-	-	-	-	-
TOTAL COSTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Percent for the Arts		\$ -
Status:	Unfunded	Priority:
Annual Operating Budget Impact:		How project relates to adopted master plans, strategic plans, and/or policies:
Code:		
Operating Impact Explanation:		

Provo City Consolidated Fee Schedule

CEMETERY

Burial Rights for
Spaces

Purchase limited to 2 up or 4 flush per family

Lawn Sites

Monument Estates	\$2,300.00
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Upright	\$1,900.00
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Flush	\$1,400.00
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Cremation	\$575.00
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Indigent	\$575.00
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2 Ashes 1 Stone	\$575.00
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4 Ashes 2 Stones	Full grave
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Permanent Maintenance	1/2 value of burial space
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Infant	\$375
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Mausoleum

Top/Bottom	\$3,600.00
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Mid-Level	\$4,600.00
Cremation Garden	
<u>Stainless Steel</u> <u>Cylinder Urn</u>	<u>\$25</u>
Ossuary/Cenotaph	\$350.00
Tablet	\$460.00
Post Single	\$575.00
Post Companion	\$800.00
Cored Single	\$1,350.00
Cored Companion	\$1,600.00
Shield Cored Individual	\$2,550.00
Shield Cored Companion	\$5,000.00
Peak Cored Individual	\$2,550.00
Peak Cored Companion	\$5,000.00
Small Family Columbarium	\$6,500.00
Large Family Columbarium	\$9,725.00

Cremation Estate	\$5,000.00
Tree Estate	\$2,500.00
Arbor Niche 24 Niche 48 Urn	\$900.00
Community Column 64 Niche	\$650.00
Pavilion Shutter	\$1,300.00
Rustic Monolith 60 Cores	\$800.00
Niche Boulder	\$1,500.00
<u>Cremation Pedestal</u> <u>Butterfly</u>	<u>\$8,000</u>
Cremation Bench	\$5,000.00
Cremation Pedestal Bird Bath	\$3,000.00
Mausoleum Niche Level 1	\$850.00
Mausoleum Niche Level 2	\$950.00
Mausoleum Niche Level 3	\$750.00

8" Crypt Vase Mounting Hardware	\$27.00
8" Crypt Plastic Vase	\$11.00
4" Niche Vase Mounting Hardware	\$22.00
4" Niche Vase	\$10.00
Cylinder Urn	\$175.00
Opening/Closing	
Adult	\$750.00
Infant	\$350.00
Cremation Burial	\$350.00
Niche	\$160.00
<u>Complex Niche</u>	<u>\$300</u>
Mausoleum	\$850.00
Disinterment	
Infants	\$925.00
Adults	\$1,550.00
Cremation	\$500.00

Overtime Labor (After 4:00 p.m.)

Per Half Hour (Monday – Friday)	\$200.00
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Saturdays and Holidays	\$450.00
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Upright Monuments Inspection and Maintenance	\$200.00
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Flush Marker Inspection and Maintenance	\$100.00
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Recording Fee	\$50.00
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Probe	\$10.00/\$25.00/\$50.00
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Deed Transfer (new owner maintenance) nontransferable	\$200.00 per space
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Veteran's Cross	\$30.00
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PARKS AND RECREATION**COVEY CENTER FOR THE ARTS**

Rate A – applies to commercial users

Rate B – applies to nonprofit organizations and events, and holders of a Provo Business License. A 501(c)(3) certificate or IRS letter of tax determination is required for this rate. The W9 form and letter of determination or 501(c)(3) must match.

Main Hall Rental

Full Day Rentals Monday – Saturday (7:00 a.m. to 11:00 p.m.)

Rate A	\$2,000 <u>2,060</u>
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Rate B	\$1,500 <u>1,545</u>
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Full Week Rentals (up to 6 consecutive working days)
Unlimited access to the hall between 7:00 a.m. and 11:00 p.m.

Rate A	\$10,000 <u>10,300</u>
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Rate B	\$7,500 <u>7,725</u>
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<u>After Hours</u>	<u>\$309</u>
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Performance Receptions	\$200 <u>225</u>
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School Performances	\$300 <u>325</u>
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<u>Cleaning Fee</u>	<u>\$350</u>
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- Deposit

Deposits are due at contract signing and are nonrefundable.

Returning clients: \$500 per day for each scheduled day. Nonticketed events must pay full estimated costs seven days in advance of the first day in the building.

New clients: 50% of total estimated costs. Deposits will be applied to the total fee.

- Insurance

All clients are required to carry liability insurance for no less than \$1,000,000. A copy of the client's standard certificate of insurance, adding Provo City as an additional insured, must be provided to the CCA Events Coordinator no later than 7 days prior to the first use of the building.

If your organization does not have insurance, a TULIP (Tenant User Liability Insurance Program) policy is available for purchase through GatherGuard.

- Staffing

House Manager (required for all performances)	\$ 25 <u>26</u> per hour
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Technicians (minimum of two technicians required for all rehearsals and performances)	\$ 25 <u>26</u> per hour
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Security (required for all rehearsals and performances)	\$ 25 <u>26</u> per hour
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Event Manager (required for all performances and rehearsals)	\$ 3536 per hour
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Usher (minimum of four required for all performances)	\$ 2021 per hour
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- Custodial

\$~~450155~~ per scheduled day.

- Stage Setup and Supplies

\$~~75100~~ per scheduled day. Stage setup includes but is not limited to the normal use of gaff tape, spike tape, lightning gel, copies, etc. Above average use of supplies will be charged based on use.

- Additional Services

Wireless Microphone Package	\$ 250275 /day
	or
For the use of 3 – 12 wireless microphones	\$ 700725 /week

Batteries (per battery charge)	\$ 1.002.00
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Marley Dance Floor (includes gaff tape)	\$ 200225
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Snow Machine (snow included)	\$ 200250
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Orchestra Pit (does not include labor)	\$ 750775
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Piano Tuning (scheduled)	\$ 175200
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Hazer	\$ 75100 /day
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(fire watch is required)	\$2550 per hour
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Stage Décor (White Drape, Mesh, etc.)	\$100125
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Specialty Lights (Black, Strobe, etc.)	\$6075
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Window Banners	\$75—\$200
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<u>Outdoor Banners</u>	<u>\$750</u>
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<u>Indoor Banners</u>	<u>\$200</u>
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Photography/Film Session

Main Stage (includes one technician, two-hour minimum)	\$200 per hour
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Lobbies	\$50 per hour
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Board Room/Studio Rental

Board Room	\$5055 per hour
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Combined Studios	\$50-55 per hour (minimum of 3 hours)
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Black Box Rental

The Black Box is only rented on a case-by-case basis, upon approval from the General Manager.

Ticket Office Use

• Ticket Sales	Up to 12% commission of gross sales
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- | | |
|--|---|
| • Facility Fee | \$ 23 per ticket for all sales |
| • Ticket Exchanges | \$ 34 per ticket |
| • Comp Tickets | First 20 tickets at no charge
21 plus at \$ 1.00 <u>2.00</u> per ticket |
| • Merchandise Sales | 15% commission on all monies collected on Covey Center property |
| • Covey Center Merchandise/Concessions | \$1 – \$50 based on item |
| • Gallery Exhibit Sales | 25% commission on all monies collected on Covey Center property |
| • Student Art Exhibit | 10% commission on all monies collected on Covey Center property |
| • Christmas Art Sale | 10% commission on all monies collected on Covey Center property |
| • Art Exhibit Entries (2 max) | \$15 each |

Classe

Class tuition is set by agreement with instructors and ranges between \$35 and \$300 depending on the length of class and number of classes offered.

Workshops taught in the Covey Center range in price from \$10 to \$250 based on the topic and length of the workshop.

GOLF COURSE

18 HOLE COURSE

9-Holes

Monday – Thursday	\$19
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Monday – Thursday (Seniors 62 & older)	\$15
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Friday – Sunday & Holidays (All players)	\$20
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18-Holes

Monday – Thursday	\$38
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Monday – Thursday (Seniors 62 & older)	\$30
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Friday – Sunday & Holidays (All players)	\$40
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Carts

9 Holes (per rider)	\$10
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18 Holes (per rider)	\$20
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Pull Cart	\$4
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Rental Clubs

Titleist Set (9-Holes)	\$50
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Titleist Set (18-Holes)	\$75
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Standard Set (Per 9-Holes)	\$16
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The Pasture

All Players (Day Time)	\$12
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Prime-time (Lights On)	\$14
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Triple Play (Rec Center Members)	\$7
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Par 3 Club Rentals (4 Clubs & Putter)	\$6
---------------------------------------	-----

Complimentary Carry Bag for Players Club	Free
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Push Cart	\$4
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The Horseshoe

Green Fee	\$5
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Triple Play (Rec Center Members)	\$2
----------------------------------	-----

Season Membership (March 1 – November 30)

7-Day Championship	\$989.99 + sales tax
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7-Day All-Access	\$1,099.99 + sales tax
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Punch Cards (Expire one year from purchase)
Not valid on all major holidays

Punch Card (twenty 9-hole rounds)	\$350
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Association Member	\$275
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Cart punch card (twenty 9-hole rounds)	\$180
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Driving Range

Large Bucket	\$12
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Medium Bucket	\$10
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Small Bucket	\$6
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Promotions

The Manager of the golf course may, from time to time for promotional purposes, reduce the foregoing golf course fees by not more than 35% subject to approval by the Mayor or the Mayor's designee.

PARK PAVILION RESERVATIONS

~~Parks may be reserved for one of two time blocks;~~ Pavilions are available to book in two time blocks: morning or afternoon. Selecting both blocks reserves the pavilion for the entire day.

Morning: 8:30 a.m. – 2:00 p.m.

Afternoon: 4:00 p.m. – 9:30 p.m.

~~*Pavilion has power and lights~~

Bicentennial Rotary Park, 1400 S 1600 E	\$55*
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Big Springs Park, Provo Canyon

Large	\$115*
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Medium (2)	\$80*
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Canyon Glen Park, in Provo Canyon

Large	\$115*
-------	--------

Small	\$80*
-------	-------

Amphitheater	\$75
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Carterville Park, 2400 N Carterville Road

Large	\$120*
-------	--------

Small	\$55*
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Delta Gateway Park, 321 N Lakeshore Dr \$55

Exchange Park, 900 N 700 W

Large \$120*

Medium \$85*

Small (2) \$45

Footprinter's Park, 1150 S 1350 W \$30*

Fort Utah Park, 200 N Geneva Road

Large \$100*

Small \$30*

Grandview Park, 1460 N 1000 W \$35*

Harbor Park, 800 N 2450 W \$30*

Joaquin Park, 400 N 400 E \$30*

Kiwanis Park, 820 N 1100 E

Brick (Large) \$120*

Medium \$55*

Small \$30*

Lakeview Park, 2825 W 1390 N

Large	\$85 [*]
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Small	\$30 [*]
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Lions Park, 1280 N 950 W

North	\$160 [*]
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South	\$70 [*]
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Maeser Park, 451 E 600 S	\$85 [*]
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Provost Park, 629 S 1000 E	\$30 [*]
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Quail Orchard Park, 522 E 3900 N	\$150 [*]
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Riverside Park, 1260 W 600 N

Large	\$85 [*]
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Small	\$30 [*]
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Riverview Park, 4620 N 300 W

East	\$145 [*]
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West	\$130 [*]
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The Park at Rock Canyon, 2620 N 1200 E

#1	\$195 [*]
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#3	\$55 [*]
#2 and #4	\$150 [*]
Rock Canyon Trailhead Park, 2300 N 1450 E	\$65 [*]
Provo Rotary Park, 1460 N 1550 W	
North	\$70 [*]
West	\$85 [*]
Sherwood Hillside Park, 1100 E 4450 N	
Pavilion #1	\$30 [*]
Pavilion #2	\$30 [*]
Spring Creek Park, 1400 S State St	
Pavilion #1	\$85
South Fork Park, Provo Canyon above Vivian	
Large	\$110 [*]
Small	\$80 [*]
<u>West Park, 125 N 1710 W</u>	<u>\$30</u>
Wilderness Paul Ream Park, 1600 W 500 N	

Large	\$110*
Southwest	\$30*
Center West	\$55*
Northwest	\$55*

PARKS, PARKWAYS, TRAILS, AND OTHER PARK PROPERTIES

Special Parks Use Fee for events where attendees exceed reserved pavilion capacity or where multiple areas of a park are being used for an event. This fee is in addition to all necessary pavilion rental fees.	\$350
Trail Use Fee, Base Fee for course events held on a trail	\$350
For Events with More Than 200 Participants/Spectators (up to a maximum of 500)	\$1.50 per person
Participant/Spectator Impact Fee for Events with More Than 500 Participants/Spectators (for each person in excess of 500)	\$1 per person

PROVO CITY RECREATION CENTER

Category	Daily	3 Month	6 Month	Annual	Monthly
		Res D/ Base*	Res D/ Base*	Res D/ Base*	Res D/ Base*
Adults (18 – 59)	\$6.50	\$95/\$120	\$165/\$205	\$285/\$355	\$27/\$33
	<u>7.00</u>	<u>\$104/\$132</u>		<u>\$313/\$390</u>	<u>\$35/\$43</u>
Youth (3 – 17)	\$5.50	\$55/\$65	\$90/\$112	\$157/\$195	\$16/\$19
	<u>6.00</u>	<u>\$60/\$71</u>		<u>\$173/\$214</u>	<u>\$21/\$25</u>
Adult Couple	N/A	\$132/\$167	\$229/\$289	\$398/\$503	\$36/\$45
		<u>\$145/\$184</u>		<u>\$493/\$618</u>	<u>\$47/\$58</u>
Senior (60+)**	\$5.50	\$55/\$65	\$90/\$112	\$157/\$195	\$16/\$19
	<u>6.00</u>	<u>\$60/\$71</u>		<u>\$173/\$214</u>	<u>\$21/\$25</u>
Senior Couple**	N/A	\$95/\$120	\$165/\$205	\$285/\$355	\$27/\$33
		<u>\$104/\$132</u>		<u>\$313/\$390</u>	<u>\$35/\$43</u>
Family***	N/A	\$167/\$207	\$284/\$359	\$493/\$618	\$44/\$55
		<u>\$184/\$228</u>		<u>\$542/\$680</u>	<u>\$57/\$71</u>

Note: Toddlers under the age of 3 are free.

*Res D – is the resident discount rate

*Base – is the nonresident rate

**Senior Recreation Center Membership includes Senior Center Annual Pass

***Up to six members, each additional 3-month member is \$9.00, 6-month \$18.00, and each additional annual pass holder is \$36.00. Family consists of a maximum of 2 married adults and children 21 years old and under claimed as dependents for tax purposes.

****Sales tax will be added to the price of memberships, concessions, and other applicable sales. All taxes will be indicated on sales receipts.

*****Price changes only applicable to new and non-continuous memberships.

Childwatch \$3.50 per hour, ~~each additional child \$2.50 per hour~~

Or \$25/month ~~for first child, \$15/month for each additional child~~

Corporate Business

Tier 3 – 10% discount 5 or more 6 Month/Annuals

Tier 2 – 15% discount 10 or more 6 Month/Annuals

Tier 1 – ~~20~~25% discount 15 or more 6 Month/Annuals

Senior Center Annual Pass

~~\$40~~12 Resident

\$100 Nonresident

~~\$34~~ Nonresident Senior Daily Fee

Rentals

Standard Exercise Room	\$100/hr
Large Exercise Room	\$100/hr
Classroom	\$50/hr
Party Room	\$60/2 hrs
Multi-Purpose (per one section, non-prime time, weekdays)	\$75/hr
<u>Multi-Purpose (two sections)</u>	<u>\$100/hr</u>
Multi-Purpose (all 3 sections, 4 hr. min., prime time, weekends)	\$125/hr
One-Court Gym	\$100/hr
Pool	
Outdoor Pool, after hours per 1 1/2 hours	\$500
Outdoor Corporate Pavilion (3 1/2 hours)	\$350
Competitive Pool, exclusive use	\$100/hr
Competitive Pool, nonexclusive use	\$15/hr per lane
Deep or Program Pool, exclusive use	\$75/hr

PROGRAMS & CLASSES

Swim Lessons – non-residents charged an additional \$10

Provo Resident Group Swim Lessons	\$45
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Swim Lessons – Private	\$85
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Piranhas Year-Round Swim Team	\$50
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Piranhas Summer Swim Team	\$110 – \$140
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Jr. Lifeguard Camp	\$140 <u>\$150</u>
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Lifeguard Class	\$175
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Classes 60+:	
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<u>Senior Christmas Gala</u>	<u>\$20</u>
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Computer Classes, 8 Classes	<u>\$20</u> - \$40
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Computer Classes, 6 Classes	\$30
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Computer Classes, 4 Classes	\$20
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Computer Help, Walk-In	\$3
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Tours	As approved by Director
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Tuesday Night Dance	\$5/per person, \$8/couple
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Ukulele, 6 Classes	\$25
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Elder Quest	\$10 annual pass required
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Community Classes:

**(Nonresident Fee
Additional \$10)**~~World Culture Tour~~~~Cooking Class,
\$20/person~~~~Youth Bouldering, 8 Classes~~

\$45

~~ESL, 10 Classes~~

\$50

Skateboarding, 10 Classes

\$55

Cooking Class, 5 – 9 Classes

\$45 – \$120

Language Class, 10 – 12 Classes

\$75

Tumbling Tots, 8 Classes

\$60

~~Photography, 6 Classes~~

\$60

Adult Art Classes, 4 – 6
Classes

\$45 – \$125

Youth Art Classes, 4 – 8
Classes

\$45 – \$75

~~Lego League~~

\$150

Specialty Camps

\$150

~~Tri Training~~

\$100

~~Fly Fishing~~

\$60

ASL, 16 Classes	\$75
Parent/Child Cooking	\$40
Adult Cooking Class	\$20—\$100
Art in Nature, 9 Classes	\$100
Cake Decorating, 6 Classes	\$80
Outdoor Yoga	\$45
Ski Program (4 days)	\$375— \$685
Seasonal Cooking, 6 Classes	\$80— \$100
Furniture Refurbishing, 6 Classes	\$90
Summer Adventure Kids Camp, 4 Days	\$175
Adaptive Adventure Day Camp, 4 Days	\$175
Internet Safety	\$5
Self-Defense	\$40
Pre-K Field Day	\$45
Grief Recovery Workshop	\$75

Special Events:

Facility Events	Cost of daily admission to Provo Recreation Center
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Countdown	\$10
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Halloween Carnival	\$ 8 <u>10</u> /person, \$ 4 <u>5</u> /Rec Center Members
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Rec Center After-Hours Party	\$7
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Summer Luau	\$15
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Christmas Gala (moved to senior class section)	\$20
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Skate Park Competition	Free early admission, \$5 day of
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PROVO SHOOTING SPORTS PARK

Admission per Individual

All Individuals	\$8.00
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Punch Passes for Open Public Hours

5 Punches	\$32.00
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Group Reservations

Rifle Range – 2 Hours	\$40.00	+
		\$5.00
		per
		person

Hand Gun Range Exclusive – 2 Hours	\$40.00	+
		\$5.00
		per
		person

SPORTS, ADULT

Basketball	\$655.00 <u>670</u>
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Flag Football	\$530.00 <u>540</u>
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Soccer	\$310.00
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Softball	
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Adult Softball Tournaments	\$300.00
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Softball Single Headers	\$400.00
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Softball Doubleheaders	\$675.00
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Tennis Lessons – Private

Single player Lessons	\$45.00/person
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Group Lessons (2 – 4 players)	\$30.00/person
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Tennis Lessons	\$70.00
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Volleyball – 6 on 6 Team	\$298.00 <u>300</u>
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<u>Pickleball</u>	<u>\$45/person</u>
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<u>Ultimate Frisbee</u>	<u>\$45/person</u>
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SPORTS, YOUTH

Late Registration Fee All Youth Sports	\$15.00
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Nonresident Fee All Youth Sports	\$10.00
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Start Smart Jersey	\$8.00
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Baseball

Start Smart Baseball	\$40.00 <u>43</u>
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T-Ball	\$50.00
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Coach Pitch/Machine Pitch	\$55.00
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Jr. Baseball, 3 – 9 Grade	\$98.00
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Girls Fastpitch Softball, 3 – 9 Grade	\$98.00
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Basketball

Start Smart Basketball	\$40.00 <u>43</u>
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Jr. Jazz, 1 – 2 Grade	\$55.00 <u>58</u>
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Jr. Jazz, 3 – 4 Grade	\$65.00 <u>70</u>
Jr. Jazz, 5 – 6 Grade	\$70.00 <u>75</u>
Jr. Jazz, 7 – 8 Grade	\$75.00 <u>80</u>
High School Basketball Team	\$680.00 <u>690</u>
Jr. Jazz Jersey	\$15.00 <u>16</u>
<u>Start Smart Football</u>	<u>\$43</u>
Flag Football, 1 – 2 Grade	\$65.00 <u>68</u>
Flag Football, 3 – 9 Grade	\$78.00 <u>82</u>
Soccer	
Start Smart Soccer	\$40.00 <u>43</u>
Youth Soccer (Spring, Fall)	
Preschool/Kindergarten/1 – 2 Grade	\$55.00
3 – 6 Grade	\$60.00
7 – 9 Grade	\$65.00 <u>67</u>
Soccer Jersey <u>Reversible Combo</u>	\$23.00
Summer Camps (4 days)	\$65.00
Tennis	

Lessons 2 Weeks	\$60.00
Lessons 4 Weeks	\$65.00
League	\$95.00
Pickleball League	<u>\$70</u>
Track and Field	
Team Provo Track and Field	\$60.00 <u>65</u>
Cross Country Team	\$55.00 <u>60</u>
<u>Replacement Jersey</u>	<u>\$10</u>
Volleyball – Co-Ed Youth Volleyball	\$60.00 <u>65</u>
Wrestling, 4 – 8 Grade	\$60.00 <u>65</u>
<u>Ultimate Frisbee</u>	<u>\$60</u>
<u>Rugby</u>	<u>\$60</u>

SPORTS FIELDS RENTAL FEES

Baseball/Softball Fields	
Softball Field Lights	\$30 per hour per field
Additional Field Prep	

Weekdays/Saturday \$70/\$85 per diamond

	Hourly (per field)	Half- Day (4 hours)	Daily
4 Field Complex	\$85	\$600	\$1,200
2 Field Complex	\$85	\$350	\$700
1 Field Complex	\$85	\$175	\$350

Rectangle Grass Fields (Non-Epic)

Field Rental, per Field (Practice) \$50/hour

Field Rental, per Field (Game) \$60/hour, paint included

Tennis/Pickleball

Single Court \$20 per hour

2 Courts \$100 per ½ day (4hr block); \$200 per full day (4hrs+)

The Epic Sports Park

Practice/Trainings per field \$70/hour

Weekdays (Mon. – Thurs.) (Games) per field	\$80/hour
Weekdays (Mon.-Thurs.) (Games) per field per day	\$800/day
Weekends (Fri. – Sun.) (Games) per field	\$90/hour
Weekends (Fri.-Sun.) (Games) per field per day	\$900/day

PEAKS ICE ARENA

Service & Rentals

Ice – 1 hour	\$200.00 <u>230</u>
Olympic Room – 1 hour	\$50.00
Mezzanine – 1 hour	\$75.00
Large Turf – Fall/winter 1 hour	\$120.00
Large Turf – Summer 1 hour	\$70.00
Half Turf – Fall/winter 1 hour	\$75.00
Half Turf – Summer 1 hour	\$50.00
Broomball – flat fee	\$50.00
Skate Sharpening – Same Day	\$10.00

Skate Sharpening – Next Day	\$8.00
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Catering

Hot Chocolate	\$75.00/5 gallons
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Admission

Skate Rental	\$4.00
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Walker Rental	\$7.00
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Admission (3 – 65)	\$6.00
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Senior Admission (62+)	\$5.00
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Season Pass per person	\$150.00 + sales tax
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Programs

Learn to Skate

Snowplow <u>Sam – Specialty</u> <u>Classes</u>	\$80.00/session \$12- \$15/30 minute class
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Basic 1—6	\$80.00/session
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Hockey 1—4	\$80.00/session
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Specialty Classes	\$80.00/session
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Youth Hockey

Start Smart Hockey <u>Learn to Play</u>	\$80.00/session <u>\$12- \$15/30 minute class</u>
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6U Youth Hockey	\$275.00/season <u>22/game</u>
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8U Youth Hockey	\$275.00/season <u>22/game</u>
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10U -, 12U, 14U Youth Hockey	\$500.00/season <u>24/game</u>
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<u>14U Youth Hockey</u>	<u>\$27/game</u>
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Adult Hockey

Adult Skills Clinic	\$200.00/session <u>15/1 hour class</u>
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Peaks Adult Hockey League – Season-per <u>game</u> – per team	\$3,200.00 <u>255</u>
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**PROVO MUNICIPAL COUNCIL
WORK SESSION
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: 11 A review of proposed changes to the Fiscal Year 2027 Provo City budget ordinance (26-001)

ADMINISTRATIVE RECOMMENDATION: For Council review and discussion.

ADMINISTRATIVE MEMO: Each fiscal year, the Provo City Council must adopt a budget for the city. The legislative mechanism to adopt the budget is through the adoption of a budget ordinance. This presentation will review the proposed changes in the Fiscal Year 2027 budget ordinance.

FISCAL IMPACT: TBD

COUNCIL STAFF MEMO:

ORDINANCE 2026-

AN ORDINANCE ADOPTING A BUDGET FOR PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2026, AND ENDING JUNE 30, 2027, IN THE AMOUNT OF \$314,513,931.

RECITALS:

On May 12, 2026, the Provo ~~City~~ Municipal Council by resolution tentatively adopted the Mayor's proposed budget as the Tentative Budget for the fiscal year 2026-2027 (Fiscal Year 2027);

On June 9, 2026, and June 23, 2026, the Municipal Council held ~~du~~ duly noticed public hearings to receive public comment and ascertain the facts regarding the Tentative Budget, including any proposed amendments thereto, which facts and comments are found in the hearing records;

On June 23, 2026, the Provo Municipal Council adopted updates to the tentative budget;

The Tentative Budget, together with supporting schedules and data, has been reviewed and considered by the Provo ~~City~~ Municipal Council and has been available for public inspection in the office of the City Recorder as required by law;

Notice of a public hearing to consider the adoption of a final Budget has been properly given;

All interested persons were heard, for or against the estimates of revenue and expenditures as set forth in the Tentative Budget and any proposed amendments thereto;

All statutory and legal requirements for the final adoption of said Budget have been completed; and

After considering the Mayor's recommendations, and facts and comments presented to the Municipal Council, the Council finds (i) a final Budget for Provo City should be adopted as set forth below; and (ii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

The Provo City Budget in the amount of \$314,513,931, as summarized in the attached Exhibit A, including sub-budgets for capital improvements as set forth in Exhibit B, is ~~hereby~~ adopted as a final Budget for Fiscal Year 2027.

47 PART II:

48
49 The Provo Municipal Council ~~previously adopted on June 9, 2026, by Resolution~~
50 ~~adopts as part of the final Budget the following~~ certified tax rates to support tax
51 revenue in the General, Library, and Debt Service Funds for Fiscal Year 2027~~6~~.

53 Library Fund	.000 399
54 Debt Service Fund	.000 691
55 General Fund	.000 509

56
57
58 PART III:

59
60 Adoption of the Provo City Budget for Fiscal Year 2027 is dependent on revisions of
61 Provo City Code Section 4.04.050 (Pay Range Table). This section is amended, effective July 5,
62 2026, by replacing the table in its entirety with the table shown in Exhibit C.

63
64 PART IV:

65
66 The Consolidated Fee Schedule is amended as shown in Exhibit D, effective July 1,
67 2026.

68
69 PART V:

70 Adoption of the Provo City Budget for Fiscal Year 2027 is dependent on revisions of
71 Provo City Code Section 4.04.060 (Occupational Index). This section is amended, effective July
72 5, 2026, by replacing the table in its entirety with the table shown in Exhibit E.

73
74
75 PART VI:

76
77 ~~Except as otherwise provided in this Part, A~~all previously unspent budgeted balances that
78 are requested to be re-appropriated ~~must~~~~shall~~ be submitted as an agenda item for ~~Council~~
79 ~~approval~~~~a meeting of the Municipal Council~~ by the ~~first~~~~second~~ regular ~~council~~ meeting in
80 September 2026 ~~for approval~~. The item ~~must~~ ~~shall~~ include, within the submission, a report on all
81 previously unspent budgeted balances requested to be continued and re-appropriated, including
82 an itemized list by department and fund, the purpose for use of the funds, and whether the
83 approved items addressed unfunded supplemental requests from departments during the
84 preparation of the FY 2027 budget.

85
86 ~~However, A~~all outstanding encumbered balances as of June 30, 2026, and budgets as
87 described below are automatically continued and re-apportioned from the prior fiscal year, ~~but~~
88 ~~and shall~~ ~~must~~ be presented as a report to the Council in the same regular meeting mentioned
89 above:

90
91 **Equipment Maintenance and Replacement:** The City has been setting aside funds ~~to~~
92 ~~provide funding~~ to maintain general fund facilities and equipment over their useful lives.

Any unused funds are continued and re-appropriated for expenditure in Fiscal Year 202~~7~~⁶ in the following funds/accounts:

- General Fund Facilities
- Parks & Recreation Facilities Capital Fund
- Vehicle replacement accounts
- Computer bank accounts

Ongoing projects: Budgets in the following areas fund projects or costs that often span multiple fiscal years. As a result, the following budget balances are continued and re-apportioned for expenditure in Fiscal Year 202~~7~~⁶:

- Wildland reimbursement budget
- Capital improvement funds
- Grants
- My Hometown Initiative
- Public Safety Radios
- Neighborhood Matching Grants

Other expenses in the following areas vary from year to year. As a result, the following budget balances are continued and re-apportioned for expenditure in Fiscal Year 202~~7~~⁶:

- Indigent defense
- Tuition reimbursements
- Elections - Every other year, the City has the responsibility to provide the funding for an election. To make the budget more comparable from year to year, half of the anticipated cost of the election is budgeted each year. Any unused funds are continued and re-appropriated for expenditure in Fiscal Year 202~~6~~⁷.

PART VII:

The functions within the Capital Improvement Divisions cannot be deleted or changed in budget amount by more than 10% of the original cost or \$50,000, whichever is less, without further official action of the Provo City Municipal Council.

PART VIII:

The Mayor is authorized to move budget appropriations along with needed expenditure adjustments including capitalized labor from the individual enterprise operating divisions to the corresponding capital improvement division in conjunction with the fixed asset (capital expenditures) reconciliation for the fiscal year ending June 30, 2026.

PART IX:

The Mayor is authorized to:

- ~~I~~increase budget authority for revenues in excess of the adopted budget in the following areas: reimbursable operating expenses, grants, cemetery fees, Covey Center, Covey Center Performance Fund, new development street signs, new development street overlays, ~~r~~Airport customer facility charge for rental cars, Airport passenger facility charge, impact fees, aid to construction, reimbursement(s) from projects, revenues over budget in internal service funds, and donations;
- ~~R~~edistribute personnel budget authority in the General Fund and its subsidiary funds by moving budget from departments with excess to departments that go over budget;~~i~~;
- ~~I~~increase budget authority in internal service funds for unexpected expenditures related to those funds;
- enter into purchase agreements for equipment or vehicles with a scheduled production or manufacturing cycle that goes beyond the fiscal year; and
- do the following related to ~~Increase budget authority related to~~ the Recreation Facilities Capital Fund (the RFCH), which is ~~(~~ housed in the Parks & Recreation CIP fund~~);~~ ~~according to the following formulas:~~

160 ⊖ A) ~~after comparing R~~ revenues from the previous fiscal year ~~to will be~~
161 ~~compared with~~ expenses in the Recreation Center function to determine net
162 income, the Mayor may increase budget authority in the RFCF according to the
163 following formulas:-

- 164 ▪ ~~If~~ net income for the Recreation Center equals or exceeds \$400,000, the
165 General Fund will contribute \$400,000 to the ~~RFCFRecreation Facilities~~
166 ~~Capital Fund~~ plus half of the net income amount that exceeds \$400,000;
167 the remaining net income will fall to general fund balance; ~~or-~~
- 168 ▪ ~~If~~ net income for the Recreation Center is less than \$400,000, the General
169 Fund will contribute the entire net income to the ~~RFCFRecreation~~
170 ~~Facilities Capital Fund~~. Additionally, if the Parks & Recreation
171 Department has remaining non-personnel budget available in any of the
172 department's General Fund functions, the Director may carry over that
173 budget to the ~~RFCFRecreation Facilities Capital Fund~~, up to the total of
174 \$400,000 minus the amount of net income contributed by the General
175 Fund;:-

176
177 ⊖ B) ~~E~~ach year the General Fund includes in its budget the Recreation
178 Center's budgeted net income amount for its portion of the ~~RFCFRecreation~~
179 ~~Facilities Capital Fund~~ contribution described in (A) above (up to \$400,000). If
180 the amount actually contributed to the ~~RFCFParks & Recreation Facilities Capital~~
181 ~~Fund~~ is less than budgeted, the remaining budget in the General Fund will be
182 carried over to the next year; ~~and-~~

183
184 ⊖ C) ~~If~~ fund balance in the Peaks Ice Arena fund or the Timpanogos Golf
185 Club fund exceeds 25% of budgeted revenues, a transfer of the excess (fund
186 balance minus 25% of revenues) will be made to the ~~RFCFRecreation Facilities~~
187 ~~Capital Fund~~.

188
189 • ~~———— The Mayor is authorized during Fiscal Year 20276 to enter into purchase agreements for~~
190 ~~equipment or vehicles with a scheduled production or manufacturing cycle that goes beyond the~~
191 ~~fiscal year-~~

192 193 PART X:

194
195 The Mayor is authorized to transfer excess fund balance(s) back to the General Fund in
196 the following funds: Justice Court, Trust and Agency, Covey Center for the Arts, Airport, and
197 Emergency Response.

198 199 PART XI:

200
201 The Mayor is authorized to carry over 50% of budget savings from each General Fund
202 department and division, after other applicable outstanding encumbrances and capital function
203 balances as of June 30, 2026 have been completed, up to a maximum of \$400,000, in order to
204 establish funding for an employee recognition program and innovation fund. Use of the

innovation funds will be included in the quarterly reports delivered to the Municipal Council.
These funds will be put in the General Services Division.

PART XII:

The Municipal Council directs that an Adopted Annual Budget document be prepared corresponding to the actions described in this ordinance and that this document be certified, filed, and made available for public inspection as required by law.

PART XIII:

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

END OF ORDINANCE.

Exhibit A

Click on this link, or the image below to view the full Provo City Adopted Budget for fiscal year 202~~6~~⁵-202~~7~~⁶. (Will update adopted budget link)

<https://www.provo.gov/DocumentCenter/View/5062/2026-Budget-TENTATIVE-PDF?bidId=>

Exhibit B

Due to document format, this exhibit will be inserted at a later step. The Capital Improvement Project budgets are available on pages 118-119 of the Tentative Budget for FY 2027⁶:

(will update adopted budget link)

<https://www.provo.gov/DocumentCenter/View/5062/2026-Budget-TENTATIVE-PDF?bidId=>

Exhibit C

Pay Table Range

PAY RANGE TABLE (BIWEEKLY) – EFFECTIVE FIRST FULL PAY PERIOD OF FISCAL YEAR

Grade	Steps													
	A (1)	B (2)	C (3)	D (4)	E (5)	F (6)	G (7)	H (8)	I (9)	J (10)	K (11)	L (12)	M (13)	N (14)
15	1,191.11	1,220.89	1,251.41	1,282.70	1,314.77	1,347.64	1,381.33	1,415.86	1,451.26	1,487.54	1,524.73	1,562.85	1,601.92	1,641.97
16	1,250.67	1,281.94	1,313.99	1,346.84	1,380.51	1,415.02	1,450.40	1,486.66	1,523.83	1,561.93	1,600.98	1,641.00	1,682.03	1,724.08
17	1,313.20	1,346.03	1,379.68	1,414.17	1,449.52	1,485.76	1,522.90	1,560.97	1,599.99	1,639.99	1,680.99	1,723.01	1,766.09	1,810.24
18	1,378.86	1,413.33	1,448.66	1,484.88	1,522.00	1,560.05	1,599.05	1,639.03	1,680.01	1,722.01	1,765.06	1,809.19	1,854.42	1,900.78
19	1,447.80	1,484.00	1,521.10	1,559.13	1,598.11	1,638.06	1,679.01	1,720.99	1,764.01	1,808.11	1,853.31	1,899.64	1,947.13	1,995.81
20	1,520.19	1,558.19	1,597.14	1,637.07	1,678.00	1,719.95	1,762.95	1,807.02	1,852.20	1,898.51	1,945.97	1,994.62	2,044.49	2,095.60
21	1,596.20	1,636.11	1,677.01	1,718.94	1,761.91	1,805.96	1,851.11	1,897.39	1,944.82	1,993.44	2,043.28	2,094.36	2,146.72	2,200.39
22	1,676.01	1,717.91	1,760.86	1,804.88	1,850.00	1,896.25	1,943.66	1,992.25	2,042.06	2,093.11	2,145.44	2,199.08	2,254.06	2,310.41
23	1,759.81	1,803.81	1,848.91	1,895.13	1,942.51	1,991.07	2,040.85	2,091.87	2,144.17	2,197.77	2,252.71	2,309.03	2,366.76	2,425.93
24	1,847.80	1,894.00	1,941.35	1,989.88	2,039.63	2,090.62	2,142.89	2,196.46	2,251.37	2,307.65	2,365.34	2,424.47	2,485.08	2,547.21
25	1,940.19	1,988.69	2,038.41	2,089.37	2,141.60	2,195.14	2,250.02	2,306.27	2,363.93	2,423.03	2,483.61	2,545.70	2,609.34	2,674.57
26	2,037.20	2,088.13	2,140.33	2,193.84	2,248.69	2,304.91	2,362.53	2,421.59	2,482.13	2,544.18	2,607.78	2,672.97	2,739.79	2,808.28
27	2,139.06	2,192.54	2,247.35	2,303.53	2,361.12	2,420.15	2,480.65	2,542.67	2,606.24	2,671.40	2,738.19	2,806.64	2,876.81	2,948.73
28	2,246.01	2,302.16	2,359.71	2,418.70	2,479.17	2,541.15	2,604.68	2,669.80	2,736.55	2,804.96	2,875.08	2,946.96	3,020.63	3,096.15
29	2,358.31	2,417.27	2,477.70	2,539.64	2,603.13	2,668.21	2,734.92	2,803.29	2,873.37	2,945.20	3,018.83	3,094.30	3,171.66	3,250.95
30	2,476.23	2,538.14	2,601.59	2,666.63	2,733.30	2,801.63	2,871.67	2,943.46	3,017.05	3,092.48	3,169.79	3,249.03	3,330.26	3,413.52
31	2,600.04	2,665.04	2,731.67	2,799.96	2,869.96	2,941.71	3,015.25	3,090.63	3,167.90	3,247.10	3,328.28	3,411.49	3,496.78	3,584.20
32	2,730.04	2,798.29	2,868.25	2,939.96	3,013.46	3,088.80	3,166.02	3,245.17	3,326.30	3,409.46	3,494.70	3,582.07	3,671.62	3,763.41
33	2,866.54	2,938.20	3,011.66	3,086.95	3,164.12	3,243.22	3,324.30	3,407.41	3,492.60	3,579.92	3,669.42	3,761.16	3,855.19	3,951.57
34	3,009.67	3,085.12	3,162.25	3,241.31	3,322.31	3,405.46	3,490.64	3,577.86	3,667.25	3,758.93	3,852.98	3,948.22	4,044.55	4,141.95
35	3,160.36	3,239.37	3,320.35	3,403.36	3,488.44	3,575.65	3,665.04	3,756.67	3,850.59	3,946.85	4,045.52	4,146.66	4,250.33	4,356.59
36	3,318.38	3,401.34	3,486.37	3,573.53	3,662.87	3,754.44	3,848.30	3,944.51	4,043.12	4,144.20	4,247.81	4,354.01	4,462.86	4,574.43
37	3,484.30	3,571.41	3,660.70	3,752.22	3,846.03	3,942.18	4,040.73	4,141.75	4,245.29	4,351.42	4,460.21	4,571.72	4,686.01	4,803.16
38	3,658.52	3,749.98	3,843.73	3,939.82	4,038.32	4,139.28	4,242.76	4,348.83	4,457.55	4,568.99	4,683.21	4,800.29	4,920.30	5,043.31
39	3,841.45	3,937.49	4,035.93	4,136.83	4,240.25	4,346.26	4,454.92	4,566.29	4,680.45	4,797.46	4,917.40	5,040.34	5,166.35	5,295.51
40	4,033.52	4,134.36	4,237.72	4,343.66	4,452.25	4,563.56	4,677.65	4,794.59	4,914.45	5,037.31	5,163.24	5,292.32	5,424.63	5,560.25
41	4,235.20	4,341.08	4,449.61	4,560.85	4,674.87	4,791.74	4,911.53	5,034.32	5,160.18	5,289.18	5,421.41	5,556.95	5,695.87	5,838.27
42	4,446.96	4,558.13	4,672.08	4,788.88	4,908.60	5,031.32	5,157.10	5,286.03	5,418.18	5,553.63	5,692.47	5,834.78	5,980.65	6,130.17
43	4,669.31	4,786.04	4,905.69	5,028.33	5,154.04	5,282.89	5,414.96	5,550.33	5,689.09	5,831.32	5,977.10	6,126.53	6,279.69	6,436.68
44	4,902.78	5,025.35	5,150.98	5,279.75	5,411.74	5,547.03	5,685.71	5,827.85	5,973.55	6,122.89	6,275.96	6,432.86	6,593.68	6,758.52
M1	4,225.58													6,197.52
M2	4,436.86													6,507.40
M3	4,658.70													6,832.77
M4	4,891.64													7,174.41
M5	5,136.22													7,533.13
M6	5,393.03													7,909.79
M7	5,662.68													8,305.28
M8	5,945.81													8,720.54
M9	6,243.10													9,156.57
M10	6,555.26													9,614.40

Exhibit D

Consolidated Fee Schedule

Due to document format, this exhibit will be attached at a later step. The Consolidated Fee Schedule is available in the meeting materials at agendas.provo.org.

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Occupational Index

Exhibit E



Joint Venture Overview

Lakeview Crossing

Mixed Use Development

Confidential — Not for distribution or circulation

Project Overview

SELECTED PROPOSAL

Philo Ventures responded to the City of Provo's request for proposals on the development of the commercial property adjacent to Provo's Epic Sports Park. Based on Provo's parameters and goals for the project, Philo proposed a mixed use development that will include a hotel, retail/restaurant, and a convenience store/gas station.

JOINT VENTURE

The proposed structure for this project is a Joint Venture with Philo and the city, in which Provo contributes the land in exchange for 2.50% of hotel revenues and 2.50% of all other commercial property lease revenues. Under this structure Philo will be responsible for all development and project management, while Provo will act as a key partner in terms of ensuring that the project aligns the city's and the community's overall goals.

Summary

Asset Types	Hotel, Restaurant, Retail, Convenience Store/Gas Station
Hotel Rooms	137
Restaurant/Retail SF	15,498 SF
Convenience Store SF	4,000 SF
Construction Duration	25 Months
Construction Costs	\$35M+
Parking Stalls	217
Public Partnership	Provo to contribute land to the Joint Venture in exchange for 2.5% of revenue*

*2.50% of hotel gross receipts and retail/C-store lease revenue.

Location



Site Plan



Hotel

Philo has strong existing relationships with Marriott, Hilton, and Hyatt. We are currently engaged in conversations with these brands about franchising at this location. We are currently underwriting a 137-key limited-service hotel, and have strong confidence that a major-brand will approve the location.



Summary

Hotel Rooms **137**

Hotel Stories **4**

Hotel SF **48,000 SF**

Construction Duration **16 Months**

Construction Costs **\$26M**

Parking Stalls **123**

2030 Projected Revenue **\$7.5M**

2030 Projected NOI **\$3.2M**

Potential Hotel Brands

HYATT®

Hilton

Marriott
INTERNATIONAL

Restaurant & Retail

We propose two retail buildings on the east corner of the parcel with eight spaces totaling 15,498 SF. We envision fast-casual restaurants taking 4-5 spaces in the retail complex, with 3-4 spaces comprising traditional retail or service businesses. We have accounted for back-of-house square footage to comply with Provo's parking requirements.



Summary

Restaurant/Retail Tenants **8**

Restaurant/Retail SF **15,498 SF**

Lease Type **Triple Net Lease**

Construction Duration **12 Months**

Construction Costs **\$3.4M**

Parking Stalls **74**

2030 Projected Rent/SF **\$32.46/SF**

2030 Projected Lease Revenue **\$503K**

Potential Tenants



C-Store & Gas Station

We have planned the convenience store/gas station on the southwest corner of the parcel. Our current plan is to build the horizontal infrastructure necessary for the gas station and allow a convenience store brand to lease the ground from our development and build its own gas station. We're also exploring an unbranded c-store option.



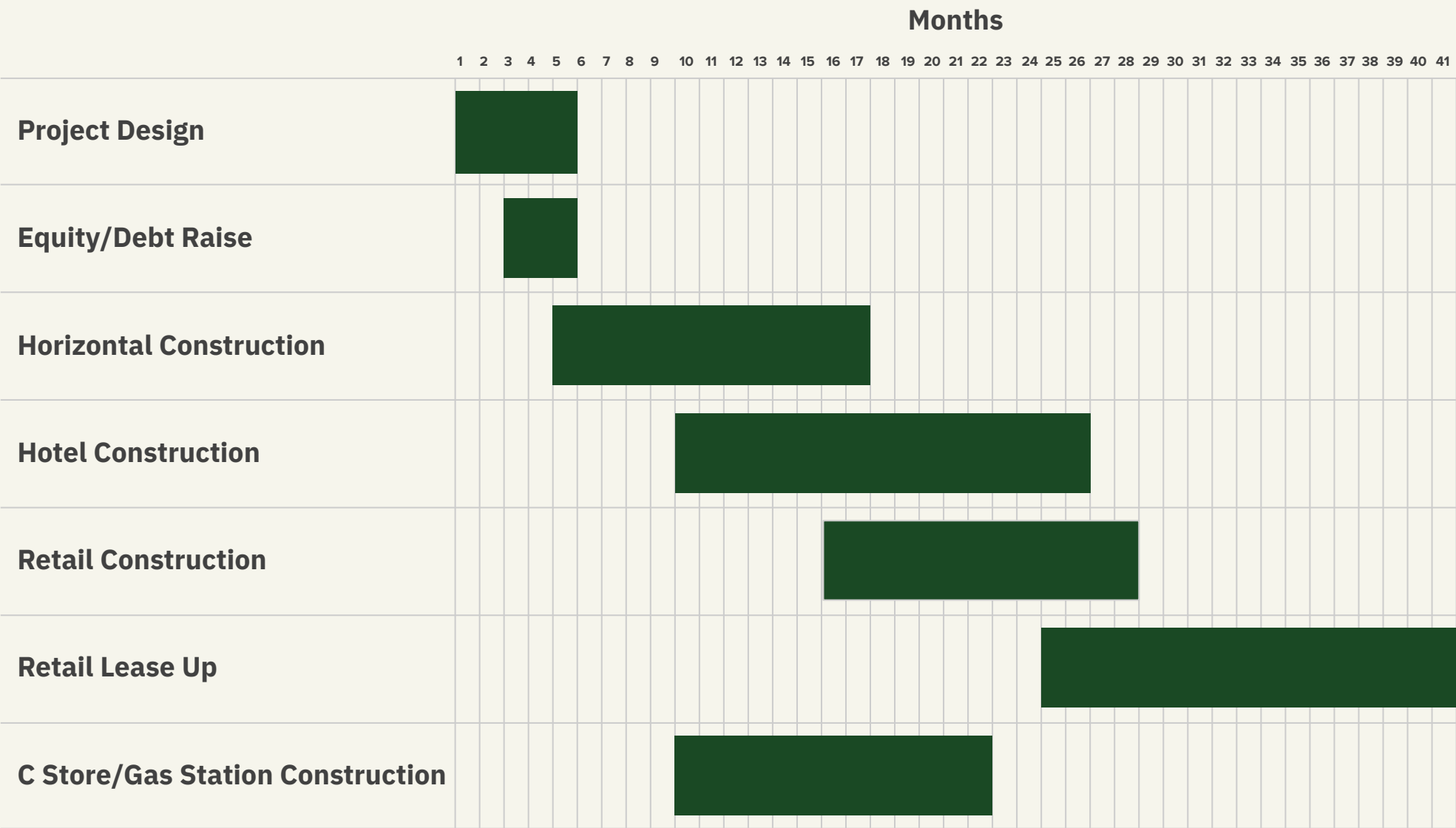
Summary

Convenience Store SF	4,000 SF
Lease Type	Ground Lease
Construction Duration	12 Months
Construction Costs	\$2.5M
Gas Pumps	6
Parking Stalls	20
2030 Projected Ground Lease Revenue	\$115K

Potential Tenants



Project Timeline



Partnership Terms

Joint Venture structure with City of Provo: land contribution in exchange for perpetual revenue participation.

20-Year Cumulative

\$9.1M

Net Fiscal Benefit to Provo

Annual Benefit by Year 20

\$655K

Growing 2.5%+ thereafter

Revenue Share

2.5%

Perpetual, beyond 20-year window

STRUCTURAL TERMS

Three SPVs: Hotel, Retail/Restaurant, C-Store/Gas Station

City contributes land at no cost to JV in exchange for Class B non-voting interest

Philo manages all development, project management, and operations

Governance: Standard real estate SPV corporate governance rules

City as key partner ensuring alignment with community goals

FINANCIAL TERMS

2.5% Revenue Split of hotel gross receipts and retail/C-store lease revenue

Sales & Use Tax: 25% site-specific to SPVs, 10 years, \$100K/yr cap

Transient Room Tax: 25% site-specific to Hotel SPV, 10 years, \$100K/yr cap

Property Tax Increment: Pledged to support development via TIF bond

*Terms are based on an informal, non-binding term sheet and are subject to change pending a definitive agreement.

20-Year Cash Flow Detail

GROSS CASH FLOWS TO CITY \$10.4M <i>20-year nominal</i>	—	INCENTIVES TO DEVELOPER \$1.3M <i>TIF bond + sales/TRT sharing</i>	=	NET FISCAL BENEFIT \$9.1M <i>NPV @ 6%: \$4.8M</i>
---	---	--	---	---

CASH FLOWS TO CITY					
	Yr 3	Yr 5	Yr 10	Yr 15	Yr 20
ANNUAL CASH FLOWS					
Revenue Share (2.5%)	\$203K	\$216K	\$245K	\$277K	\$313K
Transient Room Tax	\$113K	\$120K	\$136K	\$153K	\$174K
Sales & Use Tax	\$73K	\$77K	\$87K	\$98K	\$111K
Property Tax	\$57K	\$57K	\$57K	\$57K	\$57K
Total Annual to City	\$446K	\$470K	\$524K	\$586K	\$655K
<i>Running Total</i>	\$1.0M	\$2.0M	\$4.5M	\$7.3M	\$10.4M

INCENTIVES TO DEVELOPER					
	Yr 3	Yr 5	Yr 10	Yr 15	Yr 20
ANNUAL CASH FLOWS					
TIF Bond Reimbursement	\$57K	\$57K	\$57K	\$57K	\$0
<i>(via property tax pledge)</i>					
Sales Tax Sharing (25%)	\$18K	\$19K	\$0	\$0	\$0
TRT Sharing (25%)	\$28K	\$30K	\$0	\$0	\$0
Total Annual to Developer	\$104K	\$106K	\$57K	\$57K	\$0
<i>Running Total</i>	\$178K	\$387K	\$931K	\$1.2M	\$1.3M

*Cash Flow Projections are based on an informal, non-binding term sheet and are subject to change pending a definitive agreement.

Φ Philo Ventures

Assets under management: **\$229M**

Founded: **2020**

Headquarters: **PLEASANT GROVE, UT**

Number of Employees: **50**

FOUNDED IN 2020, Philo Ventures is a family office-backed investment platform focused on hospitality acquisition and operations, land development, and early-stage B2B software.

PHILO HOSPITALITY is our vertically integrated hotel management platform, with decades of experience operating boutique assets in high-demand outdoor leisure markets.

PHILO DEVELOPMENT is our development & construction management arm, allowing us to execute renovations and capital projects in-house, driving cost discipline, quality control, and operational alignment.



TAMMAH JACKSON HOLE
Jackson Hole, WY



THE LANDING
Ketchikan, AK



SURFSIDE RESORT
Rockaway, OR



BROKEN SPUR INN
Capitol Reef, UT



ZION PROMENADE HOTEL
St. George, UT

Meet the Team



M. Chad Staheli

CEO

Manages all parties within the project

Oversees investment committee approval for key investment decisions.



Greg Whitehead

Managing Partner

Develops comprehensive asset business plans from start to finish

Oversees the transition to operations and development teams



Scott Evanson

General Partner

Raises required project equity

Oversees investor relations, providing frequent project- and fund-level updates

Collaborates with the operations team to ensure projects meet projections



Tracy Stratton

VP of Development

Creates construction execution plan

Oversees construction budgets

Vets, hires, and coordinates onsite renovation team

Meet the Team (cont.)



Jon Hooke

President of Hospitality

Manages post-closing transition to operations

Ensures renovations and CapEx plans are operationally sound

Implements property management technologies and operational efficiencies

Oversees onsite management team



Brett Keenan

CFO & General Counsel

Manages all asset level legal documents

Oversees property and JV level financial reporting and tax documentation

Sources and manages lending partners on each project



Amanda Price

Marketing & PR

Provides input on exterior and interior building design and theme

Creates all site and building signage

Leads full-scale marketing efforts to increase the properties online and public images



Connor Bell

Principal-FP&A & Investments

Creates and updates financial models

Works with marketing to create materials to assist in equity and debt capital raise

Leads sensitivity financial analysis to inform investment committee decisions

Contact

φ philo



GREG WHITEHEAD
Managing Partner

greg@philo.ventures
(435) 632-2883



M. CHAD STAHELI
CEO

chad@philo.ventures
(801)319-4700

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: JAHILL
Presenter: Cody Hill, Economic Development Division Director
Department: Development Services
Meeting Date: 6/9/2026
Requested Duration (Minutes): 30 minutes
CityView or Issue File Number: 26-044

SUBJECT: 12 A discussion regarding the proposed Philo development term sheet for Lakeview Crossing (26-044)

ADMINISTRATIVE RECOMMENDATION: Consider development terms listed in the term sheet.

ADMINISTRATIVE MEMO: In 2019, Provo City purchased 100 acres of land for the Epic Sports Park. To meet the hospitality needs of the athletes and teams, Parks and Recreation worked with Development Services to zone roughly 5 acres at the very south-end of the property SC2 (Regional Shopping Center). In September 2025, Economic Development released a Request for Proposals to partner with a development group and support the development of a hotel, retail space, gas station, and convenient store on the site. The selection committee chose Philo as the preferred development group. They have been working with city staff to propose a development that meets the city's requirements and needs for the site and to develop a term sheet that outlines the main components of the deal. The development proposal and term sheet are included for discussion and consideration.

FISCAL IMPACT: Contribution of land, valued at \$3.7M. Pledge of property, sales, and transient room tax increment. The estimated net benefit to the City will surpass the value of the land after 10 years.

COUNCIL STAFF MEMO:

NON-BINDING	THIS TERM SHEET DOES NOT PURPORT TO INCLUDE ALL OF THE TERMS OF THE TRANSACTION CONTEMPLATED HEREBY (WHICH WILL ONLY BE CONTAINED IN A DEFINITIVE AGREEMENT(S)) AND ACCORDINGLY THIS TERM SHEET IS NOT INTENDED TO BE A LEGALLY BINDING AGREEMENT. NEITHER PARTY IS BOUND UNTIL THE NEGOTIATION, PREPARATION, EXECUTION AND DELIVERY TO EACH OTHER OF A MUTUALLY SATISFACTORY DEFINITIVE AGREEMENT(S) SETTING FORTH ALL OF THE TERMS AND CONDITIONS OF SUCH AGREEMENT(S) AND THEN ONLY IN ACCORDANCE WITH THE TERMS THEREOF.
General Purpose	The Development of Commercial Property adjacent to Provo's Epic Sports Park
Special Purpose Vehicles (SPVs)	Formation of three SPVs as follows: ● Hotel SPV ● Retail Space SPV ● Convenient Store / Gas Station SPV
Contribution of Land	Contribution of land at no cost to each of the three SPVs, as necessary
Gross Revenue Split	With respect to each SPV, revenue will be split as follows and in this priority: ● City of Provo = 2.5% of gross revenue after transaction taxes (e.g., sales tax) via non-voting Class B membership interests. ● Philo and Developers = the balance of gross revenues
Split Details	The 2.5% gross revenue split will be as follows ● Hotel SPV = 2.5% of gross hotel receipts ● Retail Space SPV = 2.5% of building and/or ground lease ● Convenience Store / Gas Station SPV = 2.5% of building and/or ground lease
Revenue Split Amount	2.5% Hotel gross revenue split and 2.5% lease revenue split from retail, convenience store, and gas station to Provo City estimated to be \$203K annually by 2030 & \$305K by 2046.
Gross Revenue Defined	"Hotel SPV Gross Revenue" shall mean all income or receipts of any kind, subject to the following exclusions: ● Transaction Taxes ● Operational Credits (e.g., insurance proceeds, condemnation awards) ● Service Gratuities "Gross Revenue for the Retail and C-Store SPVs" shall mean Base Rent and/or Building/Ground Lease proceeds, excluding: ● CAM Reimbursements

	● Tenant Improvement (TI) Allowances ● Security Deposits ● Transaction/Sales Taxes
Transfer Rights	In its reasonable discretion, GP and LP can transfer either the SPV itself or the assets therein provided City of Provo has a veto power if transferee does not agree to continue paying 2.5% gross revenue split from hotel sales and lease revenues from convenient store, gas station, and retail spaces.
Corporate Governance	Normal corporate governance rules and regulations for a real estate SPV
Tax Increment Financing (TIF)	● Developer to incur expenses in order to place into service various TIF qualifying costs (see below) ● Upon stage or phase completion and placement into service, 100% reimbursement for such qualifying costs for that stage/phase ● City of Provo to subsequently receive all TIF proceeds ● TIF Not to Exceed \$3,000,000. ● City not obligated to reimburse qualifying costs from any sources other than those directly generated from the development site.
TIF Qualifying Costs	Qualifying costs include but are not limited to the following (assuming such items are required): ● Site Preparation. Mass grading and structural fill to elevate buildings above the high water table, if necessary; dewatering and soil stabilization, if necessary ● Wetlands/Flood. Flood mitigation systems and any required wetlands remediation/bank credits, if necessary; lift stations and retention areas, if necessary ● Utilities. Off-site storm and sewer line extensions and connection fees; EV charging stations, if required ● Hospitality Needs. Hotel infrastructure, including Dedicated turning lanes and shuttle drop-off zones. ● Retail Support. C-Store Underground Storage Tanks (USTs) and environmental safety containment. ● Public Assets. Roads, landscaping, streetlights, paths ● Soft Costs. Engineering any architectural fees related any of the above
Property Tax Increment	The Redevelopment Agency will allocate 100% of property tax increment to support the development of the project.
Sales Tax Sharing	25% of site specific sales tax revenues shared with the Hotel, Retail and Convenience Store / Gas Station SPVs over a period of 10 years starting at the date of the signed agreement. Not to exceed \$100K in any year. Estimated to be \$161K across the 10-year period.

Transient Room Tax (TRT) Sharing	25% of site specific TRT revenues shared with the Hotel SPV over a period of 10 years starting at the date of the signed agreement. Not to exceed \$100K in any year. Estimated to be \$255K across the 10-year period.
Utility Capacity Reservation	Utility will serve letters
Cultural Heritage Artifacts	City is to be held harmless for any disturbance or destruction of cultural heritage artifacts.
Business Plan	Developer will furnish City with a business plan
Land Reversion Clause	Land reverts back to Provo if construction has not started within 30 months of signed agreement.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: Cody Hill

Presenter: Cody Hill, Economic Development Division Director

Department: Development Services

Requested Meeting Date: June 9, 2026

Requested Duration (Minutes): 30

CityView or Issue File Number:

SUBJECT: Proposed Philo development term sheet for Lakeview Crossing

RECOMMENDATION: Consider development terms listed in the term sheet

BACKGROUND: In 2019, Provo City purchased 100 acres of land for the Epic Sports Park. To meet the hospitality needs of the athletes and teams, Parks and Recreation worked with Development Services to zone roughly 5 acres at the very south-end of the property SC2 (Regional Shopping Center). In September 2025, Economic Development released a Request for Proposals to partner with a development group and support the development of a hotel, retail space, gas station, and convenient store on the site. The selection committee chose Philo as the preferred development group. They have been working with city staff to propose a development that meets the city's requirements and needs for the site and to develop a term sheet that outlines the main components of the deal. The development proposal and term sheet are included for discussion and consideration.

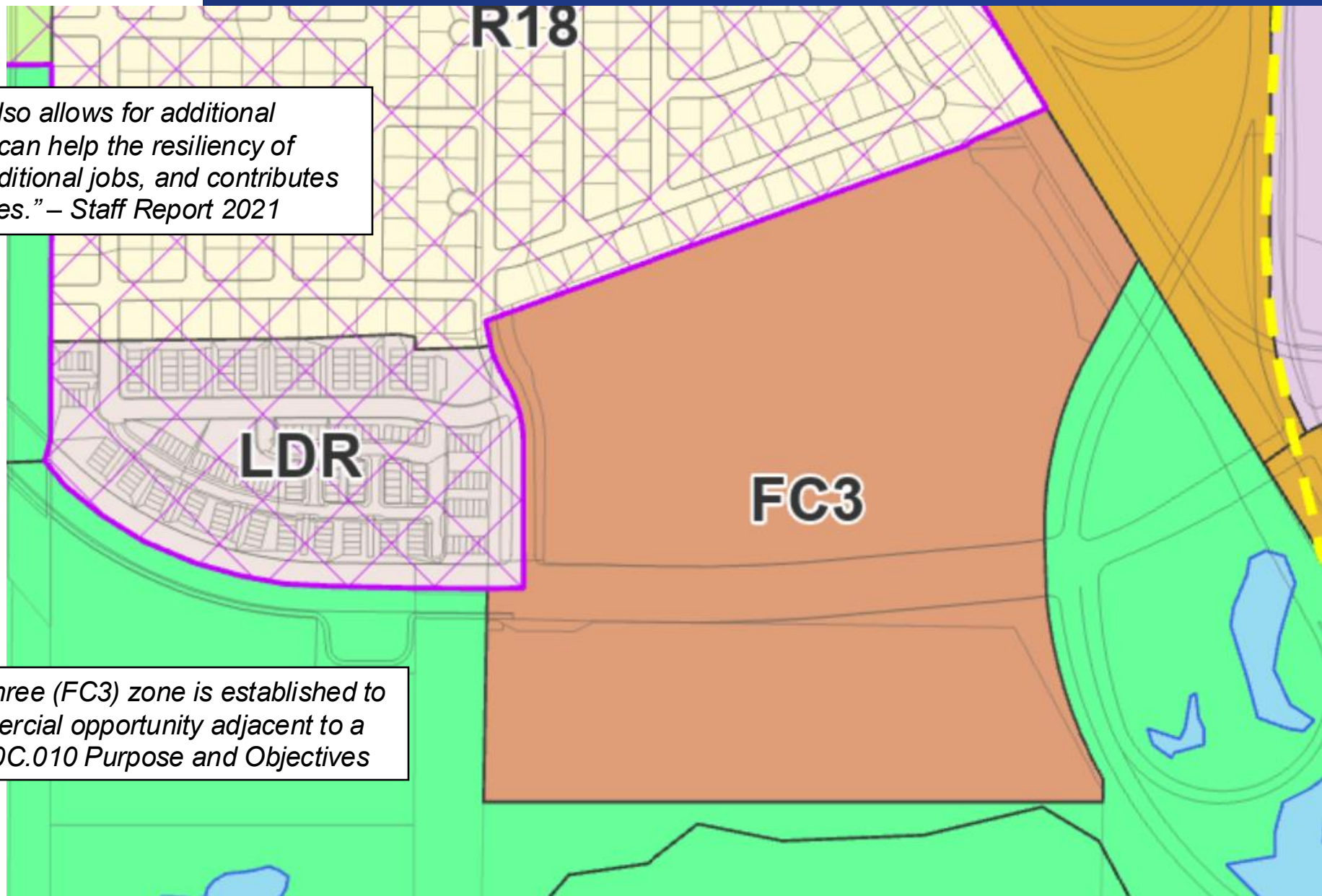
FISCAL IMPACT: Contribution of land, valued at \$3.7M. Pledge of property, sales, and transient room tax increment. The estimated net benefit to the City will surpass the value of the land after 10 years.

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Support economic retail growth and mitigate sales tax leakage.



Lakeview Walmart

"The proposed amendment also allows for additional economic opportunity, which can help the resiliency of Provo's economy, provide additional jobs, and contributes to the commercial opportunities." – Staff Report 2021



"The Freeway Commercial Three (FC3) zone is established to facilitate the maximum commercial opportunity adjacent to a freeway interchange." – 14.20C.010 Purpose and Objectives

Zoning Map

Proposed to host national tournaments producing \$20.5m in economic impact.



Hospitality and Restaurants

Travel and Events connection to goods and services

Additional Freeway Commercial



Super Walmart and Fuel Center

Direct freeway access

Freeway Commercial

 Project Area

CRA Map

Site Plan





Extraordinary Site Development Costs

Earthwork	\$7,591,175
Soil Stabilization	\$1,270,000
Storm Drain (Lakewood Drive Reroute and East Canal Undergrounding)	\$436,600
16" Water Main Extension in Lakeview Pkwy.	\$269,082
Public Road Improvements	\$4,548,500
Total Cost	\$14,115,357

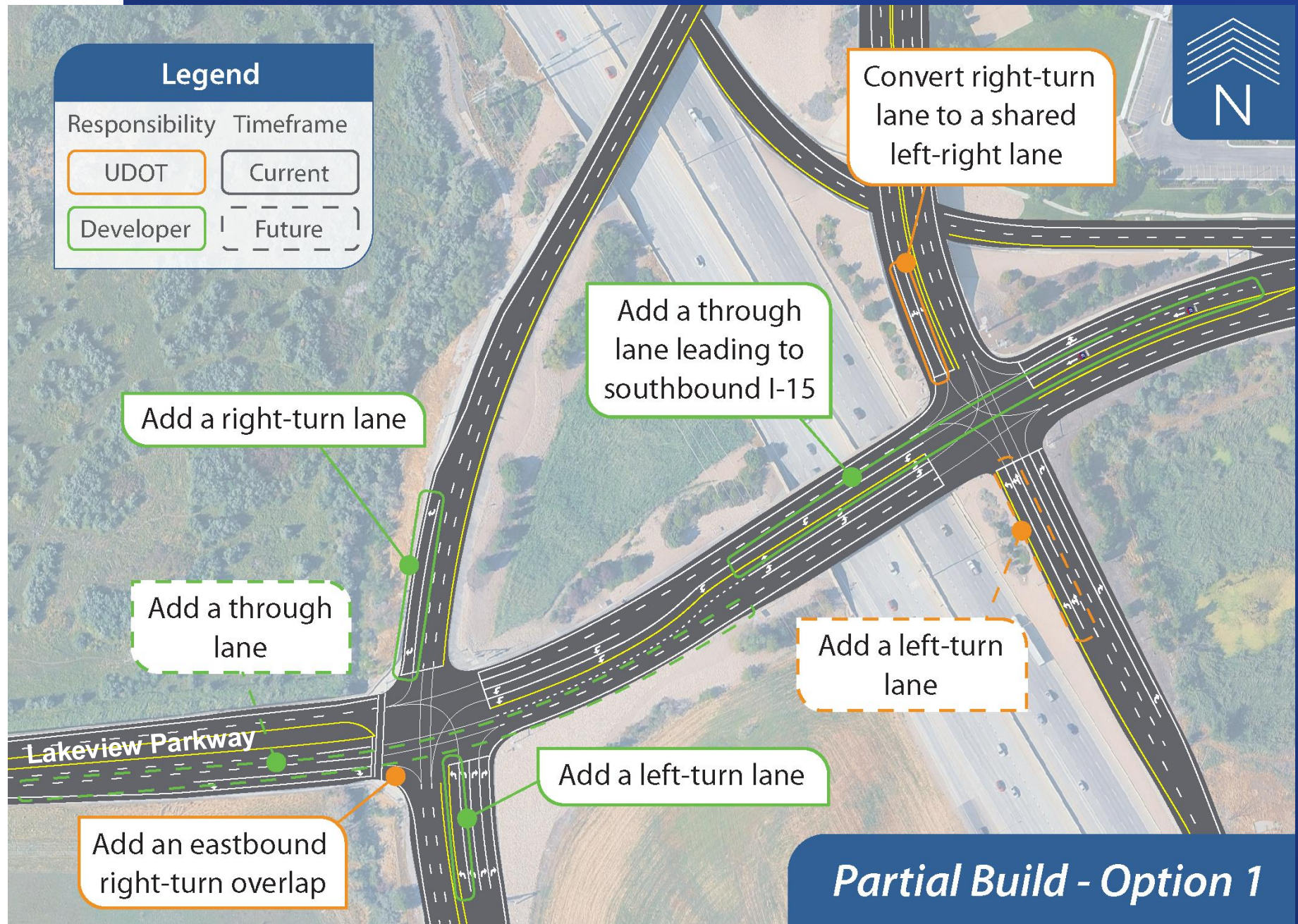
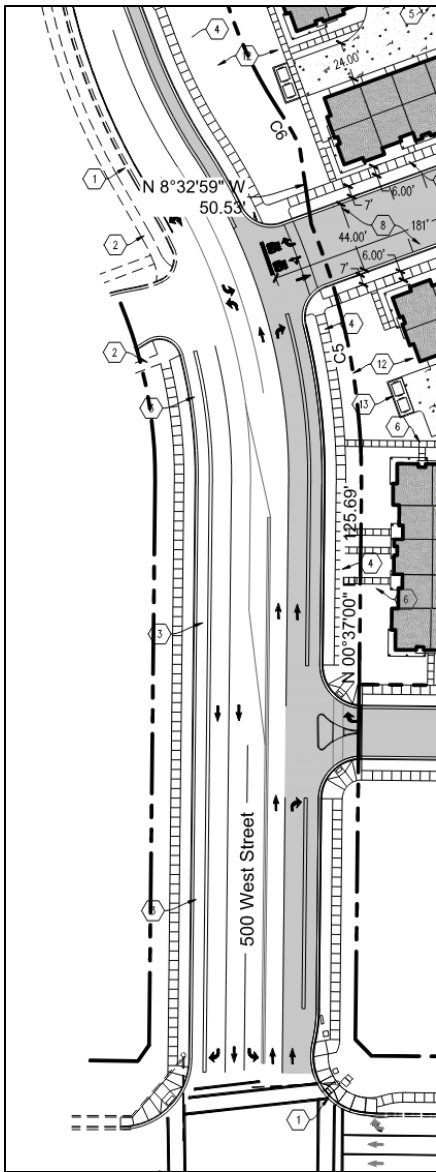


- The property is located within FEMA flood Zone A which is undevelopable and must be raised to be within Zone X.
- Groundwater found at depths as little as 1 foot.
- Walmart parcel as well as utility corridors and roads connecting to S 500 W.
- Approximately 350,000 cy of fill needed at an approximate value of \$7M.



Earthwork







Walmart Site Development Comparison

	TYPICAL WALMART		PROVO
Acreage	20.00		19.76
Building Sq. Ft.	180,000		175,577
Fuel Center	Yes		Yes
Sitework Costs / Acre	\$	721,000	\$ 1,260,002
Total Sitework Cost	\$	14,420,000	\$ 24,897,630
Delta			\$ 10,477,630
Percent Increase			42%

Bottom Line: Developing this site requires a major retailer with significant revenue streams in order to absorb these extraordinary development costs.



20 yr CRA Cost Benefit Comparison (Original Case)

Original Incentive Request

Total incentive: **\$8.9M**

- \$6.9M requested sales tax incentive
- \$1M previously earmarked by council (2021)
- \$945K value in fill dirt provided by the City

Break-even YR 10
Full Benefit YR 12

Costs	Value
Sales Tax Increment Payment from Cannibalized Sales	\$4,652,802
"ARPA" Funds	\$1,000,000
Provo City Fill Dirt	\$945,000
Total	\$6,597,802

Benefit	Value
Incremental Sales Tax Revenues (Captured Leaked Sales Only)	\$13,158,572
Property Tax	\$2,731,606
Offsite Road Improvements	\$4,548,500
Total	\$20,438,678

Method 1	Benefit-Cost Ratio
Result	3.10

Method 2	Net Benefit
Result	\$13,840,876

	2025	2026	2027	Year 1 2028	Year 2 2029	Year 3 2030	Year 4 2031	Year 5 2032	Year 6 2033	Year 7 2034	Year 8 2035	Year 9 2036	Year 10 2037	Year 11 2038	Year 12 2039
Walmart Sales Tax Increment Payment Schedule	\$ -	\$ -	\$ -	\$ 487,540	\$ 519,189	\$ 552,115	\$ 586,362	\$ 621,977	\$ 659,007	\$ 697,499	\$ 737,504	\$ 779,073	\$ 822,259	\$ 516,678	\$ -
Costs	2025	2026	2027	Year 1 2028	Year 2 2029	Year 3 2030	Year 4 2031	Year 5 2032	Year 6 2033	Year 7 2034	Year 8 2035	Year 9 2036	Year 10 2037	Year 11 2038	Year 12 2039
Upfront Costs (Fill Dirt + ARPA)	\$ 1,945,000														
Sales Tax Increment Payments	\$ -	\$ -	\$ -	\$ 325,027	\$ 346,126	\$ 368,076	\$ 390,908	\$ 414,652	\$ 439,338	\$ 464,999	\$ 491,669	\$ 519,382	\$ 548,173	\$ 344,452	\$ -
Total Costs	\$ -	\$ 1,945,000	\$ -	\$ 325,027	\$ 346,126	\$ 368,076	\$ 390,908	\$ 414,652	\$ 439,338	\$ 464,999	\$ 491,669	\$ 519,382	\$ 548,173	\$ 344,452	\$ -
Benefits	2025	2026	2027	Year 1 2028	Year 2 2029	Year 3 2030	Year 4 2031	Year 5 2032	Year 6 2033	Year 7 2034	Year 8 2035	Year 9 2036	Year 10 2037	Year 11 2038	Year 12 2039
Incremental Property Tax Revenues			65,209	133,320	133,320	133,320	133,320	133,320	133,320	133,320	133,320	133,320	133,320	133,320	133,320
Incremental Sales Tax Revenues (Captured Leaked Sales Only)			\$ -	\$ 371,035	\$ 394,625	\$ 419,162	\$ 444,680	\$ 471,212	\$ 498,792	\$ 527,457	\$ 557,243	\$ 588,189	\$ 620,334	\$ 653,718	\$ 688,384
Off-Site System Improvements															
Total Benefits	\$ -	\$ -	\$ 65,209	\$ 504,355	\$ 527,945	\$ 552,482	\$ 578,000	\$ 604,531	\$ 632,112	\$ 660,776	\$ 690,563	\$ 721,509	\$ 753,654	\$ 787,038	\$ 821,704
Difference	\$ -	\$ (1,945,000)	\$ 65,209	\$ 179,328	\$ 181,819	\$ 184,406	\$ 187,092	\$ 189,880	\$ 192,774	\$ 195,777	\$ 198,894	\$ 202,127	\$ 205,481	\$ 442,586	\$ 821,704
Net Difference	\$ -	\$ (1,945,000)	\$ (1,879,791)	\$ (1,700,463)	\$ (1,518,644)	\$ (1,334,239)	\$ (1,147,147)	\$ (957,267)	\$ (764,494)	\$ (568,716)	\$ (369,823)	\$ (167,696)	\$ 37,784	\$ 480,370	\$ 1,302,075



Reduced Incentive Request

Total incentive: **\$4.5M**

- \$3.6M requested sales tax incentive
- \$945K value in fill dirt provided by the City

Break-even YR 5
Full Benefit YR 8

20 yr CRA Cost Benefit Comparison (Reduced)

Costs	Value
Sales Tax Increment Payment from Cannibalized Sales	\$2,400,000
"ARPA" Funds	\$0
Provo City Fill Dirt	\$945,000
Total	\$3,345,000

Benefit	Value
Incremental Sales Tax Revenues (Captured Leaked Sales Only)	\$13,158,572
Property Tax	\$2,731,606
Offsite Road Improvements	\$4,548,500
Total	\$20,438,678

Method 1	Benefit-Cost Ratio
Result	6.11

Method 2	Net Benefit
Result	\$17,093,678

	2025	2026	2027	Year 1 2028	Year 2 2029	Year 3 2030	Year 4 2031	Year 5 2032	Year 6 2033	Year 7 2034	Year 8 2035
Walmart Sales Tax Increment Payment Schedule	\$ -	\$ -	\$ -	\$ 487,540	\$ 519,189	\$ 552,115	\$ 586,362	\$ 621,977	\$ 659,007	\$ 173,810	\$ -
Costs	2025	2026	2027	Year 1 2028	Year 2 2029	Year 3 2030	Year 4 2031	Year 5 2032	Year 6 2033	Year 7 2034	Year 8 2035
Upfront Costs (Fill Dirt + ARPA)	\$ -	\$ 945,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax Increment Payments	\$ -	\$ -	\$ -	\$ 325,027	\$ 346,126	\$ 368,076	\$ 390,908	\$ 414,652	\$ 439,338	\$ 115,873	\$ -
Total Costs	\$ -	\$ 945,000	\$ -	\$ 325,027	\$ 346,126	\$ 368,076	\$ 390,908	\$ 414,652	\$ 439,338	\$ 115,873	\$ -
Benefits											
Incremental Property Tax Revenues			\$ 65,209	\$ 133,320	\$ 133,320	\$ 133,320	\$ 133,320	\$ 133,320	\$ 133,320	\$ 133,320	\$ 133,320
Incremental Sales Tax Revenues (Captured Leaked Sales Only)			\$ -	\$ 371,035	\$ 394,625	\$ 419,162	\$ 444,680	\$ 471,212	\$ 498,792	\$ 527,457	\$ 557,243
Off-Site System Improvements											
Total Benefits	\$ -	\$ -	\$ 65,209	\$ 504,355	\$ 527,945	\$ 552,482	\$ 578,000	\$ 604,531	\$ 632,112	\$ 660,776	\$ 690,563
Difference	\$ -	\$ (945,000)	\$ 65,209	\$ 179,328	\$ 181,819	\$ 184,406	\$ 187,092	\$ 189,880	\$ 192,774	\$ 544,903	\$ 690,563
Net Difference	\$ -	\$ (945,000)	\$ (879,791)	\$ (700,463)	\$ (518,644)	\$ (334,239)	\$ (147,147)	\$ 42,733	\$ 235,506	\$ 780,410	\$ 1,470,972



Economic Impact

- ❖ *Significant job creation ~ 750 jobs*
- ❖ *Long-term, locally retained economic growth ~ 3.3B*
- ❖ *Keystone to economic development in SW Provo*

Direct Investment & Jobs

- \$75M construction investment (2 years)
- Estimated 150 - 400 construction workers employed
- 350 expected positions with a \$20/hr. average wage (not including store managers \$200-500k)

Ongoing Economic Activity (5 Years)

- Walmart sales: ~ \$1.0B
- Walmart payroll: ~ \$75–100M

Total Direct Impact (5 Years)

- \$1.1B direct economic activity
- \$3.3B total economic impact with multiplier



Conclusion

City wants Freeway Commercial, but site and road infrastructure don't support development.

A major retail anchor is needed to absorb development costs.

This investment results in a significant benefit to the general fund over time.

This project is the catalyst to further economic growth in SW Provo and greatly benefits the Epic Sports Park.

Support Provo's Continued Growth

- Opportunities are time-sensitive, delays can mean missed potential.
- Short-term challenges should not outweigh 10–20 years of economic benefits.
- Growth is not an either/or decision, Provo can and should benefit from multiple opportunities.



Foulger Pratt

T H A N K Y O U

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[FOULGERPRATT.COM](https://www.foulgerpratt.com)

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: MMCNALLEY

Presenter: Bryant Foulger, Chairman of Foulger-Pratt Board of Directors and Jamie Chapman, Development Manager for Foulger-Pratt

Department: Development Services

Meeting Date: 6/9/2026

Requested Duration (Minutes): 45 minutes

CityView or Issue File Number: 26-047

SUBJECT: 14 A presentation on a proposed economic development incentive for the Lakeview Walmart project. (26-047)

ADMINISTRATIVE RECOMMENDATION: Informational to bring the reduced incentive ask to the full RDA Board prior to a Night meeting ask.

ADMINISTRATIVE MEMO: Foulger Pratt would like to move forward with the reduced Walmart incentive ask. The ask is to recover some of the costs to develop the site with extensive infrastructure.

FISCAL IMPACT: about 3.6 million in post performance sales tax

COUNCIL STAFF MEMO: