PROVO MUNICIPAL COUNCIL

Work Meeting

1:00 PM, Tuesday, June 23, 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 and 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 23 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

June 9, 2026 Work Meeting

Business

1 Resolution Approving Urban Deer Control Plan

2 An ordinance amending the General Plan to add the Storm Drain Master Plan. (PLGPA20260193)

3 An ordinance amending the General Plan to update the Wastewater Collection Master Plan. (PLGPA20260191)

4 A resolution attesting to the review of the Municipal Wastewater Planning Program (MWPP) survey for calendar year 2025 in accordance with the Utah Pollutant Discharge Elimination System Permit. (26-051)

5 A presentation regarding the action plan from the 2026 Growing Water Smart Workshop.

6 An ordinance amending Provo City Code regarding the requirements for an Agricultural Protection Area. (PLOTA20260120)

7 An ordinance amending Provo City parking standards for specific uses and locations. (PLOTA20260080)

8 An ordinance rezoning property at 5450 N Canyon Road from A1.5CH and OSPR to A1.1CHPD, R1.20CHPD, and RACHPD zones. North Timpview Neighborhood. (PLRZ20260115)

9 A discussion on picking up required URS member contributions on behalf of Tier II public safety officers and firefighters. (26-050)

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, July 14, 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

10:30 AM | June 9, 2026
Provo Peaks Conference Room (110)
445 W. Center Street, Provo, UT 84601

PENDING MINUTES – AWAITING APPROVAL

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

Business

1. A presentation from EDGE Homes regarding condominium development and associated liability considerations (26-037) 00:01:02

Paxton Guymon, General Counsel for Edge Homes, presented information on condominium development, associated liability considerations, and Edge Homes' business model for building and selling condominiums at scale. Guymon explained that for most homebuilders, condominium development does not pencil unless a builder can sell approximately 250 units per year across all projects, primarily due to the cost of a wrap insurance policy, which runs approximately $80,000–$100,000 per month in premiums and includes tail coverage of approximately six years. He noted that Utah's construction defect statute allows suits for up to nine years after construction, with a potential extension to eleven years if a defect is discovered late.

Guymon explained that the primary concern driving builders away from condominiums is construction defect litigation, largely stemming from a 2009 Utah Supreme Court opinion. He outlined how plaintiff's attorneys have historically targeted HOA boards, offering free audits of common areas and pursuing contingency-fee litigation. Edge Homes mitigates this risk through

its wrap policy, which covers the builder and all subcontractors on a single policy, and through CC&Rs that require notice and a 180-day cure period before litigation, followed by mandatory mediation and then binding arbitration.

Edge Homes' standard condominium product is three stories, with each unit containing three bedrooms and two bathrooms, approximately 1,300 square feet, and an included covered garage. Current pricing ranges from approximately $305,000–$325,000 per unit, with Edge Homes offering interest rate buydown programs to bring principal and interest payments to approximately $1,100 per month. The company has sold over 350 condominiums per year for nearly each of the past ten years, with current volume at the higher end of that range. Guymon noted that a typical project achieves absorption of approximately six units per month per project, and that buildings are phased—typically two at a time—to manage interest carry risk. Each standard building contains ten units; a new four-story design developed for a Draper project contains fourteen units per building.

Guymon described a recently approved project in Draper at 26 units per acre adjacent to a TRAX station, where Edge Homes negotiated a workforce housing component: 30 units with a combined $60,000 per-unit subsidy ($30,000 from Edge Homes and $30,000 from the city), deed-restricted for four to five years and reserved for city employees and first responders. He stated that Edge Homes targets a 20 percent margin but is currently operating at compressed margins due to market conditions and rate buydown costs of $20,000–$30,000 per unit.

On the topic of FHA financing, Guymon confirmed that FHA loans are available for condominium projects, contrary to a commonly held belief, provided the project undergoes a project-level FHA approval process. Edge Homes employs a dedicated staff member for this purpose. Regarding parking, Edge Homes maintains a minimum of two stalls per unit across each project. Guymon also detailed sound transfer mitigation measures Edge Homes has refined over the past five years, including sound mats beneath flooring, acoustical caulking, double-layer specialty drywall on common walls, and vibration-break fasteners—costing approximately $6,000–$7,000 per unit but significantly reducing resident complaints.

On the question of investor ownership, Guymon stated that Edge Homes caps investor purchases at 20 percent of units per project within the CC&Rs. He noted that some cities, including Taylorville, have required that rental restriction provisions in the CC&Rs cannot be amended without the written consent of the city: a provision that was discussed as a potential model for Provo.

The Council expressed appreciation for the information and noted the value of Edge Homes' approach as a model for addressing the local condominium supply gap. Councilor Whitlock and others raised questions regarding margins, volume thresholds, parking standards, and the relationship between price per square foot for condominiums versus single-family homes. Director Peperone asked clarifying questions regarding the absorption rate relative to building size and investment.

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2. A discussion regarding external accessory dwelling units (26-038) 00:32:01

Policy Analyst Melia Dayley presented proposed code language for three amendments to the City's external accessory dwelling unit (ADU) regulations, prepared in advance of the state mandate requiring compliance by October 1. The three proposed amendments addressed:

(1) parcel coverage,
(2) privacy and height standards, and
(3) utility connections.

On parcel coverage, the proposed language provides that all accessory structures on a lot combined with the primary dwelling may not cover more than 40 percent of the total parcel area, consistent with existing residential zoning standards.

On privacy and height, the proposed standard would require that any external ADU exceeding 16 feet in height must provide one additional foot of setback for each foot above 16 feet, with a maximum height of 25 feet or less than the height of the primary dwelling, whichever is lesser. Dayley noted that specific window restrictions were discussed but not codified, as the setback requirement was considered sufficient to address privacy concerns.

Councilor Whipple raised concerns that the additional setback requirements could render ADU construction infeasible on smaller or corner lots already subject to multiple setback constraints, noting her own property as an example. She also offered a broader philosophical argument that the state does not recognize rights to view, sunlight, or backyard privacy, and that placing additional restrictions on detached structures goes beyond what state law requires. Councilor Bogdin and City Attorney Brian Jones engaged in discussion regarding whether similar height and privacy concerns could arise from an attached addition to a primary residence under existing code, suggesting that the concern is not unique to detached ADUs.

Development Services Director Peperone noted that a variance for a corner lot condition would be difficult to obtain, as corner lots are common and would not meet the threshold for variance approval. He and Attorney Jones both expressed support for the concept of differentiating the new regulations between zones where external ADUs are already permitted—particularly historic areas—and zones newly subject to the state mandate. Jones clarified that areas where external ADUs are already permitted would retain existing protections under current setback and height requirements, with the new enhanced standards applying prospectively to newly mandated areas.

On utilities, Dayley explained that the original draft required ADUs to have either independent or permanently connected utilities, but Public Works Director Gordon Haight recommended removing the prescriptive requirement in favor of case-by-case administrative review, given that lot contours and shallow sewer line depths in some areas of the city—particularly on the west side—make a uniform standard impractical. Director Haight explained that in some instances, connecting to the primary dwelling's sewer line may not be physically possible due to elevation and flow requirements, necessitating a separate connection to a different street. The Council concurred with this approach.

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The Council directed staff to bring the proposed amendments forward as follows: all three amendments to apply to newly state-mandated areas; the parcel coverage and utilities provisions to apply to all external ADUs including existing permitted areas; and the height/setback provision to be adjusted for existing permitted areas in consultation with planning and legal staff.

Council staff received direction to move forward with the five proposed amendments:

1. parcel coverage standards for existing external ADUs permitted areas prior to the state code change;
2. utility connection standards for existing external ADUs permitted areas prior to the state code change;
3. parcel coverage standards for external ADU permitted parcels allowed under SB 284;
4. privacy and height standards for external ADU permitted parcels allowed under SB 284; and
5. utility connection standards for external ADU permitted parcels allowed under SB 284.

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3. An ordinance amending Provo City Code regarding floodplain management and development standards (PLOTA20260185) 01:03:52

Thomas Scherbel, Stormwater Engineer with Public Works, presented proposed amendments to Provo City Code governing floodplain management and development standards. Scherbel explained that as a participant in the National Flood Insurance Program (NFIP), the City is required by FEMA to adopt and enforce a floodplain management ordinance that meets or exceeds federal standards. The proposed ordinance updates are driven by FEMA's requirements and incorporate recently updated FEMA floodplain maps.

Scherbel presented maps comparing current and proposed flood hazard area designations, with the most notable changes occurring on the west side of the city. The updated maps reflect an expansion of the one-percent annual chance flood hazard area (100-year floodplain), including areas around the Provo Airport, due in part to the decertification of existing levies and updated hydraulic modeling that accounts for both river flooding and lake interaction.

Public Works Division Director Shane Winters provided additional context, noting that peak discharge figures for the 100-year flood event have actually decreased compared to 1984 figures due to reservoir operations and improved stormwater infrastructure. He emphasized that the levy system continues to function effectively and that public works staff actively monitors flood risk each spring. Winters credited coordinated operations during the high-water event of 2023 as preventing a repeat of the 1984–1985 flooding. He acknowledged that much of the expanded flood hazard area designation is a modeling exercise required to maintain the City's flood insurance program eligibility.

Councilor Bogdin noted the extensive public outreach conducted over the past four to five years, including open houses, mailers, door hangers, and in-person FEMA consultations for individual property owners. Public Services Division Director Shane Winters confirmed the outreach effort and expressed concern that affected residents may receive notification from mortgage companies

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requiring flood insurance before fully understanding the mapping changes. No formal action was taken; the item will proceed to an ordinance adoption.

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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) 01:16:57

Planning Supervisor Aaron Ardmore provided a brief overview of this item, noting that it involves a zone change and amendment to a development agreement associated with a prior rezone of the subject property. A prior application for this property was not advanced due in part to concerns about sewer capacity. Ardmore stated that the applicant's consultants have since provided additional information establishing that adequate capacity exists for the proposed project.

Councilor Whitlock expressed concern about the change in the capacity assessment, noting that during the Planning Commission hearing for the prior application, staff had stated with confidence that sewer capacity was insufficient and had described potential overflow conditions. He requested a more thorough retrospective explanation of what changed and how to avoid similar discrepancies in the future. Ardmore acknowledged the question and noted that the applicant would be present at the evening meeting to address it directly.

The Council also noted that an earlier proposal for the property had contemplated 100 percent owner-occupied units, whereas the current draft development agreement commits to at least 50 percent owner-occupied, deed-restricted units. Concern was raised about the challenges of mixing rental and owner-occupied units within the same building, with reference to similar concerns raised by other developers in prior discussions. The applicant's anticipated responses to these questions were deferred to the evening Council meeting. Councilor Whitlock also noted that the agenda indicated a traffic study "may" be required and asked why it was not mandatory; Ardmore confirmed a traffic study would be required as part of project plan review.

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5. A resolution approving the adoption of the state-approved Wildland Urban Interface ("WUI") map (26-045) 01:22:12

Fire Marshal Chief Koby Hubbs presented the City's proposed adoption of a state-approved Wildland Urban Interface (WUI) map. Hubbs provided background on House Bill 48, adopted by the Utah Legislature in 2025, and explained that the Council had previously adopted local WUI-related code provisions in anticipation of a state-issued WUI map. The state map was not finalized until March of the current year. Provo Fire staff reviewed the state map and developed a customized parcel-based map that included certain canyon areas below the state's score-of-5 threshold, based on the fire risk posed by slot canyons acting as chimney-like conveyance

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structures for wildfire. The customized map was submitted to the state with justifications and received state approval, reportedly making Provo the first municipality to complete this process.

Hubbs explained that the WUI designation requires new construction within the mapped area to conform to stricter exterior fire standards, such as prohibiting wood shake roofing. For existing homes, the standards would apply only when a significant remodel is undertaken, at which point exterior fire hazard mitigation and landscape/vegetation requirements around the home would be triggered.

In response to a question from Councilor Whitlock regarding the practical impact on a resident newly included in the WUI map, Hubbs stated that most residents would notice no immediate change, but encouraged awareness of the increased wildfire risk and voluntary participation in fuel reduction efforts such as limbing trees and reducing litter fuels near structures. Hubbs noted that the statistical occurrence of large-scale wildfires in the western United States has increased greatly over the past 20 years and that preparedness at the individual and community level is essential.

Regarding the approaching summer fire season, Hubbs noted that the City was nearing the point of issuing Level 1 fire restrictions, consistent with the lead of the state forestry and lands agency, and that due to timing constraints relative to Council meeting schedules, restrictions may need to be issued administratively and ratified at a subsequent Council meeting. He also confirmed that the City's existing fireworks restriction map, in place since approximately 2009, would remain unchanged, and noted that state law limits consumer fireworks use to specified days surrounding the Fourth of July and Pioneer Day.

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

01:32:29

Policy Analyst Tanner Taguchi presented a follow-up on the proposed FY27 water rate increase, addressing two questions raised at the prior work session: a nationwide comparison of Provo's water system age and composition, and whether the proposed 6 percent rate increase remains appropriate given any changes in conditions since the consultant's report was published.

On the national comparison, Taguchi referenced a 2023 Utah State University study of water distribution pipes across more than 200 water systems nationally and presented data showing Provo's pipe age distribution is comparable to the national sample, with approximately a 45/55 split between pipes under and over 30 years of age. He also presented updated leak rate comparisons with neighboring cities (Orem, Springville, and Spanish Fork) showing that Provo's and Orem's break rates have exceeded the national average in recent years, while noting that both systems share similar composition characteristics.

Taguchi presented data on pipe material composition, showing that Provo's system relies more heavily on ductile iron than the national sample, which Taguchi noted is approximately 50 percent more expensive to replace and more prone to breaks per available data. Public Works

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Director Gordon Haight and Water Resources Division Director Ryan York engaged in an extended discussion with Councilor Bogdin regarding the relative merits of ductile iron versus PVC pipe, noting that while the City has increasingly allowed PVC in new and replacement installations, a complete transition presents logistical challenges including parts inventory, crew training, and the fact that 90 percent of the existing system is ductile iron. York noted that PVC installations require tracer wires, and that all fittings remain ductile iron regardless of pipe material. Concerns about microplastics and PFAS associated with PVC pipe were also raised, though York indicated no conclusive studies have been identified.

Taguchi explained that the proposed 6 percent rate increase is intended to address both ongoing inflationary pressures and a persistent structural gap between the division's current pipe replacement capacity and the pace recommended by the consultant's report. He presented an 11-project list of the highest-priority replacement needs identified by the Water Division, with a combined cost that exceeds the current annual CIP budget for water infrastructure, illustrating the need for a gradual, consistent rate increase schedule. Director Haight confirmed that the list represents a reliable three-year plan subject to change, and that any rate increase revenue would be directed to the CIP line for pipe replacement.

Council Executive Director Justin Harrison requested that, if possible, the Council make a decision on the rate increase during the work session so that the rate could be incorporated into the budget for the June 23 Council meeting.

Councilor Christensen moved to adopt a 6% water rate increase in the FY27 Budget. Councilor MacKay Seconded the motion. The motion passed: 7-0.

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7. An ordinance changing Solid Waste code enforcement and adding sanitation collection to the noise exemption code (26-042) 02:13:36

Public Services Division Director Shane Winters presented proposed amendments to the City's solid waste code, covering two primary areas: noise exemptions and civil enforcement of residential and commercial solid waste violations.

On noise exemptions, Winters explained that Provo's sanitation collection begins at 6:00 AM while the current noise ordinance limits such activity to 7:00 AM. The proposed amendment would formally add sanitation collection to the noise exemption, aligning code with existing enforcement practice. Bryce Rolph, Sanitation Manager, clarified that this exemption would apply to both City sanitation operations and third-party commercial waste haulers, consistent with how the code has been historically applied.

On enforcement, Winters explained that current violations of residential solid waste code are classified as Class B misdemeanors, requiring police involvement. The proposed amendment would replace this with a tiered civil fee structure, allowing the sanitation division to address violations—such as blocking bike lanes with cans, improper use of green waste or recycling containers, and leaving waste or large items on a property—without involving law enforcement.

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Rolph noted that the proposed mechanism for the fifth violation within a rolling period would allow removal of a recycling or green waste container from a habitually non-compliant property, addressing a gap in the City's current enforcement tools, particularly at multi-family properties.

Councilor Bogdin expressed some concern about the "failure to clean up trash" provision, questioning whether it could be applied to ordinary spillage. Rolph clarified that the provision is directed primarily at multi-family properties with persistent enclosure conditions involving mattresses, large debris, and similar items. Rolph also confirmed that the overfilling of cans was intentionally excluded from the civil fee structure due to its subjectivity.

Councilor Whitlock expressed overall support for moving violations from a Class B misdemeanor to a civil fee structure, describing it as sound governance, while noting some concern about the administrative burden of tracking a tiered violation system. Winters responded that the infrastructure for documenting, photographing, and tracking violations already exists within the customer service system. Councilor Whipple raised a clarifying question regarding placement of cans on adjacent versus alley-facing streets; Rolph and Winters confirmed that the proposed language is intended to accommodate properties with alley access and is not a substantive change from current practice.

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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) 02:36:44

Budget Officer Kelsey Zarbock presented the recommended year-end appropriations for FY26. The following items were summarized:

Economic Development Study: An appropriation of $93,000 from the General Fund to supplement $75,000 in secured funding, for a total project cost of $168,000 for an economic development study selected through an RFP process.

Fire Department EMS and Equipment: An appropriation of $180,000 for EMS equipment including ventilators, airway bags, and training software.

Indigent Defense (Justice Court): An appropriation of $50,000 from the General Fund to address increased public defender costs above the budgeted amount of $140,000 for FY26. Zarbock noted that FY27 budget includes approximately $182,000 for this line item to reflect higher anticipated costs going forward.

Airport Interfund Loan Payment: A General Fund transfer to cover the principal portion of an interfund loan repayment to the Energy Fund for airport property. Zarbock confirmed this is the final year the General Fund will make this transfer, as the airport will assume the obligation going forward. The airport also covered the interest portion from its own budget savings this year.

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Justice Court Lease and Security: An appropriation of $10,000 to cover mid-year increases in lease and security contract costs.

Development Services – CityView and AI Tools: An appropriation of $200,000, funded by approximately $600,000 in building permit revenues above budget, for CityView permitting system enhancements and AI-assisted plan review and intake tools. Assistant Chief Building Official Hana Mauga described the intended use, including engaging the CityView vendor directly for system improvements and implementing an AI tool available on the City's website to assist applicants in assessing plan completeness prior to formal submission, with the goal of faster and more efficient permit processing.

Fort Utah Park Improvements: An appropriation of $1,400,000 from the General Fund to the Parks and Recreation CIP to fully fund the Fort Utah Park improvement project, which includes parking lot expansion from 88 to approximately 240 stalls, a new playground, restroom, pump track, and skate features. The project is a stated Council priority, and the appropriation was described as supported by projected FY26 sales tax surplus revenues.

Airport Firefighter Costs: A reimbursement appropriation for mid-year market adjustments and overtime costs for firefighters assigned to the airport, to be repaid to the General Fund by the Airport Fund.

Ice Arena and Golf Course: Appropriations from surplus operating revenues for a new ice resurfacer (Ice Arena) and for golf course seasonal staffing, concessions, janitorial costs, and aging equipment replacement including two turf sharpeners.

Councilor Christensen requested that Zarbock provide the Council with a summary table showing projected total FY26 General Fund revenues versus budget, net of all appropriations and known variances, to help the Council understand the full fiscal picture before the budget adoption on June 23. Zarbock confirmed she would provide that information. Councilor Bogdin raised a question regarding Parks and Recreation's use of personnel savings to balance its budget, which led to a discussion with Chief Administrative Officer Scott Henderson distinguishing between natural staff turnover savings captured in the contra fund and self-sustaining enterprise funds such as the Rec Center making internal staffing decisions to manage revenues and expenses. The distinction and its application to the Rec Center remained a point of clarification to be followed up outside the meeting.

Councilor Bogdin also raised a motion regarding the Recreation, Arts, and Parks (RAP) tax allocation, specifically proposing to redirect the $10,000 currently set aside for the Library's Nelson art gallery operations into the general arts grants pool, raising that pool from $65,000 to $75,000, with the library applying through the Arts Council like other applicants.

Councilor Whipple, serving on the Library Board, opposed the motion, stating that the $10,000 is specifically designated for operation of the Nelson art gallery to support the recruitment of outside artists, and that requiring the library to compete through the Arts Council process—where all grants are typically funded at less than the requested amount—would prevent the gallery from fulfilling its purpose. Attorney Jones provided background on the library board's

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governance structure, confirming that while the library board is created by state statute and has authority over the library budget, the City Council retains ultimate authority over the library's property tax rate and budget. He stated that in his experience, the library has always acted in a manner accountable to the Council. Councilor Garrett raised the question of whether accountability reporting could be required from the library even if funds were earmarked. Councilor Christensen expressed support for centralizing arts grant decisions through the Arts Council process. Councilor Whitlock stated he was not yet ready to take a position without better understanding the Arts Council's composition and decision-making process.

A motion to redirect the $10,000 RAP tax allocation from the Library to the general arts grants pool (increasing arts grants from $65,000 to $75,000) was made by Councilor Bogdin and seconded by Councilor MacKay. The motion passed: 4-3 (Councilors Whipple, Garrett, and Whitlock opposed).

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9. A presentation regarding utility transfers (26-046) 02:53:58

Administrative Services Interim Director, Daniel Follett presented the annual disclosure of utility enterprise fund transfers as required by state law. Follett explained that the City transfers 12.5 percent of utility fund revenues as a dividend to the General Fund, benefiting Provo taxpayers in return for their investment in and assumption of risk associated with city utility infrastructure. A second category of transfer covers administrative overhead charges from centralized functions—including legal, finance, HR, and information services—allocated to utility funds based on usage metrics specific to each service area. Follett noted that the total utility transfers are approximately $19,000,000, which is roughly equivalent to the City's total property tax revenues from all three levies combined, underscoring the role of utility transfers in keeping Provo property taxes comparatively low. A public hearing on the utility transfers is scheduled for the June 23 Council meeting.

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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) 03:00:10

Parks and Recreation Director Brad Raney presented a follow-up on the department's FY27 budget, covering three areas: the consolidated fee schedule, Rec Center operations, and CIP changes.

On the consolidated fee schedule, Raney noted that the proposed increases are incremental and apply to day passes, memberships, rental rates at the Rec Center and Ice Arena, select sports programs, and Covey Center rental rates. Several line items were removed as programs are no longer offered. Raney clarified that the membership fee increase at the Rec Center applies only to new or non-continuous memberships, in order to reward and retain existing members. He presented a chart showing that Rec Center membership fees have remained essentially flat since

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the facility opened in 2013, with only a $0.50 admission increase in 2022, while cumulative inflation has significantly outpaced fee levels. Raney also noted that a previously proposed large increase to extra-family-member fees was removed. Comparison data showed Provo's proposed fees remaining within market range relative to neighboring recreation centers.

On Rec Center operations, Raney explained that a software transition beginning in late 2025 caused a one-time drop in membership, as members were required to re-enter payment and login information to maintain their memberships. The department responded by reducing expenditures, increasing marketing and grassroots outreach, and launching a successful spring membership promotion. Raney reported that as of May, revenues are trending within the typical seasonal range and the facility is operating close to balanced. Raney acknowledged that this fiscal year has been unusual and that ongoing evaluation of fees on at least an annual basis will be necessary.

On the CIP, Raney noted two changes from the tentative budget:

(1) a new $40,000 line item for a comprehensive master plan for Memorial Park, with remaining improvement funds held as general park improvements pending the outcome of a citizen-driven planning process; and
(2) a revision to reflect the $1,400,000 Fort Utah Park appropriation discussed under Item 8, which fully funds the project. Raney presented a concept plan and flyover video of the Fort Utah Park improvements, including the parking lot expansion, new playground, restroom, pump track, and skate bowl situated along the Provo River Trail.

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11. A review of proposed changes to the Fiscal Year 2027 Provo City budget ordinance (26-001) 01:56:35

Council Office Executive Director Justin Harrison reviewed proposed changes to the FY27 budget ordinance. Key updates include a placeholder for the total budget figure of approximately $314,000,000, to be updated with the official number from finance prior to the June 23 Council meeting; a public hearing on the budget is scheduled for the evening of June 9, with a second public hearing on June 23.

Harrison noted a complication with the property tax rate adoption. A recent legislative change extended the deadline for counties to provide certified tax rates to taxing entities from June 8 to June 13, with taxing entities now required to adopt a rate by June 22. Because the Council does not meet again until June 23, Harrison indicated that a brief special meeting—potentially virtual—would be needed during the week of June 16 solely to adopt the certified tax rates. Staff confirmed it could be conducted with council members attending online and anchored from the Council Chambers.

Regarding Part 6 on carryovers, Harrison explained a proposed change to bring certain department carryover requests before the Council for approval, rather than routing them solely through the administration. This applies to unspent funds that departments are proposing to

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reappropriate. Encumbered funds and historically approved ongoing project carryovers would continue to carry over automatically.

Other changes included simplification of language related to the Recreation Facilities Capital Fund and removal of a prior provision directing surplus fund balance to a separate emergency account; those funds will instead flow to the City's general fund balance, which the Council had previously indicated is more accessible. New exhibits attached to the budget ordinance this year include the occupational index in addition to the existing exhibits for the budget, CIP, pay range table, and consolidated fee schedule.

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12. A discussion regarding the proposed Philo development term sheet for Lakeview Crossing (26-044) 03:38:12

Division Director of Economic Development Cody Hill presented the proposed term sheet for the Lakeview Crossing development. The subject property is approximately five acres at the southern tip of the Epic Sports Park land, zoned SC-2 (commercial), originally contemplated to support Epic Sports Park operations, airport operations, and provide a long-term revenue source for Epic Sports Park maintenance and operations. An RFP was issued and Philo Development Group, affiliated with the Gartner Group, was selected as the development partner.

The proposed development includes a 137-key hotel, approximately 15,500 square feet of retail (up to eight pad sites), and a convenience store and gas station of approximately 4,000 square feet. The property was appraised at approximately $4,300,000.

Under the proposed term sheet, the City would convey the five acres to Philo in exchange for the City receiving a 2.5 percent share of gross revenue (not profit) in perpetuity from three special purpose vehicles: one for the hotel, one for the convenience store and gas station, and one for the retail pads. The City would also retain veto power over any future sale of the property, with any buyer required to assume the 2.5 percent revenue-sharing obligation.

In addition, Philo is requesting tax increment support through the Lakeview Parkway Community Reinvestment Area (CRA), which was established approximately two months prior and includes this property. The proposed incentive is structured as follows: 25 percent of sales tax increment for 10 years, 25 percent of transient room tax (TRT) for 10 years, and 100 percent of property tax increment for 20 years. All three incentives are subject to a combined hard cap of $3,000,000, which the parties agreed to clarify in the final agreement. Philo's internal estimate for total incentive receipts is approximately $1,300,000, with the $3,000,000 cap serving as a safety ceiling. The qualifying costs eligible for reimbursement include site preparation, wetlands mitigation, utilities, hospitality infrastructure, and soft costs.

A key structural feature of the term sheet is that the 10- and 20-year incentive periods begin upon signing of the agreement, not upon commencement of operations. This provision incentivizes rapid development, as delay consumes available incentive time. A land reversion clause requires

PENDING MINUTES – AWAITING APPROVAL

construction to commence within 30 months of the signed agreement, or the property reverts to the City.

Philo representatives Greg Whitehead and Connor Bell were present and confirmed that, given an estimated 2.5 to 3-year construction timeline, the effective operational period for collecting the incentive would be approximately 7 years under ideal conditions. Hill's financial modeling projected a breakeven on the land value at approximately year 6, with approximately $500,000 in net annual benefit to the City thereafter. The Council discussed the strategic value of the development beyond the Epic Sports Park, including its proximity to the expanding Provo Airport and its role in serving underserved commercial needs on the west side of the city.

The Council directed staff and Philo to proceed with drafting a formal agreement based on the term sheet, incorporating clarification that the $3,000,000 cap applies to all incentive types combined and that the base year property value for tax increment purposes would be addressed in negotiations. The agreement is intended to be brought back to the Council for formal consideration at a future evening session.

Redevelopment Agency Governing Board

13. A presentation on a proposed economic development incentive for the Lakeview Walmart project (26-047) 04:19:21

Bryant Foulger, Chairman of Foulger Pratt, and Jamie Chapman, Development Manager for Foulger Pratt, presented an updated incentive request for the proposed Lakeview Walmart project.

Chapman provided historical context, noting that the subject property and adjacent parcels were rezoned to Freeway Commercial in 2021 with the objective of facilitating maximum commercial opportunity adjacent to a freeway interchange. The project parcel is located within the Lakeview Parkway Community Reinvestment Area (CRA), and Chapman described the proposed Walmart as a keystone project for economic development in that corridor, serving Epic Sports Park visitors, airport users, and west side residents.

Chapman explained that the project involves extraordinary site development costs due to the low-lying nature of the property, requiring approximately 350,000 cubic yards of fill, soil stabilization due to shallow groundwater, rerouting of an off-site storm drain on Lakeview Drive, undergrounding of an irrigation canal, extension of a water main on Lakeview Parkway, and significant public road improvements. Road improvements include widening Lakeview Parkway by one lane, widening the southbound I-15 exit to add a right-turn lane, resurfacing and restriping the full interchange, and widening 5th West to a five-lane minor arterial section consistent with the City's transportation master plan. UDOT approval for the scope of work and an operational safety approval have been obtained. Chapman noted that typical Walmart site development costs run approximately $14,400,000 based on a recent comparable, while this

PENDING MINUTES – AWAITING APPROVAL

project's current site development cost is approximately $24,800,000—a delta of approximately $10,500,000.

The original incentive request of $8,900,000, which included $6,900,000 in sales tax incentive, $1,000,000 in ARPA funds, and $945,000 in city-supplied fill dirt, was associated with a breakeven at approximately year 10. The revised and substantially reduced request totals $4,500,000, comprised of $3,600,000 in sales tax incentive and approximately $105,000 cubic yards of fill dirt already delivered to the site (estimated at approximately $900,000 in value), with the $1,000,000 ARPA request removed entirely. The revised model projects breakeven at year 5 and full benefit realization at approximately year 8.

Regarding economic impact, Foulger noted that projections assume a 50–60 percent cannibalization rate, meaning that sales cannibalizing existing Provo retailers are excluded from the net new revenue calculation. The remaining projected new sales tax revenue to the City is derived from recapturing an estimated $80–85,000,000 in annual sales currently leaving Provo to neighboring Walmart locations. Foulger stated that the projected 350 permanent positions at the store pay an average of $20 per hour, with benefits available to employees working as few as 20 hours per week.

Councilor Bogdin raised concerns about sight distance and safety at the termination point of the 5th West widening near an existing pump house structure, given the current lack of visibility at that location. Chapman acknowledged the concern and indicated it could be addressed in the development agreement for the remainder of the site or through engineering review. Councilor Bogdin also noted the previously withdrawn application for the balance of the site and expressed hope that future planning would address the connectivity and access issues.

Closed Meeting

Councilor Whipple moved to close the meeting to discuss the character and competency of an individual in the council pre-function room pursuant to Utah Code § 52-4-205(1)(a). Councilor Garrett Seconded the motion. The motion passed: 7-0.

Adjournment

PENDING MINUTES - AWAITING APPROVAL

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	NMUHLESTEIN
Presenter:	Nicholas Muhlestein, Assistant City Attorney, Greg Hooke, BYU Managing Director of Building Operations and Grounds
Department:	Legal
Meeting Date:	6/23/2026
Requested Duration (Minutes):	30 minutes
CityView or Issue File Number:	

SUBJECT: 9 Resolution Approving Urban Deer Control Plan

ADMINISTRATIVE RECOMMENDATION: Approval is recommended.

ADMINISTRATIVE MEMO: BYU would like to administer a deer control plan on campus to cull the urban deer population. This can be done by Provo City approving an Urban Deer Control plan where BYU is selected to perform the day-to-day operations. BYU and the City have worked with the Utah Division of Wildlife Resources to create an urban deer control plan. This plan must be approved by the council before it can be implemented.

FISCAL IMPACT: None

TIME SENSITIVITY: The plan would begin on August 15, 2026, and the actual culling only occurs during August of each year. So if we don't have it approved before then this plan cannot be implemented this year.

COUNCIL STAFF MEMO:

RESOLUTION <<Document Number>>

A RESOLUTION APPROVING AN URBAN DEER CONTROL PLAN. (25-_____)

RECITALS:

It is proposed that the Provo City Municipal Council approve the Urban Deer Control Plan attached as Exhibit A. Brigham Young University (BYU), located in Provo, contains an estimated 60 urban deer. These deer cause damage to property and vegetation both on and off of campus. BYU wishes to reduce the number of deer present on campus via culling, and the City and its residents would benefit from a reduction in property-damaging urban deer within the City;

To allow BYU to cull the urban deer, the City has obtained a Certificate of Registration (attached as Exhibit B), and must subsequently approve of an Urban Deer Control Plan. This Plan is limited to BYU campus and will be administered by BYU staff, with oversight from the City. As compensation for the City obtaining approval of the plan, BYU agrees to indemnify the City against any damages arising out of its employee's actions in implementing the urban deer control plan. This agreement is found as Exhibit C;

Commented [NM1]: This isn't drafted yet and so is not attached. It should be a very brief document.

On June 23, 2026 and July 14, 2026, the Municipal Council met to consider 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 as described herein, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council resolves as follows:

PART I:

The Urban Deer Control Plan, attached as Exhibit A, is approved.

PART II:

This resolution takes effect immediately.

Urban Deer Control Plan

C.O.R #: 4COLL10421-02

City: Provo City (but with the management program to be on Brigham Young University campus and primarily run by BYU staff.)

City Contact Information:

Main Contact: Nicholas Muhlestein, NMuhlestein@provo.gov, 801-852-6369

Secondary Contact: Brian Jones, BJones@provo.gov, 801-852-6140

Address for Correspondence:

445 W Center Street
Provo, UT 84601
Attn: Provo City Attorney

Summary of Justification for Action:

Over the past several years, BYU has observed a consistent population of deer living year-round on campus property. Current estimates indicate that more than 60 deer reside permanently on university grounds. Because this group remains largely isolated from broader herds, evidence suggests increasing health concerns within the population, including visible deformities and other issues consistent with inbreeding. In addition to animal welfare concerns, the resident population has caused ongoing landscape damage and presents safety considerations for pedestrians and motorists.

Estimated Population Size at Beginning of Action: 60 (on campus alone)

Population Objective after Action: 20 (on campus alone) (Reduce by potentially **up to** 20 each year, though with an ultimate goal of population reduction of only 40 overall)

Management Actions

Persons Eligible to Perform Deer Removal Activities:

Greg Hooke, Program Coordinator
BYU Managing Director of Building Operations and Grounds
greg_hooke@byu.edu 801-422-5405

Paul Boekweg – BYU Pest, Pesticide, and Fertilizer Program Manager
paul_boekweg@byu.edu 801-422-7815

Tyson Ricks – BYU Director of Grounds tyson_ricks@byu.edu 801-422-5101

Conditions and Restrictions of Baiting and Spotlighting:

The program will include deploying baited walk-in traps at predetermined locations across campus. Traps will be monitored closely to ensure humane handling and minimize stress. BYU Police personnel will humanely euthanize captured deer in accordance with applicable wildlife management and public safety standards. Spotlighting may only be used to assist with carcass recovery.

Locations and Time Periods of Deer Removal Activities:

Deer removal activities will take place only on BYU campus and only during the months of August in 2026-29.

Lethal Methods of Take (Include conditions under which each may be employed): BYU Police personnel will humanely dispatch deer using an approved .22 caliber firearm in accordance with applicable laws and safety protocols.

Tagging Requirements:

Animals will be tagged with a tag issued by Provo City immediately upon recovery. Prompt notification to the Program Coordinator is required for all kills. Carcasses must be tagged consistent with Section 23A-4-709.

Carcass Removal and Disposal

The Program will coordinate with BYU Grounds to promptly and properly dispose of carcasses in compliance with all health and environmental regulations. The program managers have obtained a list of 20 private citizens who are willing to receive, salvage and dispose of the carcasses in a manner consistent Section 23A-5-314 (Waste of Wildlife). All carcasses will be provided to these individuals. All deer one year or older must be tested for Chronic Wasting Disease (CWD). Samples must be submitted weekly to the Springville Division Office. [We need to insert how we will donate the carcasses here.]

Date of Public Meeting Considering this Plan: Initial presentation of the plan to the Provo City Council was done on June 23, 2026. Final presentation to the council for approval occurred on July 14, 2026.

Commented [NM1]: Obviously this is the proposed timeline.

Approval Signatures:

_____

City Mayor

_____

City Recorder

CERTIFICATE OF REGISTRATION (COR)
URBAN DEER CONTROL PLAN FOR LETHAL REMOVAL

Registrant Name and Address	COR Number
Nicholas Muhlestein, Assistant City Attorney 801-852-6369 Provo City nmuhlestein@provo.gov 445 West Center Street Provo Utah 84601	4COLL10421-02 02/11/2026
	Effective Dates
	08/01/2026 – 10/15/2029

Purpose

To enable Provo City (City) to design and administer an Urban Deer Control Plan for **the lethal removal of up to 20 deer per year from August 1 – October 15 within Provo City limits.**

Annual Report Due March 1 of each year: Submit an annual report (that will be provided by the Division) to the Region Contact listed herein. The report will consist of lethal removal activities, including the following information for each permit issued: name of shooter/permit holder; sex and age of the animal; date of harvest; disposition of carcass, ie, retained by hunter, donated, etc.

Region Contact: Rod Nielsen, CR Urban Wildlife Biologist (801) 885-1008

Authorities and Limitations.

To prescribe and employ lethal methods to remove resident deer damaging private property or threatening public safety within the city by:

- Requiring that all deer one year or older, that have been harvested, be tested for Chronic Wasting Disease (CWD). Testing shall be coordinated with the Regional Urban Wildlife Biologist.
- Utilizing baiting to facilitate safe and effective deer removal activities.
- Selecting and supervising individuals to perform specified deer removal activities, provided the city, issues to each individual authorized to remove deer a written authorization and tag that is on a form prescribed by the Division. Is signed by the city manager and recipient; identifies the recipient's name, address, date of birth, gender, height, weight, and eye color; describes the locations, time periods, methods of take, and related activities authorized by the city; and includes a detachable tag consistent with the requirements in Section 23A-4-709.
- Allowing a single individual to take more than one deer.
- Permitting spotlighting to facilitate non-lethal deer removal or carcass recovery efforts.
- Require individuals authorized to lethally remove deer to tag the carcass consistent with Section 23A-4-709.
- Comply with all federal, state, and local laws pertaining to the possession, use, and discharge of a dangerous weapon.
- Take measures to ensure that deer carcasses are salvaged consistent with Section 23A-5-314 (Waste of Wildlife) and disposed of as provided by law.
- Ensure the viscera is removed from the kill site and disposed of as provided by law.
- Ensure that antlers of lethally removed deer are promptly surrendered to the Division and not retained by the city or the person that takes the animal.

The city will not:

- Capture a deer for release outside municipal boundaries without a written capture and relocation plan prepared in coordination with and approved by the Division.
- Capture or relocate a deer in violation of the approved capture and relocation plan; allow an employee, officer, agent, licensee, or contractor who has not been certified and approved according to the written capture and relocation plan to capture or release a deer.
- Sell or barter a deer carcass or otherwise use it for pecuniary gain without prior written approval from the Division.
- Collect a fee or compensation from a person or entity it authorizes to remove deer from its incorporated boundaries, unless the fee or compensation is $50 or less and is used exclusively to recoup the actual costs incurred by the city in, selecting and qualifying the person; or butchering and processing lethally removed deer for donation; and approved by the Division in writing.
- Undertake or authorize deer removal activities outside the incorporated city boundaries or any unincorporated areas approved by the Division and the county or the season time frame prescribed in the COR.
- Remove more deer, collectively or by gender, than authorized in the COR.
- Authorize the discharge of firearms or archery equipment for deer removal, between one half hour after official sunset and one-half hour before official sunrise; or in violation of federal, state, or local laws.

Urban Deer Control Plan

The City must prepare an urban deer control plan consistent with this COR prior to undertaking any deer removal activities. The urban deer control plan will address and prescribe, at a minimum:

- Lethal methods of take that may be used to remove deer and the conditions under which each may be employed.
- Conditions and restrictions under which baiting and spotlighting may be used to facilitate deer removal.
- Persons eligible to perform deer removal activities and the requirements imposed on them.
- Locations and time periods where specified types of deer removal activities may be employed or authorized.
- Requirements for tagging deer carcasses.
- Protocols for carcass removal and disposal.
- Procedures for promptly returning to the Division all antlers of lethally removed deer.
- The estimated population of resident deer in the city and the final target population number the city seeks to achieve through deer removal.
- All aspects of the plan must be consistent with the authorizations and limitations imposed in R657-65 and this COR.
- The Division shall have sole discretion to authorize or prohibit capture and relocation as part of an urban deer control plan. If the city desires to capture and relocate resident deer, it must petition the Division to include a capture and relocation component in its urban deer control plan.
- The city will solicit and consider input in the formulation and development of the urban deer control plan from, the Division; the public; interested businesses and organizations; and local, state, and federal governments.
- The Division may provide technical assistance to the city in preparing the urban deer control plan.
- After formulating a draft plan, the city will hold a public meeting to take and consider input on the draft before finalizing or implementing it.
- The city will assume full responsibility for, all costs associated with designing, establishing, implementing, and operating the urban deer control plan and all its associated activities; and for the acts and omissions of its officers, employees, agents, contractors, and licensees in designing, preparing, and implementing its urban deer control plan and undertaking the activities authorized thereunder.

COR Term, Termination, Renewal, and Amendment.

- An urban deer control plan COR issued under this rule will remain valid for three years from the date of issuance. The Division and the city shall each have the right to unilaterally terminate an urban deer control plan COR with or without cause upon 7 days advance written notice to the other.
- Upon termination or expiration of the COR, the city and its officers, employees, agents, contractors, and licensees must cease all deer removal activities formally authorized by the COR.
- Upon application by a city, the Division may renew an urban deer control plan COR for an additional three-year term, provided, the city complies with the conditions in R657-65-3(2); and the application for renewal is presented at a public meeting for comment and approved by the city council.
- An urban deer control plan may be amended upon mutual written agreement of the city and Division, provided the amendment is consistent with the authorizations and limitations in this rule.

Violations.

Pursuant to Section 23A-4-1106, the Division may suspend, restrict, or deny an urban deer control plan COR for any intentional, knowing, or reckless violation of the Wildlife Code, this rule, or the terms of this COR.

Issued under authority granted by R657-65 and Title 23, Utah Code.
By Anita Candelaria

COR Specialist

Registrant signature

Issued by: Anita Candelaria, Wildlife Licensing Specialist – (385) 332-6154 – anitacandelaria@utah.gov

2026 Storm Drain Master Plan

June 23, 2026

provo
PUBLIC WORKS

Purpose of Stormwater Master Planning

System Planning & Capacity

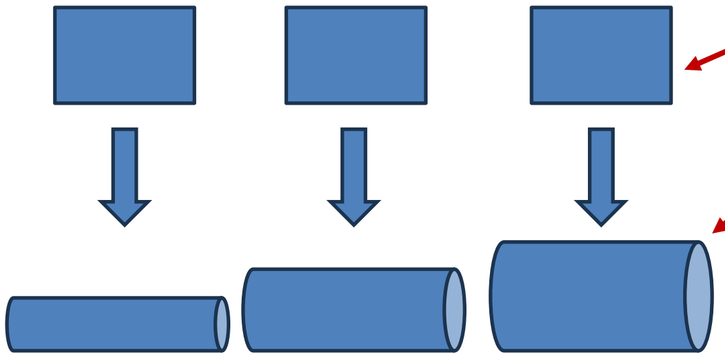
- Identify existing and future stormwater infrastructure needs
- Size facilities based on hydrologic and hydraulic modeling
- Plan cost effective solutions to manage stormwater runoff

Policy, Funding & Implementation

- Engineering Design Standards
- Regulatory compliance (State and Federal)
- Project prioritization
- Impact Fees (Funding source for future development)

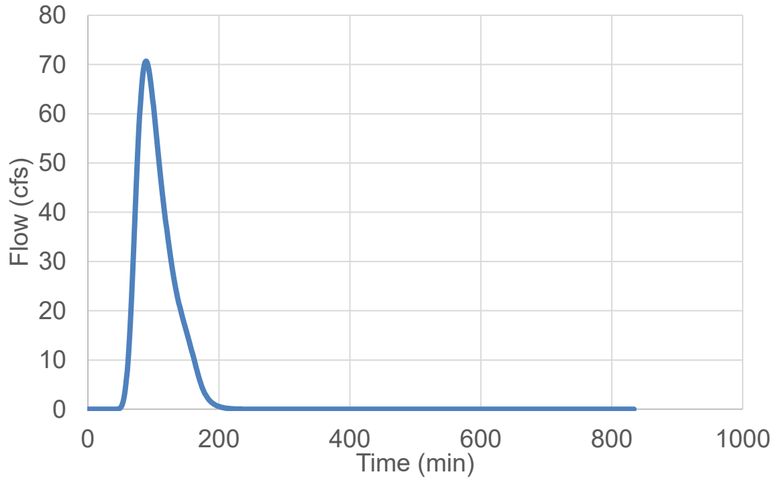
Key Stormwater Management Techniques

Conveyance

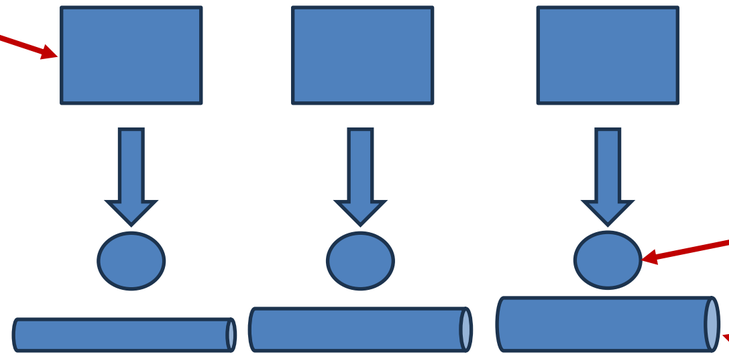


Drainage Basins

Big Pipes

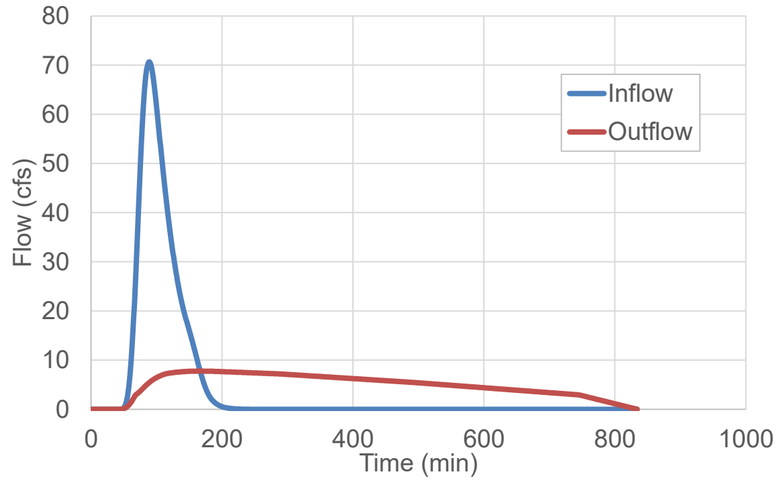


Detention



Detention

Smaller Pipes



Key Differences With Prior Master Plan

1. *Drainage Basin Resolution*
2. *Directly Connected (DCIA) Vs Unconnected Impervious Areas (UIA)*
3. *City Specific Impervious Surface Delineation*
4. *Project Changes*

Resolution Comparison

LOW RESOLUTION

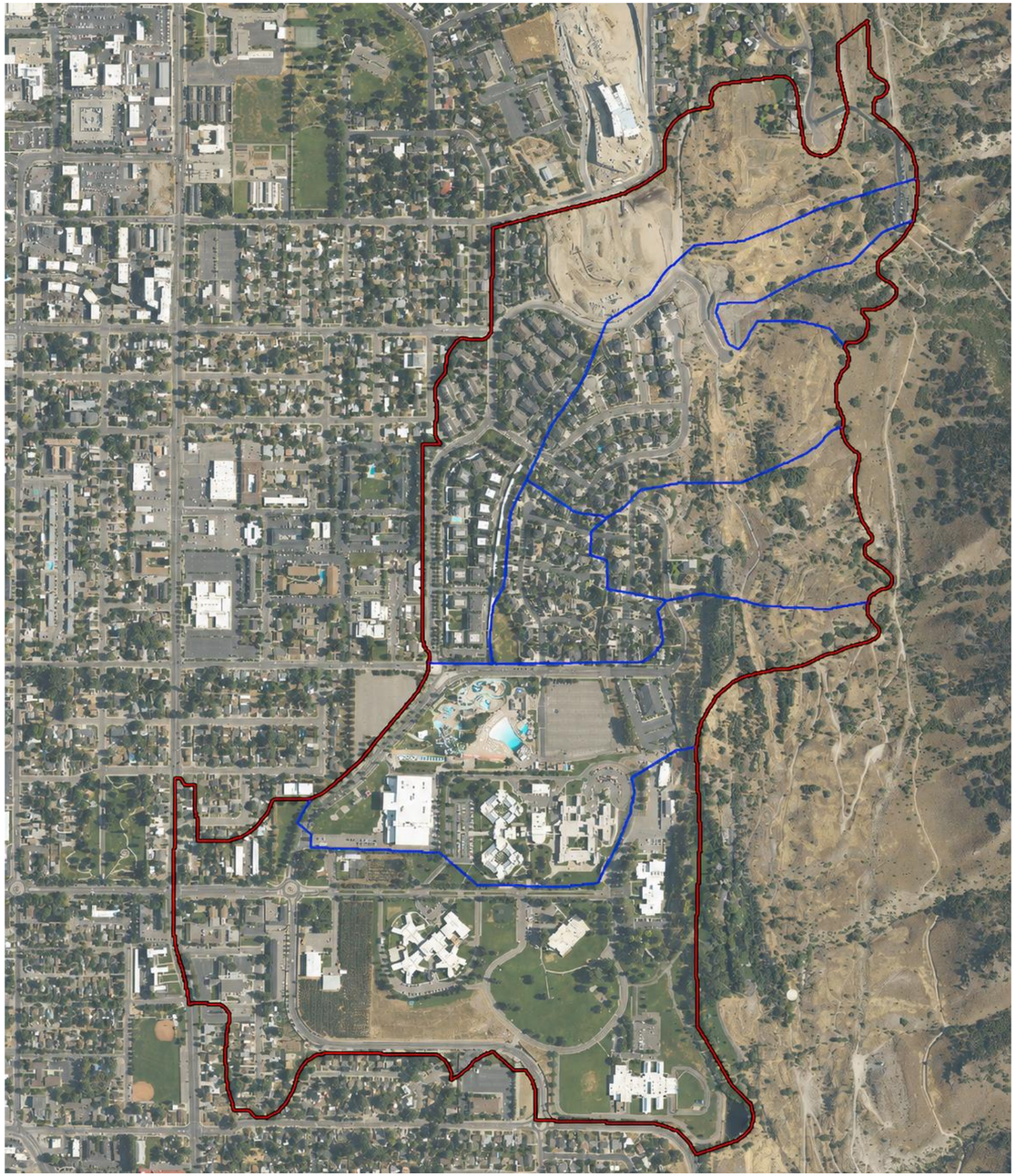
Detail Lost

Blurry & Blocky

HIGH RESOLUTION

Detail Preserved

Sharp & Clear



DCIA vs UIA

Roof Runoff

➡ **Pervious Lawn (UIA)**

Infiltration & Flow Attenuation

Driveway

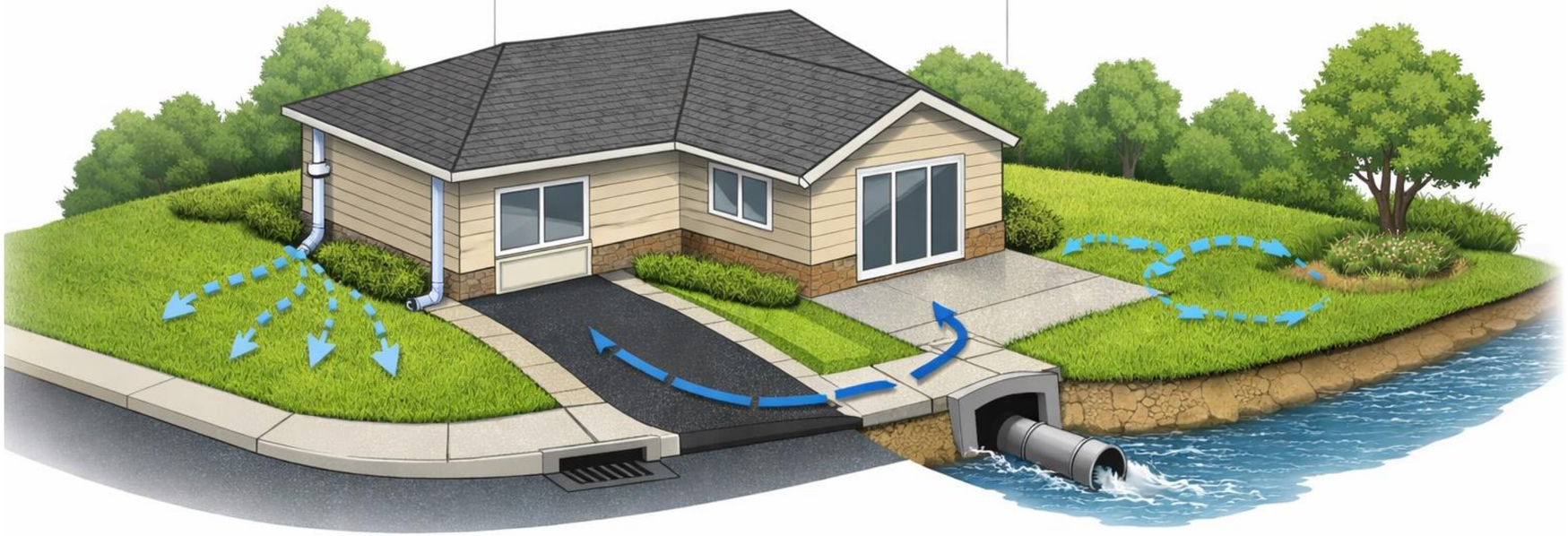
➡ **Curb & Gutter ➡ Storm System (DCIA)**

Immediate Runoff to System

Patio Runoff

➡ **Pervious Yard (UIA)**

Partial Infiltration & Surface Storage



Impervious Area | Pervious Area | Runoff Flow | *Infiltrated Flow*

Impervious Surface Delineation

Existing Deficiency & CIP Maps

See PDF Maps

Summary of Findings

- Total Capital Improvement Project Cost
  - $76.8 Million
- Impact Fee Eligible Project Costs
  - $25.8 Million
- Utilizing detention to reduce flows when feasible
- Upsizing pipes when necessary
  - Problem areas identified by City and confirmed by modeling

Impact Fee

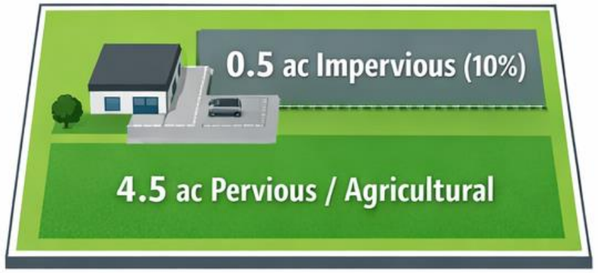
- What is an Impact Fee?
  - A one-time fee charged to new development to fund necessary infrastructure related to growth.

- Legal and Planning Framework
  - Impact fees require technical analysis and plans like a Storm Drain Master Plan as the basis for the Capital Improvement Plan and Impact Fee assessment.

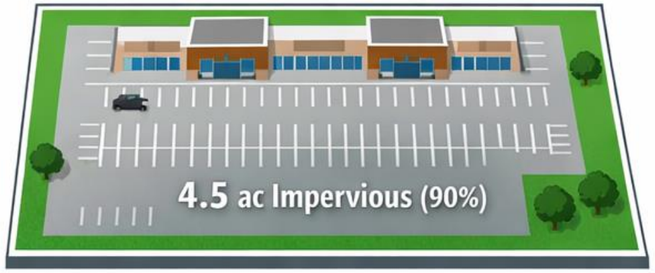
Gross Acreage vs Stormwater ERU

Case Study: Two 5-Acre Parcels

Developer A – Low Impact Use



Developer B – High Impact Use



Gross Acreage Approach	Stormwater ERU Approach
Developer A: **$40,000**	Developer A: **7 ERUs ≈ $10,339**
Developer B: **$40,000**	Developer B: **61 ERUs ≈ $90,097**
($8,000 per acre)	*($1,477 per ERU)*

**Values rounded.*

Higher impact developments pay more under the ERU-based approach.

Impact Fee Calculation

- Total Impact Fee Eligible Costs - $25.8 M
- Planning Related Costs - $180,000
- Remaining ERUs to be Developed – 17,580

The total impact fee eligible cost is:

$$\$24{,}701{,}950 + \$1{,}088{,}100 + \$180{,}000 = \$25{,}970{,}050$$

Upon implementation of the impact fee eligible projects, the stormwater system will have capacity to serve an additional 17,580 ERUs of new development. Therefore, the impact fee rate is calculated as:

$$\frac{\$25{,}970{,}050}{17{,}580\ \text{ERUs}} = \$1{,}477/\text{ERU}$$

Impact Fee Comparison

- Current Stormwater Impact Fee
  - $8,262.93/acre developed FY 25-26
- Proposed Stormwater Impact Fee
  - $1,477.00/ERU
- Future Plan is to update Impact Fee Annually
  - More accurate project costs and estimates
  - Better chance to collect the “right” amount
  - Keeps any increases year to year relatively small

THANK YOU!

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT

Submitter:	HSALZL
Presenter:	Hannah Salzl , City Planner and Carlos Garcia, Storm Water Engineer
Department:	Development Services
Meeting Date:	6/23/2026
Requested Duration (Minutes):	15 minutes
CityView or Issue File Number:	PLGPA20260193

SUBJECT: 1 An ordinance amending the General Plan to add the Storm Drain Master Plan. (PLGPA20260193)

ADMINISTRATIVE RECOMMENDATION: On May 27, the Planning Commission voted 4:0 to recommend approval.

ADMINISTRATIVE MEMO: The Provo City Storm Drain Master Plan (SDMP) is a comprehensive long-range planning document that evaluates the existing storm drain system and identifies current and future stormwater infrastructure needs. The plan establishes an approach for safely conveying and managing stormwater based on projected land use, anticipated development patterns, hydrology, and accepted engineering standards.

The SDMP identifies recommended system improvements needed to support growth, reduce flood risk, and protect public infrastructure. Adoption of the plan will provide Provo City with a guiding document for stormwater planning, development review, and long-term budgeting.

FISCAL IMPACT: N/A

TIME SENSITIVITY: It was noticed for the target meeting date on the Planning Commission agenda.

COUNCIL STAFF MEMO:

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: May 27, 2026

***ITEM 2** Provo Public Works request adoption of the Storm Drain Master Plan into the General Plan along with an associated Impact Fee Facility Plan. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLGPA20260193

APPLICANT:	Carlos Garcia
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 Provo City Storm Drain Master Plan (SDMP) is a comprehensive long-range planning document that evaluates the existing storm drain system and identifies current and future stormwater infrastructure needs. The plan establishes an approach for safely conveying and managing stormwater based on projected land use, anticipated development patterns, hydrology, and accepted engineering standards.

The SDMP identifies recommended system improvements needed to support growth, reduce flood risk, and protect public infrastructure. Adoption of the plan will provide Provo City with a guiding document for stormwater planning, development review, and long-term budgeting.

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 purpose of this amendment is to update the existing Storm Drain Master Plan that evaluates the existing storm drain system and identifies current and future stormwater infrastructure needs.

Staff Response: This amendment provides needed updates for best practices for critical infrastructure.

FINDING: Meets the standard.

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

Applicant Response: The proposed amendment is determined to be in the best interest of the Public and is consistent with the goals and objectives of Provo City.

Staff Response: Maintaining storm drains to high standards serves general health, safety, and public welfare.

FINDING: Meets the standard.

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

Applicant Response: The proposed Storm Drain Master Plan is partially derived from the General Plan with regards to land use, development, and overall growth. Therefore, it is determined to be consistent with the policies, goals, and objectives of the General Plan.

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 proposed Storm Drain Master Plan is partially derived from the General Plan with regards to land use, development, and overall growth. Therefore, it is determined to be consistent with the General Plan's "timing and sequencing."

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: There is no potential for the proposed amendment to hinder or obstruct General Plan policies.

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: There are no anticipated adverse impacts on adjacent

landowners.

Staff Response: Staff anticipate no adverse impacts to adjacent landowners.

FINDING: Meets the standard.

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

Applicant Response: The proposed Storm Drain Master Plan is partially derived from the General Plan with regards to land use, development, and overall growth. Therefore, it is determined to be correct and consistent with General Plan zoning.

Staff Response: This amendment does not conflict and would help provide adequate utility services to all zones.

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

There are no applicable zoning codes. The proposed amendment would be added as an appendix to the General Plan.

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 to the Provo City Council to adopt the Storm Drain Master Plan."
2. **Recommend Denial**: The proposal is not consistent with the General Plan.
   "I make a motion that we forward a recommendation to the Provo City Council to deny the Storm Drain Master Plan."
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 Storm Drain Master Plan to allow for further discussions."

ATTACHMENTS

1. Link to the Proposed New Text for the Storm Drain Master Plan
2. Link to the Proposed New Text for the Storm Drain Impact Fee Facility Plan and Impact Fee Analysis

ATTACHMENT 1: LINK TO THE PROPOSED NEW TEXT FOR THE STORM DRAIN MASTER PLAN

The full plan is 79 pages long and cannot be attached to this staff report. To view the proposed plan, please visit the following webpage:

https://tinyurl.com/3wud8j9h

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

Attachment 2: Link to the Proposed New Text for the Storm Drain Impact Fee Facility Plan and Impact Fee Analysis

The full plan is 15 pages long and cannot be attached to this staff report. To view the proposed plan, please visit the following webpage:

https://tinyurl.com/yeuu724h

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

Provo City Planning Commission

Report of Action

May 27, 2026

* ITEM 2 Provo Public Works request adoption of the Storm Drain Master Plan into the General Plan along with an associated Impact Fee Facility Plan. Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLGPA20260193

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 27, 2026:

RECOMMENDED APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.
Motion By: Jon Lyons
Second By: Matt Wheelwright
Votes in Favor of Motion: Lisa Jensen, Daniel Gonzales, Jon Lyons, Matt Wheelwright
Lisa Jensen was present as Chair.

- 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 and their consultant from Hansen Allen & Luce Inc presented the proposed master plan and an overview of the major findings of the plan.
- The Staff Report to the Planning Commission provides details of the facts of the case and the Planning Staff's analysis and conclusions.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

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

CONCERNS RAISED BY PUBLIC

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

- Ilene from the Homebuilders Association spoke in favor of using the proposed “ERU” fee structure because it helps housing affordability.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission discussed the advantages of using the “ERU” fee structure and were in favor of that being brought to the city.

- Commissioners complimented the presenters and public works staff for being creative with solutions for storm water.
- Focused discussion on the biggest problem areas in the city for storm water and how the floodplain and natural water flows impact storm water.
- The commission encouraged the city and council to be sensitive to fee increases and make sure we have plans for ongoing maintenance.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- The amendment is being approached the right way and staff have provided a good plan.

Lisa Jensen

Acting Planning Commission Chair

Bill Peperone

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

The full plan is 79 pages long and cannot be attached to this staff report. The proposed plan includes the Impact Fee Facility Plan as its own Appendix A. To view the proposed plan, please visit the following webpage:

https://tinyurl.com/3wud8j9h

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE GENERAL PLAN TO ADD THE STORM DRAIN MASTER PLAN. (PLGPA20260193)

RECITALS:

It is proposed that the Provo City General Plan be amended to add the Storm Drain Master Plan as Appendix AH as shown in the proposed text in Appendix A of this ordinance;

On May 27, 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 4:0

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) 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:

The Provo City General Plan is amended be enacting the attached Exhibit A as a new Appendix AH.

PART II:

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

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

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

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

EXHIBIT A

The full plan, which includes the Impact Fee Facility Plan, is 79 pages long and cannot be attached to this staff report. To view the proposed plan, please visit the following webpage: https://tinyurl.com/3wud8j9h

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: May 27, 2026

***ITEM 1** Provo Public Works requests a General Plan amendment to update the Wastewater Collection Master Plan (Appendix G of the General Plan). Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLGPA20260191

APPLICANT:	Lane Pierce
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

Provo City owns and operates a water reclamation facility and a wastewater collection system. The wastewater collection system consists of approximately 310 miles of gravity sewer pipelines, ranging from 6-inch sewer lines to 42-inch sewer lines and 15 sewer lift stations owned and operated by the city. The City's new membrane bioreactor reclamation facility is rated at 21 Million Gallons per Day (MGD) with a hydraulic capacity of 16 MGD.

The Wastewater Collection System Master Plan evaluates the City's wastewater pipeline infrastructure and reclamation facility in several criteria. The key points of the Master Plan are:

1. Hydraulic Analysis (sewer model) – Analyze the existing system for current pipe capacity deficiencies and future growth to determine future capacity deficiencies, based on current zoning and current planned developments.
    a. Key points of concern
        i. Northeast Area has near future sewer pipeline capacity deficiencies.
        ii. West of I-15 has future sewer pipeline capacity deficiencies.

2. Condition Assessment – Determine deficiencies in the current pipelines, lift stations, and Treatment Plant.
    a. Key points to note
        i. Large portion of the system has older pipes that are failing.
        ii. Treatment Plant is updated to meet new EPA standards.
        iii. Determine Locations of inflow and infiltration to our sewer pipelines.

3. Capital Improvement Program
    a. Addresses projects that will eliminate system deficiencies.
    b. Discusses rate increases to fund future projects in order to maintain existing system.

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 purpose is to update the existing Wastewater Master Plan to show system deficiencies and future projects necessary with occurring growth.

Staff Response: This amendment provides needed updates for best practices for critical infrastructure.

FINDING: Meets the standard.

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

Applicant Response: Public Works says this plan is the best way to analyze Provo's system and plan for the future.

Staff Response: Maintaining the wastewater collection system to high standards serves general health, safety, and public welfare.

FINDING: Meets the standard.

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

Applicant Response: The Wastewater Collection Master Plan is consistent and uses the General Plan densities to determine growth.

Staff Response: The proposed plan 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 proposed plan has used the updated area plans and general plan documents to have the most updated "timing and sequencing" land use. It even discusses some of the larger potential growth from developers that have been submitted for review but not yet approved.

Staff Response: The amendment to update the plan 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: Public Works does not believe this plan will hinder or obstruct the general plan policies.

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: This plan uses the land uses as laid out in the General Plan and neighborhood plans. It will not have any adverse impacts on landowners any more than the General Plan would.

Staff Response: Staff anticipates no adverse impacts to adjacent landowners.

FINDING: Meets the standard.

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

Applicant Response: The proposed plan update does not change any zoning and follows the General Plan zoning.

Staff Response: This amendment does not conflict and would help provide adequate utility services to all zones.

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

There are no applicable zoning codes. The proposed amendment would be added as an appendix to the General Plan.

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 to the Provo City Council to adopt the Wastewater Collection Master Plan."
2. **Recommend Denial**: The proposal is not consistent with the General Plan.
   "I make a motion that we forward a recommendation to the Provo City Council to deny the Wastewater Collection Master Plan."
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 Wastewater Collection Master Plan to allow for further discussions."

ATTACHMENTS

1. Link to the Proposed New Text for the Wastewater Collection Master Plan

ATTACHMENT 1: LINK TO THE PROPOSED NEW TEXT FOR THE WASTEWATER COLLECTION MASTER PLAN

The full plan is 176 pages long and cannot be attached to this staff report. To view the proposed plan, please visit the following webpage or follow the directions below:

https://tinyurl.com/mryze3x6

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	HSALZL
Presenter:	Hannah Salzl, City Planner, Lane Pierce, Water Resources Engineer
Department:	Development Services
Meeting Date:	6/23/2026
Requested Duration (Minutes):	10 minutes
CityView or Issue File Number:	PLGPA20260191

SUBJECT: 2 An ordinance amending the General Plan to update the Wastewater Collection Master Plan. (PLGPA20260191)

ADMINISTRATIVE RECOMMENDATION: On May 27, the Planning Commission voted 4:0 to recommend approval.
ALSO TO DO: UPDATE PC VOTE IN ORDINANCE, UPLOAD SLIDES AND ROA

ADMINISTRATIVE MEMO: Provo City owns and operates a water reclamation facility and a wastewater collection system. The wastewater collection system consists of approximately 310 miles of gravity sewer pipelines, ranging from 6-inch sewer lines to 42-inch sewer lines and 15 sewer lift stations owned and operated by the city. The City's new membrane bioreactor reclamation facility is rated at 21 Million Gallons per Day (MGD) with a hydraulic capacity of 16 MGD.

The Wastewater Collection System Master Plan evaluates the City's wastewater pipeline infrastructure and reclamation facility in several criteria. The key points of the Master Plan are:

1. Hydraulic Analysis (sewer model) – Analyze the existing system for current pipe capacity deficiencies and future growth to determine future capacity deficiencies, based on current zoning and current planned developments.
   a. Key points of concern
      i. Northeast Area has near future sewer pipeline capacity deficiencies.
      ii. West of I-15 has future sewer pipeline capacity deficiencies.

2. Condition Assessment – Determine deficiencies in the current pipelines, lift stations, and Treatment Plant.
   a. Key points to note
      i. Large portion of the system has older pipes that are failing.
      ii. Treatment Plant is updated to meet new EPA standards.
      iii. Determine Locations of inflow and infiltration to our sewer pipelines.

3. Capital Improvement Program
   a. Addresses projects that will eliminate system deficiencies.

b. Discusses rate increases to fund future projects in order to maintain existing system.

Provo's current Wastewater Collection Master Plan is Appendix G of the General Plan. This update would replace the old plan.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE GENERAL PLAN TO UPDATE THE WASTEWATER COLLECTION MASTER PLAN. (PLGPA20260191)

RECITALS:

It is proposed that the Provo City General Plan be amended to update the Wastewater Collection Master Plan in Appendix G with the proposed text in Exhibit A of this ordinance;

On May 27, 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 4:0;

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) 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:

The Provo City General Plan is amended by replacing in its entirety the existing Appendix G with the attached Exhibit A.

PART II:

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

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

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

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

EXHIBIT A

The full plan is 176 pages long and cannot be attached to this staff report. To view the proposed plan, please visit the following webpage or follow the directions below:
https://tinyurl.com/mryze3x6

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

Provo City Planning Commission

Report of Action

May 27, 2026

* ITEM 1	Provo Public Works requests a General Plan amendment to update the Wastewater Collection Master Plan (Appendix G of the General Plan). Citywide Application. Hannah Salzl (801) 852-6423 hsalzl@provo.gov PLGPA20260191

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 27, 2026:

RECOMMENDED APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.
Motion By: Jon Lyons
Second By: Matt Wheelwright
Votes in Favor of Motion: Lisa Jensen, Daniel Gonzales, Jon Lyons, Matt Wheelwright
Lisa Jensen was present as Chair.

- 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 and their consultant from Bowen-Collins presented an overview of the proposed updated sewer master plan and responded to questions from the Planning Commission regarding maintenance, growth, and rates.
- The Staff Report to the Planning Commission provides details of the facts of the case and the Planning Staff's analysis and conclusions.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

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

CONCERNS RAISED BY PUBLIC

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

- 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:

- The recent upgrades to the city sewer infrastructure are great for the city, and the plans have addressed new and future needs for the city.
- Discussion regarding age of pipes and required maintenance was held between the commission and the presenters.

- Commission encouraged the city and the council to be proactive with maintenance to avoid future issues or large fee increases.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- The amendment is well thought out and provides good, detailed information. The city has done well with wastewater, and this plan sets a good framework for the future.

Lisa Jensen

Acting Planning Commission Chair

Bill Peperone

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

The full plan is 176 pages long and cannot be attached to this staff report. To view the proposed plan, please visit the following webpage or follow the directions below:

https://tinyurl.com/mryze3x6

Or go to Provo.gov/Planning and click on “Plans Pending Adoption.”

*ITEM 1

Provo Public Works requests a General Plan amendment to update the Wastewater Collection Master Plan (Appendix G of the General Plan).

Citywide Application

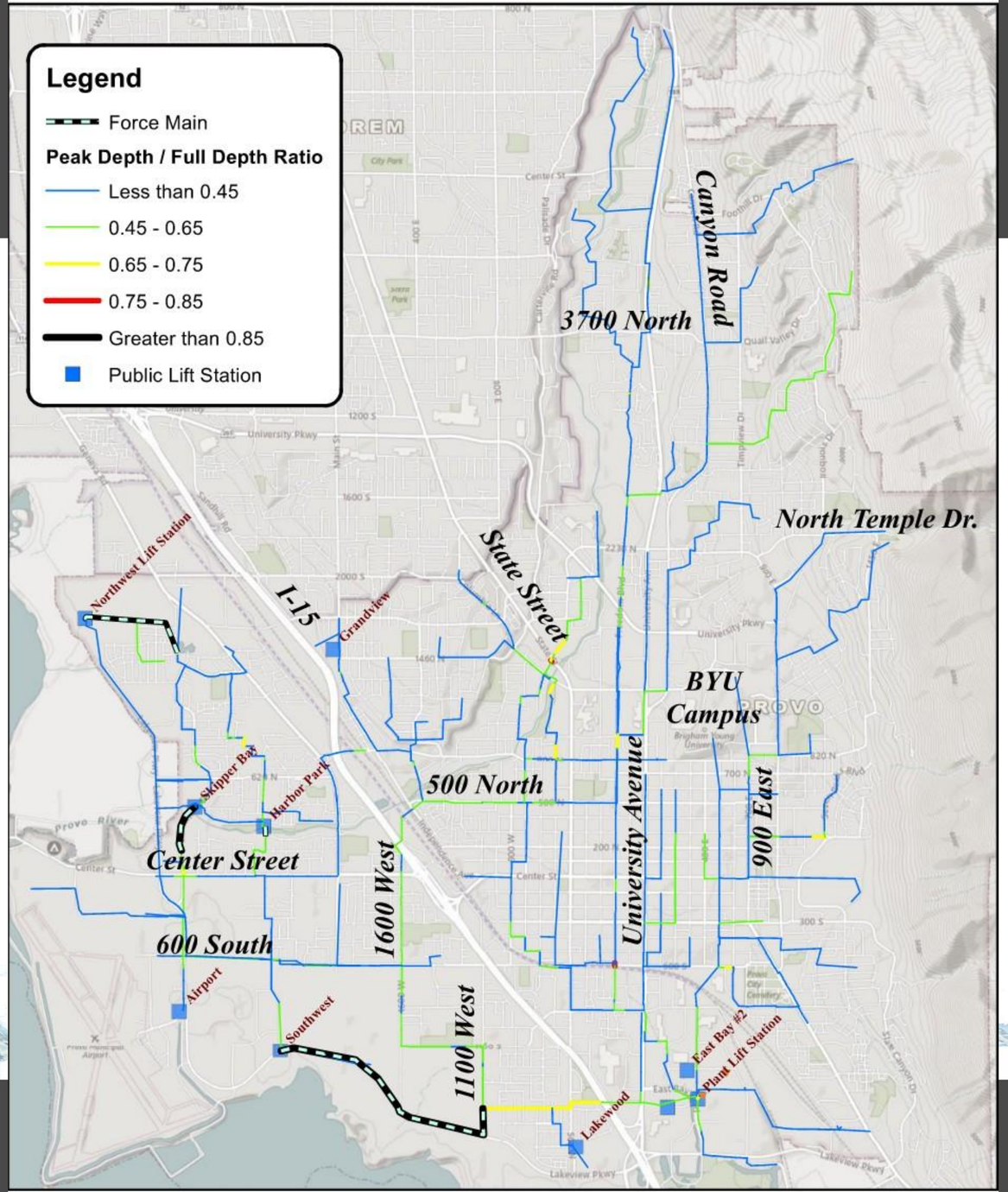
PLGPA20260191

Sewer Master Plan Summary

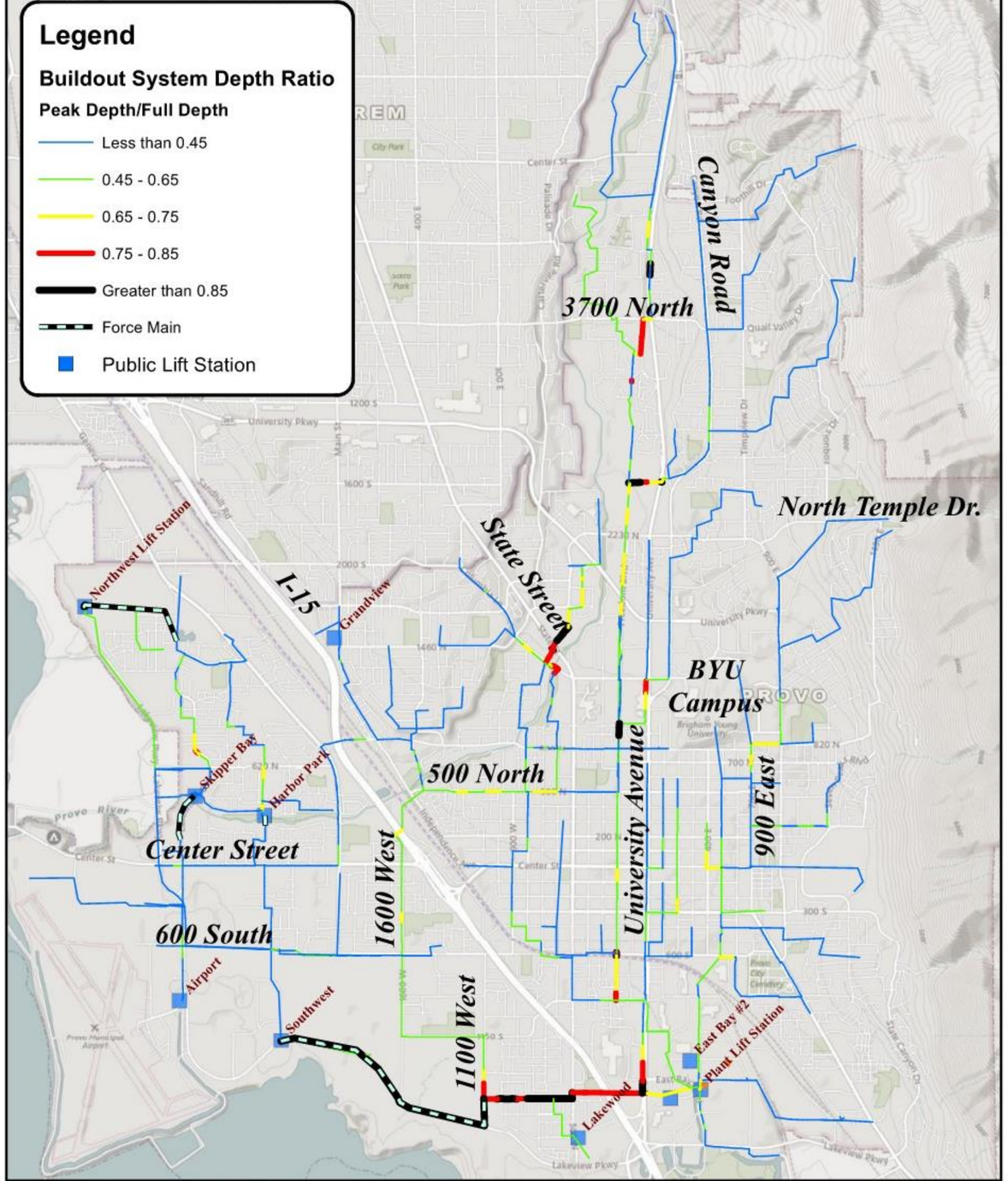
Andrew McKinnon, P.E.

Bowen Collins & Associates

Existing Model Results

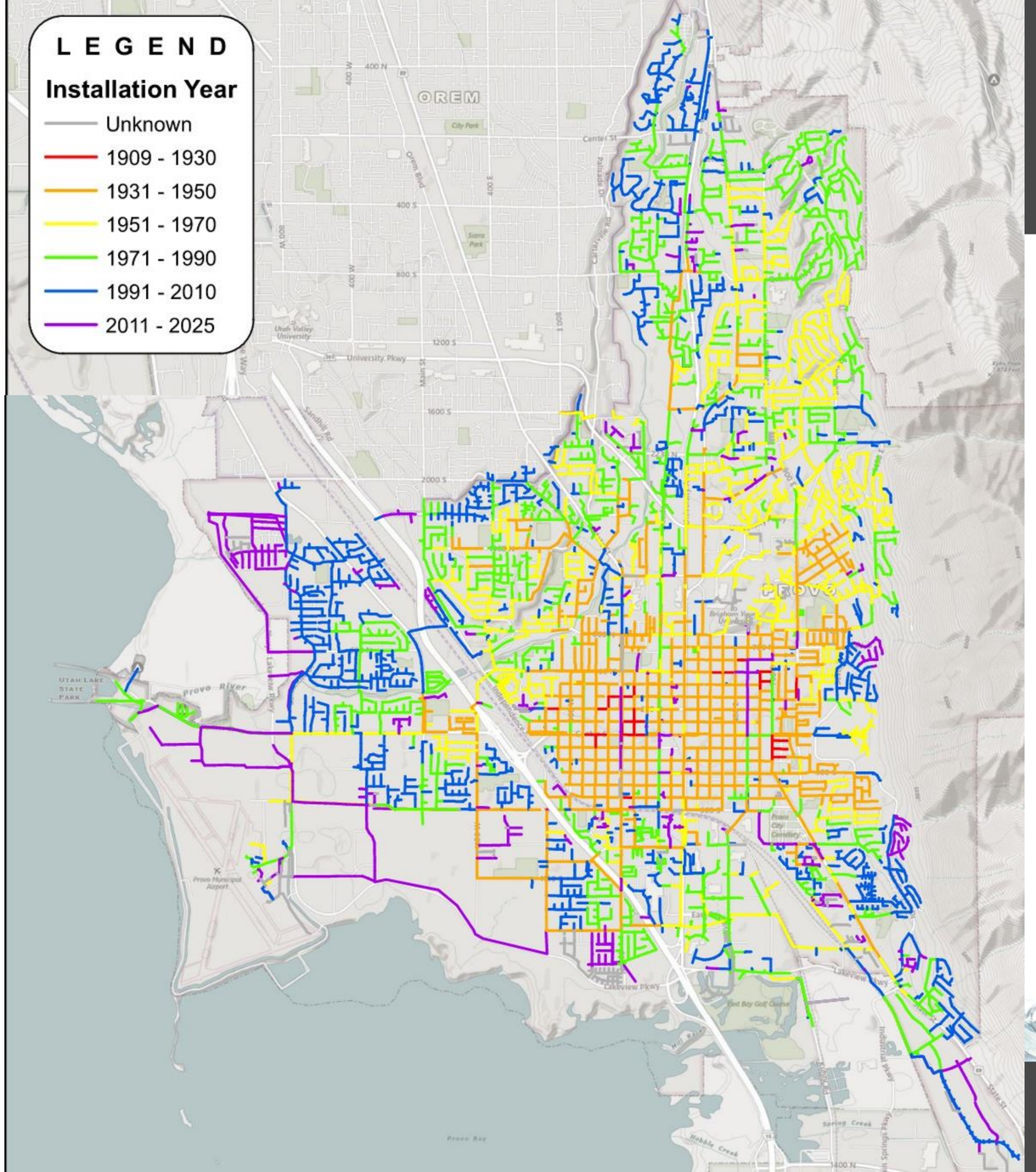


Future Model Results (no improvements)

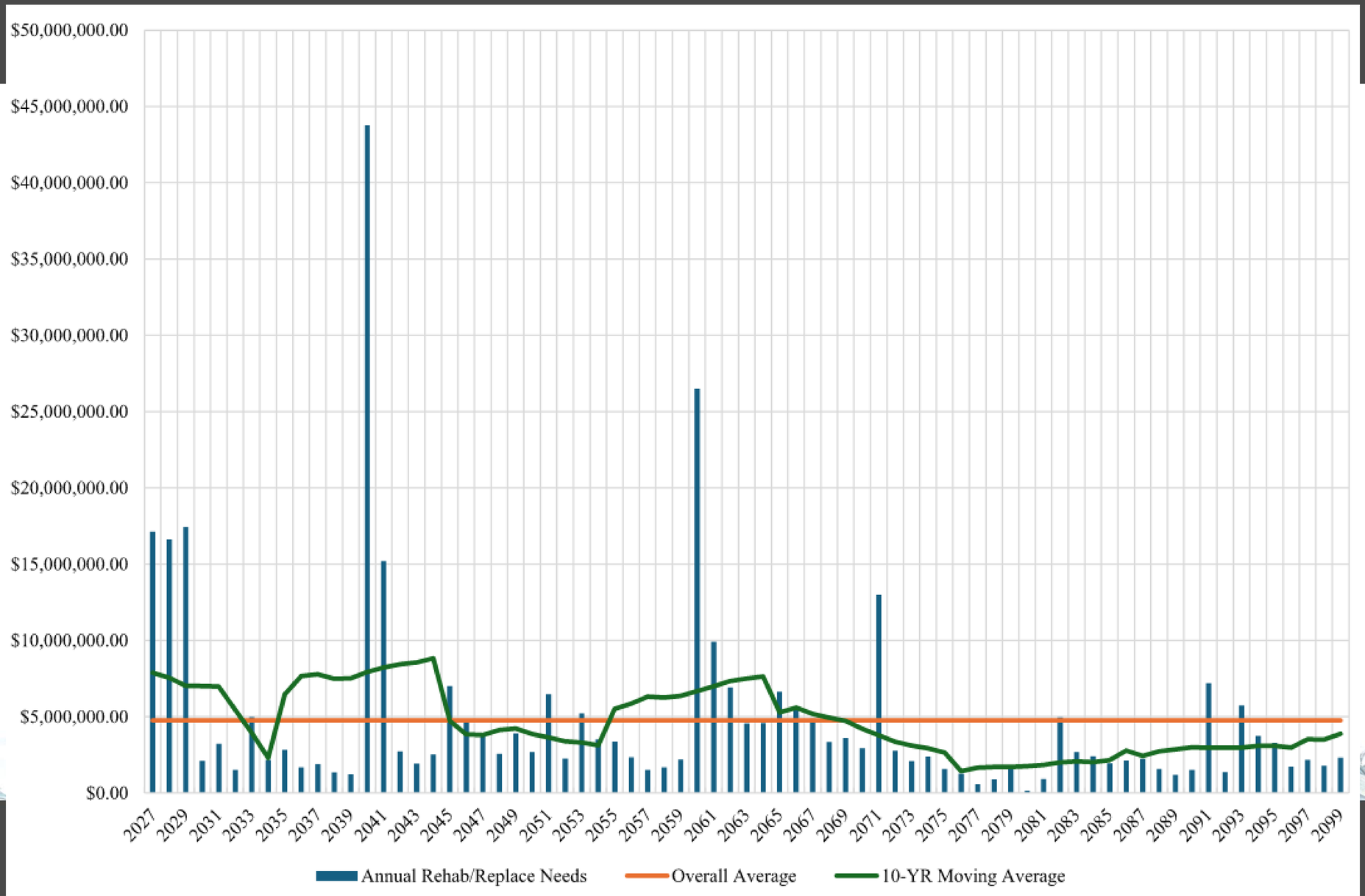


Pipe Age

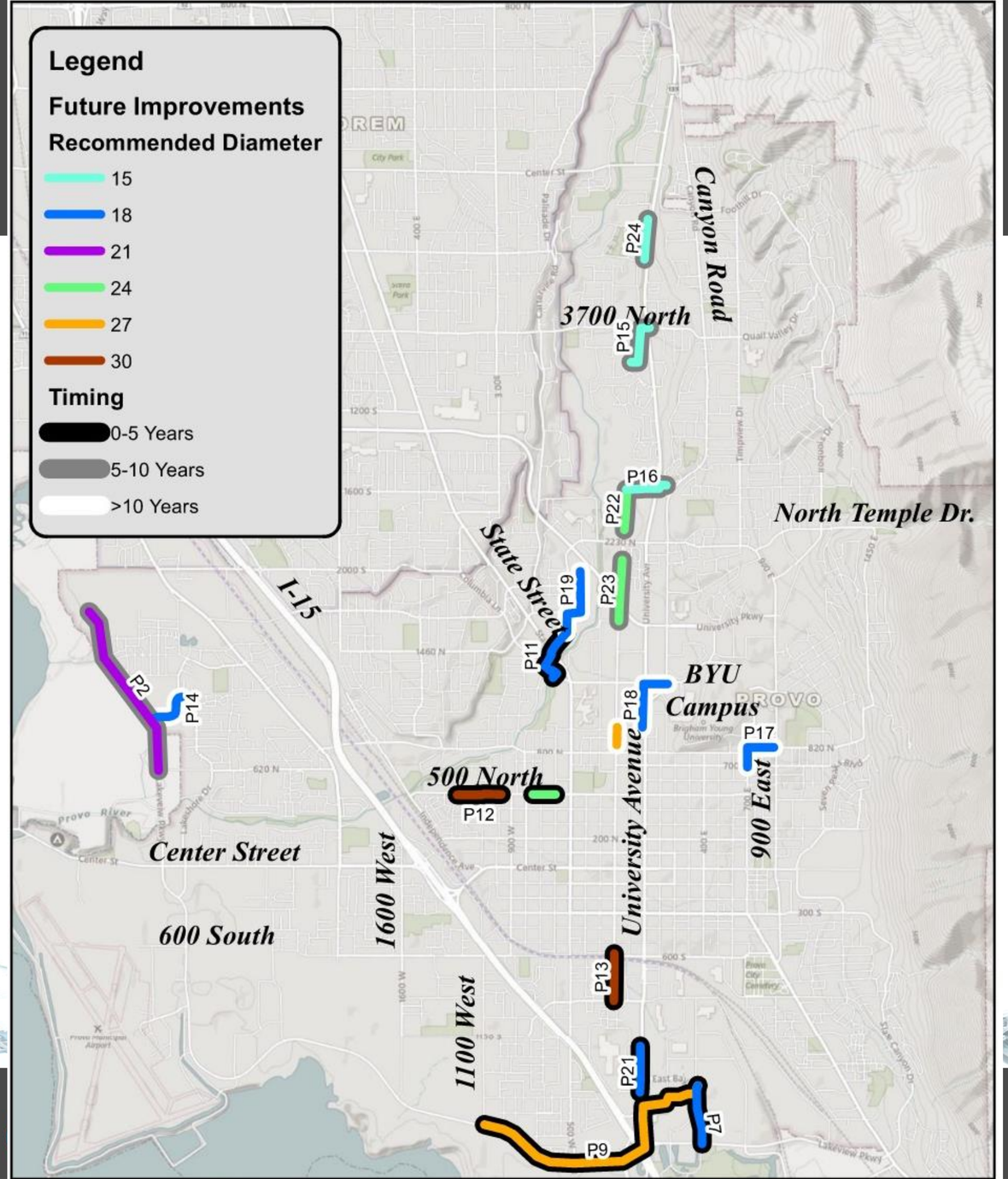
Installation Year	Percentage of Collection System by Pipe Length
Unknown	4.07%
1909 - 1930	0.81%
1931 - 1950	21.21%
1951 - 1970	19.50%
1971 - 1990	25.60%
1991 - 2010	21.90%
2011 - 2025	6.90%
Total	**100.00%**



Expected Rehabilitation and Replacement Needs



Pipeline Capacity Improvements



Capital Facilities Plan

Table 10-1
Provo City Sewer Capital Improvement Plan – 2026 Update

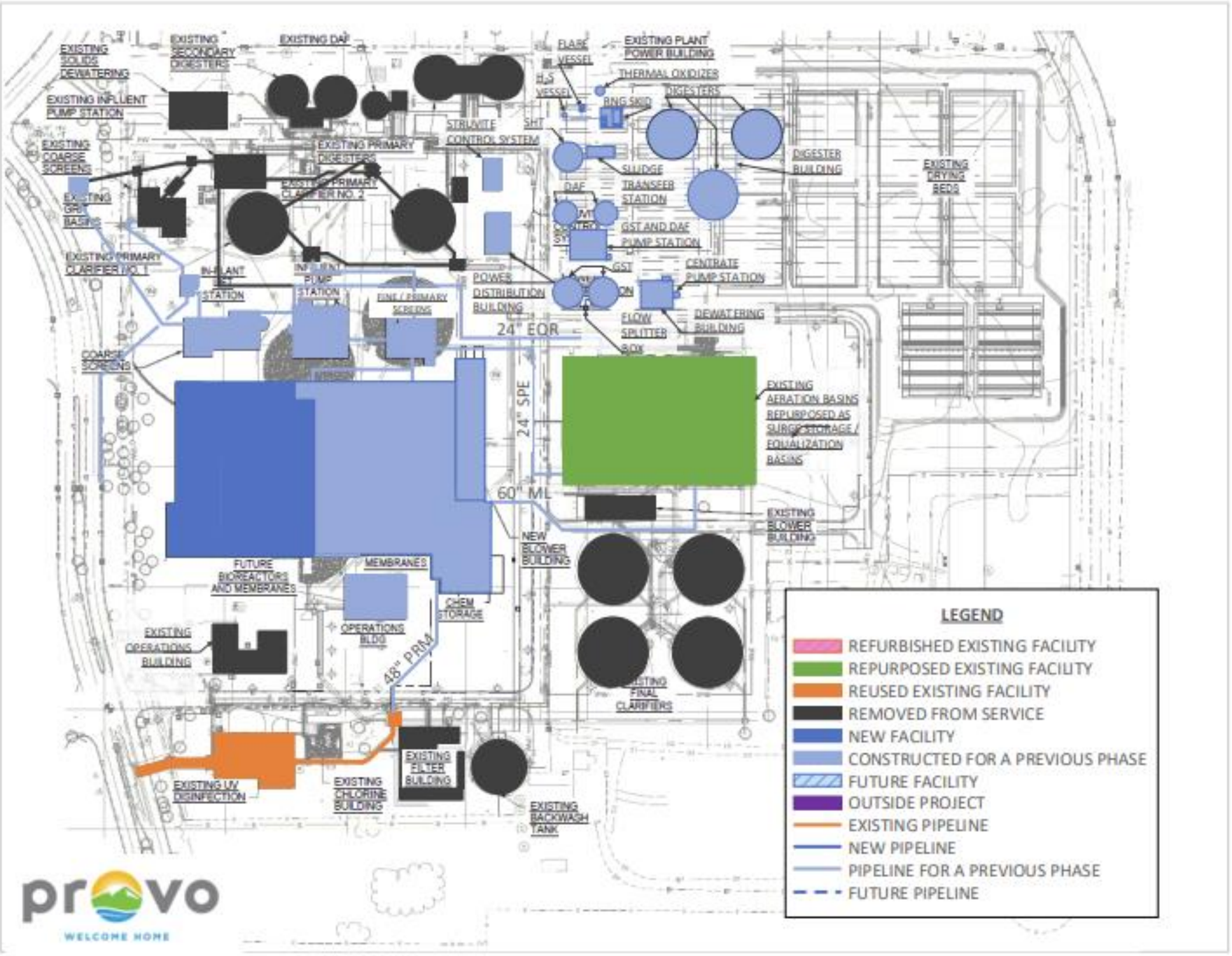
Project Identifier	Project Description	Estimated Total Cost (2026 Dollars)*	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033	FY 2034	FY 2035	FY 2036
OC1	Odor Control Improvements	$2,000,000	$2,060,000									
P2	Lakeview Parkway, 21"	$5,750,000							$7,284,000			
P4	Harbor Park LS Interceptor	$1,549,000					$1,850,000					
P9	Force Main to Treatment Plant, 27"	$4,991,000			$5,618,000							
P11	Exchange Park (phase 2)	$1,597,000				$1,852,000						
P12	500 North from 600 West to 800 West upsize to 30" & from 970 West to 1260 West upsize to 24"	$3,184,000					$3,802,000					
P13	Freedom Blvd. from the Provo FrontRunner	$1,125,000					$1,344,000					
P15	University Ave. from 3700 North to 3470 North	$1,636,000		$1,788,000								
P16	2680 North	$1,271,000									$1,709,000	
P21	University Ave. from 1200 South to 1500 South	$1,172,000		$1,281,000								
P22	Freedom Blvd. from 2680 North to 2280 North	$1,302,000						$1,602,000				
P23	Freedom Blvd. from 2060 North to 1625 North	$1,993,000							$2,525,000			
P24	University Ave. from North University Ave. Frontage to 4200 North	$1,020,000								$1,331,000		
System Replacement	Rehabilitation and Replacement Projects	$49,882,000	$3,802,500	$5,952,500	$3,800,000	$6,117,400	$3,850,000	$7,332,600	$3,900,000	$7,753,600	$7,937,500	$10,863,400
Debt Service Expense	Scheduled Future Debt Service	$63,417,200	$3,433,425	$7,382,150	$8,079,950	$8,387,795	$8,384,575	$8,418,670	$8,418,675	$8,424,440	$8,415,815	$7,766,775
Treatment Plant Projects	Planned Wastewater Treatment Plant Upgrades	$9,337,800	$7,000,000						$900,000	$900,000	$900,000	$900,000
	TOTAL	**$151,227,000**	**$16,295,925**	**$16,403,650**	**$17,497,950**	**$16,357,195**	**$19,230,575**	**$17,353,270**	**$23,027,675**	**$18,409,040**	**$18,962,315**	**$19,530,175**

*Future years include 3 percent inflation

provo

Questions?

BOWEN COLLINS & ASSOCIATES



provo
WELCOME HOME

*ITEM 1

Provo Public Works requests a General Plan amendment to update the Wastewater Collection Master Plan (Appendix G of the General Plan).

Citywide Application

PLGPA20260191

RESOLUTION <<Document Number>>

A RESOLUTION ATTESTING TO THE REVIEW OF THE MUNICIPAL WASTEWATER PLANNING PROGRAM (MWPP) SURVEY FOR CALENDAR YEAR 2025 IN ACCORDANCE WITH THE UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. (26-_____)

RECITALS:

It is proposed that the Municipal Council authorize the Mayor to inform the Utah Water Quality Board that the Council has reviewed the MWPP survey; and

In 2012 the State of Utah implemented a general permit for the collection of wastewater, to develop programs for the prevention, control, and abatement of new or existing pollution of the waters of the state; and

Provo City submitted a Notice of Intent at the time of inception stating that the City will comply with the requirements of the general permit; and

The MWPP Annual Survey is required to be reviewed by the City Governing Board to ensure that all appropriate actions have been taken to comply with the Utah Pollutant Discharge Elimination System permits; and

On July 14, 2026, the Municipal Council met to consider 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 as described herein, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council resolves as follows:

PART I:

The Mayor is hereby authorized to inform the Utah Water Quality Board of the following actions:

1. The Municipal Council has reviewed the MWPP Survey – 2026, as attached in Exhibit A.

2. The City has taken all appropriate actions necessary to maintain effluent requirements contained in the Utah Pollutant Discharge Elimination System permit.

PART II:

This resolution takes effect immediately.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	JMCKNIGHT
Presenter:	Dave Torgersen, Wastewater Superintendent
Department:	Public Works
Meeting Date:	6/23/2026
Requested Duration (Minutes):	10 minutes
CityView or Issue File Number:	26-051

SUBJECT: 3 A resolution attesting to the review of the Municipal Wastewater Planning Program (MWPP) survey for calendar year 2025 in accordance with the Utah Pollutant Discharge Elimination System Permit. (26-051)

ADMINISTRATIVE RECOMMENDATION: Resolution approval

ADMINISTRATIVE MEMO: The Municipal Wastewater Planning Program (MWPP) Annual Survey is required to be reviewed by the City Council as a condition of our wastewater discharge permit from the State of Utah. The survey evaluates the wastewater collection system, treatment plant, and the finances of the Wastewater Fund.

FISCAL IMPACT: No

TIME SENSITIVITY: While the survey has been returned to the State according to their adjusted deadline, it should be reviewed by the Council shortly thereafter.

COUNCIL STAFF MEMO:

MUNICIPAL WASTEWATER PLANNING PROGRAM

2026 MWPP ANNUAL SURVEY
(FOR CALENDAR YEAR 2025)

06/23/26

provo
PUBLIC WORKS

Municipal Wastewater Planning Program - 2026 Annual Self-Assessment Survey

- Meets the REQUIRED annual reporting under the Utah Sanitary Sewer Management Program

  - Survey Completion Required by April 15th of each Year
  - Survey submission deadline was extended this year for Provo through coordination with UDWQ. The survey was sent to a retired employee, so it was not received in time to submit by the deadline. The survey has been submitted but requires Council review.

- Seeking a Resolution Approving the MWPP Survey – 2026

  (for Calendar Year 2025).

Survey Contents

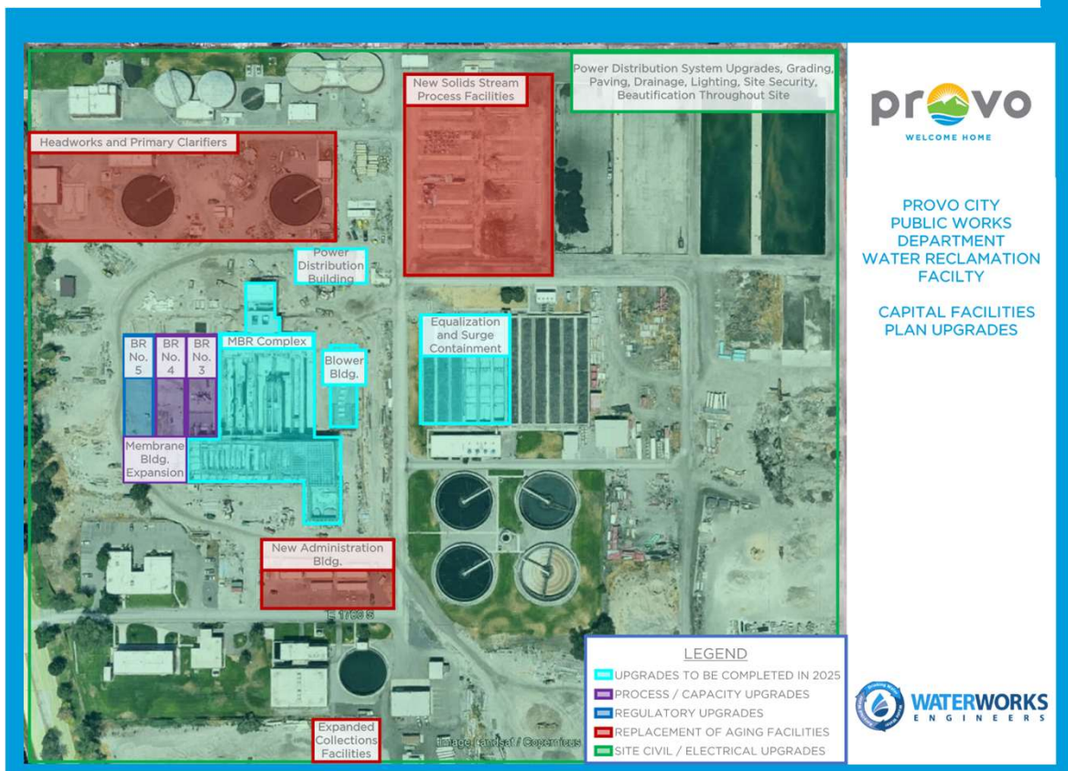
- **Financial Self Evaluation –** Completed by Jimmy McKnight
  - General Sewer Fund Assessment (Revenue Fund, Debt Service, User Charges)
  - Operating Revenues and Reserve Fund (O&M/Repairs/Maintenance Costs)
  - Capital Improvement Fund
  - Fiscal Sustainability Review (Rate Studies, Impact Fees, Capital Facility Plan, Asset Management, Etc)
  - Projected Capital Investment Cost

Survey Contents Cont'd.

- **Collection System Self Evaluation –** Completed by David Torgersen
  - System Description (Diameter, Age, Depth, Length, Lift Stations, etc.)
  - System Discharges (#of SSO's)
    - Class 1 – Significant Overflow (5000+ gals, 5+ Residents, etc)
      - ZERO Reported
    - Class 2 – Non-significant (Not caused by Private Lateral)
      - 2 Reported
  - New Development (# of new commercial/Residential Connections added last year) – 42 com/167 Res
  - Operator Certifications – 1 Manager(DRC), 6 Cert. Operators
  - Facility Maintenance (Preventative Maintenance Plan, CCTV inspection, Emergency Response Plan)
  - SSMP Evaluation – (SSMP and SECAP Completed and Adopted December 2023)
  - Physical Condition Description of System

Survey Contents Cont'd.

- **Wastewater Treatment Plant Self Evaluation**
  (Completed by David Torgersen)
  - Influent Information (Flows – 11.14 MGD , Loads (BOD and TSS),
    Capacity - 21.0 MGD) – Evaluates plant utilization percentage
  - Effluent Information (Notice of Violations – ZERO)
  - Facility Age – Date of latest upgrades
    - (Headworks, Primary Treatment Secondary Treatment,
      Solids Handling, Disinfection, etc)
  - Discharges - ZERO Reported Bypasses
  - Biosolids Handling – All Land Applied
    at Elberta Valley Agriculture Farm (EVA)
    As a Note – Agreement with EVA terminates 12/31/2026
  - New Development – 42 com/167 Res
  - Operator Certification - 19 Cert. Operators
  - Facility Maintenance - Preventative Maintenance Plan,
    Safety Response Plan, Equipment Types,
    Asset Management Plan, Etc.



Questions?

Full MWPP Survey - 2026

Municipal Wastewater Planning Program survey for the year 2025.

dtorgersen1975@gmail.com Switch account

* Indicates required question

Email *

dtorgersen@provo.gov

Section I: General Information

Note: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of the assistance. Please answer questions as accurately as possible to give the best evaluation of your facility. If you need assistance please send an email to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our Frequently Asked Questions page

What is the name of the Facility? *

Provo City Water Reclamation Facility

What is the Name of the person responsible for this organization? *

David Torgersen

What is the Title of the person responsible for this organization? *

Wastewater Superintendent

What is the Email Address for the person responsible for this organization? *

dtorgersen@provo.gov

What is the Phone number for the person responsible for this organization? *

801-852-6701

Please identify the Facility Location? *

Please provide either Longitude and Latitude, address, or a written description of the location (with area or point).

1685 S. East Bay Blvd, Provo UT 84606

Are you a federal facility?

A federal facility is a military base, a national park, or a facility associated with a federal government organization (e.g., BLM, Forest Service, etc.)

- ○ Yes
- ◉ No

Clear selection

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* Indicates required question

Financial Evaluation Section

As you begin this survey you must keep in mind which part of the wastewater system that you represent, unless you represent it all (e.g., collections, treatment, or both). If you only represent the collection system please respond to each question thinking only of collection system data as you proceed through this survey. The same goes for treatment and both. If you get a question that does not apply to the part of the system which you represent then leave it unanswered. However, please try to answer as many questions as you possibly can.

This section is completed by:

Jimmy McKnight

Are sewer revenues maintained in a dedicated purpose enterprise/district account?

- (●) Yes
- ( ) No

Clear selection

Are you collecting 95% or more of your anticipated sewer revenue?

- (●) Yes
- ( ) No

Clear selection

Are Debt Service Reserve Fund requirements being met?

- (●) Yes
- ( ) No

Clear selection

Where are sewer revenues maintained?

- ( ) General Fund
- ( ) Combined Utilities Fund
- (●) Other

Clear selection

What was the average MONTHLY User Charge for 2025?

1351

Do you have a water and/or sewer customer assistance program (CAP)?

- ( ) Yes
- (●) No

Clear selection

Are property taxes or other assessments applied to the sewer systems?

- ( ) Yes
- (●) No

Clear selection

What is the yearly amount of revenue that you receive from these taxes?

N/A

Are sewer revenues sufficient to cover operations & maintenance costs, and repair & replacement costs (OM&R) at this time?

- ○ Yes
- ◉ No

Clear selection

Are projected sewer revenues sufficient to cover operation & maintenance, and repair and replacement costs for the next five years?

- ○ Yes
- ◉ No

Clear selection

Does the sewer system have sufficient staff to provide proper operation & maintenance, and repair and replacement?

- ○ Yes
- ◉ No

Clear selection

Has a repair and replacement sinking fund been established for the sewer system?

- ○ Yes
- ◉ No

Clear selection

Is the repair & replacement sinking fund sufficient to meet anticipated needs?

- ○ Yes
- ◉ No

Clear selection

Are sewer revenues sufficient to cover all costs of current capital improvements projects?

- (●) Yes
- ( ) No

Clear selection

Has a Capital Improvements Reserve Fund been established to provide for anticipated capital improvement projects?

- ( ) Yes
- (●) No

Clear selection

Are projected Capital Improvements Reserve Funds sufficient for the next five years?

- ( ) Yes
- (●) No

Clear selection

Are projected Capital Improvements Reserve Funds sufficient for the next ten years?

- ( ) Yes
- (●) No

Clear selection

Are projected Capital Improvements Reserve Funds sufficient for the next twenty years?

- ( ) Yes
- (●) No

Clear selection

Have you completed a rate study within the last five years?

- (●) Yes
- ( ) No

Clear selection

Do you charge Impact fees?

- (●) Yes
- ( ) No

Clear selection

If you charged Impact Fees, how much were they? =

If not a flat fee, use total collected impact fees for the year divided by the total number of entities who paid fees that year.

4450.26

Have you completed an impact fee study in accordance with UCA 11-36a-3 within the last five years?

- (●) Yes
- ( ) No

Clear selection

Do you maintain a Plan of Operations?

- (●) Yes
- ( ) No

Clear selection

Have you updated your Capital Facility Plan within the last five years?

- (●) Yes
- ( ) No

Clear selection

In what year was the Capital Facility Plan last updated?

2022

Do you use an Asset Management system for your sewer systems?

- (●) Yes
- ( ) No

Clear selection

Do you know the total replacement cost of your total sewer system capital assets?

- ( ) Yes
- (●) No

Clear selection

Replacement Cost =

N/A

Do you fund sewer system capital improvements annually with sewer revenues at 2% or more of the total replacement cost?

- ( ) Yes
- (●) No

Clear selection

What is the sewer/treatment system annual asset renewal cost as a percentage of its total replacement cost?

N/A

Describe the Asset Management System. Check all that apply:

- [ ] Spreadsheet
- [ ] GPS
- [ ] Accounting Software
- [x] Specialized Software

What is the 2025 Capital Assets Cumulative Depreciation for your facility?

79,611,037

What is the 2025 Capital Assets Book Value?
Book Value = (total cost) - (accumulated depreciation)

214,871,628

Cost of projected capital improvements - Please enter a valid numerical value - 2025?

13,817,147

Cost of projected capital improvements - Please enter a valid numerical value - 2026 through 2030?

92,014,068

Cost of projected capital improvements - Please enter a valid numerical value - 2031 through 2035?

32,800,000

Cost of projected capital improvements - Please enter a valid numerical value - 2036 through 2040?

29,500,000

Cost of projected capital improvements - Please enter a valid numerical value - 2041 through 2045?

29,500,000

Purpose of Capital Improvements - 2025? Check all that apply.

- [x] Replace/Restore
- [x] New Technology
- [x] Increased Capacity

Purpose of projected Capital Improvements - 2026 through 2030? - Check all that apply.

- [x] Replace/Restore
- [x] New Technology
- [x] Increased Capacity

Purpose of projected Capital Improvements - 2031 through 2035 Check all that apply.?

- [x] Replace/Restore
- [x] New Technology
- [x] Increased Capacity

Purpose of projected Capital Improvements - 2036 through 2040? - Check all that apply.

- [x] Replace/Restore
- [x] New Technology
- [x] Increased Capacity

Purpose of projected Capital Improvements from 2041 through 2045? - Check all that apply.

- [x] Replace/Restore
- [x] New Technology
- [x] Increased Capacity

To the best of my knowledge, the Financial Evaluation section is completed and accurate.

- (●) True
- ( ) False

Clear selection

Do you have a collection system? *

- (●) Yes
- ( ) No

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Collection System

Including piping and lift stations.

This form is completed by [name]?

The person completing this form may receive Continuing Education Units (CEUs).

David Torgersen

Part I: SYSTEM DESCRIPTION

Please answer the following questions regarding SYSTEM DESCRIPTION.

What is the largest diameter pipe in the collection system?

Please enter the diameter in inches.

42-inch

What is the average depth of the collection system?

Please enter the depth in feet.

10-ft

What is the total length of sewer pipe in the collection system?

Please enter the length in miles.

340

How many lift/pump stations are there in the collection system?

13

What is the largest capacity lift/pump station in the collection system?

Please enter the design capacity in gpm.

3000

Do seasonal daily peak flows exceed the average peak daily flow by 100 percent or more?

- ○ Yes
- ◉ No

Clear selection

What year was your collection system first constructed?

This can be an approximate guess if you really are not sure.

1909

In what year was the largest diameter sewer pipe in the collection system constructed, replaced or renewed?

If more than one, cite the oldest.

2019

Part II: DISCHARGES

Please answer the following questions regarding DISCHARGES.

How many days last year was there a sewage bypass, overflow or basement flooding in the system due to rain or snowmelt?

0

How many days last year was there a sewage bypass, overflow or basement flooding due to equipment failure, except plugged laterals?

0

Sanitary Sewer Overflow (SSO)

Class 1 - a Significant SSO means a SSO backup that is not caused by a private lateral obstruction or problem that:
(a) affects more than five private structures;
(b) affects one or more public, commercial or industrial structure(s);
(c) may result in a public health risk to the general public;
(d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
(e) discharges to Waters of the State.

Class 2 - a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria

How many Class 1 SSOs were there in Calendar year 2025?

0

How many Class 2 SSOs were there in Calendar year 2025?

2

Please indicate what caused the SSO(s) in the previous 2 questions.

Construction debris from a road overlay project, and build-up of rags and flushable wipes.

Please specify whether the SSOs were caused by contract or tributary community, etc.

Caused by contracted contractor not preventing construction debris from entering the systems, as well as contributary community using "flushable wipes".

Part III: NEW DEVELOPMENT

Please answer the following questions regarding NEW DEVELOPMENT.

Did an industry or other development enter the community or expand production in the past two years, such that flow or wastewater loadings to the sewerage system increased by 10% or more?

- ○ Yes
- ◉ No

Clear selection

Are new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years that will increase flow or BOD5 loadings to the sewerage system by 25% or more?

- ○ Yes
- ◉ No

Clear selection

What is the number of new commercial/industrial connections in 2025?

42

What is the number of new residential sewer connections added in 2025?

167

How many equivalent residential connections are served?

32073

Part IV: OPERATOR CERTIFICATION

Please answer the following questions regarding OPERATOR CERTIFICATION.

How many collection system operators do you employ?

7

What is the approximate population served?

135,494

State of Utah Administrative Rules requires all public system operators considered to be in Direct Responsible Charge (DRC) to be appropriately certified at leaset at the Facility's Grade. List the designated Chief Operator/DRC for the Collection System by: First and Last Name, Grade, and email.

Grades: SLS17-1, Grade I, Grade II, Grade III, and Grade IV.

Trevor Halladay, Grave IV, thalladay@provo.gov

Please list all other wastewater collection system operators with DRC responsibilities in the field, by name and certification grade. Please separate names and certification grade for each operator by commas.

Grades: SLS17-1, Grade I, Grade II, Grade III, and Grade IV.

Sam Francis - Grade IV, Aaron Higgins - Grade IV

Please list all other wastewater collection system operators by name and certification grade. Please separate names and certification grades for each operator by commas.

Grades: SLS17-1, Grade I, Grade II, Grade III, and Grade IV.

Jason Christensen - Grade IV, Tom Squire - Grade IV, Matt Blackett - Grade IV, Ben Shell - Grade IV

Is/are your collection DRC operator(s) currently certified at the appropriate grade for this facility?

- (●) Yes
- ( ) No

Clear selection

Part V: FACILITY MAINTENANCE

Please answer the following questions regarding FACILITY MAINTENANCE.

Have you implemented a preventative maintenance program for your collection system?

- (●) Yes
- ( ) No

Clear selection

Have you updated the collection system operations and maintenance manual within the past 5 years?

- (●) Yes
- ( ) No

Clear selection

Do you have a written emergency response plan for sewer systems?

- (●) Yes
- ( ) No

Clear selection

Do you have a written safety plan for sewer systems?

- (●) Yes
- ( ) No

Clear selection

Is the entire collections system TV inspected at least every 5 years?

- ( ) Yes
- (●) No

Clear selection

Is at least 85% of the collections system mapped in GIS?

- (●) Yes
- ( ) No

Clear selection

Part VI: SSMP EVALUATION

Please answer the following questions regarding SSMP EVALUATION.

Have you completed a Sewer System Management Plan (SSMP)?

- (●) Yes
- ( ) No

Clear selection

Has the SSMP been adopted by the permittees governing body at a public meeting?

- (●) Yes
- ( ) No

Clear selection

Has the completed SSMP been public noticed?

- (●) Yes
- ( ) No

Clear selection

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USMP Public Notice Date

Date of public notice?

Date

11/14/2023

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Continue 1

During the annual assessment of the SSMP, were any adjustments needed based on the performance of the plan?

- (●) Yes
- ( ) No

Clear selection

What adjustments were made to the SSMP (i.e. line cleaning, CCTV inspections, manhole inspections, and/or SSO events)?

Better Record Keeping of cleaning, repairs, etc. through OCore

During 2025, was any part of the SSMP audited as part of the five year audit?

- ( ) Yes
- (●) No

Clear selection

If yes, what part of the SSMP was audited and were changes made to the SSMP as a result of the audit?

N/A

Have you completed a System Evaluation and Capacity Assurance Plan (SECAP) as defined by the Utah Sewer Management Plan?

- (●) Yes
- ( ) No

Clear selection

Does the collection system have more than 2,000 connections?

- (●) Yes
- ( ) No

Clear selection

Has a fats, oil, and grease (FOG) or fats, oil, sand, and grease program been developed by the collection system?

- (●) Yes
- ( ) No

Clear selection

Part VII: NARRATIVE EVALUATION

Please answer the following questions regarding NARRATIVE EVALUATION.

Describe the physical condition of the sewerage system: (lift stations, etc. included)

The sewerage system is generally in good condition. The system is aging with approximately 45% of the system older than 50 years. The system consists of as small as 6-inch to as large of 42-inch pipe. The system is comprised of approximately 40% clay tile pipe, approximately 20% concrete pipe (both reinforced and non reinforced), approximately 30% PVC and approximately 10% as cast iron or other materials. Staff routinely inspects, cleans, and repairs the system. The pipes are routinely assessed for cracks, damage, roots, etc., and are repaired/CIP Lined/replaced as budget allows. The lift stations are regularly inspected and repairs are completed as needed, with larger capital needs budgeted for in the capital budgeting process. It should be noted that improvements to the system this past year have eliminated 3 lift stations, and within the next year an additional 3 more lift stations will be eliminated from the system, significantly reducing the need to rely on pumps and mechanical equipment to convey wastewater to the treatment facility.

What sewerage system capital improvements does the utility need to implement in the next 10 years?

Airport to Regional Sprots Park Mainlilne, Mt Vista Sewer system upgrade, Forcemain for SW to the treatment plant, Harbor Park Lift Station Interceptor, Lakeview Parkway from 620 N to Provo HS, Lakeview Parkway from Provo HS to Orem Boundary, Exchange Park upsize, across Provo River and Columbia Lane, 500 North upsize project, Misc projects on University Ave, Misc projects on Freedom Blvd. Most of these have been identified in the Sewer Master Plan. Numerous CIPP lining projects, manhole rehabilitation and installations, and replacement of aged and capacity deficient pipe sections.

What sewerage system problems, other than plugging, have you had over the last year?

Grease Buildup due to insufficient, non-functioning, and/or non-maintained grease traps/interceptors, root intrusion, age related degradation (clay tile is brittle and breaks easily, particularly during road construction activities), sedimentation buildup, inflow and infiltration, areas with difficult access (i.e. backyard lines), rag buildup from "flushable wipes", construction debris inadvertently entering the system, excessive odors.

Is your utility currently preparing or updating its capital facilities plan?

- (●) Yes
- ( ) No

Clear selection

Does the municipality/district pay for the continuing education expenses of operators?

- (●) 100%
- ( ) Partially
- ( ) Does not pay

Clear selection

Is there a written policy regarding continued education and training for wastewater operators?

- (●) Yes
- ( ) No

Clear selection

Do you have any additional comments?

Your answer

To the best of my knowledge, the Collections System section is completed and accurate

- (●) True
- ( ) False

Clear selection

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Wastewater Treatment Options

You have either just completed or just bypassed questions about a Collection System. If this section was bypassed by mistake, in the next question you will have the option to return to the questions on a Collection System. If you are good with the progress up to now, next you will determine what kind of Wastewater Treatment you have, or you can choose NO Wastewater Treatment.

What kind of wastewater treatment do you have in your wastewater treatment system?

- (●) Mechanical Plant
- ( ) Discharging Lagoon
- ( ) Non-Discharging Lagoon
- ( ) No Treatment of Wastewater
- ( ) Collections (go back to Collections)

Clear selection

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Mechanical Plant

Form completed by [name]?

The person completing this form may receive Continuing Education Units (CEUs).

David Torgersen

Part I: INFLUENT INFORMATION

Please answer the following questions regarding INFLUENT INFORMATION.

What is the design basis or rated capacity for average daily flow in MGD?

21 MGD

What is the design basis or rated capacity for average daily BOD loading in lb/day?

27700 lb/day

What is the design basis or rated capacity for average daily TSS loading in lb/day?

29500 lb/day

What was the 2025 average daily flow in MGD?

11.14 MGD

What was the 2025 average daily loading for BOD in lb/day?

17913

What was the 2025 average daily loading for TSS in lb/day?

19643

What is the percent of capacity used by the 2025 average daily flow?

53.1%

What is the percent of capacity used by the 2025 average daily BOD load?

64.7%

What is the percent of capacity used by the 2025 average daily TSS?

66.6%

Part II: EFFLUENT INFORMATION

Please answer the following questions regarding EFFLUENT INFORMATION.

How many Notices of Violations (NOVs) did you receive for this facility in 2025?

0

How many days in the past year was there a bypass or overflow of wastewater at the facility due to high flows?

0

Part III: FACILITY AGE

Please answer the following questions regarding FACILITY AGE.

In what year was your HEADWORKS evaluated?

2023

In what year was your HEADWORKS most recently constructed, upgraded, or renewed?

2023

What is the age of your HEADWORKS?

10

In what year was your PRIMARY TREATMENT evaluated?

2023

In what year was your PRIMARY TREATMENT constructed, upgraded or renewed?

2005

What is the age of your PRIMARY TREATMENT?

20 yrs

In what year was your SECONDARY TREATMENT evaluated?

2025

In what year was your SECONDARY TREATMENT constructed, upgraded or renewed?

2025

What is the age of your SECONDARY TREATMENT?

0 yrs

In what year was your TERTIARY TREATMENT evaluated?

2025

In what year was your TERTIARY TREATMENT constructed, upgraded or renewed?

2025

What is the age of your TERTIARY TREATMENT?

0 yrs

In what year was your DISINFECTION evaluated?

2023

In what year was your DISINFECTION constructed, upgraded or renewed?

2012

What is the age of your DISINFECTION?

13 yrs

In what year was your SOLIDS HANDLING evaluated?

2023

In what year was your SOLIDS HANDLING constructed, upgraded or renewed?

2012

What is the age of your SOLIDS HANDLING?

13 yrs

In what year was your LAND APPLICATION/DISPOSAL evaluated?

2023

In what year was your LAND APPLICATION/DISPOSAL constructed, upgraded or renewed?

2000

What is the age of your LAND APPLICATION/DISPOSAL?

25 yrs

Part IV: DISCHARGES

Please answer the following questions regarding DISCHARGES.

How many days in the last year was there a bypass or overflow of wastewater at the facility due to equipment failure?

0

Part V: BIOSOLIDS HANDLING

Please answer the following questions regarding BIOSOLIDS HANDLING.

Biosolids disposal (check all that apply)

- [x] Landfill
- [x] Land Application
- [ ] Give Away/Other Distribution

Part VI: NEW DEVELOPMENT

Please answer the following questions regarding NEW DEVELOPMENT.

Number of new commercial/industrial connections in the last year?

42

Number of new residential sewer connectins added in the last year?

167

Equivalent residential connections served?

32073

Part VII: OPERATOR CERTIFICATION

How many treatment system operators do you employ?

19

State of Utah Administrative Rules requires all public system operators considered to be in Direct Responsible Charge (DRC) to be appropriately certified at least at the Facility's Grade. List the designated Chief Operator/DRC for the Treatment System by: First and Last Name, Grade, and email.

Grades: SLS17-1, Grade I, Grade II, Grade III, and Grade IV.

Matt Kesler Grade IV, mkesler@provo.gov

Please list all other wastewater treatment system operators with DRC responsibilities in the field, by name and certification grade. Please separate names and certification grade for each operator by commas.

Grades: SLS17-1, Grade I, Grade II, Grade III, and Grade IV.

Joel Bennett - Grade IV, Greg Foy - Grade IV

Please list all other wastewater treatment operators by name and certification grade. Please separate names and certification grades for each operator by commas.

Grades: SLS17-1, Grade I, Grade II, Grade III, and Grade IV.

Branden OBrien - Grade IV, Jeff Elbert Grade IV, Shellie Turnbow Grade IV, Skyler Tulley Grade IV, Ryan Barton Grade IV, Tristan Schlepp Grade IV, Cortney Janis Grade III, Ryan Monighetti Grade III, Shane Gunnerson Grade II, Madelyn Ruth Grade II, Alex Galvan Grade II, Jennifer Dayley Grade II, Kenny John Grade I, Chuck Williams Apprentice, Riley Hanel Apprentice

Is/are your DRC operator(s) currently certified at the appropriate grade for this facility?

- (●) Yes
- ( ) No

Clear selection

Part VIII: FACILITY MAINTENANCE

Please answer the following questions regarding FACILITY MAINTENANCE.

Have you implemented a written preventative maintenance program for your treatment system?

- (●) Yes
- ( ) No

Clear selection

Have you updated the treatment system operations and maintenance manual within the past 5 years?

- (●) Yes
- ( ) No

Clear selection

Please identify (below) the types of treatment equipment and processes installed at your facility.

Indicate as many as you need.

- [x] Screens
- [x] Grit Removal
- [x] Primary Clarifier
- [ ] Imhoff Tanks
- [ ] Fixed Film Reactor
- [x] Activated Sludge
- [x] Aerobic Suspended Growth Variations
- [x] Anaerobic Suspended Growth Variations
- [ ] Physical-Chemical Systems for Organic Removal w/o Secondary Treatment
- [x] Physical-Chemical Systems for Organic Rimoval Following Secondary Treatment
- [x] Membrane Filtration
- [x] Suspended-Growth Nitrification and Denitrification
- [ ] Air Stripping
- [x] Phosphorus Removal - Chemical
- [x] Phosphorus Removal - Biological
- [ ] Ion Exchange
- [ ] Reverse Osmosis
- [ ] Media Filtration
- [ ] Dissolved Air Flotation
- [ ] Micro Screens
- [ ] Chlorine Disinfection
- [x] UV Disinfection
- [ ] Effluent Use/Reuse

To the best of my knowledge, the Mechanical Plant section is comleted and accurate.

- (●) True
- ( ) False

Clear selection

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Full MWPP Survey - 2026

dtorgersen1975@gmail.com Switch account

* Indicates required question

Adopt & Sign

I have reviewed this report and to the best of my knowledge the information provided in this report is correct. *

- (●) True
- ( ) False

Has this been adopted by the City Council or District Board? *

- ( ) yes
- (●) No

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* Indicates required question

Not Adopted by Council

What date will it be presented to the City Council or District Board? *

Date

06/23/2026

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End of Survey

This is the end of the survey. Please make sure you have submitted your responses for each section. Thank you for your participation.

Also, if you want a copy of your response to this survey you must click the button immediately below and you must do it before you submit the survey.

Send me a copy of my responses.

Back Submit Page 14 of 14 Clear form

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Growing Water Smart Workshop 2026 Action Plan

GROWING WATER SMART PARTNERS

CENTRAL UTAH WATER
CONSERVANCY DISTRICT

Center for Water-Efficient Landscaping
UtahStateUniversity.

Janet Quinney Lawson
Institute for Land, Water & Air
UtahStateUniversity

BABBITT CENTER
FOR LAND AND WATER POLICY
A Center of the Lincoln Institute of Land Policy

UTAH LEAGUE OF
CITIES AND TOWNS

PARTICIPATING CITIES

- Alpine
- Eagle Mountain
- Highland
- Lehi
- **Provo (also part of first Utah session in 2023)**
- Saratoga Springs
- Spanish Fork

PARTICIPATING STAFF AND ELECTED OFFICIALS

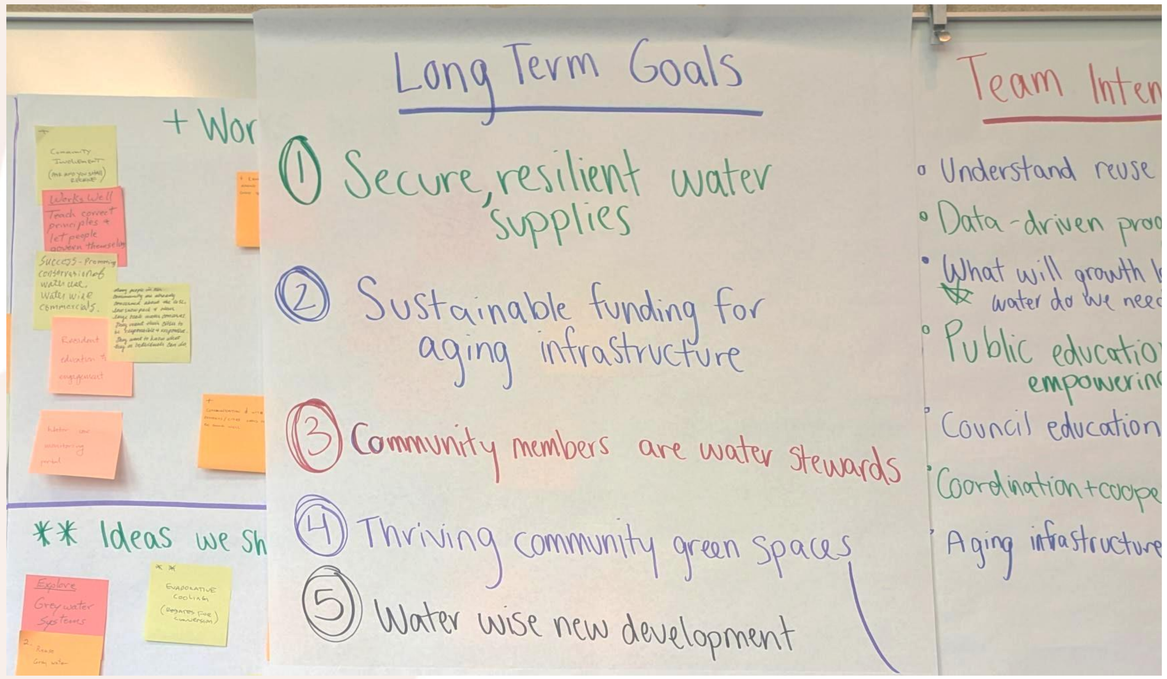
Marsha Judkins	Mayor
Rachel Whipple	Council
Ryan York	Public Works Water Resources
Barry Prettyman	Public Works Water Resources
Shane Jones	Public Works Water Resources
Jacob O'Bryant	Public Works Water Resources
Joseph Gandy	Public Works Water Resources
Vern Keeslar	Public Works Traffic Engineering
Hannah Salzl	Development Services Planning/Sustainability
Gordon Haight	*Public Works (unable to attend)*
David Day	*Public Works Engineering (unable to attend)*

Participated in 2023

Unable to attend but will work with the team moving forward

PARTICIPATING STAFF AND ELECTED OFFICIALS

GOALS AND STRATEGIES



LONG-TERM GOALS

- Secure, resilient water sources
- Sustainable funding for aging infrastructure
- Community members are water stewards
- Thriving community green spaces
- Water-wise new development

STRATEGIES

- Aquifer recharge + centralized reuse and graywater
- Educational and support programs for residents
- Coordination with local, state, and regional partners
- Minimal mandates and code updates

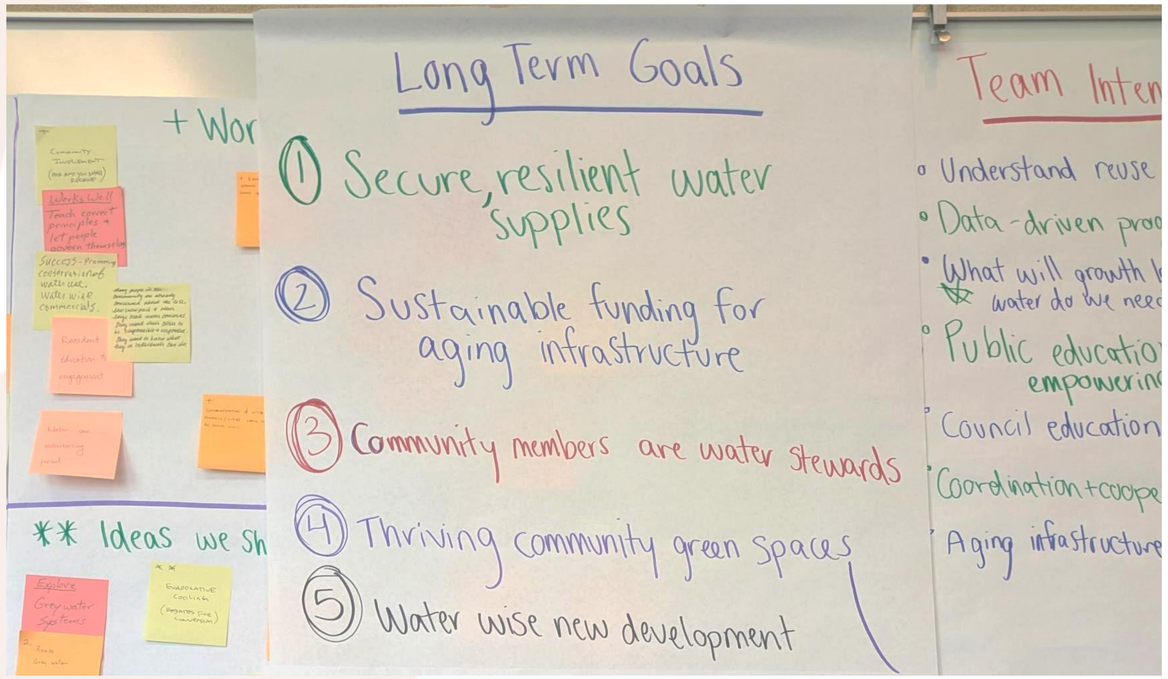
PRIORITIES

LONG-TERM GOALS

- Secure, resilient water sources
- Sustainable funding for aging infrastructure
- Community members are water stewards
- Thriving community green spaces
- Water-wise new development

STRATEGIES

- Aquifer recharge + centralized reuse and graywater
- Educational and support programs for residents
- Coordination with local, state, and regional partners
- Minimal mandates and code updates



HOW CAN WE MAINTAIN ADEQUATE WATER AND DELIVER IT WELL AS PROVO CONTINUES TO GROW?

ACTION PLAN: SECURE RESILIENT WATER SUPPLIES

Outcome(s): Regional Collaboration, Centralized Reuse & Graywater, Protecting Water Rights, Water Use Efficiency, ASR & NUCAC, State Presence at the Legislature

- Work Session with Council on water and Growing Water Smart
- Assign team members to various regional committees (NUCAC, SUCAC, Water Reuse)
- Become a full member of the North Utah County Aquifer Council (NUCAC)
- Brief Kyle on the importance of water in Provo so he can advocate to protect water rights at a state level
- Give tours of the South Jordan Water Treatment Plant to key partners
- Utah County Public Health Department graywater inquiries
- Provo/CUWCD water rights discussion

ACTION PLAN: SUSTAINABLE FUNDING FOR AGING INFRASTRUCTURE

Outcome(s): 2027 Impact Fee Assessment; Candidate Education on Water Use

- Impact fee assessment
- Educate new candidates about water needs (make the option known to candidates)
- Identify pilot locations for testing infrastructure replacement options

ACTION PLAN: COMMUNITY MEMBERS ARE WATER STEWARDS

Outcome(s): Regional Collaboration, Residential Education, Rain Barrel Giveaway, Targeted Messaging, Promote Provo & CUWCD programs, Yoppify/Customer Communication, Mulch Program, Water Wise Demonstration Garden

- Water wise landscaping classes with CUWCD
- Water Wise Wednesday social media collaboration
- Explore Water Wise Garden grant, fill out application
- Explore Utah River Council's rain barrel program
- Evaluate current water wise programs (consider mulch)
- Consider communication software/portal
- Citizen Sustainability Committee (educate and explore promoting water programs at events)

ACTION PLAN: THRIVING COMMUNITY GREEN SPACE

Outcome(s): Updates to Parks Department policies and codes (Updating grass varieties in existing parks and green spaces)

- Communicate with new Parks Director

ACTION PLAN: WATER WISE NEW DEVELOPMENT

Outcome(s): Baseline Land use Code (irrigation, turf varieties, green space req't, indoor efficiency)

- Communicate with Bill about feasible options
- Develop and propose baseline code
- Scope out possible stretch code and incentives

ONGOING STEPS

- Meet at least at the 1-month, 3-month, 6-month, and 1-year marks
- Continue to collaborate at attend partner meetings
- Closely watch state water discussions

QUESTIONS

PROVO
REMOVE BARRIERS TO REUSE
SUSTAINABLE FUNDING FOR AGING INFRASTRUCTURE
EDUCATION + COMMUNICATION
COLLABORATION WITH REGIONAL PARTNERS
WATER WISE PROGRAM UPDATES
Needs
THE COMPREHENSIVE PLAN

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT

Submitter: HSALZL
Presenter: Hannah Salzl, Planner and Sustianability Coordinator
Department: Development Services
Meeting Date: 6/23/2026
Requested Duration (Minutes): 20 minutes
CityView or Issue File Number:

SUBJECT: 4 A presentation regarding the action plan from the 2026 Growing Water Smart Workshop.

ADMINISTRATIVE RECOMMENDATION: None. This item is informational.

ADMINISTRATIVE MEMO: On June 1-3, a team of Provo City staff plus the Mayor and Councilor Whipple attended the Growing Water Smart workshop in Heber. GWS is a coalition of research and policy institutes that work with municipalities to educate them about water and facilitate discussions so they can create actionable plans to better manage water in their jurisdictions. The plans are entirely driven by the municipalities. Provo previously participated in the first GWS workshop in Utah in 2023.

This presentation will provide context for the workshop and outline the action plan that the Provo team created during the sessions. The purpose is to give the Council and high-level overview and to share the City's water efforts with the public. No further action from the Council is needed at this time, as staff will continue to implement the action plan and bring any policies or budget concerns to the Council as efforts evolve.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

Agricultural Protection Area

15.24.030 Area Requirements.

In accordance with Utah Code Annotated Section 17-81-201 ~~17-41-301~~, as amended, the minimum number of continuous acres that must be included in an agriculture protection area within Provo City is one ~~five (5)~~ acre~~s,~~ ~~which land must be receiving the benefits of Title 59, Chapter 2, Farmland Assessment Act, Utah Code Annotated, as amended (commonly called "greenbelt")~~.

Agricultural Protection Area

State code 17-81-205 gives 5 criteria to evaluate against when determining if an agricultural protection area should be created.

1. Active use — Is an ***agricultural use** happening on this land right now?
2. Zoning — Does local zoning already support agriculture?
3. Viability — Can this land realistically sustain some kind of agricultural use?
4. Improvements — What's already built, and are there planned expansions?
5. Future trends — Is agriculture use on this land likely to remain viable over time?

***State Definition of land in agricultural use:**

(a) land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:

(i) forages and sod crops;
(ii) grains and feed crops;
(iii) livestock as defined in Section 59-2-102;
(iv) trees and fruits; or
(v) vegetables, nursery, floral, and ornamental stock; or

(b) land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

Agricultural Protection Area

BENEFITS OF AN APA

1. **Protection from nuisance lawsuits**
   Farming operations are shielded from complaints related to noise, dust, odors, and other normal agricultural activities.

2. **Zoning stability**
   Land within an APA cannot be rezoned without written consent from all landowners in the APA.

3. **Protection from unreasonable restrictions**
   Political subdivisions and state agencies cannot impose unreasonable regulations on farm structures or practices.

4. **Eminent domain limitations**
   Government agencies face restrictions when attempting to condemn APA land for non-agricultural purposes.

5. **State development project restrictions**
   Transportation corridors and other state projects must minimize or eliminate detrimental impacts on agriculture.

6. **Disclosure for new developments**
   Prospective property buyers near an APA must be notified that they are moving next to an active agricultural operation.

**Benefits list taken from the Utah Department of Agriculture and Food 2026*

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	JDAHNEKE
Presenter:	Jessica Dahneke, City Planner
Department:	Development Services
Meeting Date:	6/23/2026
Requested Duration (Minutes):	10 minutes
CityView or Issue File Number:	PLOTA20260120

SUBJECT: 5 An ordinance amending Provo City Code regarding the requirements for an Agricultural Protection Area. (PLOTA20260120)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommend denial on a vote of 1:3 due to the fact that there was fear over the protection area being misused. While 3 Commissioners were in favor of approval an item with less than 4 votes for approval gets a recommendation of denail.

The requested action is for Council to approve the proposed text amendment.

ADMINISTRATIVE MEMO: The proposed text amendment makes two key changes to the agricultural protection area requirements. First, it removes the requirement that a property must be enrolled in the Farmland Assessment Act also referred to as 'Greenbelt' in order to qualify. Second, it reduces the minimum area required to establish an agricultural protection area from five acres to one. These changes increase opportunities for farmers in agricultural zones to establish stronger protection of their agricultural rights.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

Provo City Planning Commission

Report of Action

May 27, 2026

* Item 5	Development Services requests an Ordinance Text Amendment to Provo City Code 15.24.030 to amend the area requirement for agriculture protection areas. Citywide Application. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20260120

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 27, 2026:

*RECOMMENDED DENIAL

On a vote of 3:1, the Planning Commission recommended that the Municipal Council approve the above noted application ***Since the motion did not receive the minimum 4 votes required this goes to council with the "recommended denial".**

Motion (to recommend approval) By: Matthew Wheelwright
Second By: Daniel Gonzales
Votes in Favor of Motion: Matthew Wheelwright, Jon Lyons, Lisa Jensen
Votes against the Motion: Daniel Gonzales
Lisa Jensen was present as Chair.

- Includes facts of the case, analysis and conclusions outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination; however, since there was not a unanimous quorum vote in favor of the motion, the dissenting opinion is noted in the findings.

TEXT AMENDMENT

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

STAFF PRESENTATION

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

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

CONCERNS RAISED BY PUBLIC

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

- No public comment was made at the meeting

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Wheelwright expressed concern about bringing the area from one acre to five acres based on reasoning that one acre does not seem likely to be able to generate a lot of profit for a property owner farming it but could create nuisance for neighbors. Staff pointed out that one of the requirements is that there is a reasonable expectation of profit.

- Commissioner Wheelwright asked how many parcels staff would expect to apply for a protection area. Staff was unsure of an exact number to expect.
- Commissioner Lyons asked why the city was reducing the acreage requirement now and why the proposal removes the greenbelt tax requirement. Staff explained that the proposed text amendment of one acre is because that is the smallest lot size allowed in an agricultural zone. Removing the greenbelt tax benefit requirement is because the land size requirement to receive greenbelt tax is 5 acres.
- Commissioner Jensen asked about the use of the farmland assessment act, Staff explained it is a tax benefit. She then asked if this text amendment was approved would the five state requirements for creating an agricultural protection area still be required, Staff explained that they would. She then asked about a setback requirement. Staff explained for buildings it is based on the setback requirement of the underlying agricultural zone but there is no setback requirement for where animals could graze on the property. Staff highlighted that this is set up to protect existing farms from future development as opposed to creating a path for farms to be built in an existing neighborhood.
- Commissioner Gonzales asked if there was an application process, which staff explained there is an application process. Commissioner Gonzales stated that he would like there to be more restrictions on the property owner once in an agricultural protection area.
- Commissioner Jensen suggested we keep the standards in line with the greenbelt standards.
- Commissioner Gonzales asked if an agricultural protection area can shield owners from other nuisance complaints like noise if the property owner decided to host a concert. Commissioner Jensen stated that wouldn't be allowed because that is not related to agricultural use. Staff agreed with her explanation.
- Commissioner Lyons expressed concern that if someone got an agricultural protection area established raising chickens for eggs but then switched and started raising goats this would have an unfair impact on surrounding properties. Staff explained that in an agricultural zone a property could do that already; however, as part of the application process for a protection area a property owner has to list the agricultural uses at the property.
- Commissioner Wheelwright stated that there are only a few areas where this really could apply and he is generally in favor of it.
- Commissioner Lyons disagrees stating that three acres is a reasonable size, one acre seems too small.
- Commissioner Wheelwright commented on having joint parcels being able to apply.
- Commissioner Lyons made a motion to recommend denial based on the finding that reducing from five acres to one acre is too drastic a reduction and is not sure that such a small farm needs additional protection. The motion did not get a second.
- Commissioner Wheelwright made a motion to recommend approval which was seconded by Commissioner Gonzales.
- Commissioner Gonzales stated that as part of the discussion on the motion he would like more information about why this is necessary. Staff explained that this is a tool to protect existing farms.
- Commissioner Jensen stated that this made her feel more comfortable with the motion when considering this is for existing agricultural land.
- Commissioner Gonzales and Commissioner Lyons expressed additional concerns about the possibility of landowners changing the agricultural use of the property and then the city not being able to enforce on issues. Staff explained that agricultural protection areas valid for 20 years, that a change of use to something not listed on the application would require the property owner to go through a new agricultural protection area review, and that even without the agricultural protection area, a property owner in an agricultural zone can change from growing crops to raising animals since both are permitted uses in the agricultural zone.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- While the majority of the Planning Commission in attendance agreed with the findings of the staff report, Commissioner Gonzales had concerns regarding future oversight of agricultural protection areas and wanted the requirements to be more along the lines of a conditional use permit.

Lisa Jensen

Acting Planning Commission Chair

Bill Peperone

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

PROPOSED TEXT AMENDMENT

In accordance with Utah Code Annotated Section 17-81-201 ~~17-41-301~~, as amended, the minimum number of continuous acres that must be included in an agriculture protection area within Provo City is one ~~five (5)~~ acre~~s, which land must be receiving the benefits of Title 59, Chapter 2, Farmland Assessment Act, Utah Code Annotated, as amended (commonly called "greenbelt")~~.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: May 27, 2026

***ITEM 5**	(Development Services requests an Ordinance Text Amendment to Provo City Code 15.24.030 to amend the area requirement for agriculture protection areas. Citywide Application. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20260120

APPLICANT:	Development Services
PROPERTY OWNER:	Citywide Application
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

PROJECT SUMMARY:

The proposed text amendment makes two key changes to the agricultural protection area requirements. First, it removes the requirement that a property must be enrolled in the Farmland Assessment Act also referred to as 'Greenbelt' in order to qualify. Second, it reduces the minimum area required to establish an agricultural protection area from five acres to one. These changes increase opportunities for farmers in agricultural zones to establish stronger protection of their agricultural rights.

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) the public purpose served by the amendment;

Staff Response: The purpose of this amendment is to expand the number of farmers who can apply for their property to be in an agricultural protection area.

FINDING: Complies

(b) the most effective means of achieving that purpose;

Staff Response: Reducing the area requirement and removing the greenbelt benefit requirements is the most effective way of creating more opportunities for interested property owners to create agricultural protections areas while still meeting the state code.

FINDING: Complies

(c) compatibility with General Plan goals and policies;

Staff Response: The proposed text amendment is compatible with the following general plan goals and policies.

General Plan:
Open Space and Recreation
2. Give careful consideration to the conservation of open spaces, scenic areas, and viable agricultural land.

3a. Increase access and education around local food production.

Conservation and Resiliency Plan
4a. Continue to preserve agricultural land through conservation easements and selling of development rights as appropriate.

FINDING: Complies

(d) consistency with the timing and sequencing provisions of the General Plan;

Staff Response: The proposed text amendment is consistent with the timing and sequencing provisions of the General Plan.

FINDING: Complies

(e) potential interference with General Plan implementation;

Staff Response: The proposed text amendment does not interfere with the implementation of General Plan goals and policies.

FINDING: Complies

(f) any adverse impact on nearby properties; and

Staff Response: There are no adverse impacts on surrounding properties.

FINDING: Complies

(g) preference for General Plan policies over the General Plan Map, if the two conflict.

Staff Response: This proposed text amendment does not conflict with the General Plan policies or the General Plan Map.

APPLICABLE ZONING CODES

Provo City Code 15.24.030:

In accordance with Utah Code Annotated Section 17-41-301, as amended, the minimum number of continuous acres that must be included in an agriculture protection area within Provo City is five (5) acres, which land must be receiving the benefits of Title 59, Chapter 2, Farmland Assessment Act, Utah Code Annotated, as amended (commonly called “greenbelt”).

(Enacted 2023-24)

https://provo.municipal.codes/Code/15.24.030

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. *The Planning Commission recommends approval of the proposed ordinance text amendment of Provo City Code 15.24.030 to the City Council*
2. **Recommend Denial**: The proposal is not consistent with the General Plan. *The Planning Commission recommends denial of the proposed ordinance text amendment of Provo City Code 15.24.030 to the City Council*
3. **Continue**: New information presented at the public hearing or additional study needs to be done. *The Planning Commission continues this item to a future hearing (state findings and reasons)*

ATTACHMENTS

1. Proposed Ordinance Text amendment Language

ATTACHMENT 1 – PROPOSED ORDINANCE TEXT LANGUAGE

15.24.030 Area Requirements.

In accordance with Utah Code Annotated Section 17-81-201 ~~17-41-301~~, as amended, the minimum number of continuous acres that must be included in an agriculture protection area within Provo City is one (1) ~~five (5)~~ acres, ~~which land must be receiving the benefits of Title 59, Chapter 2, Farmland Assessment Act, Utah Code Annotated, as amended (commonly called "greenbelt").~~

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE REQUIREMENTS FOR AN AGRICULTURAL PROTECTION AREA. (PLOTA20260120)

RECITALS:

It is proposed that Provo City Code Section 15.24.030 (Area Requirement) be amended to reduce the required acreage for an agricultural protection area and remove the requirement for property to be receiving greenbelt tax benefits in order to qualify;

On May 27, 2026, the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended denial to the Municipal Council by a vote of 1:3;

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) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code Section 15.24.030 is amended as follows:

15.24.030 Area Requirements.
In accordance with Utah Code Annotated Section 17-81-201 ~~17-41-301~~, as amended, the minimum number of continuous acres that must be included in an agriculture protection area within Provo City is one (1) ~~five (5)~~ acre~~s, which land must be receiving the benefits of Title 59, Chapter 2, Farmland Assessment Act, Utah Code Annotated, as amended (commonly called "greenbelt")~~.

PART II:

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

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

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

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

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	AARDMORE
Presenter:	Aaron Ardmore, Planning Manager
Department:	Development Services
Meeting Date:	6/23/2026
Requested Duration (Minutes):	15 minutes
CityView or Issue File Number:	PLOTA20260080

SUBJECT: 6 An ordinance amending Provo City parking standards for specific uses and locations. (PLOTA20260080)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommends approval, with suggested changes.

ADMINISTRATIVE MEMO: The Development Services Department is proposing a variety of amendments to the parking code in an effort to attract redevelopment near campus and bus rapid transit stations. The specific language proposed is shown in "Attachment 1" of this report but are all related to this goal.

The first proposed amendment is to Provo City Code (PCC) 14.37.050, the section that describes options for reduction in off-street parking requirements. The proposal in this section is to allow a by-right fifty percent (50%) reduction for any new multifamily or commercial development if the property is located within one-quarter mile of a bus rapid transit station.

The second proposed amendment is to PCC 14.37.060, which enumerates parking spaces required for different uses. The proposal here is to remove the "Joaquin South Campus Planning Area" language under the "baching singles" section and replace it with two simpler standards that can apply to any new baching multifamily or mixed-use development within one-eighth mile and one-quarter mile of BYU campus. The current standard is an overly complicated paragraph that leaves room for variation based on what occupancy is told to the city. Staff seek to replace that with a simple standard based on maximum allowable occupancy for this type of development adjacent to campus, and keep the current standard for projects between the two distances.

The third section with proposed amendments is PCC 14.37.080, General Provisions, but is specifically seeking to amend the location standards in subsection one to allow multifamily developments to count off-street parking spaces on a separate property, subject to certain criteria. Off-site parking has been permitted for commercial uses for years. In effort to use parking infrastructure more efficiently, the ability to count off-site parking for residential has merit.

Approval of any of the proposed amendments should help to develop areas of the city that are expected to have higher density since parking can be a financial or logistical obstacle to new development or redevelopment.

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 purpose of the proposed amendments is to reduce barriers to new development and redevelopment in areas of the city that are expected to provide denser housing and a mix of uses.

FINDING: Complies.

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

Applicant Response: The proposed amendments would reduce the biggest obstacle to redevelopment for higher densities; the cost of on-site parking.

FINDING: Complies.

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

Applicant Response: There are several adopted goals that these amendments could address:
- General Plan, ch.3, goal 1: Strike a balanced approach in locating land uses that aligns transit, land use, economics, and open space;
- General Plan, ch.3, goal 3: Review and revise Provo City Code to make it more consistent and accessible;
- General Plan, ch.4. goal 1b: Consider revising regulations to encourage development of a mix of housing types;
- General Plan, ch.4, goal 1f: Encourage more options for entry level housing including smaller lots and mixed housing, as well as smaller unit sizes including studios and apartments;
- General Plan, ch.4, goal 2: Strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways;
- General Plan, ch.5, goal 1: Employ innovative approaches to promote local business and create community;
- General Plan, ch.6, goal 3: Find the right balance of parking to promote the local economy and encourage alternative transportation;
- General Plan, ch.6, goal 4b: Relieve automobile congestion and reduce stress on roadways by promoting multimodal choices;
- Conservation and Resiliency Plan, Mobility, goal 3: Work toward maximizing access to different transportation options for all members of the community;
- Conservation and Resiliency Plan, Mobility, goal 4: Promote the use of mass transit;

- Downtown Master Plan, ch.4, goal 2: Continue to amend regulations for new development as the area continues to evolve;
- Joaquin Neighborhood Plan, ch.4, goal 7: Efficiently manage supply of parking to meet growing demands.

FINDING: Complies.

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

FINDING: Not applicable.

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

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

FINDING: Complies.

(f) Adverse impacts on adjacent land owners; and

Applicant Response: This is a citywide application with potential impact in several areas. Adverse impacts could include an initial discomfort with a reduced parking standard but could also see a shift in behavior that could ease pressure to over-occupy and split existing single-family homes.

FINDING: Complies.

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

FINDING: Not applicable

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.
FINDING: Not applicable.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:

Provo City Planning Commission

Report of Action

May 27, 2026

* ITEM 4 Development Services requests Ordinance Text Amendments to Provo City Code 14.37 to add a reduction for projects near bus rapid transit stations and to amend associated parking regulations. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20260080

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 27, 2026:

RECOMMENDED APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.
Motion By: Jon Lyons
Second By: Matt Wheelwright
Votes in Favor of Motion: Jon Lyons, Matt Wheelwright, Lisa Jensen, Daniel Gonzales
Lisa Jensen was present as Chair.

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

TEXT AMENDMENT

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

STAFF PRESENTATION

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

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

PUBLIC COMMENT

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:

- Walker Wood spoke about his experience developing student housing and different parking strategies that have been used; and spoke in favor of the proposed amendments.

APPLICANT RESPONSE

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

- Staff acknowledged the Planning Commission suggestions to clarify standards and agreed that their suggestions could be beneficial to proposed amendments.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- That the proposed language in 14.37.050(4)(c) be amended to clarify the criteria for units with parking fees versus units without.

- That a disclosure to tenants should be part of any parking management strategy to help renters understand expectations for parking or bringing their vehicles.
- Commissioners were desirous to understand BRT ridership trends and suggested that the City Council evaluate those numbers when reviewing these proposed amendments.
- Commissioners suggested that there could be language in rental contracts to educate tenants on parking.
- There was unanimous support for providing additional clarity on parking around BYU with maps or boundaries detailed to supplement the proposed changes in PCC 14.37.060.
- There was additional discussion with the public commenter regarding practical use of reduced parking standards.
- The Commission agreed to forward specific suggestions to the City Council to consider in their review, as detailed below.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- That the proposal is sound and should be tested with future development, and that the recommendation for the Council to approve the amendments should include the following considerations in the City Council review:
    1. That there is a requirement for disclosure of reduced parking;
    2. That there be a map created or other way to define boundaries of where the reduced parking applies;
    3. That the wording in the proposed 14.37.050(4)(c) be updated to reflect the discussion (number of units with dedicated parking vs. units without dedicated parking, and associated fees);
    4. Consider adding a requirement that contracts note that if residents are bringing a vehicle, they must park it on the property and pay for that space; and
    5. That the Council consider long-term effects on BRT ridership.

Lisa Jensen

Acting Planning Commission Chair

Bill Peperone

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

14.37.050 Reduction in O -street Parking Requirements

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce trar c congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow Hexibility in o -street parking requirements for commercial, industrial, public facility, or multifamily residential uses based on the standards set forth herein. This Section shall not be used to reduce parking for baching single residential projects.

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(4) *Proximity to Bus Rapid Transit Station.* Required parking for new multifamily or commercial development located within a one-quarter-mile radius of a bus rapid transit station platform may be reduced by up to 50%, when the following criteria are met:

(a) There is no on-street parking on streets fronting the development;

(b) There are no single-family residential zones immediately adjacent to the development; and

(c) Parking fees, when used, must be combined with rent.

(5) *Combination of Reductions.*

(a) Development in the DT1, DT2, or TOD zones may not combine the reduction provided in Subsection (4) with any other parking reduction permitted in the applicable zone.

(b) Development in any zone may not combine the reduction provided in Subsection (4) with any other parking reductions permitted in PCC 14.37.050.

14.37.060 Parking Spaces Required

Except as otherwise provided in this Title, the number of off-street parking spaces for varied uses/areas shall be as follows:

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BACHELOR SINGLES

1 to 6 bedrooms

Minimum of two (2) spaces per bedroom plus .25 spaces per unit visitor parking, with a maximum of three (3) bedrooms per unit, if the bedrooms are over one hundred (100) square feet. If the bedrooms are less than one hundred (100) square feet, one (1) space per bedroom plus one quarter (.25) spaces per unit visitor parking, with a maximum of six (6) bedrooms per unit, if the bedrooms are under one hundred (100) square feet. Recreational vehicles shall not be allowed in the required parking area.

~~*Joaquin South Campus Planning Area (between University Ave. and 900 E.; 500 N. to the southern boundary of BYU campus)*~~

~~Minimum .80 parking space per tenant plus .20 parking spaces per unit for visitors and for the disabled as outlined in Section 14.37.110, Provo City Code,~~

~~Disabled Parking Spaces. Recreational vehicles shall not be allowed in the required parking area.~~

Proximity to Brigham Young University (BYU).

Any new multifamily or mixed-use development within a one-eighth mile of BYU must provide a minimum of .5 spaces per tenant based on maximum allowable occupancy.

Any new multifamily or mixed-use development greater than one-eighth mile, but no greater than one-quarter mile of BYU must provide a minimum of .8 spaces per tenant plus .2 space per unit.

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14.37.080 General Provisions

The following general provisions shall apply to o\ -street parking requirements in this Chapter:

(1) *Location.* O\ -street parking facilities ~~shall~~must be located as follows~~hereinafter specified~~:

(a) For one-family, duplex, and ~~multiple residential~~ townhome dwellings, required parking shall be located on the same lot as the building which they are required to serve.

(b) For all other uses ~~(i.e., commercial uses),~~ required parking ~~shall~~must be located on the same lot or on an abutting lot.

(c) Required parking ~~shall~~may not be located across a public street, or with an intervening property, except by a conditional use permit approved by the Planning Commission, subject to the following conditions: ~~set forth in Section 14.34.320, Provo City Code. In the event a separately owned lot is utilized, a lease shall be recorded with the Utah County Recorder.~~

(i) Off-street parking approved under this Section must be located such that the nearest property line of the parking lot is within 400 feet of the nearest property line of the lot containing the land use activity it serves, measured along the shortest pedestrian route, except in:

(A) Portions of any DT zone located within the area bounded by University Avenue, 200 South, 300 West, and 200 North.

(B) Parking for properties described in this subsection may be located up to 800 feet from the building it serves, subject to Planning Commission approval.

(ii) If the parking lot is across the street from the use it serves, it must be within 200 feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic.

(iii) The applicant must, at their own expense, submit a report from a qualified Traffic Engineer assessing probable vehicular and pedestrian impacts from the off-site parking lot and including any safety mitigation recommendations.

(iv) The applicant must assume full liability and responsibility for the parking lot, including costs for any safety-related improvements.

(v) The Planning Commission will grant the permit if, after staff review, the off-site lot poses no significant traffic safety concerns and complies with all other provisions of this Title.

(vi) If a separately owned lot is used, a lease must be recorded with the Utah County Recorder.

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DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: May 27, 2026

***ITEM 4** Development Services requests Ordinance Text Amendments to Provo City Code 14.37 to add a reduction for projects near bus rapid transit stations and to amend associated parking regulations. Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20260080

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

NEIGHBORHOOD FEEDBACK

This application has citywide impact, but there have been no public comments received regarding this item at the time this report was written.

PROPOSAL SUMMARY

The Development Services Department is proposing a variety of amendments to the parking code in an effort to attract redevelopment near campus and bus rapid transit stations. The specific language proposed is shown in “Attachment 1” of this report but are all related to this goal.

The first proposed amendment is to Provo City Code (PCC) 14.37.050, the section that describes options for reduction in off-street parking requirements. The proposal in this section is to allow a by-right fifty percent (50%) reduction for any new multifamily or commercial development if the property is located within one-quarter mile of a bus rapid transit station.

The second proposed amendment is to PCC 14.37.060, which enumerates parking spaces required for different uses. The proposal here is to remove the “Joaquin South Campus Planning Area” language under the “baching singles” section and replace it with two simpler standards that can apply to any new baching multifamily or mixed-use development within one-eighth mile and one-quarter mile of BYU campus. The current standard is an overly complicated paragraph that leaves room for variation based on what occupancy is told to the city. Staff seek to replace that with a simple standard based on maximum allowable occupancy for this type of development adjacent to campus, and keep the current standard for projects between the two distances.

The third section with proposed amendments is PCC 14.37.080, General Provisions, but is specifically seeking to amend the location standards in subsection one to allow multifamily developments to count off-street parking spaces on a separate property, subject to certain criteria. Off-site parking has been permitted for commercial uses for years. In effort to use parking infrastructure more efficiently, the ability to count off-site parking for residential has merit.

Approval of any of the proposed amendments should help to develop areas of the city that are expected to have higher density since parking can be a financial or logistical obstacle to new

development or redevelopment.

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 purpose of the proposed amendments is to reduce barriers to new development and redevelopment in areas of the city that are expected to provide denser housing and a mix of uses.

FINDING: Complies.

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

Applicant Response: The proposed amendments would reduce the biggest obstacle to redevelopment for higher densities; the cost of on-site parking.

FINDING: Complies.

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

Applicant Response: There are several adopted goals that these amendments could address:

- **General Plan, ch.3, goal 1:** Strike a balanced approach in locating land uses that aligns transit, land use, economics, and open space;
- **General Plan, ch.3, goal 3:** Review and revise Provo City Code to make it more consistent and accessible;
- **General Plan, ch.4. goal 1b:** Consider revising regulations to encourage development of a mix of housing types;
- **General Plan, ch.4, goal 1f:** Encourage more options for entry level housing including smaller lots and mixed housing, as well as smaller unit sizes including studios and apartments;
- **General Plan, ch.4, goal 2:** Strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways;
- **General Plan, ch.5, goal 1:** Employ innovative approaches to promote local business and create community;
- **General Plan, ch.6, goal 3:** Find the right balance of parking to promote the local economy and encourage alternative transportation;
- **General Plan, ch.6, goal 4b:** Relieve automobile congestion and reduce stress on roadways by promoting multimodal choices;
- **Conservation and Resiliency Plan, Mobility, goal 3:** Work toward maximizing access to different transportation options for all members of the community;
- **Conservation and Resiliency Plan, Mobility, goal 4:** Promote the use of mass transit;

- **Downtown Master Plan, ch.4, goal 2:** Continue to amend regulations for new development as the area continues to evolve;
- **Joaquin Neighborhood Plan, ch.4, goal 7:** Efficiently manage supply of parking to meet growing demands.

FINDING: Complies.

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

FINDING: Not applicable.

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

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

FINDING: Complies.

(f) Adverse impacts on adjacent land owners; and

Applicant Response: This is a citywide application with potential impact in several areas. Adverse impacts could include an initial discomfort with a reduced parking standard but could also see a shift in behavior that could ease pressure to over-occupy and split existing single-family homes.

FINDING: Complies.

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

FINDING: Not applicable

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

FINDING: Not applicable.

APPLICABLE ZONING CODES

Provo City Code 14.37 (Off-Street Parking Standards: https://provo.municipal.codes/Code/14.37)

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. *The Planning Commission recommends approval of the proposed text amendments to the City Council (state findings*).
2. **Recommend Denial**: The proposal is not consistent with the General Plan. *The Planning Commission recommends denial of the proposed text amendments to the City Council (state findings).*
3. **Continue**: New information presented at the public hearing or additional study needs to be done. *The Planning Commission moves to continue this item (state findings/reasons).*

ATTACHMENTS

1. Proposed Amendments

ATTACHMENT 1 – PROPOSED AMENDMENTS

14.37.050 Reduction in Off-street Parking Requirements

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements for commercial, industrial, public facility, or multifamily residential uses based on the standards set forth herein. This Section shall not be used to reduce parking for baching single residential projects.

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(4) *Proximity to Bus Rapid Transit Station.* Required parking for new multifamily or commercial development located within a one-quarter-mile radius of a bus rapid transit station platform may be reduced by up to 50%, when the following criteria are met:

(a) There is no on-street parking on streets fronting the development;

(b) There are no single-family residential zones immediately adjacent to the development; and

(c) Parking fees, when used, must be combined with rent.

(5) *Combination of Reductions.*

(a) Development in the DT1, DT2, or ITOD zones may not combine the reduction provided in Subsection (4) with any other parking reduction permitted in the applicable zone.

(b) Development in any zone may not combine the reduction provided in Subsection (4) with any other parking reductions permitted in PCC 14.37.050.

14.37.060 Parking Spaces Required

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BACHING SINGLES

1 to 6 bedrooms

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~~*Joaquin South Campus Planning Area (between University Ave. and 900 E.; 500 N. to the southern boundary of BYU campus)*~~

~~Minimum .80 parking space per tenant plus .20 parking spaces per unit for~~

~~visitors and for the disabled as outlined in Section 14.37.110, Provo City Code, Disabled Parking Spaces. Recreational vehicles shall not be allowed in the required parking area.~~

Proximity to Brigham Young University (BYU).

Any new multifamily or mixed-use development within a one-eighth mile of BYU must provide a minimum of .5 spaces per tenant based on maximum allowable occupancy.

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14.37.080 General Provisions

The following general provisions shall apply to off-street parking requirements in this Chapter:

(1) *Location.* Off-street parking facilities ~~shall~~must be located as follows~~hereinafter specified~~:

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(b) For all other uses ~~(i.e., commercial uses),~~ required parking ~~shall~~must be located on the same lot or on an abutting lot.

(c) Required parking ~~shall~~may not be located across a public street, or with an intervening property, except by a conditional use permit approved by the Planning Commission, subject to the following conditions: ~~set forth in Section 14.34.320, Provo City Code. In the event a separately owned lot is utilized, a lease shall be recorded with the Utah County Recorder.~~

(i) Off-street parking approved under this Section must be located such that the nearest property line of the parking lot is within 400 feet of the nearest property line of the lot containing the land use activity it serves, measured along the shortest pedestrian route, except in:

(A) Portions of any DT zone located within the area bounded by University Avenue, 200 South, 300 West, and 200 North.

(B) Parking for properties described in this subsection may be located up to 800 feet from the building it serves, subject to Planning Commission approval.

(ii) If the parking lot is across the street from the use it serves, it must be within 200 feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic.

(iii) The applicant must, at their own expense, submit a report from a qualified Traffic Engineer assessing probable vehicular and pedestrian impacts from the off-site parking lot and including any safety mitigation recommendations.

(iv) The applicant must assume full liability and responsibility for the parking lot, including costs for any safety-related improvements.

(v) The Planning Commission will grant the permit if, after staff review, the off-site lot poses no significant traffic safety concerns and complies with all other provisions of this Title.

(vi) If a separately owned lot is used, a lease must be recorded with the Utah County Recorder.

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ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING PROVO CITY PARKING STANDARDS FOR SPECIFIC USES AND LOCATIONS. (PLOTA20260080)

RECITALS:

It is proposed that Provo City Code Section 14.37.050 be amended to add a parking reduction for development near bus rapid transit stations;

It is proposed that Provo City Code Section 14.37.060 be amended to increase parking reductions for development near Brigham Young University;

It is proposed that Provo City Code Section 14.37.080 be amended to allow off-site parking for multi-family and apartment developments;

Reducing parking requirements will promote new development in areas identified for such in the General Plan;

On May 27, 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 4:0;

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, 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:

Provo City Code Chapter 14.37 is amended as shown in Exhibit A.

PART II:

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

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

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

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

EXHIBIT A

Chapter 14.37 Off-Street Parking Standards

. . .

14.37.050 Reduction in Off-street Parking Requirements

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements for commercial, industrial, public facility, or multifamily residential uses based on the standards set forth herein. This Section shall not be used to reduce parking for baching single residential projects.

. . .

(4) *Proximity to Bus Rapid Transit Station.* Required parking for new multifamily or commercial development located within a one-quarter-mile radius of a bus rapid transit station platform may be reduced by up to 50%, when the following criteria are met:

(a) there is no on-street parking on streets fronting the development;

(b) there are no single-family residential zones immediately adjacent to the development; and

(c) parking fees, when used, must be combined with rent.

(5) *Combination of Reductions.*

(a) Development in the DT1, DT2, or ITOD zones may not combine the reduction provided in Subsection (4) with any other parking reduction permitted in the applicable zone.

(b) Development in any zone may not combine the reduction provided in Subsection (4) with any other parking reductions permitted in PCC 14.37.050.

14.37.060 Parking Spaces Required

Except as otherwise provided in this Title, the number of off-street parking spaces for varied uses/areas shall be as follows:

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RESIDENTIAL DWELLINGS

. . .

Multiple-Family and Apartment	
4 bedroom	Minimum of four (4) spaces per unit, plus one-quarter (0.25) space per unit visitor parking, or one (1) space per vehicle or recreational vehicle owned or operated by a resident, whichever is greater.

Proximity to Brigham Young University (BYU).

Notwithstanding the parking requirements listed above for multiple-family and apartment developments, the residential portion of any new multifamily or mixed-use development meeting the proximity requirements listed below must meet the parking requirements listed in this paragraph rather than those listed above:

-such developments within one-eighth mile of the boundary of the main Brigham Young University (BYU) campus must provide a minimum of .5 spaces per residential tenant based on maximum allowable occupancy; and

-such developments more than one-eighth mile, but not more than one-quarter mile from the boundary of the main BYU campus must provide a minimum of .8 spaces per residential tenant plus .2 spaces per residential unit.

. . .

BACHING SINGLES

1 to 6 bedrooms

Minimum of two (2) spaces per bedroom plus .25 spaces per unit visitor parking, with a maximum of three (3) bedrooms per unit, if the bedrooms are over one hundred (100) square feet. If the bedrooms are less than one hundred (100) square feet, one (1) space per bedroom plus one quarter (.25) spaces per unit visitor parking, with a maximum of six (6) bedrooms per unit, if the bedrooms are under one hundred (100) square feet. Recreational vehicles shall not be allowed in the required parking area.

~~*Joaquin South Campus Planning Area (between University Ave. and 900 E.; 500 N. to the southern boundary of BYU campus)*~~

~~Minimum .80 parking space per tenant plus .20 parking spaces per unit for visitors and for the disabled as outlined in Section 14.37.110, Provo City Code, Disabled Parking Spaces. Recreational vehicles shall not be allowed in the required parking area.~~

. . .

14.37.080 General Provisions

The following general provisions shall apply to off-street parking requirements in this Chapter:

(1) *Location.* Off-street parking facilities ~~shall~~must be located as follows~~hereinafter specified~~:

(a) For one-family, duplex, and ~~multiple residential~~ townhome dwellings, required parking must~~shall~~ be located on the same lot as the building which they are required to serve.

(b) For all other uses ~~(i.e., commercial uses),~~ required parking ~~shall~~must be located on the same lot or on an abutting lot.

(c) Required parking ~~shall~~may not be located across a public street, or with an intervening property, except by ~~a~~ conditional use permit approved by the Planning Commission, pursuant to this Subsection (c).~~subject to the conditions set forth in Section 14.34.320, Provo City Code. In the event a separately owned lot is utilized, a lease shall be recorded with the Utah County Recorder.~~

(i) Application may only be made for an exception under this subsection if:

(a) the proposed off-street parking:

(I) is located such that the nearest property line of the parking lot is within 400 feet of the nearest property line of the lot containing the land use activity it serves, measured along the shortest pedestrian route; or

(II) is located on a lot in any DT zone that is located within the area bounded by University Avenue, 200 South, 300 West, and 200 North, in which case the parking must be within 800 feet of the building it serves, measured along the shortest pedestrian route; and

(b) In cases where the parking lot is across the street from the use it serves, the parking lot is within 200 feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic;

(ii) An applicant for an exception under this Subsection must:

(a) at their own expense, submit a report from a qualified Traffic Engineer assessing probable vehicular and pedestrian impacts from the off-site parking lot and including any safety mitigation recommendations;

(b) assume full liability and responsibility for the parking lot, including costs for any safety-related improvements; and

(vi) record a lease with the Utah County Recorder demonstrating the lawful use of the parking area if the owner of the property being served by the parking is not the owner of the lot to be used for parking.

(iii) The Planning Commission will grant the permit if, after staff review, the off-site lot poses no significant traffic safety concerns and complies with all other provisions of this Title;

(dc) No off-street parking shall be permitted in a required front yard or street side yard, as otherwise stipulated in the respective zones, with the following exceptions:

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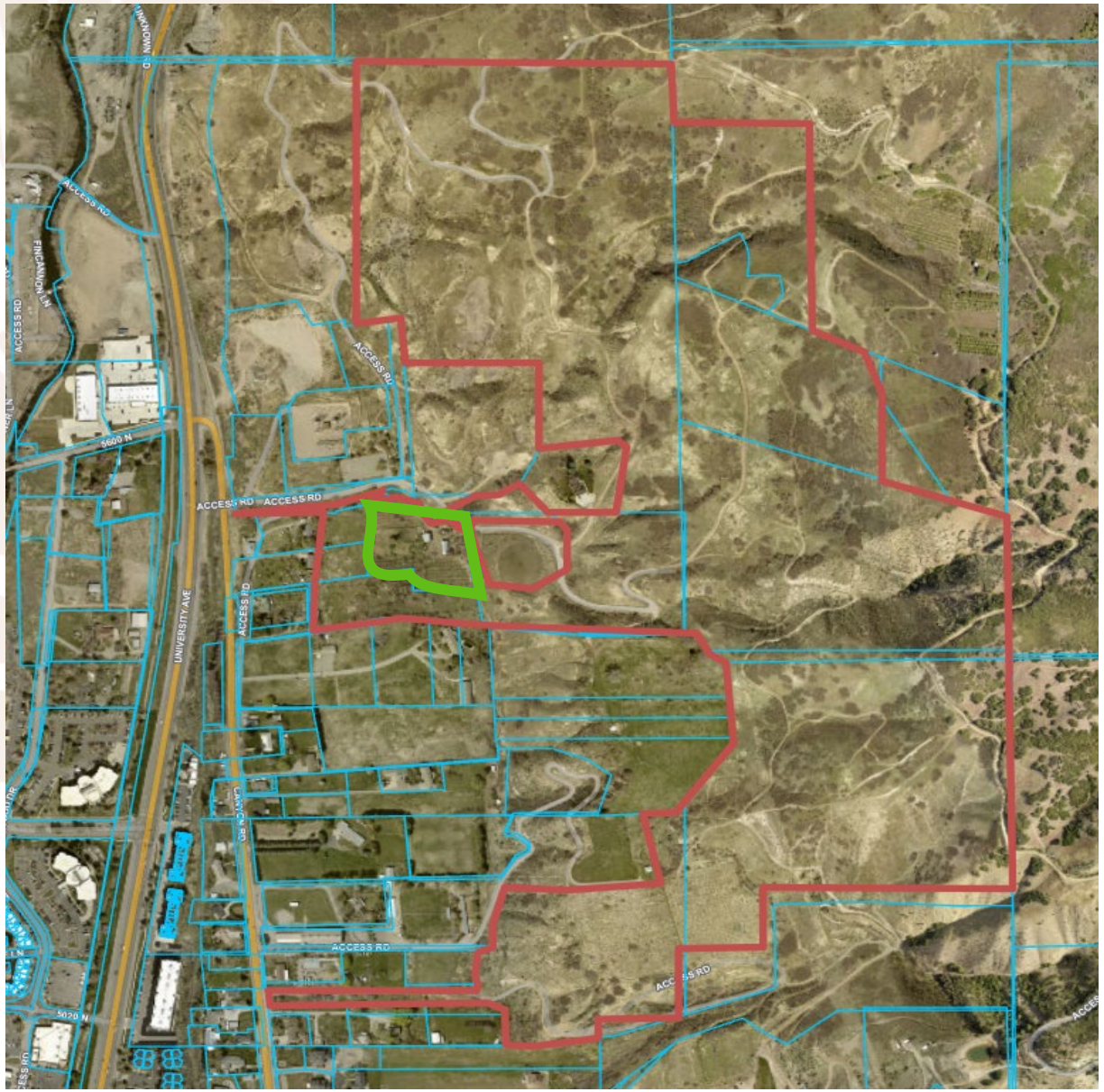
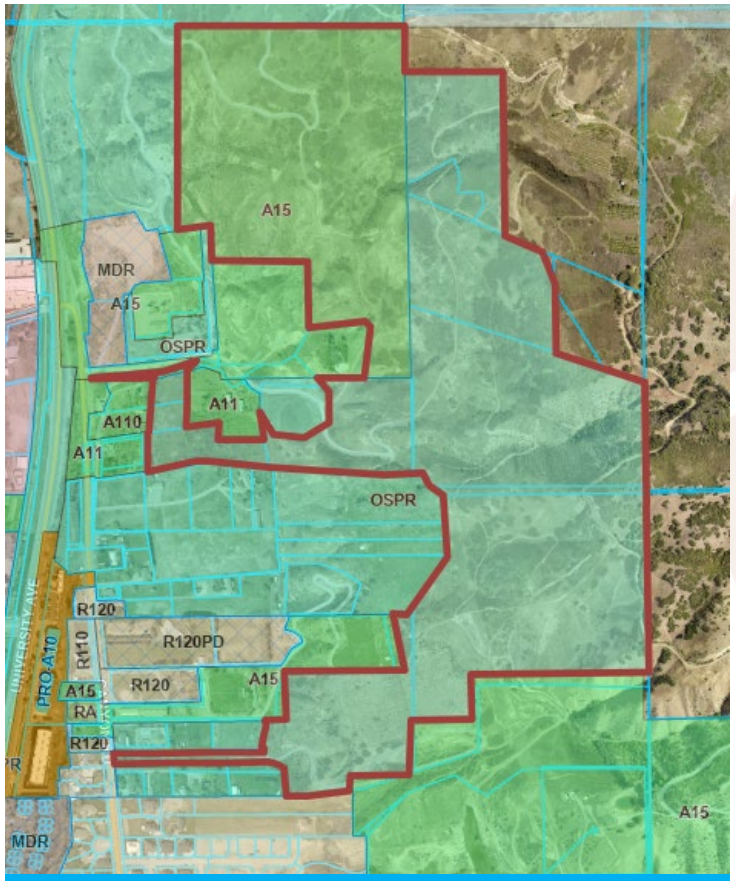
Foothill Orchards Rezone and Concept Plan

Area outlined in red is the original proposed area. The property owners for the area in green have asked to be removed from the rezone and concept plan proposal.

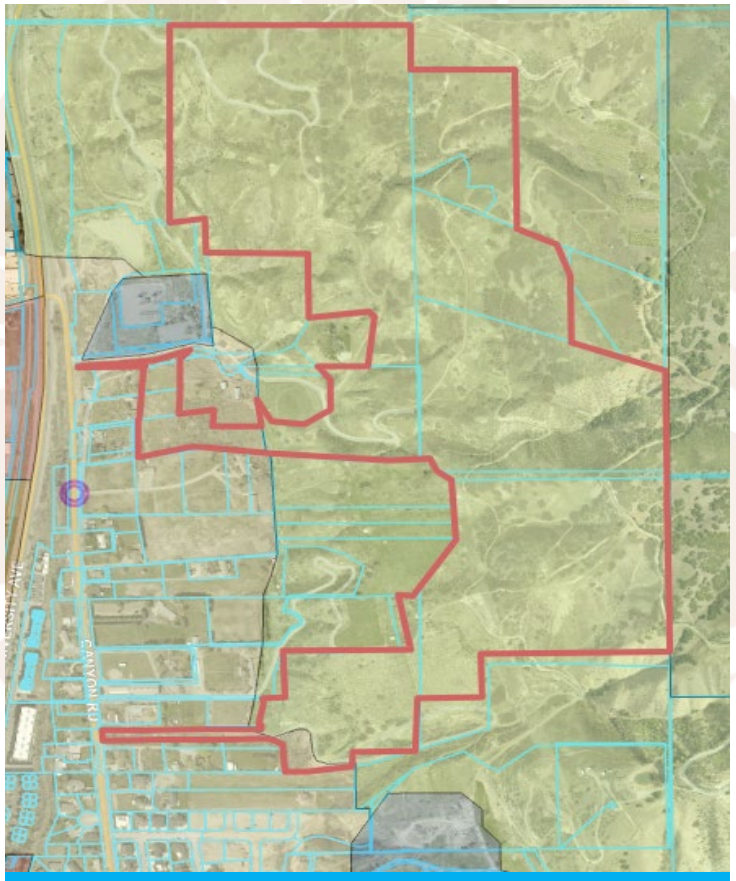
Original area proposed – approximately 155 acres
Current area proposed – approximately 152 acres



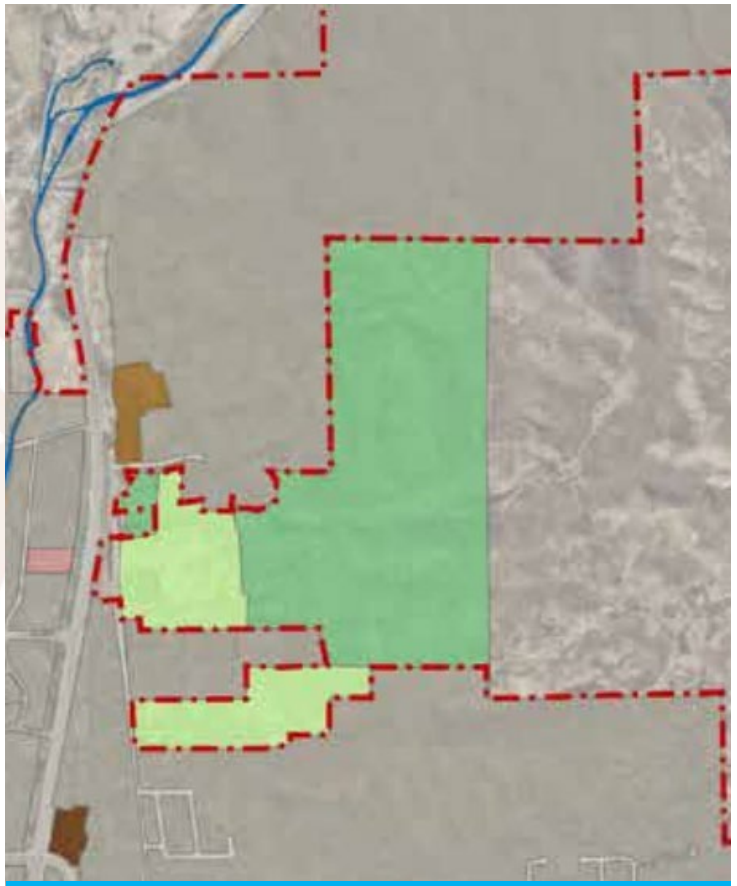
Foothill Orchards Rezone and Concept Plan



Current Zone Map



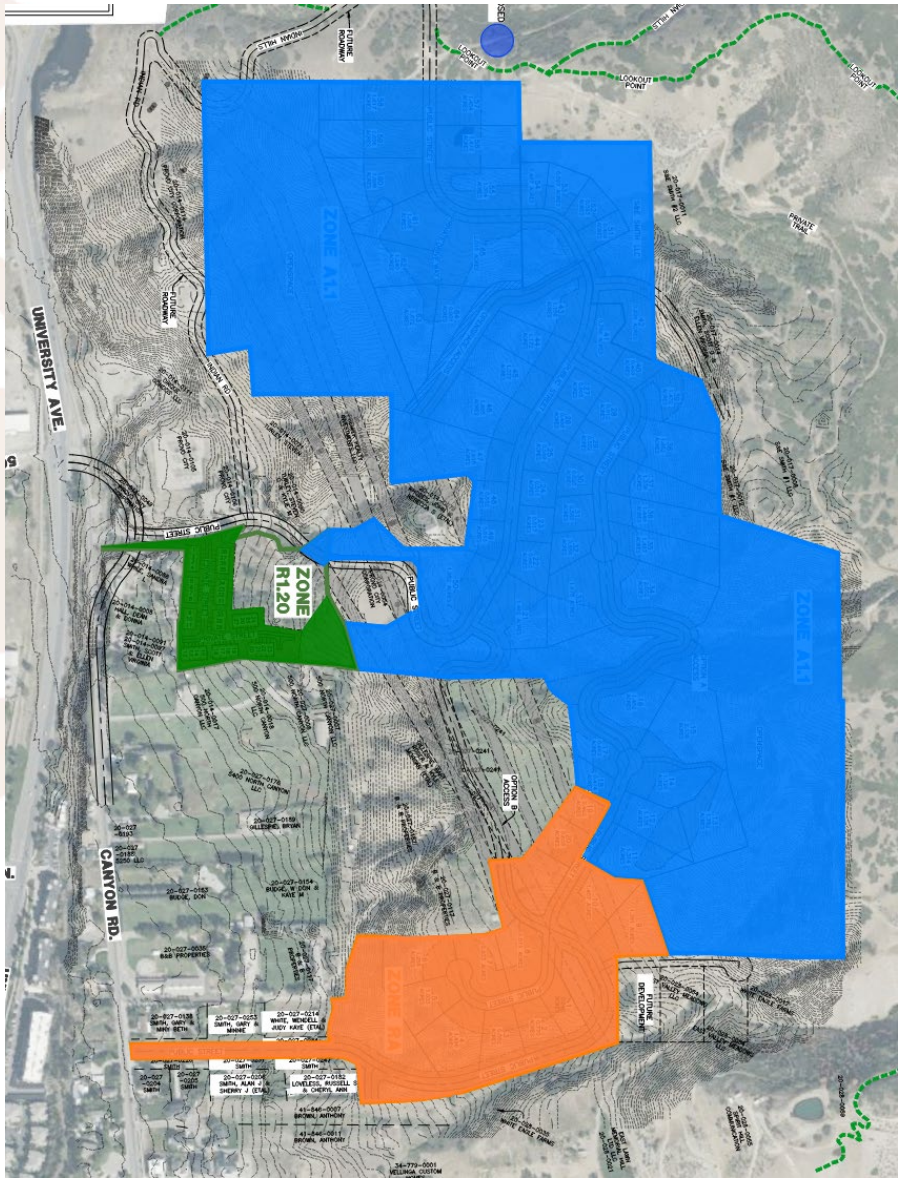
General Plan Map



Northeast Neighborhood Plan

Foothill Orchards Rezone and Concept Plan

- The area shaded in blue is proposed to be rezoned to A1.1 – agricultural with 1 acre lots.
- The area shaded in orange is proposed to be rezoned to RA – residential agricultural with ½ an acre lots
- The area shaded in green is proposed to be rezoned to R1.20 – residential single-family with 20,000 square foot lots
- The applicant is also proposing 2 overlays for the entire area:
  - The Critical Hillside overlay (CHOZ)
  - The Performance Development overly (PD)
- Proposed zones comply with the General Plan.

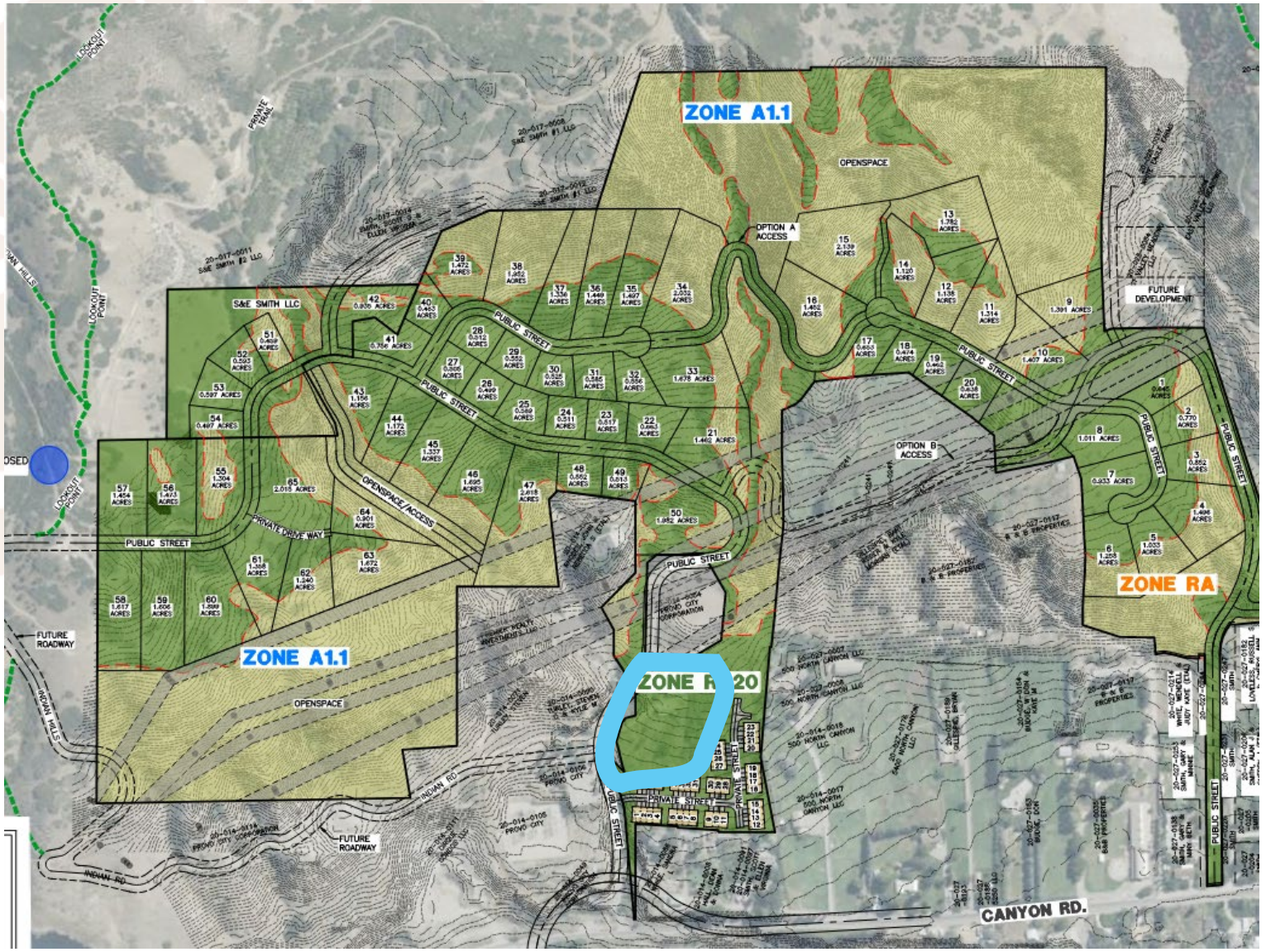


Foothill Orchards Rezone and Concept Plan

Concept Plan Proposal is for 102 units.

The density of the original proposal exceeds base zone limits; however, it is permitted when density bonuses for the PD and CH overlays are applied.

With removal of approximately 3 acres, roughly outlined in blue, the allowed density for the project factoring in the density bonuses drops to 96 units.



Foothill Orchards Rezone and Concept Plan

Additional Considerations:

- The applicant has proffered a development agreement in conjunction with this rezone and concept plan. The details of the agreement will be reviewed by Staff and City Council.

- The rezone and concept plan are the first stage of the development process, if City Council approves this rezone, the applicant will have to apply for a project plan which will get brought back to Planning Commission for approval.

Important details that will need to be resolved with the project plan:

- Possible adjustment of lots due to geotechnical concerns.
- Meeting common area requirements and performance standards of PD overlay.
- Meeting design standards and clustering requirements of the CHOZ.
- Resolving any infrastructure concerns.

Applicant Slides

PROVO CITY · UTAH COUNTY

Foothill Orchards

Master Planned Community – Northeast District – Provo Utah

Rezoning / Concept Plan

Parcels Transitioning from OSPR & A1.5 → A1.1, RA & R1.20

01 | PROJECT OVERVIEW

Key Facts

Project:
Foothill Orchards

Location:
Northeast Timpview Neighborhood - Provo

Current Zones:
OSPR, A1.5 & A1.1

Proposed Zones:
A1.1, RA & R1.20

Approx. Acreage:
~152 acres

Review Body:
CRC → **Planning Commission** → City Council

History & Annexation

The subject property and several adjacent parcels in Provo's Northeast foothills were brought into Provo City limits through a formal annexation process.

These lands carry a deep agricultural legacy - orchards, irrigation systems, and open range have shaped the hillside for generations.

Annexation established the framework for planned, General Plan-consistent development while preserving the unique heritage and character of the area.

Purpose & Objectives

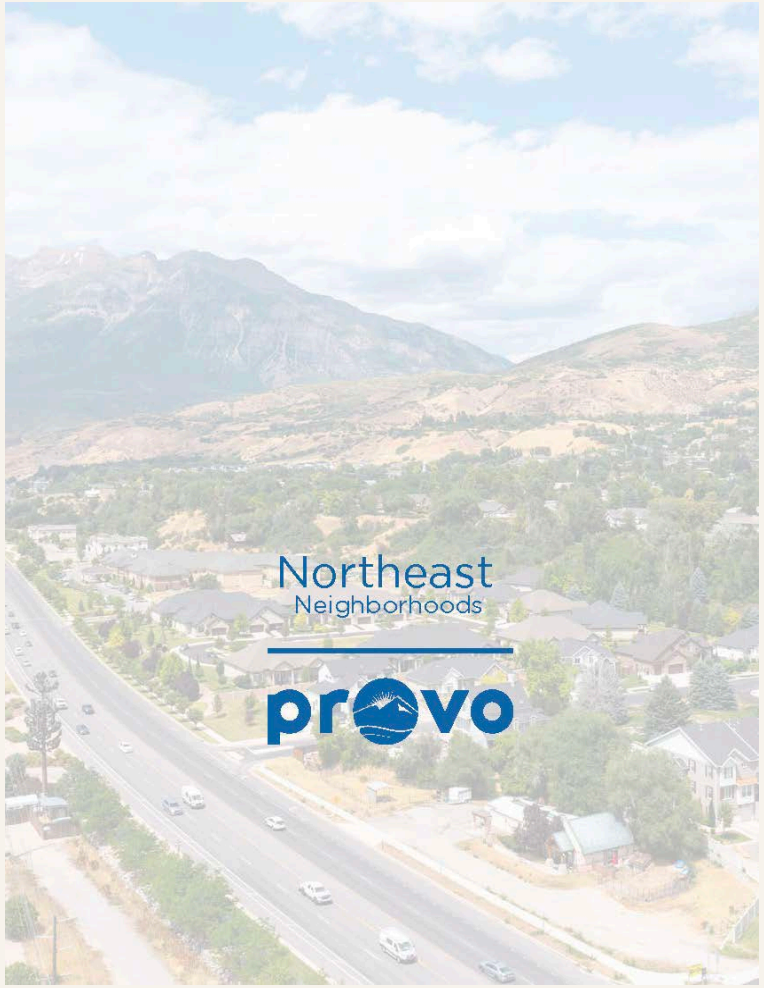
Align parcels with Provo City's General Plan and long-range housing goals.

Enable low-density residential development compatible with the Northeast neighborhood character.

Honor the agricultural heritage of the foothills while providing measured, thoughtful growth.

Deliver public infrastructure benefits - trails, water systems, and formalized access to public lands.

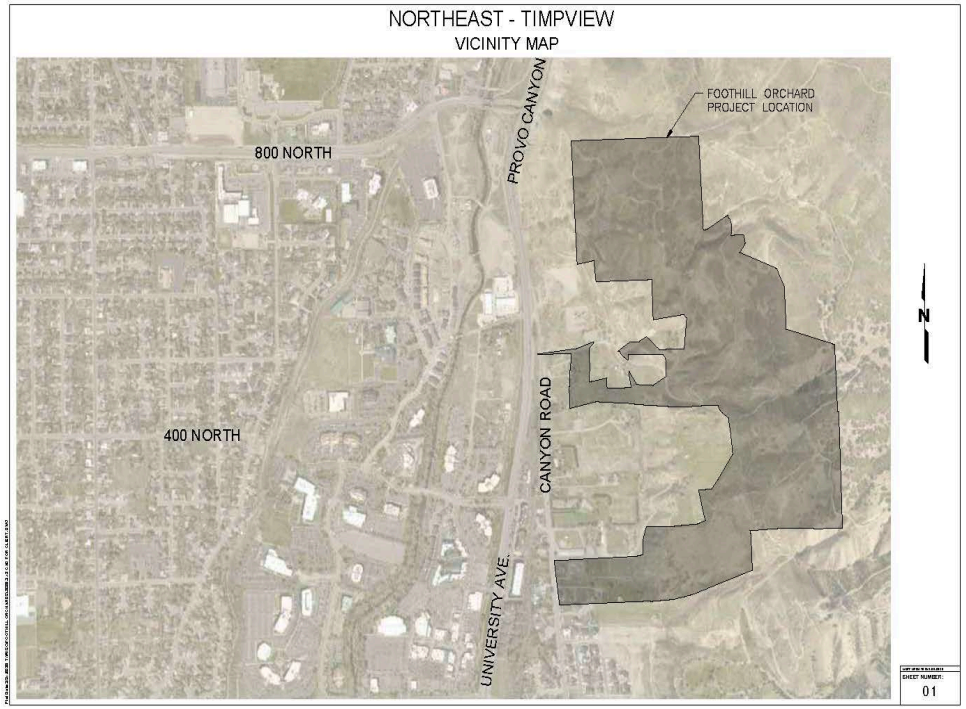
01 | NORTHEAST NEIGHBORHOODS

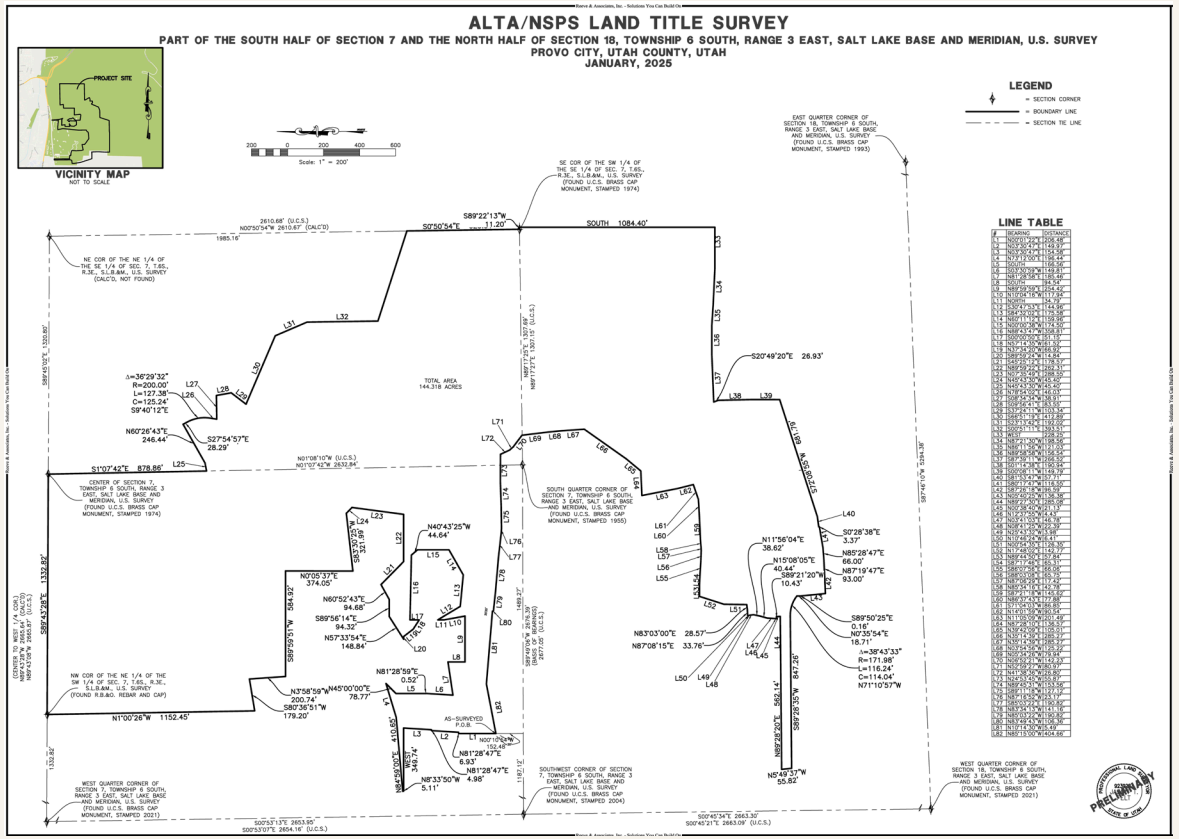


Northeast Neighborhood Development Principles

- **Preserve neighborhood character** — The subdivision should maintain the area's strong tradition of single-family detached residential development, supporting owner-occupancy and reflecting the established character of the surrounding neighborhoods.
- **Respect and integrate agricultural heritage** — Where adjacent to or near existing agricultural or urban farm properties, the subdivision design should prioritize greenspace buffers and transitions that honor the Northeast Area's longstanding agricultural identity.
- **Support infill development that fits the neighborhood** — New residential development should align with existing neighborhood qualities, avoiding density levels or housing types inconsistent with the surrounding A1, RA and R1 fabric.
- **Identify and mitigate development difficulties** — The subdivision must proactively address hillside constraints, geotechnical hazards, slope conditions, and utility capacity limitations — particularly storm/sewer trunk-line capacity and water pressure — through appropriate studies and developer-funded infrastructure solutions.
- **Establish a connected and safe road network** — The subdivision's internal street design should prioritize connectivity to existing arterials and collectors, adhere to Provo City road cross-section standards, and promote a connected and walkable subdivision wherever feasible.
- **Preserve and enhance trail access and open space** — The project should maintain or improve public access to existing trail networks and open space, coordinating with the Provo Foothills Trail Master Plan and the Parks Department to ensure continuity of recreational connectivity through and around the development.
- **Reinforce the area as a gateway to the city** — Given the Northeast Area's role as Provo's primary entrance from the canyon, subdivision design, landscaping, and streetscape should reflect gateway-quality standards consistent with the Gateways Plan and University Avenue design corridor expectations.

01 | VICINITY MAP — ALTA/NSPS





Greater Northeast Neighborhoods of Provo City / Foothill Orchards Vicinity Map

02 | CURRENT ZONING DESIGNATIONS

OSPR *Open Space, Parks & Recreation*

Intended Uses:
Parks, trails, open space buffers, recreation facilities, and natural area preservation.

Characteristics:
Restricts residential and most commercial development. Protects sensitive land and provides community green space.

Limitations:
Parcels no longer needed for open space purposes or that do not meet OSPR criteria may be candidates for residential transition.

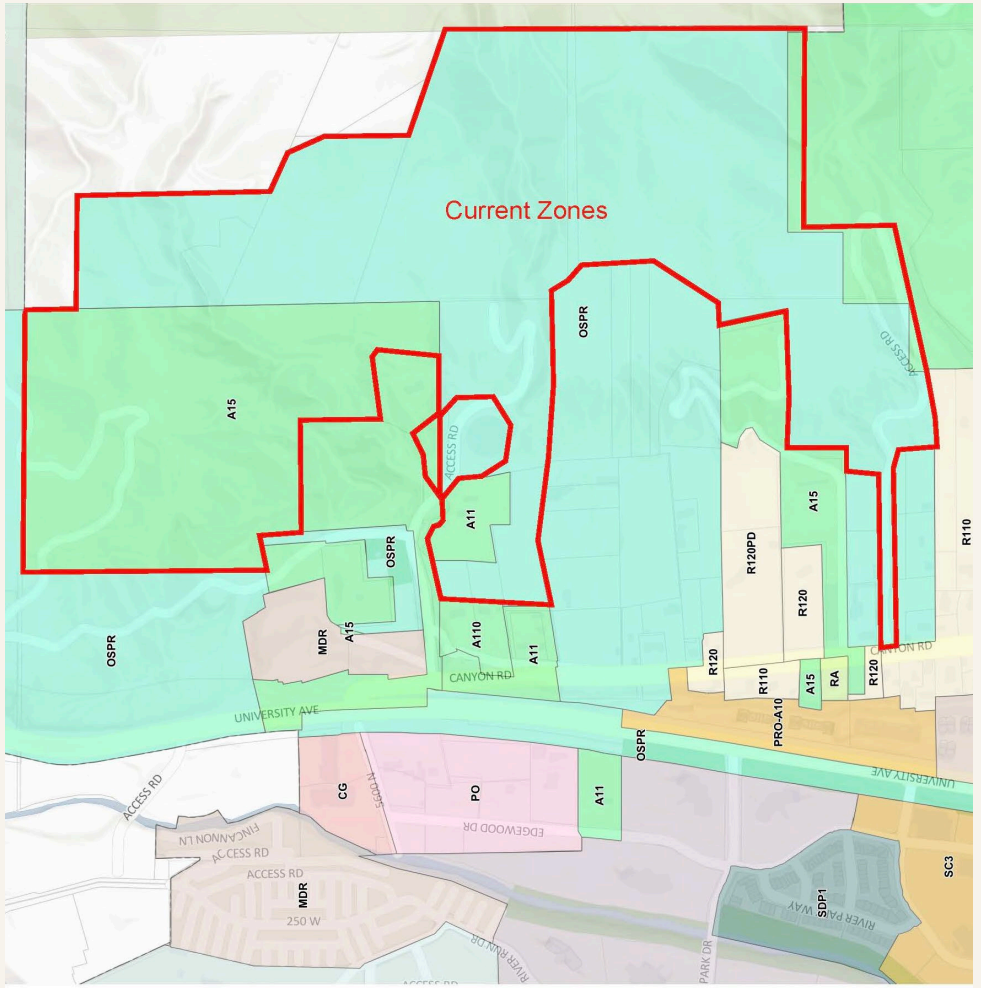
A1.5 *Agricultural — 5 Acre Minimum*

Intended Uses:
Agricultural activities, orchards, animal husbandry, and very low-density single-family residential.

Characteristics:
Large lot requirements (5 acres minimum). Preserves agricultural character and rural feel.

Limitations:
Underutilizes land near existing residential areas and does not align with current General Plan density designations for this district.

02 | CURRENT ZONING MAP



Current zoning designations — OSPR, A1.1 & A1.5 parcels shown (approximate)

03 | PROPOSED ZONING DESIGNATIONS

A1.1

Agricultural — 1 Acre Min.

- Maintains agricultural character with a reduced minimum lot size (1 acre vs 1.5 acres).
- Permits single-family homes with accessory agricultural uses.
- Transitional buffer between higher-density residential and remaining rural parcels.
- Appropriate for parcels with existing agricultural uses not yet ready for full residential conversion.

RA

Residential Agricultural

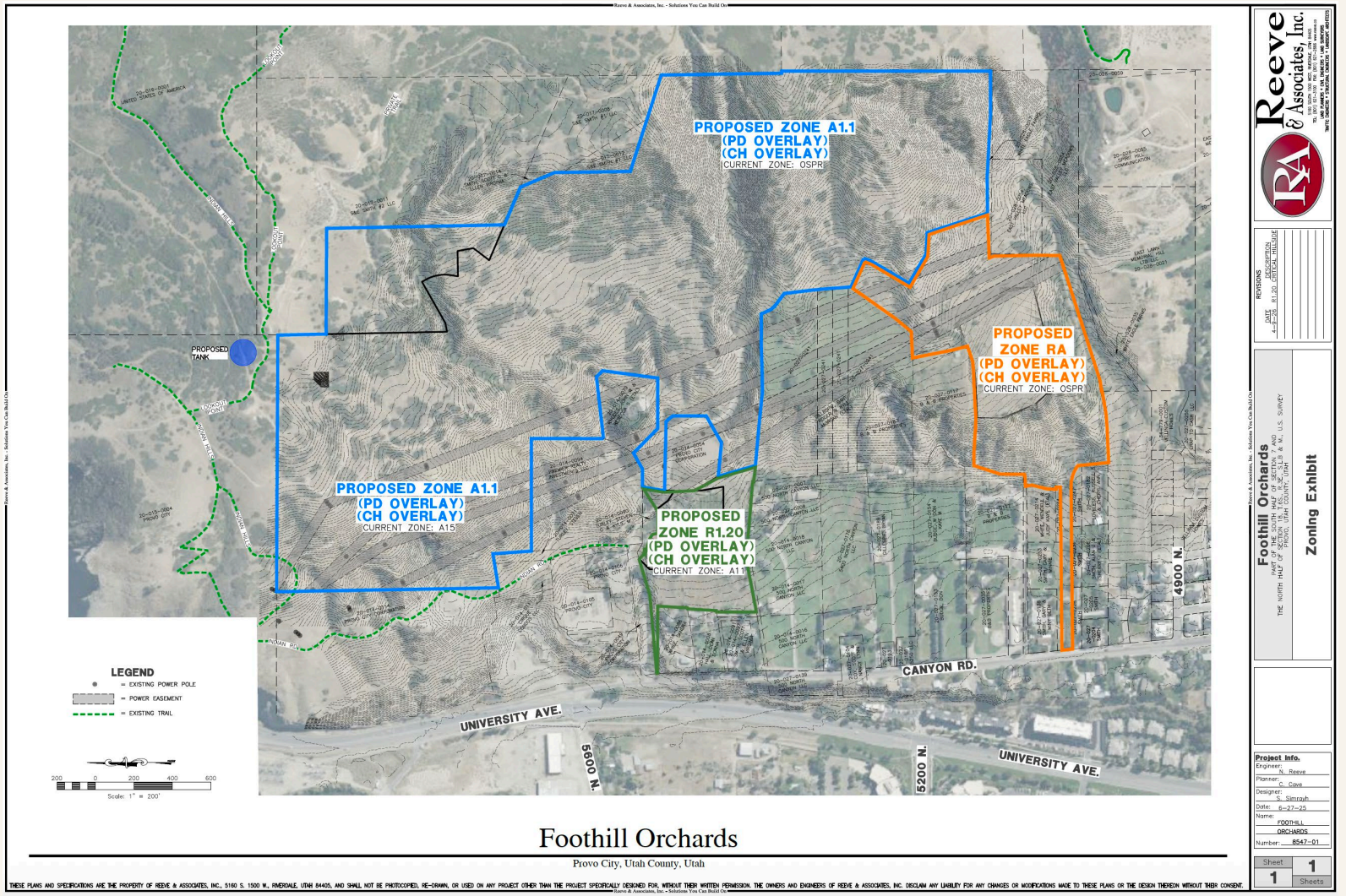
- Allows both agricultural uses and single-family residential development.
- Typical minimum lot size: 0.5–1 acre depending on utilities.
- Designed for semi-rural to semi-suburban transition areas.
- Supports small-scale animal keeping and hobby farming alongside homes.

R1.20

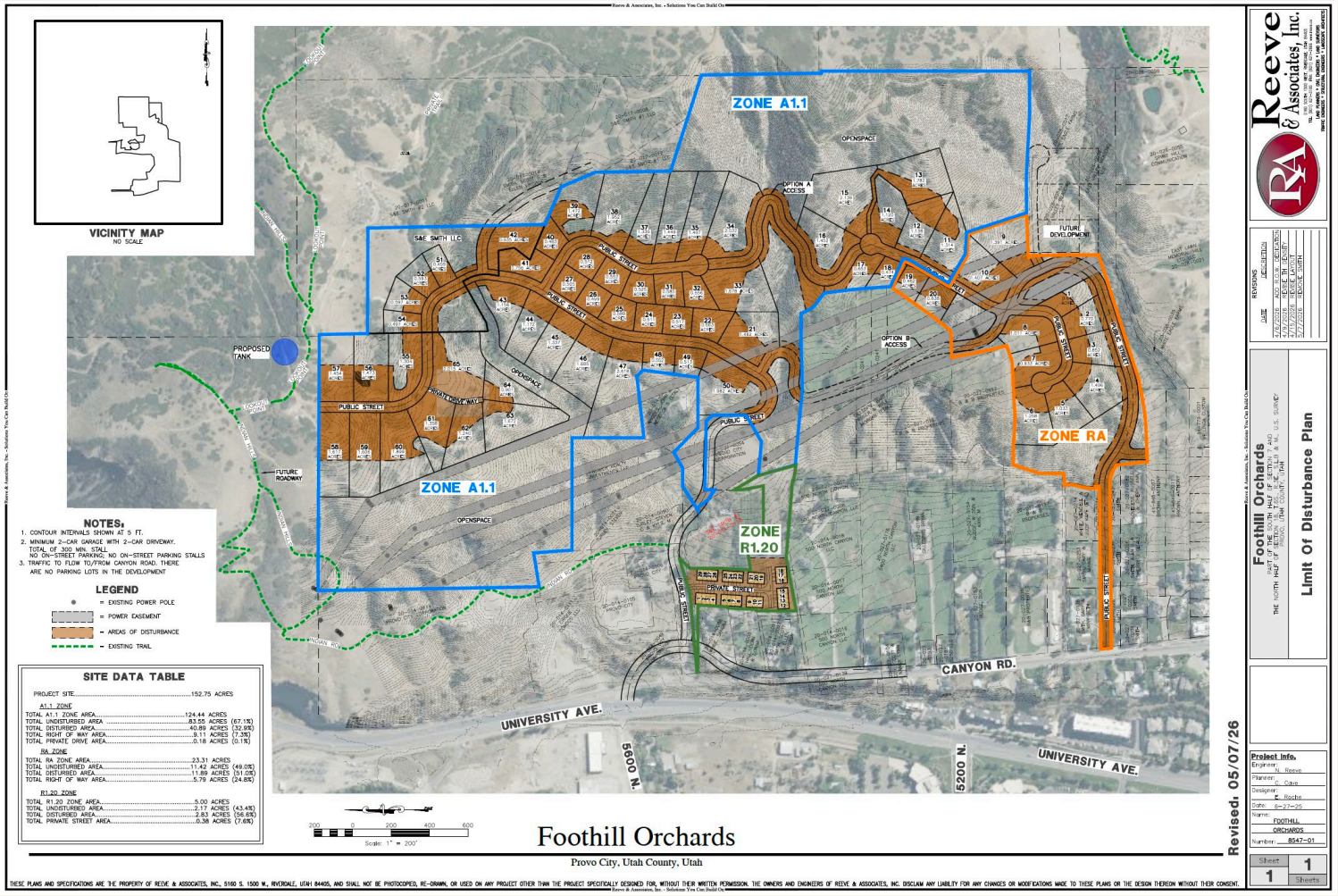
Single-Family — 20,000 sq ft

- Standard low-density single-family residential zone.
- Minimum lot size: 20,000 square feet (~0.46 acres).
- Compatible with adjacent established neighborhoods.
- Enables measured infill development consistent with North District character.

03 | PROPOSED ZONING MAP



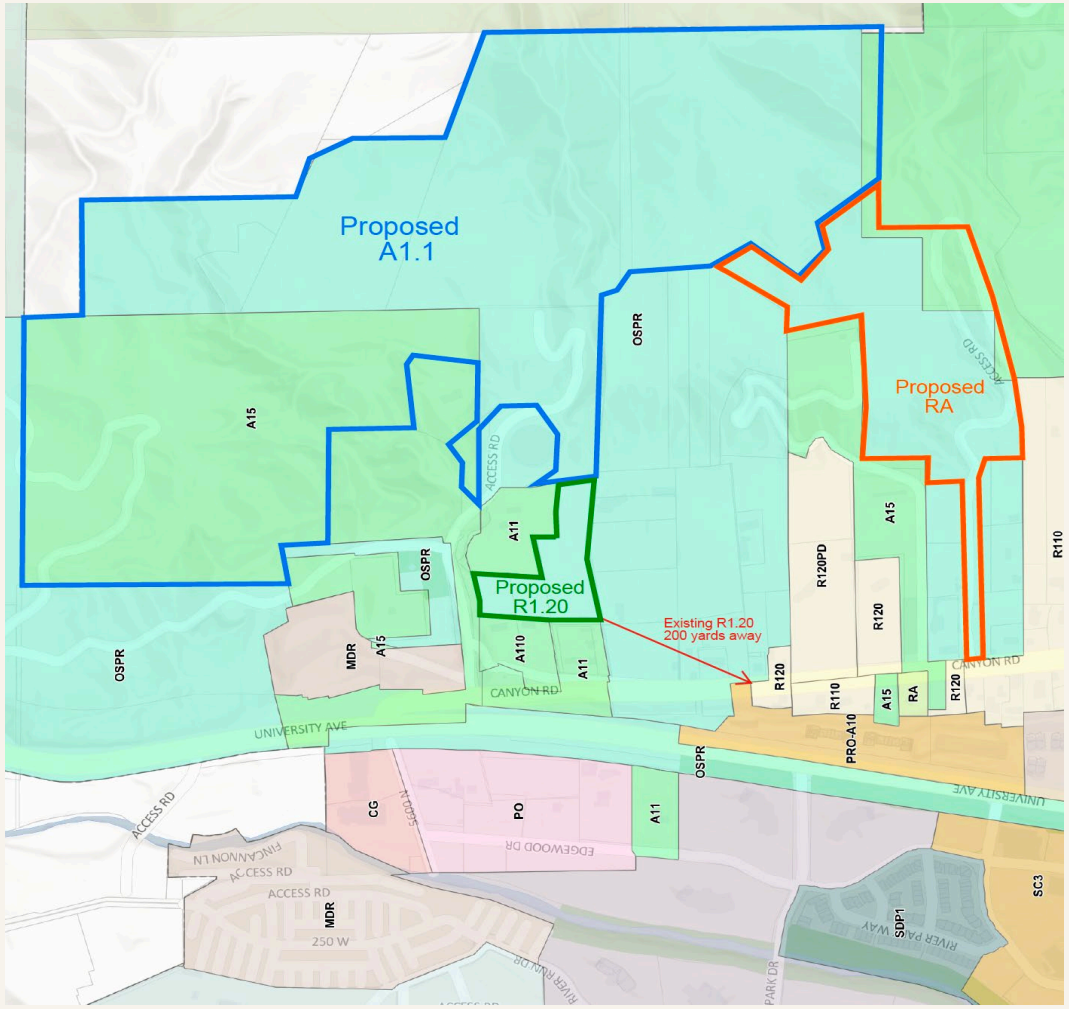
04 | PROPOSE ZONING PLAN + CONCEPT



Zoning / Area Plan

- Project Site = 152.75 acres
- A1.1 Zone = 124.44 acres
  - 67% Undisturbed (83.55 acres)
  - 33% Disturbed (40.89 acres)
- RA Zone = 23.31 acres
  - 50% Undisturbed (11.52 acres)
  - 50% Disturbed (11.79 acres)
- R1.20 Zone = 5.00 acres
  - 44% Undisturbed (2.17 acres)
  - 56% Disturbed (2.83 acres)

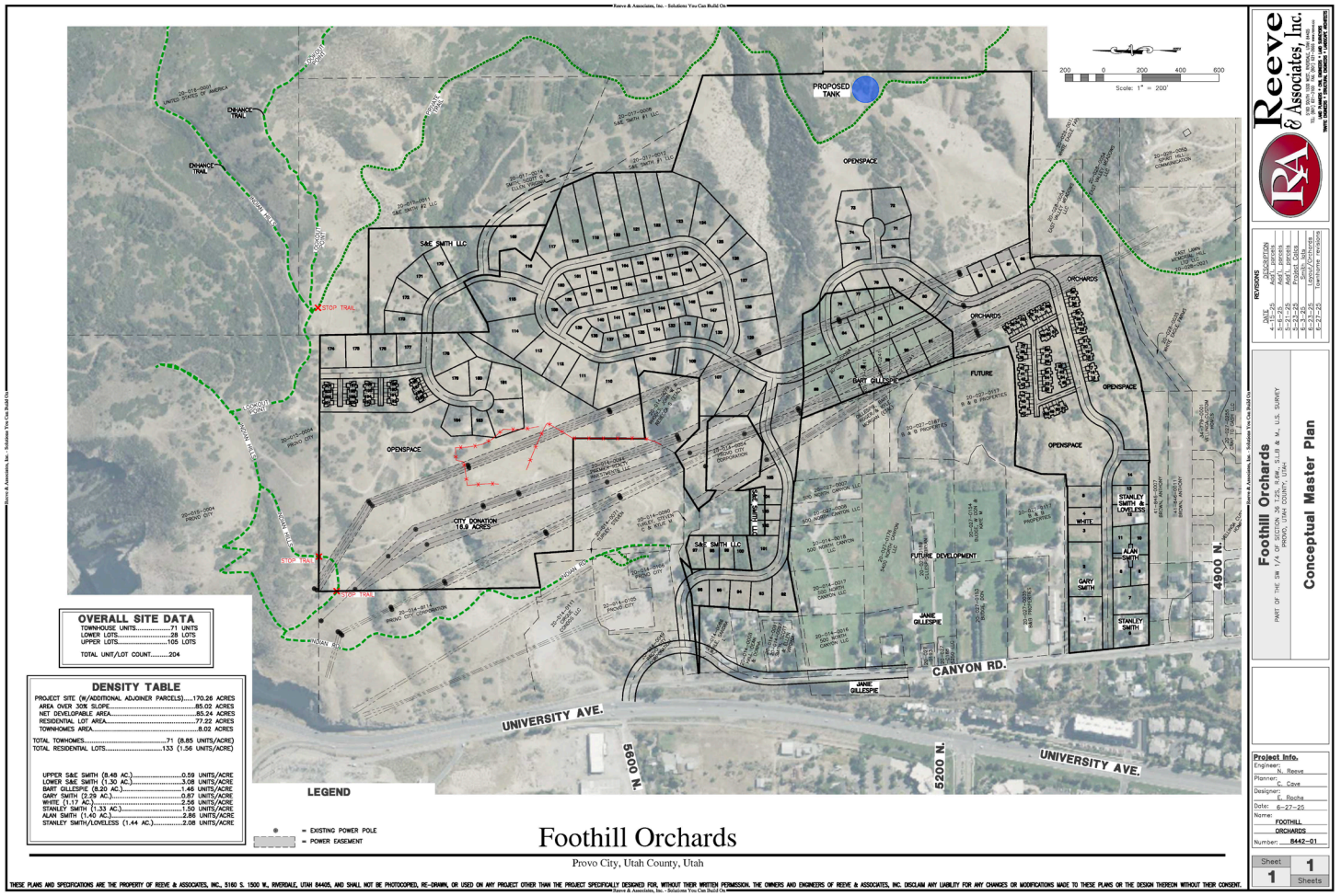
03 | PROXIMITY TO EXISTING ZONES



Context & Adjacency

- Subject parcels directly abut established Residential single-family neighborhoods to the south and west
- A1.1 and RA designations provide a natural step-down buffer between existing residential and upper foothill terrain
- R1.20 lots align in scale and character with the adjacent developed neighborhood fabric with existing R1.20 zoning 200 yards away
- No proposed zone introduces a use incompatible with surrounding land uses
- Adjacent OSPR-designated open space parcels remain intact as permanent green buffers
- Critical Hillside Overlay Zone provides added protection at the urban-open space interface

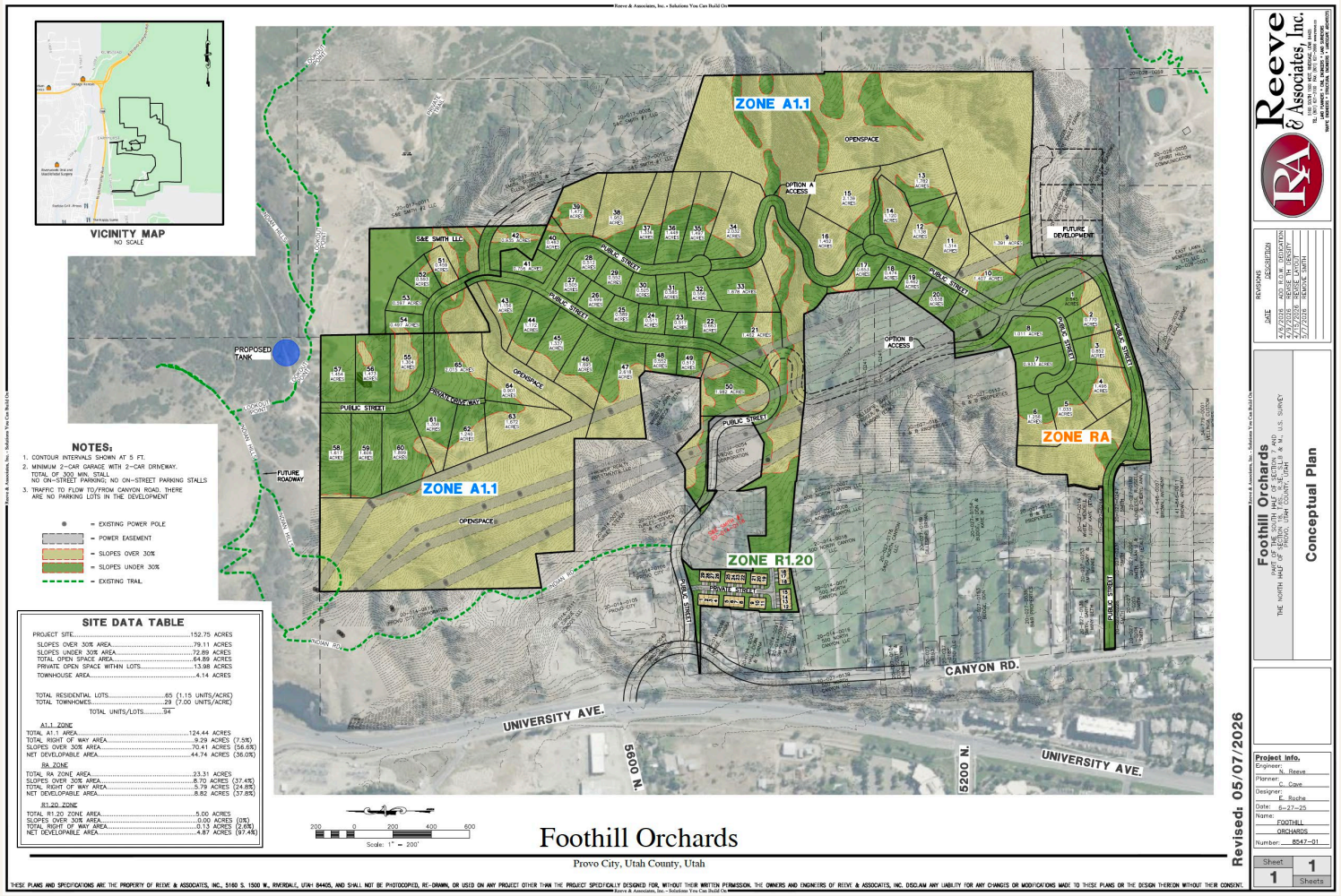
04 | CONCEPT PLAN | INITIAL CONCEPT



Initial Concept

- Original plan submitted at project outset
- Smaller lots, higher unit count; larger development footprint
- Broader hillside disturbance across steeper slopes
- Fewer clustering constraints applied
- Served as baseline for community feedback process during annexation
- Key concerns raised:
  - Density
  - Visual impact
  - Traffic
  - Public Access

04 | CONCEPT PLAN | CURRENT



Current / Concept Plan

- Residential lot count reduced by nearly 70%
- Larger lot sizes and locations; reducing visible change to hillside from valley floor
- Compliance with Critical Hillside and PD Overlay zones
- Public trail corridor from south boundary to northern edge defined
- Road network adjusted and existing paths and cuts utilized to reduce new road mileage
- Water infrastructure design expanded beyond project needs
- Owner-occupied deed restrictions established for all units prohibiting STR’s
- ADU provisions included where applicable code permits

05 | FOOTHILL ORCHARDS — MILLHAVEN HOMES

MILLHAVEN

About Millhaven Homes

Utah County-based homebuilder

Deep roots in the Wasatch Front communities with a focus on quality craftsmanship and long-term value.

Owner-occupied focus

Committed to building neighborhoods where residents invest in their community for the long term.

Estate & custom home expertise

Award Winning Home builder, with a proven track record delivering low-density, large-lot residential products in sensitive hillside environments.

Community-first development

Engages neighbors and municipalities early in the design process, incorporating feedback at every stage.

Sustainability & stewardship

Integrates natural landscaping, native vegetation, and orchard species that reflect the character of the land.

Highlights

Millhaven Homes has designed and built over 120 custom homes across Utah. A fully integrated, in-house team ensures seamless execution, accountability, and an exceptional client experience from concept to completion.

05 | PRODUCT TYPE — EXAMPLES

Representative home styles and lot configurations anticipated for Foothill Orchards

Estate Single-Family

A1.1 / RA Lots · .5 - 1+ Acre

All product types subject to Provo City design review, Critical Hillside Overlay, and PD Overlay Zone requirements.

06 | COMMUNITY IMPACT

Land Use

- ~155 acres added to Northeast Neighborhood with agricultural designation, honoring the area's heritage.
- Density drastically reduced; larger lots minimize hillside disturbance and traffic impact.
- Slopes >30% excluded from development per Critical Hillside Overlay Zone.
- Exclusively owner-occupied community — deed restrictions prohibit short-term rentals.
- ADU provisions support multi-generational living; move-up purchases expand citywide housing supply.

Utility Infrastructure

- Oversized water tanks and upsized distribution lines installed beyond the project's own needs.
- Adjacent parcels and neighboring communities gain increased water supply and redundancy.
- Provo City gains expanded water storage capacity to support long-term Northeast District growth.
- Infrastructure investment directly addresses one of the area's core development constraints.

Agriculture & History

- Improved roads provide formalized, all-season access to existing orchards for adjacent landowners.
- Orchard plantings introduced as functional land use honoring the foothills' agricultural heritage.
- Irrigation access paths protected throughout construction and beyond.
- Project name and design motifs reflect and celebrate Provo's Northeast orchard history.

Access & Trails

- Indian Road Trail — a historic Native American route — anchors the northern project entrance.
- Improved roads create safer, better-defined access to the Bonneville Shoreline Trail and corresponding network.
- Internal multi-use trail corridor runs the full project length, eliminating trespass on adjacent private parcels.
- Active coordination planned with Utah Valley Trails Alliance, Conserve Utah Valley, and Utah County Trails.

Questions & Discussion

07 | Q&A

Planning Dept.: planningdept@provo.org

Project Planner: Jessica Dahneke

Submit Comments: Provo City Development Services

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	JDAHNEKE
Presenter:	Jessica Dahneke, Planner
Department:	Development Services
Meeting Date:	6/23/2026
Requested Duration (Minutes):	25 minutes
CityView or Issue File Number:	PLRZ20260115

SUBJECT: 7 An ordinance rezoning property at 5450 N Canyon Road from A1.5CH and OSPR to A1.1CHPD, R1.20CHPD, and RACHPD zones. North Timpview Neighborhood. (PLRZ20260115)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommends approval

ADMINISTRATIVE MEMO: The applicant is seeking a zone map amendment and concept plan approval for 155 acres of property located at 5450 North Canyon Road. The proposal divides the site into three base zones — R1.20, Residential Agricultural (RA), and Agricultural (A1.1). The Critical Hillside (CH) overlay and Performance Development (PD) overlay zones will be applied across the entire project area. The zoning distribution reflects the varying topography of the site: the eastern portion, where slopes are most pronounced, is proposed for the A1.1 zone with larger single-family lots; the southern portion, where grades are somewhat less severe, is proposed for the RA zone with smaller single-family lots; and the western portion is proposed for R1.20 zoning with townhomes. The surrounding area is predominantly zoned agricultural and single-family residential, with small portions of Open Space, Preservation, and Recreation and Medium Density Residential located to the north.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

Provo City Planning Commission

Report of Action

May 13, 2026

***ITEM 5** Reza Fakhrieh requests a Zone Map Amendment from the A1.5CH (Agricultural with Critical Hillside Overlay) and OSPR (Open Space Preservation and Recreation) Zones to the A1.1CH, RA (Residential Agricultural), and RACH Zones for a residential development with 75 lots and 50 townhomes, located approximately at 5450 N Canyon Rd. North Timpview Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLRZ20260115

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 5:3, the Planning Commission recommended that the Municipal Council approve the above noted application.
Motion By: Jon Lyons
Second By: Anne Allen
Votes in Favor of Motion: Anne Allen, Jon Lyons, Matt Wheelwright, Melissa Kendall
Votes Against the Motion: Daniel Gonzales, Joel Temple, Jonathon Hill
Jonathon Hill was present as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the A1.1, RA, R1.20, PD, and CH Zone is described in the attached Exhibit A.

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

STAFF PRESENTATION

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

- Staff highlighted that approximately 3 acres of land has been withdrawn from the rezone and concept plan proposal.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 04/1/2026.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public hearing.
- Bonnie Marrow, North Timpview Representative summarized the discussion of the April first district meeting including concerns about traffic along canyon road, construction impacts, conservation and public access, fire protection, and maintaining open space. She stated that this proposal is far superior to previous proposals, especially in regard to maintaining public access.

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:

- Bryan Gilespie, Provo Resident, stated that over the years there have been lots of proposals, this is the best one they've seen. This is a great opportunity for trail development and access to trails.
- Kyle Gilespie, Provo Resident, stated that he owns property directly adjacent to the development and his only concern is that he does not want his land to be isolated by this development.
- Ginny Smith, Provo Resident, stated that while being on the committee for the Northeast Neighborhood Plan, they had discussed what would be ideal to be in this land and mentioned that this proposal fits the larger lot, single-family homes.
- Bonnie Marrow, Provo Resident, also stated how this plan hits the closest to hitting what the Northeast Neighborhood Plan proposes and that it is a good plan.
- Scott Smith, Provo Resident, feels that the applicant is respecting the agriculture that is existing in the area. He also brought up that the proposed water tank allows other people to develop.
- Steve Turly, Provo Resident, pointed out that one of the proposed roads goes through his property. He highlights that having two points of ingress and egress this area can't be developed and asked that this project should not be pushed forward until the plan reflects a road that has been agreed to by both property owners.
- Additional residents stated that they think it is a good plan but are concerned about the traffic impact, especially with the changes to University Avenue.

APPLICANT RESPONSE

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

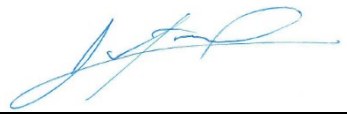
- The applicant explained that they have been developing these plans with the history of the area and feedback from the neighbors and guidelines of the neighborhood plan.
- The applicant highlighted how the proposed zones match with how the surrounding area is currently zoned.
- The applicant highlighted the changes between the original concept plans and the current concept plan including a reduction in density and maintaining public access to the area.
- The applicant explained that they have been working with Public Works and are expanding the water capacity to meet the needs of the project and support the needs of the city.
- The applicant explained that all homes would be deed restricted to being owner occupied.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Temple asked if this area interacted with the wildfire urban interface. Staff explained that it has been reviewed by the fire Marshall and he is okay with the concept plan going forward.
- Commissioner Gonzales confirmed that this area was part of a recent annexation.
- Commissioner Lyons asked if there were areas of over 30% slope. Staff showed the concept plan that was included in the presentation that highlighted the areas of 30% slope.
- Commissioner Jensen asked about agricultural use in the area, staff explained that the property owners who asked to be removed from the rezone are using their property as agricultural and have decided to maintain that zoning.
- Commissioner Jensen asked for clarification regarding lot sizes. Staff explained that the PD and the CH allow for lots to be smaller than the base zone; however, the density of the project needs to stay within the allowed number of units unless it meets the requirements for density bonuses as mentioned in the PD and CH zones.
- Commissioner Jensen asked about concerns with areas that do not currently comply with code. Staff explained that areas of the concept plan that do not comply with the code will have to be changed for the final project plan.
- Commissioner Wheelwright asked about the road section at the north end of the project. The applicant explained that there would be a turnaround for fire.
- Commissioner Jensen asked for more information regarding the trail network in the area and how this project would connect with that. The applicant explained that they are working with Parks and Recreation as well as Conserve Utah Valley to create a well-connected trail system.
- Commissioner Wheelwright asked for more information regarding the townhome layout and how the surrounding neighborhood felt about them. The applicant explained that they have been working with the neighborhood to respect the existing uses and highlighted that this keeps density off the foothills and closer to the road.

- Commissioner Lyons asked about the impact on traffic, the applicant explained they haven't looked at them in detail yet as they have not been sure of what zones they will be developing with.
- In response to the public comment made by Steve Turley, the Planning Commission invited the applicant and the City to address the access point shown. The applicant explained that the proposed road on the concept plan and highlighted that this is just a concept plan for a rezone, if it does not work at project plan level they will redraw the road. He also pointed out that the City has easement access there. Public Works staff explained that they have shown that there are other ways to configure the road that can address the concern.
- Commissioner Wheelwright and Hill highlighted that their decision has to be focused on the appropriateness of the zone based on the ideas in the concept plan since there are so many details still need to be worked out.
- Commissioner Lyon asked if they could approve the rezone but not the concept plan, staff explained that the Council will vote on the rezone but that would make continuing the concept plan void.
- Commissioner Jensen stated that she was not concerned about the concept plan meeting all the details since it will have to come back for a project plan approval; however, she is concerned about how visible the development will be on the hillside and how that will detract from the foothills. Staff did point out that there are some areas that will be hidden.
- Commissioner Temple stated that it strikes him as agricultural sprawl that increases traffic and strain on city infrastructure instead of agricultural uses and open space.
- Commissioner Gonzales agreed with Commissioner Temple, stating that he did not feel this met the goals of the General Plan.
- Commissioner Allen stated that preserving single-family dwellings is also a goal of the General Plan.
- Commissioner Hill stated that he does not generally like hillside development, but this feels like they have done the best they could with the circumstances.
- Commissioner Kendall stated that she liked that there is some density lower down with larger lots higher up.
- Commissioner Lyons stated his concern about the realignment of Canyon Road and how long it will take for that to happen. Public Works staff explained the different expenses behind the projects and that they are working to address the concern as funding is available to them.
- Commissioner Wheelwright highlighted that the other areas that are not a part of this rezone and development are satisfied with the concept plan and this development would open opportunities for those property owners to better utilize their land.
- Commissioner Jensen listed the pros and cons of the project in her opinion pros included the large lots up in the foothills that keep an open agricultural feel and the increased trail access. The con is visual impact of the development on the foothills.



Planning Commission Chair

Bill Peperone

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

LEGAL DESCRIPTION:

PROPOSED ZONE A1.1 PORTION WITH PD AND CH OVERLAY

PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 728.75 FEET SOUTH 89°49'06" WEST ALONG THE SECTION LINE AND 154.73 FEET NORTH 00°10'54" WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 7 (SAID SOUTH QUARTER CORNER BEING NORTH 89°49'06" EAST 2676.39 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION7); THENCE NORTH 16°15'59" WEST 200.97 FEET; THENCE SOUTH 84°32'02" EAST 175.58 FEET; THENCE NORTH 60°11'12" EAST 159.96 FEET; THENCE NORTH 00°00'38" WEST 174.50 FEET; THENCE NORTH 40°43'25" WEST 44.64 FEET; THENCE NORTH 88°43'47" WEST 358.81 FEET; THENCE NORTH 09°00'56" EAST 116.44 FEET; THENCE SOUTH 89°56'14" EAST 94.32 FEET; THENCE NORTH 60°52'43" EAST 94.68 FEET; THENCE SOUTH 45°25'12" EAST 178.57 FEET; THENCE NORTH 89°59'22" EAST 262.31 FEET; THENCE NORTH 07°35'49" EAST 288.55 FEET; THENCE NORTH 45°43'30" WEST 45.40 FEET; THENCE SOUTH 83°30'25" WEST 321.99 FEET; THENCE NORTH 00°05'37" EAST 374.05 FEET; THENCE NORTH 89°59'56" WEST 584.92 FEET; THENCE NORTH 03°58'59" WEST 200.70 FEET; THENCE SOUTH 80°36'51" WEST 179.20 FEET; THENCE NORTH 01°00'26" WEST 1152.45 FEET; THENCE SOUTH 89°43'28" EAST 1332.82 FEET; THENCE SOUTH 01°07'42" EAST 251.05 FEET; THENCE SOUTH 89°44'36" EAST 549.30 FEET; THENCE SOUTH 01°07'42" EAST 923.07 FEET; THENCE SOUTH 66°51'19" EAST 212.89 FEET; THENCE SOUTH 23°13'42" EAST 192.02 FEET; THENCE SOUTH 00°51'11" EAST 393.51 FEET; THENCE SOUTH 72°11'29" EAST 525.60 FEET; THENCE SOUTH 00°50'54" EAST 625.51 FEET; THENCE NORTH 89°22'13" EAST 11.20 FEET; THENCE SOUTH 00°00'00" EAST 1084.40 FEET; THENCE NORTH 90°00'00" WEST 228.25 FEET; THENCE NORTH 87°21'30" WEST 198.56 FEET THENCE NORTH 86°11'56" WEST 121.03 FEET; THENCE NORTH 89°58'58" WEST 156.54 FEET; THENCE SOUTH 87°39'11" WEST 33.55 FEET; THENCE NORTH 17°57'06" WEST 328.87 FEET; THENCE NORTH 86°46'14" WEST 112.60 FEET; THENCE NORTH 59°36'44" WEST 175.00 FEET; THENCE NORTH 30°36'33" EAST 207.96 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF NORTH 23°01'34" EAST, AND A CHORD LENGTH OF 60.18 FEET; THENCE NORTH 65°41'53" WEST 162.95 FEET; THENCE NORTH 03°54'56" WEST 125.22 FEET; THENCE NORTH 05°34'26" WEST 79.94 FEET; THENCE NORTH 06°52'21" WEST 142.23 FEET; THENCE NORTH 52°59'27" WEST 80.97 FEET; THENCE NORTH 41°38'36" WEST 26.80 FEET; THENCE NORTH 24°53'45" WEST 55.87 FEET; THENCE NORTH 89°45'31" WEST 153.56 FEET; THENCE SOUTH 88°02'47" WEST 129.47 FEET; THENCE SOUTH 89°11'18" WEST 127.12 FEET; THENCE NORTH 87°16'52" WEST 23.17 FEET; THENCE NORTH 83°34'13" WEST 141.16 FEET; THENCE NORTH 85°03'22" WEST 190.82 FEET; THENCE NORTH 83°49'43" WEST 24.01 FEET TO THE POINT OF BEGINNING. CONTAINING 5,420,591 SQUARE FEET OR 124.440 ACRES.

PROPOSED ZONE RA PORTION WITH PD AND CH OVERLAY

PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 841.71 FEET SOUTH 89°49'06" WEST ALONG THE SECTION LINE AND 1247.34 FEET SOUTH 00°10'54" EAST FROM THE SOUTH QUARTER CORNER OF 7 (SAID SOUTH QUARTER CORNER BEING NORTH 89°49'06" EAST 2676.39 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION7); THENCE NORTH 87°08'15" EAST 33.76 FEET; THENCE NORTH 83°03'00" EAST 28.57 FEET; THENCE NORTH 00°54'35" EAST 126.35 FEET; THENCE NORTH 17°48'02" EAST 142.77 FEET; THENCE NORTH 89°44'50" EAST 57.84 FEET; THENCE SOUTH 87°17'46" EAST 65.31 FEET; THENCE SOUTH 86°07'56" EAST 66.06 FEET; THENCE SOUTH 88°03'08" EAST 65.75 FEET; THENCE NORTH 87°06'29" EAST 17.42 FEET; THENCE NORTH 85°34'16" EAST 42.78 FEET; THENCE NORTH 87°21'18" EAST 145.62 FEET; THENCE NORTH 86°37'43" EAST 77.88 FEET; THENCE NORTH 71°04'03" EAST 86.85 FEET; THENCE NORTH 14°01'59" WEST 90.54 FEET; THENCE NORTH

11°05'09" WEST 201.49 FEET; THENCE NORTH 87°28'10" EAST 136.57 FEET; THENCE NORTH 39°42'09" EAST 105.01 FEET; THENCE NORTH 35°14'39" EAST 285.27 FEET; THENCE SOUTH 65°41'53" EAST 162.95 FEET; THENCE ALONG A NONTANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF SOUTH 23°01'34" WEST, AND A CHORD LENGTH OF 60.18 FEET; THENCE SOUTH 30°36'33" WEST 207.96 FEET; THENCE SOUTH 59°36'44" EAST 175.00 FEET; THENCE SOUTH 86°46'14" EAST 112.60 FEET; THENCE SOUTH 17°57'06" EAST 328.87 FEET; THENCE SOUTH 87°39'11" WEST 232.96 FEET; THENCE SOUTH 20°49'20" EAST 26.93 FEET; THENCE SOUTH 01°14'38" EAST 190.94 FEET; THENCE SOUTH 00°08'11" WEST 149.79 FEET; THENCE SOUTH 72°08'55" WEST 681.79 FEET; THENCE SOUTH 81°53'47" WEST 57.71 FEET; THENCE SOUTH 00°28'38" EAST 3.37 FEET; THENCE SOUTH 80°17'47" WEST 116.55 FEET; THENCE SOUTH 85°28'47" WEST 66.00 FEET; THENCE SOUTH 87°19'47" WEST 93.00 FEET; THENCE SOUTH 87°26'18" WEST 96.59 FEET; THENCE NORTH 05°40'25" WEST 140.31 FEET; THENCE SOUTH 89°50'25" EAST 0.16 FEET; THENCE NORTH 00°35'54" EAST 18.71 FEET; THENCE NORTH 23°15'50" WEST 262.64 FEET; THENCE NORTH 08°41'25" WEST 22.39 FEET; THENCE NORTH 25°43'32" WEST 3.98 FEET; THENCE NORTH 10°46'24" WEST 6.41 FEET TO THE POINT OF BEGINNING. CONTAINING 955904 SQUARE FEET OR 21.945 ACRES.

PROPOSED ZONE R1.20 PORTION WITH PD AND CH OVERLAY

PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING 1187.12 FEET NORTH 89°49'06" EAST ALONG THE SECTION LINE AND 152.48 FEET NORTH 00°10'54" WEST FROM THE SOUTHWEST CORNER OF SAID SECTION 7 (SAID SOUTHWEST CORNER BEING SOUTH 89°49'06" WEST 2676.39 FROM THE SOUTH QUARTER CORNER OF SAID SECTION 7); THENCE NORTH 00°01'22" EAST 206.48 FEET; THENCE NORTH 81°28'47" EAST 6.93 FEET; THENCE NORTH 03°30'47" EAST 149.97 FEET; THENCE NORTH 81°28'47" EAST 4.98 FEET; THENCE NORTH 03°30'47" EAST 154.58 FEET; THENCE NORTH 90°00'00" WEST 349.74 FEET; THENCE NORTH 08°33'50" WEST 5.11 FEET; THENCE NORTH 84°59'00" EAST 410.65 FEET; THENCE NORTH 73°12'00" EAST 196.44 FEET; THENCE SOUTH 45°00'00" WEST 78.77 FEET; THENCE NORTH 76°08'13" EAST 87.94 FEET; THENCE SOUTH 73°57'14" EAST 72.58 FEET; THENCE SOUTH 58°37'51" EAST 30.01 FEET; THENCE SOUTH 11°57'06" EAST 28.42 FEET; THENCE NORTH 89°59'48" EAST 114.44 FEET; THENCE NORTH 57°33'54" EAST 148.84 FEET; THENCE SOUTH 09°00'56" WEST 116.44 FEET; THENCE SOUTH 00°00'50" EAST 51.15 FEET; THENCE SOUTH 00°02'28" EAST 103.42 FEET; THENCE SOUTH 30°47'53" EAST 144.96 FEET; THENCE SOUTH 16°15'59" EAST 200.97 FEET; THENCE NORTH 83°49'43" WEST 82.35 FEET; THENCE NORTH 10°14'30" WEST 5.49 FEET; THENCE NORTH 85°15'00" WEST 202.33 FEET; THENCE NORTH 85°15'00" WEST 202.33 FEET; THENCE SOUTH 79°11'00" WEST 279.36 FEET TO THE POINT OF BEGINNING. CONTAINING 351,851 SQUARE FEET OR 8.077 ACRES.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: May 13, 2026

***ITEM 5** Reza Fakhrieh requests a Zone Map Amendment from the A1.5CH (Agricultural with Critical Hillside Overlay) and OSPR (Open Space Preservation and Recreation) Zones to the Reza Fakhrieh requests a Zone Map Amendment from the A1.5CH (Agricultural with Critical Hillside Overlay) and OSPR (Open Space Preservation and Recreation) Zones to the A1.1CH, RA (Residential Agricultural), and RACH Zones for a residential development with 64 lots and 38 townhomes, located approximately at 5450 N Canyon Rd. North Timpview Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLRZ20260115

APPLICANT:	Reza Fakhrieh
PROPERTY OWNER:	BRMK Provo Canyon LLC, S&E Smith #1 LLC, S&E Smith #2 LLC
PARCEL ID:	See Attachment 1
ACREAGE:	155
CURRENT LEGAL USE:	Vacant
GENERAL PLAN DESIGNATION:	Residential and Agricultural
CURRENT ZONE:	OSPR
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

PROPERTY HISTORY

On December 2, 2025, the City Council approved an ordinance to annex this property into the city.

NEIGHBORHOOD FEEDBACK

This application was presented at the North District Meeting on April 1st, 2026. Concerns raised by the residents in attendance included the impact on traffic along Canyon Rd, the construction impacts, conservation and preservation of open space, and fire risk. A poll of the residents attending the meeting had 11 attendees in favor of keeping the area zoned OSPR and 21 in favor of the project. Since the meeting, staff have received additional emails expressing similar concerns to those raised in the district meeting.

PROJECT SUMMARY

The applicant is seeking a zone map amendment and concept plan approval for 155 acres of property located at 5450 North Canyon Road. The proposal divides the site into three base zones — R1.20, Residential Agricultural (RA), and Agricultural (A1.1). The Critical Hillside (CH) overlay and Performance Development (PD) overlay zones will be applied across the entire project area.

The zoning distribution reflects the varying topography of the site: the eastern portion, where slopes are most pronounced, is proposed for the A1.1 zone with larger single-family lots; the southern portion, where grades are somewhat less severe, is proposed for the RA zone with smaller single-family lots; and the western portion is proposed for R1.20 zoning with townhomes. The surrounding area is predominantly zoned agricultural and single-family residential, with small portions of Open Space, Preservation, and Recreation and Medium Density Residential located to the north.

Both this rezone application and the associated concept plan (see item 6 staff report) application have been reviewed by the CRC. As shown in the CRC report included as attachment 8, the outstanding departmental comments are specific to the concept plan, and not with the proposed zones. However, the applicant has requested that these applications be brought before the Planning Commission at this time. The additional details and changes that staff need to see could be handled with the future Project Plan and Subdivision applications. In conjunction with the rezone and concept plan, the applicant has proffered a development agreement, the details of which will be worked out with Staff and City Council.

Shortly Before Publishing the staff report staff received word from S&E Smith #1 LLC, owners of parcel 20:014:0118, that they may not want to be included in the rezone due to a desire to have their property in an agricultural protection area.

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: No response

Staff Response: The proposed zone map amendment is for residential development.

FINDING: Meets Standard

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

Applicant Response: The planning and design of this community are being guided by the principles and requirements of Provo City's Critical Hillside Overlay Zone (Chapter 14.33A), ensuring that development is responsible, sustainable, and in harmony with the land. We are committed to protecting the natural contours of the hillside, minimizing soil disturbance, preserving view corridors, and integrating open space in a way that upholds the intent and spirit of the overlay zone. Through careful stewardship and thoughtful planning, Foothill Orchards will reflect a shared commitment to preserving both the land's ecological integrity, agricultural roots and its cultural heritage for generations to come.

Staff Response: The proposed zone map amendment and concept plan show an effective use of land while keeping in line with the zones in the General Plan Map and preserving access to open space.

FINDING: Meets Standard

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

Applicant Response: Furthermore, Foothill Orchard is aligned with and actively supports the goals and initiatives outlined in the Provo City North District Plan. As part of this district, our development will contribute to the city's broader objectives of enhancing neighborhood livability, preserving community identity, and strengthening connections between residents, nature, and local resources. Foothill Orchards supports the North Districts emphasis on protecting natural landscapes, promoting walkability, and creating thoughtful transitions between residential development and open space. We are committed to enhancing trail access, integrating passive and active recreation opportunities, and ensuring the neighborhood complements the scenic and cultural character of the district.

Staff Response: The proposed rezone is compatible with the following General Plan Goals:

<u>GENERAL PLAN</u>
Land Use 1a.: Encourage the development of additional single-family home developments in key areas to address housing shortages and facilitate additional economic growth and economic opportunities.

Housing 1d.: Encourage the development of additional single-family homes in key areas, such as the city's west side, to address housing shortages, and to facilitate additional economic growth and opportunities

Housing 2b.: Consider non-traditional approaches to high-end housing.

<u>HILLSIDES AND CANYONS PLAN</u>
Natural Environment
1c.2: Consider the Wildland-Urban Interface (WUI) and best practices for fuels mitigation strategies

1c.3: Consider seismic activity in development review.

Built Environment
3a.1: Adhere to best practices for Hillside Development

NORTHEAST NEIGHBORHOOD PLAN

Land Use

Work with developers to ensure that any future road network prioritizes road connectivity and accessibility

Development Difficulties

Work with developers to install a new water tank on the hillside to provide adequate water pressure.

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: No response

Staff Response: Staff is unaware of any conflict with the timing and sequencing provisions of the General Plan.

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 is unaware of any potential interference with the General Plan implementation

FINDING: Meets Standard

(f) Adverse impacts on adjacent land owners; and

Applicant Response: By offering a development that is both sensitive and responsive to the area's unique topography and community values, Foothill Orchards will serve as a model for responsible Foothill living, where growth does not come at the expense of beauty, ecology, or identity, but rather enhances them all.

Staff Response: The applicant is working with Public Works to ensure that any adverse impacts to the geology of the surrounding area are mitigated. Additional details as to

how this will be achieved will be provided with the required project plan. The most noticeable impact to the surrounding neighborhood will be an increase in traffic.

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: Staff do not see any conflict between the proposed rezone and the General Plan policies or Map.

FINDING: Meets Standard

Further analysis is provided by responding to the General Plan criteria for “Evaluating Proposed Rezone Applications for Housing Developments” found on page 45:

- Would the rezone promote one of the top 3 housing strategies?
  - Promote a mix of home types, sizes, and price points
  - Support zoning to promote ADUs and infill development
  - Recognize the value of single-family neighborhoods

  Staff Response: The proposed rezone and concept plan are for a residential development that includes both townhomes and single-family dwellings. The RA zone does allow for ADUs

- Are utilities and streets currently within 300 feet of the property proposed for rezone?

  Staff Response: No, the applicant has been working with Public Works to plan how to best add infrastructure to meet both the project and the City’s needs.

- Would the rezone exclude land that is currently being used for agricultural use?

  Staff Response: No

- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations?

  Staff Response: No

- Would the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone lands? If so, has the applicant demonstrated these issues can reasonably be mitigated?

Staff Response: The proposed rezone is in an area with steep hillsides and geologically sensitive lands. As part of their rezone proposal, they are including the Critical Hillside Overlay to help ensure sensitive areas are protected and they have been working with engineering to ensure the development mitigates any concerns in geologically sensitive area.

- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? If so, is the applicant willing to guarantee use of a TDM in relation to the property to reduce the need for on-street parking?

  Staff Response: The proposed rezone and concept plan are for single-family dwellings that provide the required amount of off-street parking. This project should not facilitate the increase of on-street parking within 500 feet of the project area.

- Would the rezone facilitate a housing development with significant for-sale housing units for owner-occupied? Is the applicant willing to guarantee such?

  Staff Response: The proposed rezone is for a residential development. The applicant has stated that the intent is for these units to be for sale units.

- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making between 50-97% AMI? Is the applicant willing to guarantee such?

  Staff Response: No

APPLICABLE ZONING CODES

Provo City Code 14.31

https://provo.municipal.codes/Code/14.31

Provo City Code 14.33A

https://provo.municipal.codes/Code/14.33A

Provo City Code 14.08

https://provo.municipal.codes/Code/14.08

Provo City Code 14.09

https://provo.municipal.codes/Code/14.09

Provo City Code 14.10

https://provo.municipal.codes/Code/14.10

Provo City Code 15.05.160

https://provo.municipal.codes/Code/15.05.160

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 that the Planning Commission Recommend approval of the rezone of 155 acres of land from A1.5 and OSPR to the A1.1CHPD (Agricultural with Critical Hillside Overlay and Performance Development Overlay), RACHPD (Residential Agricultural with Critical Hillside Overlay and Performance Development Overlay), and R1.20CHPD (Residential Single-family with Critical Hillside Overlay and Performance Development Overlay) Zones located at approximately 5450 North Canyon Road. (state findings/reasons).*
2. **Recommend Denial**: The proposal is not consistent with the General Plan. *Make a motion that Planning Commission Recommend Denial the rezone of 155 acres of land from the A1.5 and the OSPR zones to the A1.1CHPD (Agricultural with Critical Hillside Overlay and Performance Development Overlay), RACHPD (Residential Agricultural with Critical Hillside Overlay and Performance Development Overlay), and R1.20CHPD (Residential Single-family with Critical Hillside Overlay and Performance Development Overlay) Zones located at approximately 5450 North Canyon Road. (state findings/reasons).*
3. **Continue**: New information presented at the public hearing or additional study needs to be done. *Make a motion that the Planning Commission continues the rezone of 155 acres from the A1.5 and the OSPR zones to the A1.1CHPD (Agricultural with Critical Hillside Overlay and Performance Development Overlay), RACHPD (Residential Agricultural with Critical Hillside Overlay and Performance Development Overlay), and R1.20CHPD (Residential Single-family with Critical Hillside Overlay and Performance Development Overlay) Zones located at approximately 5450 North Canyon Road (state findings/reasons).*

ATTACHMENTS

1. List of Parcel Numbers
2. Arieal View of the Property
3. Proposed Zone Exhibits
4. Concept Plan
5. Foothills Orchard Development Narrative
6. General Plan Future Land Use Map
7. Northeast Future Land Use Map
8. Most Recent CRC Report

ATTACHMENT 1 – LIST OF PARCEL NUMBERS

20:014:0040

20:014:0042

20:014:0101

20:014:0006

20:017:0001

20:017:0015

20:017:0010

20:017:0011

20:027:0216

20:014:0069

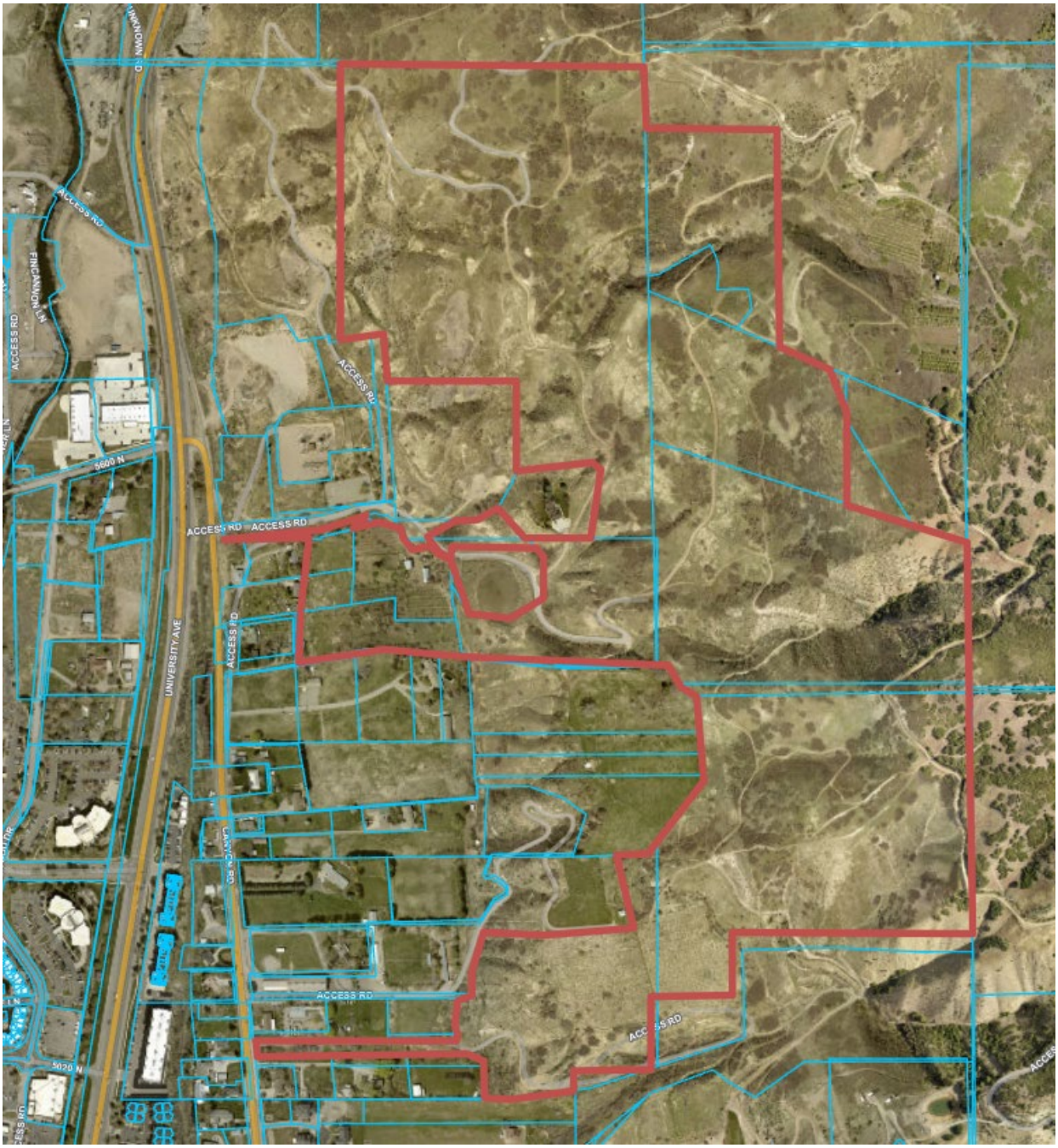
20:014:0080

20:014:0081

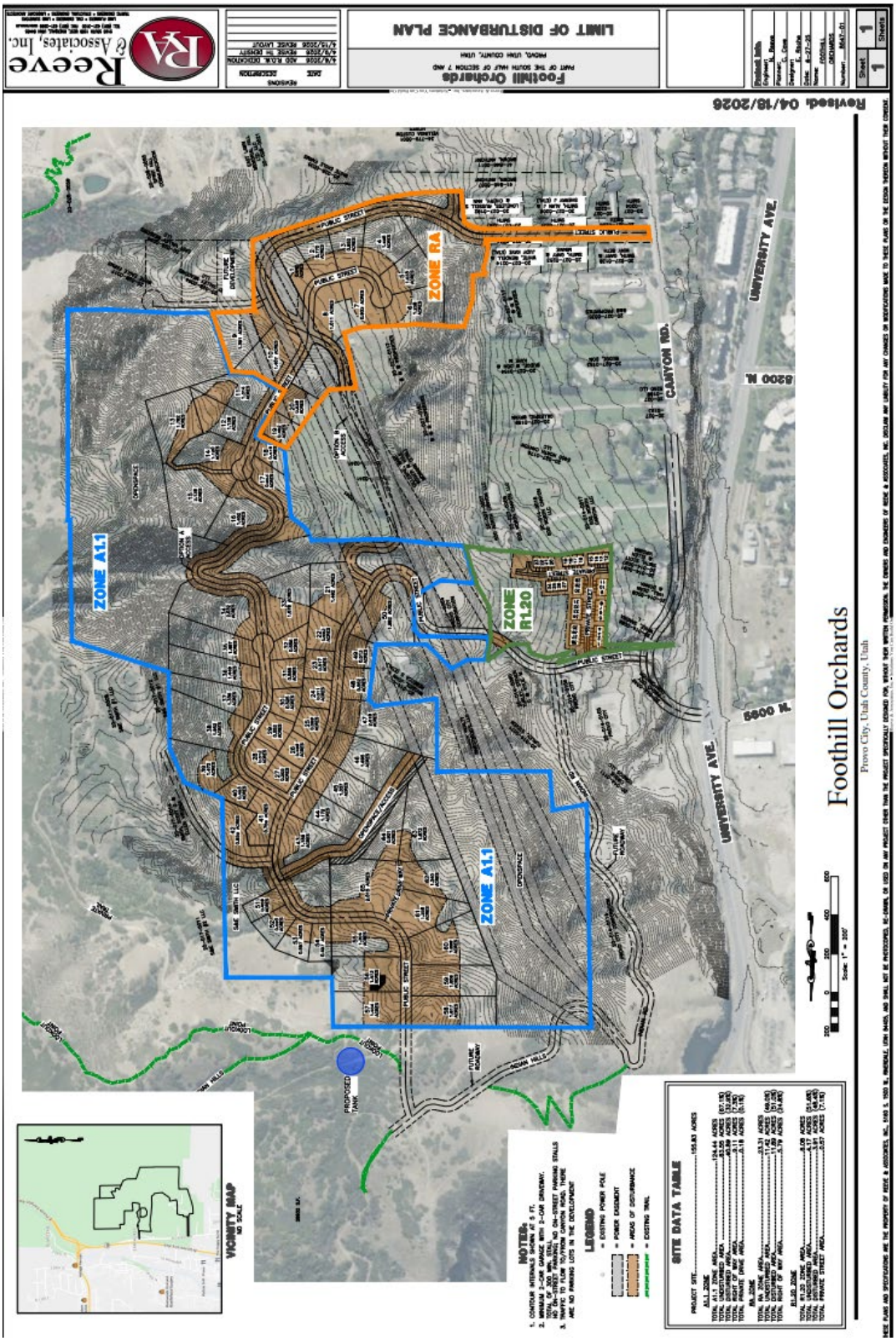
20:014:0089

20:014:0118

ATTACHMENT 2 – AERIAL VIEW OF THE PROPERTY



ATTACHMENT 3 – PROPOSED ZONE EXHIBITS



ATTACHMENT 4 – CONCEPT PLAN

ATTACHMENT 5 – FOOTHILLS ORCHARD DEVELOPMENT NARRATIVE

FOOTHILL ORCHARDS DEVELOPMENT

Throughout its evolution, the North Timpview neighborhood has remained deeply rooted in its agricultural heritage. While it has grown and adapted over time, it continues to embrace a lifestyle that honors its origins, supporting commercial agriculture, family-run orchards and gardens, open pastures, and the timeless charm of homestead-style living. This rural character doesn't stand in contrast to its residential development; rather, it harmoniously coexists with more traditional suburban homes, creating a neighborhood that feels both grounded and vibrant.

North Timpview is a unique and thoughtful blend - a place where agriculture, natural beauty, recreation, and family life are not just adjacent, but interwoven. Residents enjoy scenic mountain views, access to trails and open space, and a community spirit that celebrates self-reliance, stewardship of the land, and connection with neighbors. It's a rare marriage of pastoral charm and residential comfort, making it one of the most distinctive and beloved neighborhoods in the region.

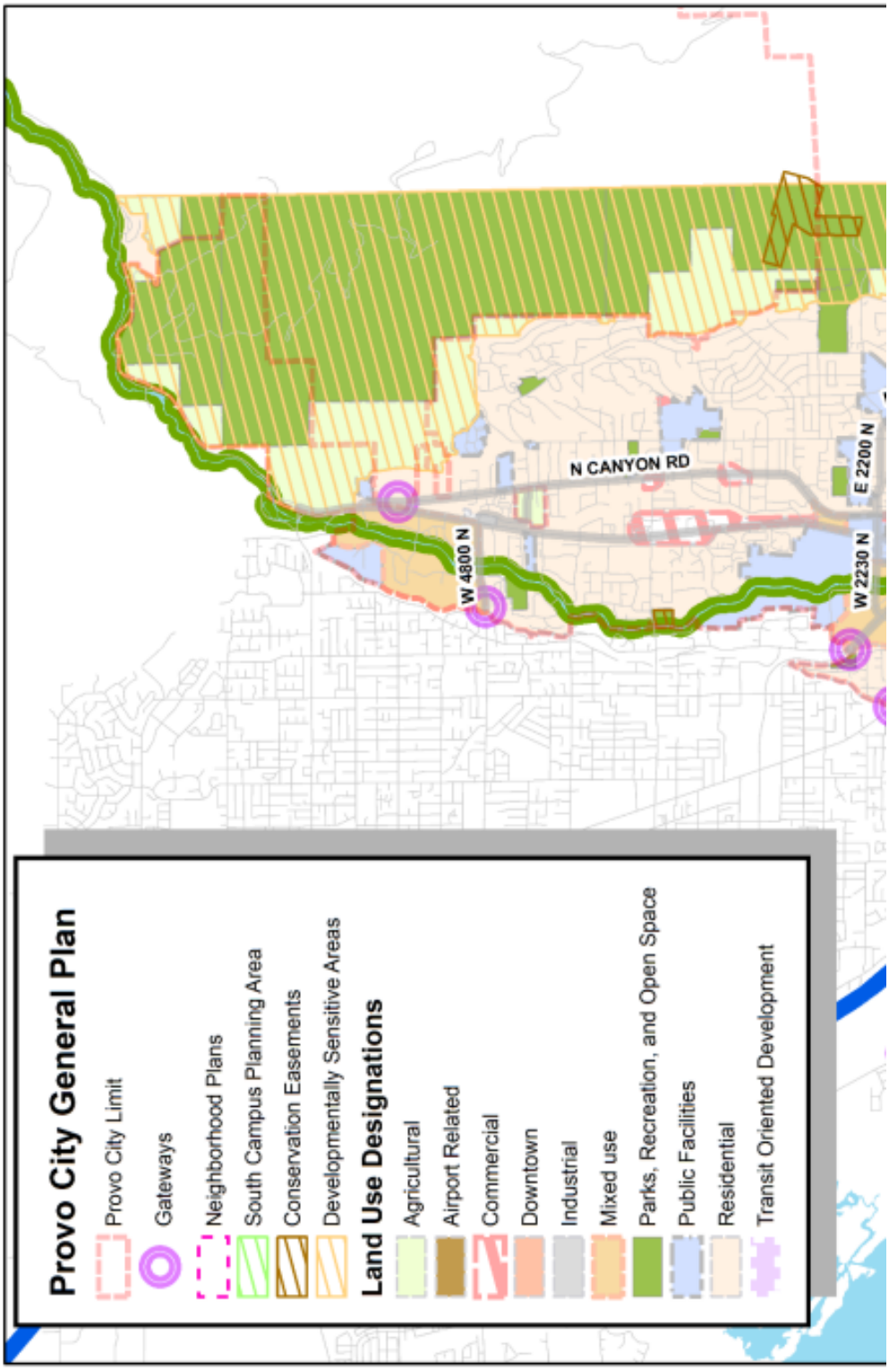
With the Foothill Orchard neighborhood, we hope to thoughtfully build upon this rich legacy. Our vision is to create a place that both honors and enhances the land's origin story - preserving open space, reinforcing ties to nature, and providing families with meaningful ways to connect with their surroundings. By weaving together the values of agriculture, family, and community, Foothill Orchard will not only protect the character of this treasured area but also invite new families to become part of its story, adding their names to a living legacy shaped by care, tradition, and belonging.

Importantly, the Foothill Orchard neighborhood has been conceived with full respect for the environmental sensitivity and scenic value of the site. The planning and design of this community are being guided by the principles and requirements of Provo City's Critical Hillside Overlay Zone (Chapter 14.33A), ensuring that development is responsible, sustainable, and in harmony with the land. We are committed to protecting the natural contours of the hillside, minimizing soil disturbance, preserving view corridors, and integrating open space in a way that upholds the intent and spirit of the overlay zone. Through careful stewardship and thoughtful planning, Foothill Orchards will reflect a shared commitment to preserving both the land's ecological integrity, agricultural roots and its cultural heritage for generations to come.

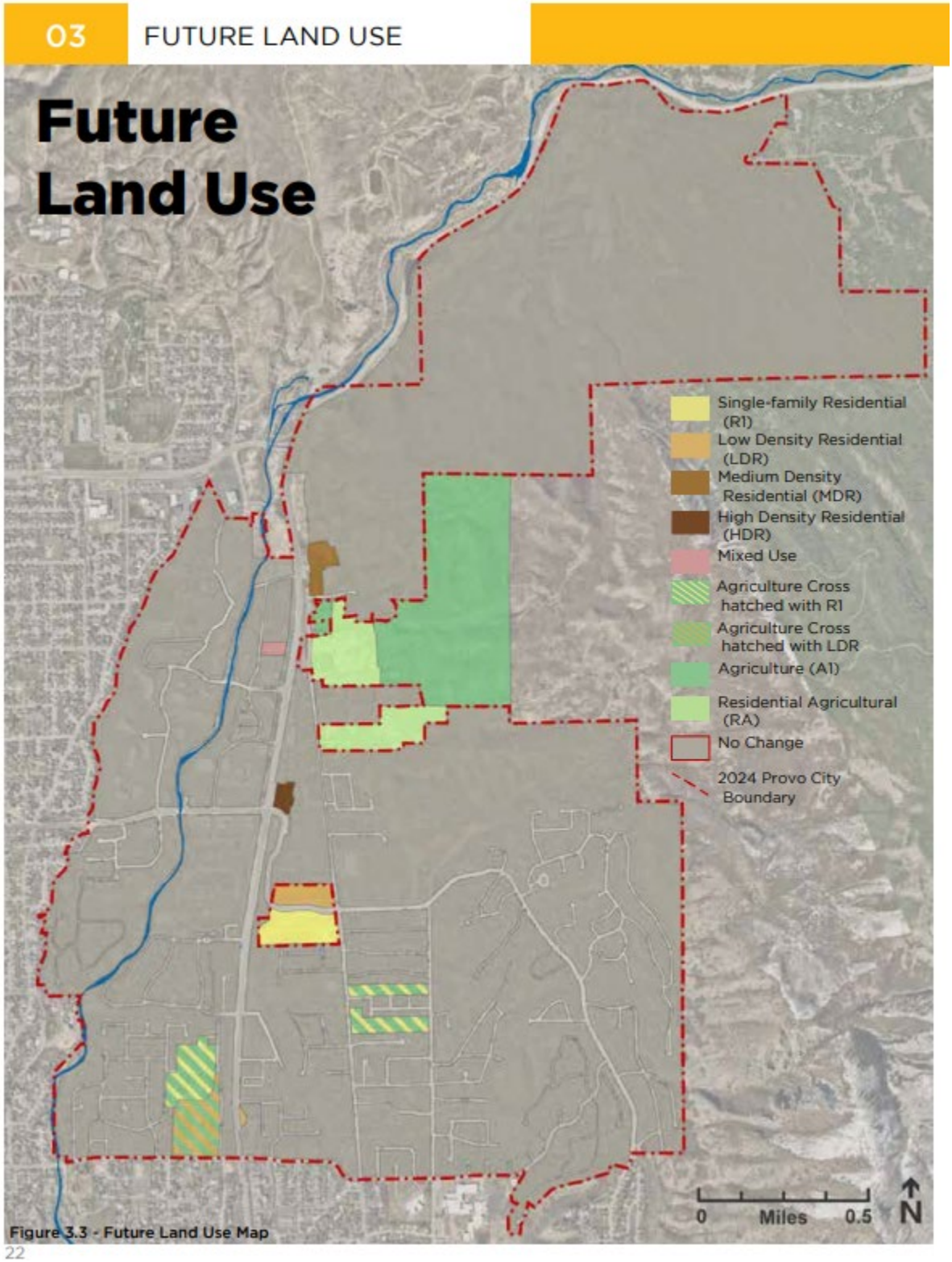
Furthermore, Foothill Orchard is aligned with and actively supports the goals and initiatives outlined in the Provo City North District Plan. As part of this district, our development will contribute to the city's broader objectives of enhancing neighborhood livability, preserving community identity, and strengthening connections between residents, nature, and local resources. Foothill Orchards supports the North Districts emphasis on protecting natural landscapes, promoting walkability, and creating thoughtful transitions between residential development and open space. We are committed to enhancing trail access, integrating passive and active recreation opportunities, and ensuring the neighborhood complements the scenic and cultural character of the district.

By offering a development that is both sensitive and responsive to the area's unique topography and community values, Foothill Orchards will serve as a model for responsible Foothill living, where growth does not come at the expense of beauty, ecology, or identity, but rather enhances them all.

ATTACHMENT 6 – GENERAL PLAN FUTURE LAND USE MAP



ATTACHMENT 7 – NORTHEAST FUTURE LAND USE MAP



ATTACHMENT 8 – MOST RECENT CRC REPORT

Coordinator Review Committee Report

For reference, redlined plans may be found online at provo.org/portal under the “My Items” tab.

Submitted:	March 12, 2026
Report Date:	May 06, 2026
Project Name:	Foothill Orchards
Address:	5450 N CANYON RD, Provo, UT 84604
Project #:	PLRZ20260115
Application Type:	Rezone
Application Expiration:	This application will expire March 18, 2027. For exceptions to this rule see Section 15.01.040 Provo City Code.

Your plans have received approval from the Coordinators Review Committee.

Project Review

Review:	**Building Inspection Review**	Review Date:	04/21/2026
Department:	Development Services		
Reviewer	Rich Bennett		
Email:	rbennett@provo.gov		
Phone:	8019955053		
Approval Status:	No Revisions Required		
Comments:			

Review:	**Fire Review**	Review Date:	04/23/2026
Department:	Fire		
Reviewer	Koby Hubbs		
Email:	khubbs@provo.gov		
Phone:	8018526321		
Approval Status:	No Revisions Required		
Comments:			

Review:	**Parks and Recreation Review**	Review Date:	05/05/2026
Department:	Parks and Recreation		
Reviewer	John Bunderson		
Email:	JBunderson@provo.gov		
Phone:	8018526643		
Approval Status:	No Revisions Required		
Comments:			

Review:	**Planning Review**	Review Date:	04/30/2026
Department:	Development Services		
Reviewer	Jessica Dahneke		
Email:	jdahneke@provo.gov		
Phone:	8018526413		
Approval Status:	No Revisions Required		

Comments:	Documentation for the rezone meets the requirements, the concept plan that is going concurrently with this rezone still has concerns.

Review:	**Public Works Review**	Review Date:	05/05/2026
Department:	Public Works		
Reviewer	Shane Jones		
Email:	sjones@provo.utah.gov		
Phone:	8018526773		
Approval Status:	No Revisions Required		
Comments:			

Review:	**Power Review**	Review Date:	04/22/2026
Department:	Power		
Reviewer	Jonathan Saluone		
Email:	jsaluone@provo.utah.gov		
Phone:	8018526831		
Approval Status:	No Revisions Required		
Comments:			

Conditions

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 5450 N CANYON ROAD FROM THE A1.5CH (AGRICULTURAL WITH CRITICAL HILLSIDE OVERLAY) AND THE OSPR (OPEN SPACE PRESERVATION AND RECREATION) ZONES TO THE A1.1CHPD (AGRICULTURAL WITH CRITICAL HILLSIDE OVERLAY AND PERFORMANCE DEVELOPMENT OVERLAY), R1.20CHPD (RESIDENTIAL WITH CRITICAL HILLSIDE OVERLAYAND PERFORMANCE DEVELOPMENT OVERLAY), AND RACHPD (RESIDENTIAL AGRICULTURAL WITH CRITICAL HILLSIDE OVERLAY AND PERFORMANCE DEVELOPMENT OVERLAY) ZONES. NORTH TIMPVIEW (PLRZ20260115)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 152.811 acres of real property, generally located at 5450 North Canyon Road (an approximation of which is shown or described in Exhibit A and more precise description of which is attached as Exhibit B), be amended from the A1.5CH (Agricultural with Critical Hillside Overlay) and the OSPR (Open Space Preservation and Recreation) Zones to the A1.1CHPD (Agricultural with Critical Hillside Overlay and Performance Development Overlay), R1.20 CHPD (Residential with Critical Hillside Overlay and Performance Development Overlay), and RACHPD (Residential Agricultural with Critical Hillside Overlay and Performance Development Overlay) Zones;

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 5:3;

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:

The classification on the Provo Zoning Map is amended from the A1.5CH (Agricultural with Critical Hillside Overlay) and the OSPR (Open Space Preservation and Recreation) Zones to the A1.1CHPD (Agricultural with Critical Hillside Overlay and Performance Development Overlay), R1.20CHPD (Residential with Critical Hillside Overlay and Performance Development Overlay), and RACHPD (Residential Agricultural with Critical Hillside Overlay and Performance Development Overlay) Zones for the real property described in this ordinance.

PART II:

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

PART III:

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

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

C. Except as otherwise stated in Part II, this ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

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

E. Notwithstanding any provision or language to the contrary in this ordinance, if the Development Agreement authorized in Part II has not been fully executed by the necessary parties within one year from the date of the Municipal Council's approval of this ordinance, the entire ordinance expires, becoming null and void as if it had never been approved. Because the zone map classification change contemplated in Part I cannot come into effect if the Development Agreement is not executed, neither the applicant nor any successor(s) in interest has any vested rights under this ordinance if it expires.

EXHIBIT A

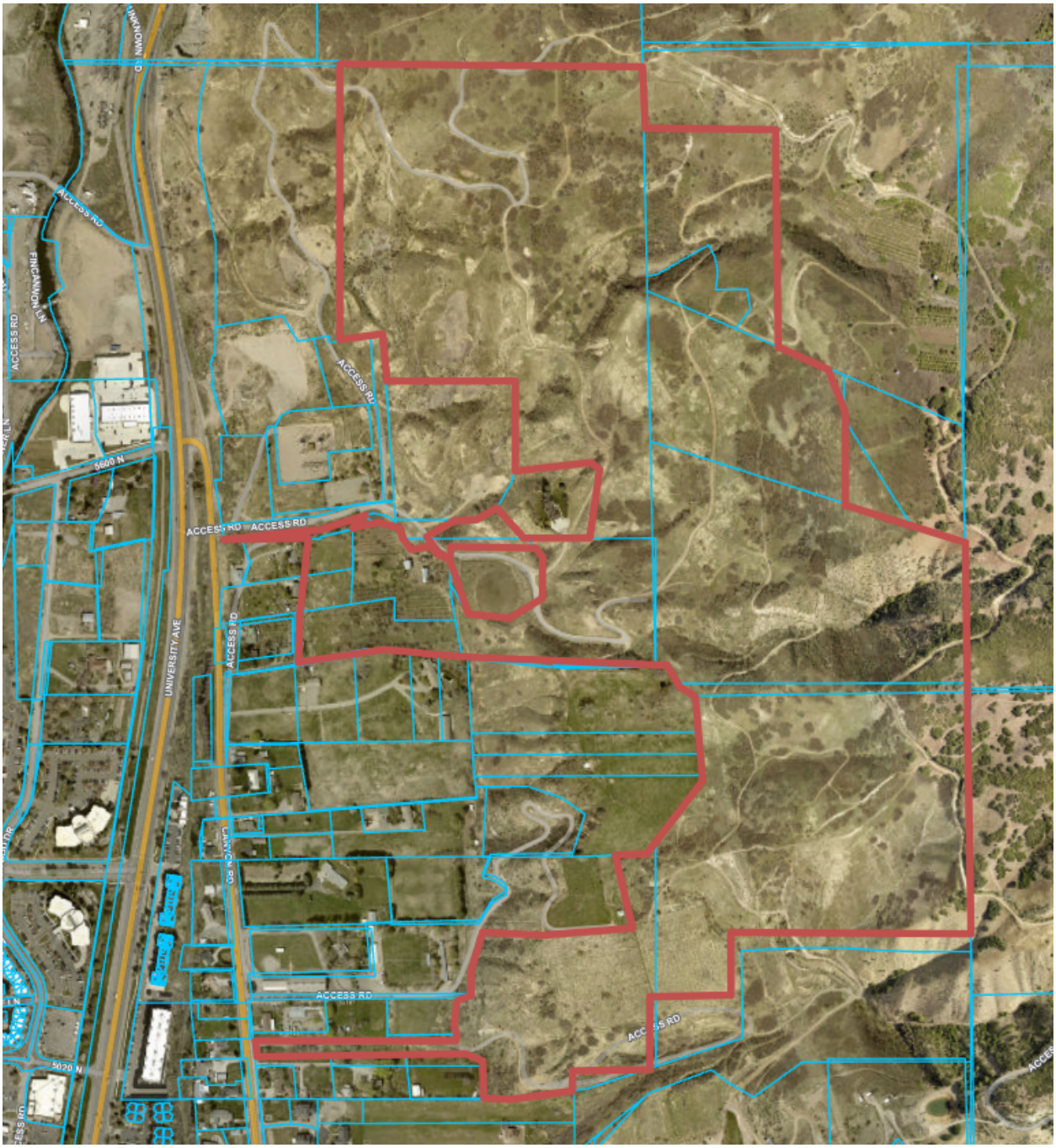


EXHIBIT B

ZONE A1.1 LEGAL DESCRIPTION

PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 728.75 FEET SOUTH 89°49'06" WEST ALONG THE SECTION LINE AND 154.73 FEET NORTH 00°10'54" WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 7 (SAID SOUTH QUARTER CORNER BEING NORTH 89°49'06" EAST 2676.39 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 7); THENCE NORTH 16°15'59" WEST 200.97 FEET; THENCE SOUTH 84°32'02" EAST 175.58 FEET; THENCE NORTH 60°11'12" EAST 159.96 FEET; THENCE NORTH 00°00'38" WEST 174.50 FEET; THENCE NORTH 40°43'25" WEST 44.64 FEET; THENCE NORTH 88°43'47" WEST 358.81 FEET; THENCE SOUTH 00°00'50" EAST 51.15 FEET; THENCE NORTH 57°14'35" WEST 61.52 FEET; THENCE NORTH 37°34'20" WEST 66.92 FEET; THENCE SOUTH 89°59'24" WEST 14.84 FEET; THENCE NORTH 57°33'54" EAST 148.84 FEET; THENCE SOUTH 89°56'14" EAST 94.32 FEET; THENCE NORTH 60°52'43" EAST 94.68 FEET; THENCE SOUTH 45°25'12" EAST 178.57 FEET; THENCE NORTH 89°59'22" EAST 262.31 FEET; THENCE NORTH 07°35'49" EAST 288.55 FEET; THENCE NORTH 45°43'30" WEST 45.40 FEET; THENCE SOUTH 83°30'25" WEST 321.99 FEET; THENCE NORTH 00°05'37" EAST 374.05 FEET; THENCE NORTH 89°59'56" WEST 584.92 FEET; THENCE NORTH 03°58'59" WEST 200.70 FEET; THENCE SOUTH 80°36'51" WEST 179.20 FEET; THENCE NORTH 01°00'26" WEST 1152.45 FEET; THENCE SOUTH 89°43'28" EAST 1332.82 FEET; THENCE SOUTH 01°07'42" EAST 251.05 FEET; THENCE SOUTH 89°44'36" EAST 549.30 FEET; THENCE SOUTH 01°07'42" EAST 923.07 FEET; THENCE SOUTH 66°51'19" EAST 212.89 FEET; THENCE SOUTH 23°13'42" EAST 192.02 FEET; THENCE SOUTH 00°51'11" EAST 393.51 FEET; THENCE SOUTH 72°11'29" EAST 525.60 FEET; THENCE SOUTH 00°50'54" EAST 625.51 FEET; THENCE NORTH 89°22'13" EAST 11.20 FEET; THENCE SOUTH 00°00'00" EAST 1084.40 FEET; THENCE NORTH 90°00'00" WEST 228.25 FEET; THENCE NORTH 87°21'30" WEST 198.56 FEET; THENCE NORTH 86°11'56" WEST 121.03 FEET; THENCE NORTH 89°58'58" WEST 156.54 FEET; THENCE SOUTH 87°39'11" WEST 33.55 FEET; THENCE NORTH 17°57'06" WEST 328.87 FEET; THENCE NORTH 86°46'14" WEST 112.60 FEET; THENCE NORTH 59°36'44" WEST 175.00 FEET; THENCE NORTH 30°36'33" EAST 207.96 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF NORTH 23°01'34" EAST, AND A CHORD LENGTH OF 60.18 FEET; THENCE NORTH 65°41'53" WEST 162.95 FEET; THENCE NORTH 03°54'56" WEST 125.22 FEET; THENCE NORTH 05°34'26" WEST 79.94 FEET; THENCE NORTH 06°52'21" WEST 142.23 FEET; THENCE NORTH 52°59'27" WEST 80.97 FEET; THENCE NORTH 41°38'36" WEST 26.80

FEET; THENCE NORTH 24°53'45" WEST 55.87 FEET; THENCE NORTH 89°45'31" WEST 153.56 FEET; THENCE SOUTH 88°02'47" WEST 129.47 FEET; THENCE SOUTH 89°11'18" WEST 127.12 FEET; THENCE NORTH 87°16'52" WEST 23.17 FEET; THENCE NORTH 83°34'13" WEST 141.16 FEET; THENCE NORTH 85°03'22" WEST 190.82 FEET; THENCE NORTH 83°49'43" WEST 24.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 5429884 SQUARE FEET OR 124.653 ACRES.

ZONE R1.20 LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 1187.12 FEET NORTH 89°49'06" EAST ALONG THE SECTION LINE AND 152.48 FEET NORTH 00°10'54" WEST FROM THE NORTHWEST CORNER OF SAID SECTION 18 (SAID NORTHWEST CORNER BEING SOUTH 89°49'06" WEST 2676.39 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 18); THENCE NORTH 00°01'22" EAST 206.48 FEET; THENCE NORTH 81°28'47" EAST 6.93 FEET; THENCE NORTH 03°30'47" EAST 149.97 FEET; THENCE NORTH 81°28'47" EAST 4.98 FEET; THENCE NORTH 03°30'47" EAST 154.58 FEET; THENCE NORTH 90°00'00" WEST 349.74 FEET; THENCE NORTH 08°33'50" WEST 5.11 FEET; THENCE NORTH 84°59'00" EAST 410.65 FEET; THENCE NORTH 73°12'00" EAST 196.44 FEET; THENCE SOUTH 45°00'00" WEST 78.77 FEET; THENCE SOUTH 00°00'00" EAST 166.56 FEET; THENCE NORTH 81°28'59" EAST 0.52 FEET; THENCE SOUTH 03°30'59" WEST 149.81 FEET; THENCE NORTH 81°28'58" EAST 185.46 FEET; THENCE SOUTH 00°00'00" EAST 94.54 FEET; THENCE NORTH 89°59'59" EAST 254.42 FEET; THENCE NORTH 10°04'16" WEST 117.94 FEET; THENCE NORTH 00°00'00" WEST 34.79 FEET; THENCE SOUTH 30°47'53" EAST 144.96 FEET; THENCE SOUTH 16°15'59" EAST 200.97 FEET; THENCE NORTH 83°49'43" WEST 82.35 FEET; THENCE NORTH 10°14'30" WEST 5.49 FEET; THENCE NORTH 85°15'00" WEST 404.66 FEET; THENCE SOUTH 79°11'00" WEST 279.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 211270 SQUARE FEET OR 4.850 ACRES.

ZONE RA LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 983.30 FEET NORTH 89°49'06" EAST ALONG THE SECTION LINE AND 1433.37 FEET SOUTH 00°10'54" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 18 (SAID NORTHWEST CORNER BEING SOUTH 89°49'06" WEST 2676.39 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 18); THENCE NORTH 89°28'20" EAST 562.14 FEET; THENCE NORTH 89°27'30" EAST 285.08 FEET; THENCE NORTH 00°38'40" WEST 21.13 FEET; THENCE SOUTH 89°21'20" WEST 10.43 FEET; THENCE NORTH 12°37'55" WEST 4.43 FEET; THENCE NORTH 03°41'03" EAST 46.78 FEET; THENCE NORTH 15°08'05" EAST 40.44 FEET; THENCE NORTH 11°56'04" EAST 38.62 FEET; THENCE NORTH 08°41'25" WEST 22.39 FEET; THENCE NORTH 25°43'32" WEST 3.98 FEET; THENCE NORTH 10°46'24" WEST 6.41 FEET; THENCE NORTH 87°08'15" EAST 33.76 FEET; THENCE NORTH 83°03'00" EAST 28.57 FEET; THENCE NORTH 00°54'35" EAST 126.35 FEET; THENCE NORTH 17°48'02" EAST 142.77 FEET; THENCE NORTH 89°44'50" EAST 57.84 FEET; THENCE SOUTH 87°17'46" EAST 65.31 FEET; THENCE SOUTH 86°07'56" EAST 66.06 FEET; THENCE SOUTH 88°03'08" EAST 65.75 FEET; THENCE NORTH 87°06'29" EAST 17.42 FEET; THENCE NORTH 85°34'16" EAST 42.78 FEET; THENCE NORTH 87°21'18" EAST 145.62 FEET; THENCE NORTH 86°37'43" EAST 77.88 FEET; THENCE NORTH 71°04'03" EAST 86.85 FEET; THENCE NORTH 14°01'59" WEST 90.54 FEET; THENCE NORTH 11°05'09" WEST 201.49 FEET; THENCE NORTH 87°28'10" EAST 136.57 FEET; THENCE NORTH 39°42'09" EAST 105.01 FEET; THENCE NORTH 35°14'39" EAST 285.27 FEET; THENCE SOUTH 65°41'53" EAST 162.95 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF SOUTH 23°01'34" WEST, AND A CHORD LENGTH OF 60.18 FEET; THENCE SOUTH 30°36'33" WEST 207.96 FEET; THENCE SOUTH 59°36'44" EAST 175.00 FEET; THENCE SOUTH 86°46'14" EAST 112.60 FEET; THENCE SOUTH 17°57'06" EAST 328.87 FEET; THENCE SOUTH 87°39'11" WEST 232.96 FEET; THENCE SOUTH 20°49'20" EAST 26.93 FEET; THENCE SOUTH 01°14'38" EAST 190.94 FEET; THENCE SOUTH 00°08'11" WEST 149.79 FEET; THENCE SOUTH 72°08'55" WEST 681.79 FEET; THENCE SOUTH 81°53'47" WEST 57.71 FEET; THENCE SOUTH 00°28'38" EAST 3.37 FEET; THENCE SOUTH 80°17'47" WEST 116.55 FEET; THENCE SOUTH 85°28'47" WEST 66.00 FEET; THENCE SOUTH 87°19'47" WEST 93.00 FEET; THENCE SOUTH 87°08'47" WEST 87.50 FEET; THENCE NORTH 89°45'13" WEST 9.10 FEET; THENCE NORTH 05°40'25" WEST 140.31 FEET; THENCE NORTH 01°05'18" EAST 18.71 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 171.98 FEET, AN ARC LENGTH OF 116.24 FEET, A DELTA

ANGLE OF 38°43'33", A CHORD BEARING OF NORTH 71°10'57" WEST, AND A CHORD LENGTH OF 114.04 FEET; THENCE SOUTH 89°28'35" WEST 847.26 FEET; THENCE NORTH 05°49'37" WEST 55.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,015,294 SQUARE FEET OR 23.308 ACRES.

DEVELOPMENT AGREEMENT
FOR
FOOTHILL ORCHARDS

(5566 North Canyon Road, Provo UT)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____ 2026 (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and FOOTHILL ORCHARDS DEVELOPMENT GROUP, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

RECITALS

A. Developer is the owner of approximately 152.75 acres of land located within the City of Provo as is more particularly described on EXHIBIT A-1 (the "A1 Parcel"), EXHIBIT A-2 (the "R1 Parcel") and EXHIBIT A-3 (the "RA Parcel" and collectively with the A1 Parcel and the R1 Parcel, the "Property"), attached hereto and incorporated herein by reference.

B. On _____ __ 2026, the City Council approved Ordinance _____ (the "Vesting Ordinance"), vesting zoning of (i) the A1 Parcel in the Agricultural (A1.1) Zone, (ii) the R1 Parcel in the Residential (R1.20) Zone, and (iii) the RA Parcel in the Residential Agricultural (RA) Zone, as generally depicted on the Conceptual Plan set forth on EXHIBIT B (together with the Zoning Exhibit and the Conceptual Roadway Grading Plan also set forth on EXHIBIT B, the "Concept Plan"), attached hereto and incorporated herein by reference, which Vesting Ordinance will govern the density, development and use of the Property (said density, development, and use constituting the "Project").

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

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

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

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-20-508(1) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and, except as explicitly provided otherwise in this Agreement, in accordance with applicable City Ordinances.

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

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

I. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-20-101, et seq.

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 must be developed in accordance with (i) the requirements of the Agricultural (A1.1) Zone (with respect to the A1 Parcel), the Residential (R1.20) Zone (with respect to the R1 Parcel), the Residential Agricultural (RA) Zone (with respect to the RA Parcel), the Critical Hillside (CH) Overlay Zone (with respect to the entire Property), and the Performance Development (PD) Overlay Zone (with respect to the entire Property), each as modified by and subject to this Agreement (collectively, the "Applicable Zoning"); (ii) all other features as generally shown on the Concept Plan, including, without limitation, the location, grade and length of roadways; and (iii) this Agreement. The Developer may not develop the Property in a manner that deviates materially from the Concept Plan as permitted by the aforementioned zoning designations for the Property; provided, however, the Concept Plan may be adjusted to (a) include density up to the density allowed by the Vesting Ordinance and the Applicable Zoning but not yet identified in the Concept Plan, and (b) modify the location of units within and among the zones of 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 must be developed by the Developer in accordance with the Concept Plan (as may be adjusted pursuant to Section 2 above), 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 Development Services 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 may not in any way change the maximum density, use and intensity of the development of the Project as allowed by the Vesting Ordinance and the Applicable Zoning.

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

a. The townhome units to be constructed within the R1 Parcel must be built and sold, rather than retained by Developer and rented out.

b. To the extent that the final Project approvals require Developer to construct or install improvements or facilities that benefit or provide services to other properties (such as a water tank and water service lines that provide water to other property(ies), potential roadway connections to other development(s), or sewer facilities that service other property(ies), Developer will front the payment of the costs of such improvement but shall have the right to be reimbursed for the share of such costs that are proportionately allocated to the other property(ies) that benefit from the improvements for a period of ten years after the costs are incurred. The City will cooperate in good faith with Developer to facilitate appropriate reimbursements to Developer through cost-sharing agreements, impact fee credits, or other reimbursement mechanisms consistent with Utah law. After the ten-year period mentioned above, Developer will not be entitled to any more reimbursement or credits.

c. The City may not require Developer to upsize any future public infrastructure items (i.e., to construct infrastructure improvements to a size larger than required to service the Project) unless financial arrangements reasonably acceptable to Developer are made to compensate Developer for the incremental or additive costs of such upsizing.

5. Public Infrastructure District. Developer may elect to use a Public Infrastructure District ("PID") to finance the Infrastructure contemplated for the Project. If Developer elects to use a PID, the City will cooperate with Developer in presenting the creation of the PID to the Municipal Council for a vote. However, approval of a PID is in the absolute discretion of the Municipal Council and nothing in this Agreement requires the City to approve the creation of a PID.

6. Construction Standards and Requirements. Except to the extent this Agreement modifies the restrictions imposed by City Ordinances, all construction on the Property at the direction of the Developer must 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.

7. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer has 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 may be adjusted), 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 (except as explicitly provided otherwise in this Agreement). 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., §10-20-902.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project is required to comply with future changes to City Ordinances 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 apply to the Project;

2. Compliance with State and Federal Laws. Future laws that are generally applicable to all properties in the City and that 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;

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

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

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

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation does not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-20-902 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

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

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

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

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

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

The rights and remedies set forth herein are cumulative.

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

To the Developer: _____
Attn: _____
_____
_____
Phone: _____

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

10. General Term and Conditions.

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

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

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

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

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

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

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

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

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

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

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

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

m. Termination.

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

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

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

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

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

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

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

e. Permissible Assignment. Notwithstanding anything to the contrary in this Section 11, Developer is authorized to assign this Agreement without the City's consent if (a) Developer assigns the Agreement to an Affiliate in which Developer or its Affiliates held a direct or indirect interest as of the effective date of this Agreement, or managed and Controlled such Affiliate at that time, (b) Developer has already recorded the instruments required by subparagraph (10)(g) or agrees in writing as part of said assignment that it remains obligated to do so if the assignee fails to perform such obligations, and (c) within five (5) business days of such assignment, Developer delivers written notice thereof to the City, which notice must include proof of compliance with this subparagraph (e). For purposes of this subparagraph (e):

   i. the term "Affiliate" means, with respect to any Person, any other Person directly or indirectly Controlling or Controlled by or under direct or indirect common Control with such Person,

   ii. the term "Person" means any individual or any corporation, partnership, joint venture, limited liability company, limited liability partnership, association, joint stock company, trust, or other organization, which is a legal entity, and any governmental authority, and

   iii. the term "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a Person, whether through the ownership of voting securities or general partnership or membership interests or managerial rights, by contract or

otherwise. "Controlling" and "Controlled" have correlative meanings. Without limiting the generality of the foregoing, a Person is deemed to Control any other Person in which it owns, directly or indirectly, a majority of the ownership interests.

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

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

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

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

16. Entire Agreement; Interpretation. This Agreement, and all Exhibits hereto, is the entire agreement between the Parties and may be amended only in writing signed by the Parties hereto. If there is a conflict between the Exhibits to this Agreement and a specific provision or the language of this Agreement, then this Agreement's specific provision or language controls.

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:

FOOTHILL ORCHARDS DEVELOPMENT GROUP, 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 say that he is the _____ of Foothill Orchards Development Group, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

_____
Notary Public

Exhibit A-1

Legal Description of the A1 Parcel

PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 728.75 FEET SOUTH 89°49'06" WEST ALONG THE SECTION LINE AND 154.73 FEET NORTH 00°10'54" WEST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 7 (SAID SOUTH QUARTER CORNER BEING NORTH 89°49'06" EAST 2676.39 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION7); THENCE NORTH 16°15'59" WEST 200.97 FEET; THENCE SOUTH 84°32'02" EAST 175.58 FEET; THENCE NORTH 60°11'12" EAST 159.96 FEET; THENCE NORTH 00°00'38" WEST 174.50 FEET; THENCE NORTH 40°43'25" WEST 44.64 FEET; THENCE NORTH 88°43'47" WEST 358.81 FEET; THENCE SOUTH 00°00'50" EAST 51.15 FEET; THENCE NORTH 57°14'35" WEST 61.52 FEET; THENCE NORTH 37°34'20" WEST 66.92 FEET; THENCE SOUTH 89°59'24" WEST 14.84 FEET; THENCE NORTH 57°33'54" EAST 148.84 FEET; THENCE SOUTH 89°56'14" EAST 94.32 FEET; THENCE NORTH 60°52'43" EAST 94.68 FEET; THENCE SOUTH 45°25'12" EAST 178.57 FEET; THENCE NORTH 89°59'22" EAST 262.31 FEET; THENCE NORTH 07°35'49" EAST 288.55 FEET; THENCE NORTH 45°43'30" WEST 45.40 FEET; THENCE SOUTH 83°30'25" WEST 321.99 FEET; THENCE NORTH 00°05'37" EAST 374.05 FEET; THENCE NORTH 89°59'56" WEST 584.92 FEET; THENCE NORTH 03°58'59" WEST 200.70 FEET; THENCE SOUTH 80°36'51" WEST 179.20 FEET; THENCE NORTH 01°00'26" WEST 1152.45 FEET; THENCE SOUTH 89°43'28" EAST 1332.82 FEET; THENCE SOUTH 01°07'42" EAST 251.05 FEET; THENCE SOUTH 89°44'36" EAST 549.30 FEET; THENCE SOUTH 01°07'42" EAST 923.07 FEET; THENCE SOUTH 66°51'19" EAST 212.89 FEET; THENCE SOUTH 23°13'42" EAST 192.02 FEET; THENCE SOUTH 00°51'11" EAST 393.51 FEET; THENCE SOUTH 72°11'29" EAST 525.60 FEET; THENCE SOUTH 00°50'54" EAST 625.51 FEET; THENCE NORTH 89°22'13" EAST 11.20 FEET; THENCE SOUTH 00°00'00" EAST 1084.40 FEET; THENCE NORTH 90°00'00" WEST 228.25 FEET; THENCE NORTH 87°21'30" WEST 198.56 FEET; THENCE NORTH 86°11'56" WEST 121.03 FEET; THENCE NORTH 89°58'58" WEST 156.54 FEET; THENCE SOUTH 87°39'11" WEST 33.55 FEET;
THENCE NORTH 17°57'06" WEST 328.87 FEET; THENCE NORTH 86°46'14" WEST 112.60 FEET; THENCE NORTH 59°36'44" WEST 175.00 FEET; THENCE NORTH 30°36'33" EAST 207.96 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF NORTH 23°01'34" EAST, AND A CHORD LENGTH OF 60.18 FEET; THENCE NORTH 65°41'53" WEST 162.95 FEET; THENCE

NORTH 03°54'56" WEST 125.22 FEET; THENCE NORTH 05°34'26" WEST 79.94 FEET; THENCE NORTH 06°52'21" WEST 142.23 FEET; THENCE NORTH 52°59'27" WEST 80.97 FEET; THENCE NORTH 41°38'36" WEST 26.80 FEET; THENCE NORTH 24°53'45" WEST 55.87 FEET; THENCE NORTH 89°45'31" WEST 153.56 FEET; THENCE SOUTH 88°02'47" WEST 129.47 FEET; THENCE SOUTH 89°11'18" WEST 127.12 FEET; THENCE NORTH 87°16'52" WEST 23.17 FEET; THENCE NORTH 83°34'13" WEST 141.16 FEET; THENCE NORTH 85°03'22" WEST 190.82 FEET; THENCE NORTH 83°49'43" WEST 24.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 5429884 SQUARE FEET OR 124.653 ACRES.

Exhibit A-2

Legal Description of the R1 Parcel

PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 1187.12 FEET NORTH 89°49'06" EAST ALONG THE SECTION LINE AND 152.48 FEET NORTH 00°10'54" WEST FROM THE NORTHWEST QUARTER OF SAID SECTION 18 (SAID NORTHWEST CORNER BEING SOUTH 89°49'06" WEST 2676.39 FROM THE NORTH QUARTER CORNER OF SAID SECTION 18); THENCE NORTH 00°01'22" EAST 206.48 FEET; THENCE NORTH 81°28'47" EAST 6.93 FEET; THENCE NORTH 03°30'47" EAST 149.97 FEET; THENCE NORTH 81°28'47" EAST 4.98 FEET; THENCE NORTH 03°30'47" EAST 154.58 FEET; THENCE NORTH 90°00'00" WEST 349.74 FEET; THENCE NORTH 08°33'50" WEST 5.11 FEET; THENCE NORTH 84°59'00" EAST 410.65 FEET; THENCE NORTH 73°12'00" EAST 196.44 FEET; THENCE SOUTH 45°00'00" WEST 78.77 FEET; THENCE SOUTH 00°00'00" EAST 166.56 FEET; THENCE NORTH 81°28'59" EAST 0.52 FEET; THENCE SOUTH 03°30'59" WEST 149.81 FEET; THENCE NORTH 81°28'58" EAST 185.46 FEET; THENCE SOUTH 00°00'00" EAST 94.54 FEET; THENCE NORTH 89°59'59" EAST 254.42 FEET; THENCE NORTH 10°04'16" WEST 117.94 FEET; THENCE NORTH 00°00'00" WEST 34.79 FEET; THENCE SOUTH 30°47'53" EAST 144.96 FEET; THENCE SOUTH 16°15'59" EAST 200.97 FEET; THENCE NORTH 83°49'43" WEST 82.35 FEET; THENCE NORTH 10°14'30" WEST 5.49 FEET; THENCE NORTH 85°15'00" WEST 404.66 FEET; THENCE SOUTH 79°11'00" WEST 279.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 211270 SQUARE FEET OR 4.850 ACRES.

Exhibit A-3

Legal Description of the RA Parcel

PART OF THE NORTHWEST QUARTER AND THE NORTHEAST OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 983.30 FEET NORTH 89°49'06" EAST ALONG THE SECTION LINE AND 1433.37 FEET SOUTH 00°10'54" EAST FROM THE NORTHWEST QUARTER OF SAID SECTION 18 (SAID NORTHWEST CORNER BEING SOUTH 89°49'06" WEST 2676.39 FROM THE NORTH QUARTER CORNER OF SAID SECTION 18); THENCE NORTH 89°28'20" EAST 562.14 FEET; THENCE NORTH 89°27'30" EAST 285.08 FEET; THENCE NORTH 00°38'40" WEST 21.13 FEET; THENCE SOUTH 89°21'20" WEST 10.43 FEET; THENCE NORTH 12°37'55" WEST 4.43 FEET; THENCE NORTH 03°41'03" EAST 46.78 FEET; THENCE NORTH 15°08'05" EAST 40.44 FEET; THENCE NORTH 11°56'04" EAST 38.62 FEET; THENCE NORTH 08°41'25" WEST 22.39 FEET; THENCE NORTH 25°43'32" WEST 3.98 FEET; THENCE NORTH 10°46'24" WEST 6.41 FEET; THENCE NORTH 87°08'15" EAST 33.76 FEET; THENCE NORTH 83°03'00" EAST 28.57 FEET; THENCE NORTH 00°54'35" EAST 126.35 FEET; THENCE NORTH 17°48'02" EAST 142.77 FEET; THENCE NORTH 89°44'50" EAST 57.84 FEET; THENCE SOUTH 87°17'46" EAST 65.31 FEET; THENCE SOUTH 86°07'56" EAST 66.06 FEET; THENCE SOUTH 88°03'08" EAST 65.75 FEET; THENCE NORTH 87°06'29" EAST 17.42 FEET; THENCE NORTH 85°34'16" EAST 42.78 FEET; THENCE NORTH 87°21'18" EAST 145.62 FEET; THENCE NORTH 86°37'43" EAST 77.88 FEET; THENCE NORTH 71°04'03" EAST 86.85 FEET; THENCE NORTH 14°01'59" WEST 90.54 FEET; THENCE NORTH 11°05'09" WEST 201.49 FEET; THENCE NORTH 87°28'10" EAST 136.57 FEET; THENCE NORTH 39°42'09" EAST 105.01 FEET; THENCE NORTH 35°14'39" EAST 285.27 FEET; THENCE SOUTH 65°41'53" EAST 162.95 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 228.00 FEET, AN ARC LENGTH OF 60.35 FEET, A DELTA ANGLE OF 15°09'58", A CHORD BEARING OF SOUTH 23°01'34" WEST, AND A CHORD LENGTH OF 60.18 FEET; THENCE SOUTH 30°36'33" WEST 207.96 FEET; THENCE SOUTH 59°36'44" EAST 175.00 FEET; THENCE SOUTH 86°46'14" EAST 112.60 FEET; THENCE SOUTH 17°57'06" EAST 328.87 FEET; THENCE SOUTH 87°39'11" WEST 232.96 FEET; THENCE SOUTH 20°49'20" EAST 26.93 FEET; THENCE SOUTH 01°14'38" EAST 190.94 FEET; THENCE SOUTH 00°08'11" WEST 149.79 FEET; THENCE SOUTH 72°08'55" WEST 681.79 FEET; THENCE SOUTH 81°53'47" WEST 57.71 FEET; THENCE SOUTH 00°28'38" EAST 3.37 FEET; THENCE SOUTH 80°17'47" WEST 116.55 FEET; THENCE SOUTH 85°28'47" WEST

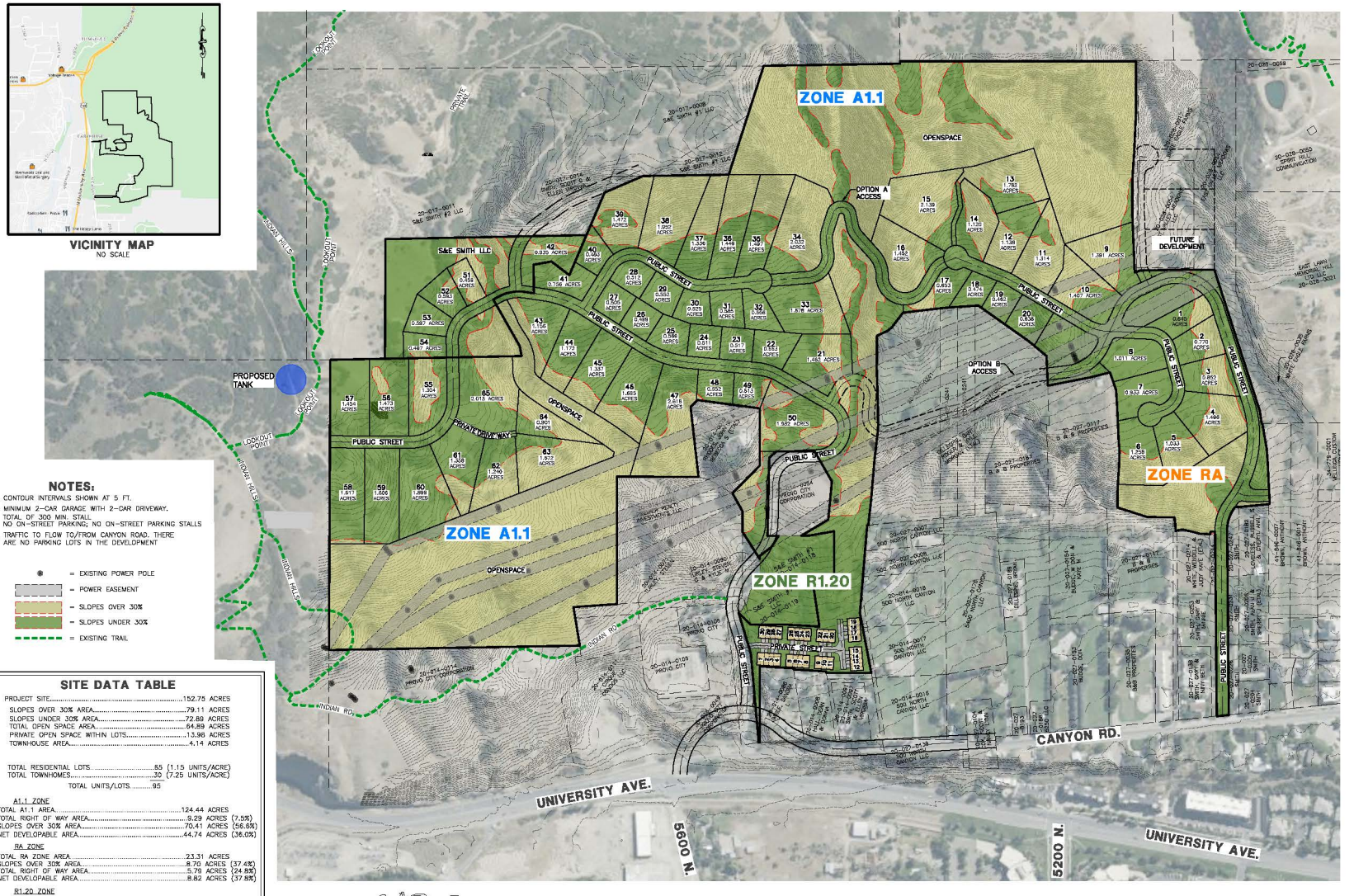
66.00 FEET; THENCE SOUTH 87°19'47" WEST 93.00 FEET; THENCE SOUTH 87°08'47" WEST 87.50 FEET; THENCE NORTH 89°45'13" WEST 9.10 FEET; THENCE NORTH 05°40'25" WEST 140.31 FEET; THENCE NORTH 01°05'18" EAST 18.71 FEET; THENCE ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 171.98 FEET, AN ARC LENGTH OF 116.24 FEET, A DELTA ANGLE OF 38°43'33", A CHORD BEARING OF NORTH 71°10'57" WEST, AND A CHORD LENGTH OF 114.04 FEET; THENCE SOUTH 89°28'35" WEST 847.26 FEET; THENCE NORTH 05°49'37" WEST 55.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,015,294 SQUARE FEET OR 23.308 ACRES.

Exhibit B

Concept Plan
(including the Conceptual Plan, Zoning Exhibit, and Conceptual Roadway Grading Plan)

[Attached]



Foothill Orchards

Provo City, Utah County, Utah

Revised: 05/11/2026

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 5160 S. 1500 W., RIVERDALE, UTAH 84405, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

Reeve & Associates, Inc.

REVISIONS

DATE	DESCRIPTION
4/16/2026	ADD R.O.W. DEDICATION
4/9/2026	REVISE TH. DENSITY
4/15/2026	REVISE LAYOUT
5/7/2026	REMOVE SMITH

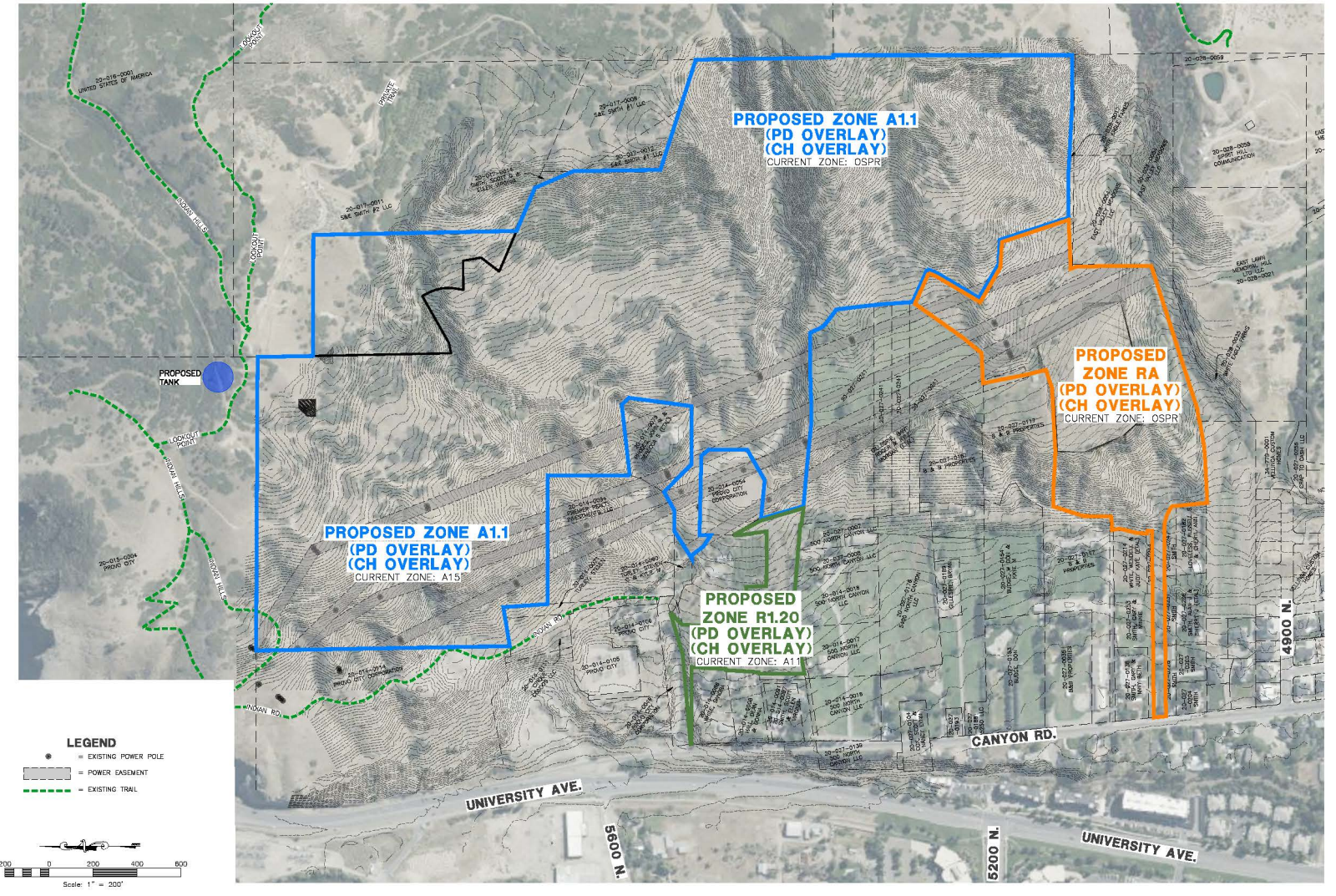
Foothill Orchards
PART OF THE SOUTH HALF OF SECTION 7, AND THE NORTH HALF OF SECTION 18, T.6 S., R.3 W., U.S. SURVEY
PROVO, UTAH COUNTY, UTAH

Conceptual Plan

Project Info.
Engineer: N. Reeve
Planner: C. Cave
Designer: E. Roche
Date: 6-27-25
Name: FOOTHILL ORCHARDS
Number: 8547-01

Sheet 1 of 1 Sheets

4920-5331-2



Foothill Orchards

Provo City, Utah County, Utah

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Reeve & Associates, Inc.
5160 South 1500 West, Riverdale, Utah
Tel: (801) 621-3100 Fax: (801) 621-2666 www.reeve-assoc.com
CIVIL PLANNING SURVEYING LANDSCAPE ARCHITECTURE

REVISIONS

DATE	DESCRIPTION
4-8-26	R1.20 CRITICAL HILLSIDE
5-22-26	R1.20 CH REVISED
5-26-26	A1.1 CH REVISED

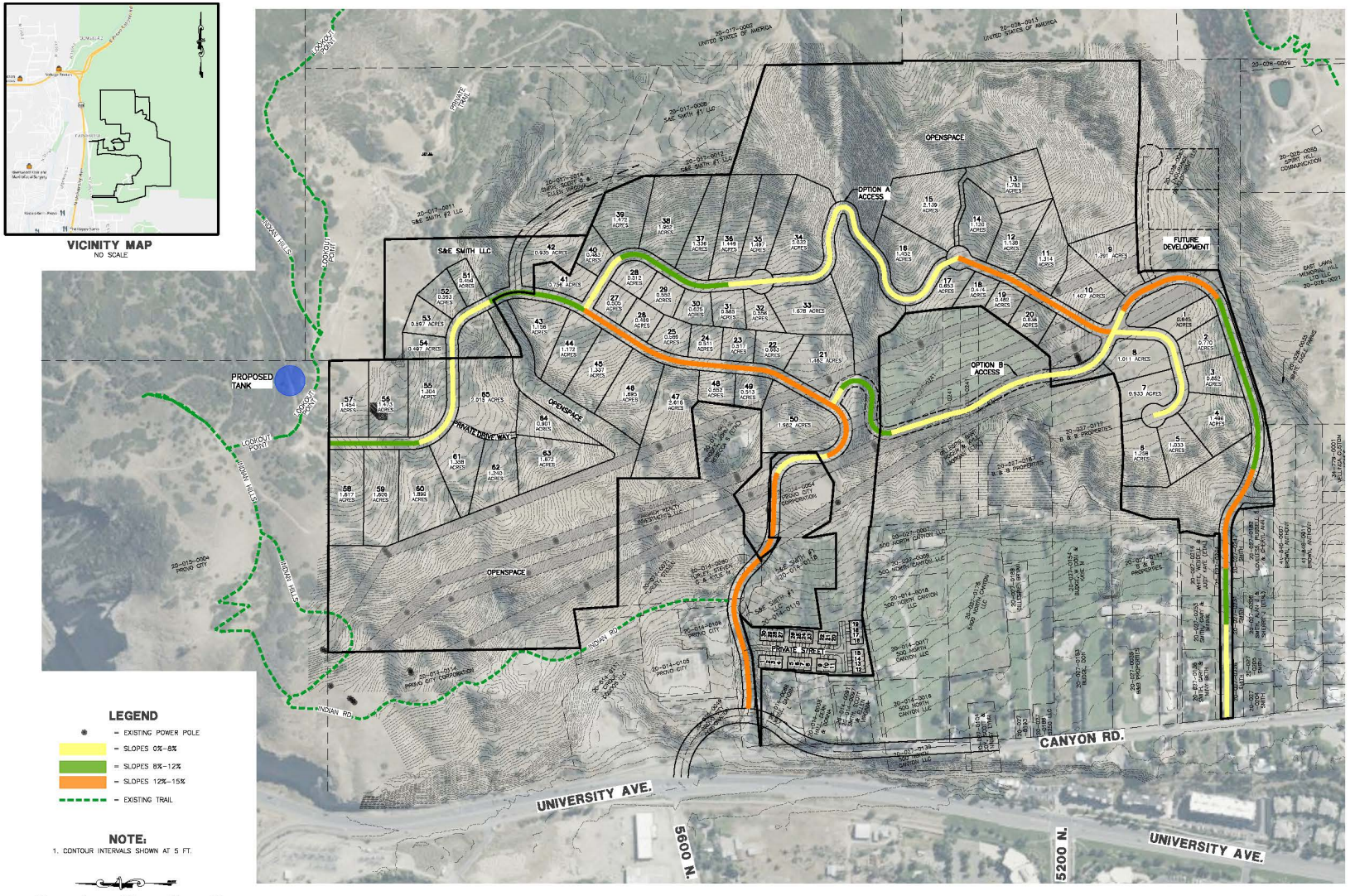
Foothill Orchards
PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18 T. 6 S., R. 3 E., U.S. SURVEY
PROVO, UTAH COUNTY, UTAH

Zoning Exhibit

Project Info.
Engineer: N. Reeve
Planner: C. Cave
Designer: S. Simrayh
Date: 6-27-25
Name: FOOTHILL ORCHARDS
Number: 8547-01

Sheet 1 of 1 Sheets

4920-5331-2



Foothill Orchards

Provo City, Utah County, Utah

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Reeve & Associates, Inc.
5160 SOUTH 1500 WEST · RIVERDALE, UTAH 84405
TEL: (801) 621-3100 · FAX: (801) 621-2666
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
WATER RESOURCES • TRANSPORTATION • WASTEWATER ANALYSIS

REVISIONS

DATE	DESCRIPTION

Foothill Orchards
PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, T.6S., R.3E., S.L.B & M., U.S. SURVEY
PROVO, UTAH COUNTY, UTAH

Conceptual Roadway Grading Plan

Project Info.

Engineer:	N. Reeve
Planner:	C. Cave
Designer:	E. Roche
Date:	6-9-26
Name:	FOOTHILL ORCHARDS
Number:	8547-01

Sheet 1 of 1 Sheets

4920-5331-2

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	DANIELS
Presenter:	Daniel Softley, Human Resources Director
Department:	HR
Meeting Date:	6/23/2026
Requested Duration (Minutes):	10 minutes
CityView or Issue File Number:	26-050

SUBJECT: 8 A discussion on picking up required URS member contributions on behalf of Tier II public safety officers and firefighters. (26-050)

ADMINISTRATIVE RECOMMENDATION: Request a motion for Provo City to "pick up" (that is, pay) the full 5.98% required member contribution, which will be designated as employee contributions, on behalf of employees serving as a Public Safety Officer or as a Firefighter that are members of the Public Safety and Firefighter Tier II Contributory Retirement System.

ADMINISTRATIVE MEMO: In June 2024, Provo City opted to pick up (that is, pay) the full 4.73% of required URS member contributions on behalf of Tier II public safety officers and firefighters. This action was taken to allow Provo City to remain competitive with other agencies for public safety personnel. Effective July 1, 2026, the required member contribution is increasing to 5.98%, necessitating a formal action by Provo City if it wants to pick up the increased amount. Mayor Judkins has signed the form for Provo City to pick up the additional amount on behalf of public safety officers and firefighters, and has accounted for the increase in the proposed 2027 budget. Per URS, this action must be approved by the agency's govering body and submitted to URS by July 1, 2026. In previous years, URS's formal action requirement has been satisfied by the Council making a motion to approve in a work meeting.

FISCAL IMPACT: $140,814

TIME SENSITIVITY: URS deadline for Provo City to make a formal decision on this item is July 1, 2026.

COUNCIL STAFF MEMO:

Utah Retirement Systems
PO Box 1590
Salt Lake City, UT 84110-1590
801-366-7318 | 800-753-7318
www.urs.org

Employer Election To Pick-up Member Contributions

Instructions:

1. This form is designed to notify Utah Retirement Systems (URS) of an Employer's formal election to pick-up retirement contributions.
2. This form and accompanying documentation must be returned to URS for processing.
3. A separate Election must be indicated and submitted for each URS system for which the Employer is electing to pick-up Employee contributions, whether on a single form or multiple submitted forms.
4. For information regarding employer pick-up contributions, please refer to Internal Revenue Code Section 414, and IRS Revenue Ruling 2006-43. If you would like to update the *Employer Election to Pick-Up Member Contributions* form on file for your employees, please input the total amount you are electing to pick-up. By submitting this information, it will amend your previous election, and it cannot be less than the previous pick-up amount.
5. An Employer should consult its legal, financial, and tax advisors if it has any questions concerning the consequences of member contribution pick-ups and submitting this form.

SECTION A » EMPLOYER INFORMATION

Employer Name	Employer Number	Date
Provo City	454	

Desired Effective Date: 7/1/2026 (The effective date must be after the date that the pick-up election was formally adopted as provided in the attached documentation.)

SECTION B » PICKUP AMOUNT(S)

The above-named Employer certifies that it has taken formal action to provide that the contributions on behalf of its covered employees in the following URS System, although designated as employee contributions, will be paid by the employer in lieu of employee contributions. (Please check the box and fill in the portion of employee contributions picked-up for each affected system below).

Attach written documentation to this form that provides evidence that the Employer formally elected to prospectively pick-up specified employee contributions. (For example, ordinance, resolution, governing body meeting minutes, etc.)

- ☐ Tier 1 Firefighters' Retirement System, with a pick-up election of _____% of salary that will be paid by the Employer in lieu of employee contributions. *This election only available to employers initially entering participation with URS in the Firefighters' Retirement System.*
- ☑ Tier 2 Public Safety and Firefighter Contributory Retirement System, with a pick-up election of 5.98% of salary that will be paid by the Employer in lieu of employee contributions for members serving as a **Public Safety Officer**.
- ☑ Tier 2 Public Safety and Firefighter Contributory Retirement System, with a pick-up election of 5.98% of salary that will be paid by the Employer in lieu of employee contributions for members serving as a **Firefighter**.

SECTION C » CERTIFICATION AND SIGNATURE

I acknowledge and certify the following:

- I represent and have the authority to sign and submit this form on behalf of the participating employer;
- The Employer has taken all appropriate and necessary actions to make a formal Employer pick-up of employee contributions on behalf of its employees;
- The election to pay for the Employee contributions shall constitute an Employer pick-up of designated contributions pursuant to Internal Revenue Code Section 414(h);
- From and after the date of the pick-up election, an Employer may not: 1) have a cash or deferred election right with respect to the designated Employee contributions; 2) be permitted to opt out of the pick-up; or 3) have the option of choosing to receive or receiving the contributed amounts directly instead of having them paid by the Employer to the specified system/plan;
- In order for contributions to be considered paid by the employer, and therefore not subject to Social Security and Medicare tax (FICA), the Employer contributions: 1) Must be mandatory for all Employees covered by the retirement system; and 2) Must be a salary supplement and not a salary reduction – in other words, the Employer must not reduce Employee salary to offset the amount designated as Employee contributions;
- Future modifications to this Employer election may be disallowed or limited;
- The election authorized to be taken by the foregoing is not contrary to any governing provisions of the Employer;
- I understand that URS is not providing the Employer legal, financial, or tax advice relating to making a "pick-up" election or submitting this form; and
- The information provided on this form and attached documentation is correct and can be relied upon by URS.
- I agree that the Employer will indemnify URS from and against any claims or other liability including attorney fees based upon the Employer's failure to comply with pick-up election requirements.

Printed Name of Employer Representative (Binding Official)	Signature of Binding Official	Title
Marsha Judkins	Marsha Judkins	Mayor