

Prepared by:

Name:

Address:

Telephone:

Return to:

Name:

Address:

Tax parcel: 20:047:0052

GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS

THIS GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS (this "Grant") dated as of _____ (the "Easement Date") is by and between **Provo City Municipal Corporation**, a Municipal Corporation in the State of Utah, 351 West Center St., Provo, UT 84604 ("Provo City") and Stepping Stones for Families, Inc., a Utah non-profit organization doing business as the **Rock Canyon Preservation Alliance**, 2145 N. Oak Lane, Provo, Utah 84604 ("RCPA").

Article 1. BACKGROUND; GRANT TO RCPA

1.01 Property

Provo City is the sole owner in fee simple of the Property described in exhibit A (the "Property"). The Property is also described as:

Street address: N/A

Municipality: Provo

County: Utah

Parcel identifier: Utah Co. Parcel No. 20:047:0052

State: Utah

Acreage: 18.730487

1.02 Easement; Covenants

- (a) **Easement.** By this Grant, Provo City grants and conveys to RCPA an unconditional and perpetual easement upon the Property for the purpose of advancing the Conservation Objectives described below (that easement, the "Conservation Easement"). The Conservation Easement empowers RCPA to block activities, uses, and Improvements inconsistent with the Conservation Objectives. Article 6 more fully describes the rights this Grant vests in RCPA.
- (b) **Owner Covenants.** By this Grant, Provo City, in furtherance of the Conservation Objectives, establishes covenants binding upon Provo City's interest in the Property, which are set forth in articles 2 through 5. Article 7 addresses potential violation of these covenants and remedies.
- (c) **RCPA Covenants.** By this Grant, RCPA accepts the Conservation Easement and, in furtherance of the Conservation Objectives, establishes covenants binding upon RCPA's easement interest in the Property, which are set forth in article 6.

1.03 Easement Plan

Attached as exhibit B is a survey or other graphic depiction of the Property (the "Easement Plan") showing, among other details, the location of one or more of the following areas – the Highest Protection Area, the Standard Protection Area, and the Minimal Protection Area.

1.04 Conservation Objectives

The purposes of the Conservation Easement (collectively, the "Conservation Objectives") are to protect and enhance the richness of biodiversity and natural habitat, keeping the area wild or undisturbed in character, so that it will always be able to support open space activities including hiking, biking, and other non-motorized public recreation activities, as set forth in section 3.02(c) of this Grant. These general

Conservation Objectives include the following Resource-Specific objectives:

- (1) **Water Resources.** To maintain and improve the quality of water resources, both surface and groundwater, within, around, and downstream of the Property.
- (2) **Biological Resources.** To protect and improve the quality of natural habitat for animals, plants, fungi, and other organisms, particularly Native Species.
- (3) **Soil Resources.** To prevent the loss and depletion of soil on the Property.
- (4) **Scenic Resources.** To protect scenic views of the Property visible from public rights-of-way and other public access points outside the Property.
- (5) **Ecosystem Services.** To absorb within the Property rainwater that otherwise might cause erosion and flooding downstream of the Property; to sequester carbon in plants and soil to mitigate rising atmospheric carbon levels; and to support other healthy ecosystem processes.

1.05 Baseline Documentation

As of the Easement Date, Provo City and RCPA have signed an acknowledgment of the accuracy of the report (the “Baseline Documentation”) to be kept on file at the principal office of RCPA. The Baseline Documentation contains an original, full-size version of the Easement Plan and other information sufficient to identify on the ground the protection areas identified in this article; describes Existing Improvements; identifies the conservation resources of the Property described in the Conservation Objectives; and includes, among other information, photographs depicting existing conditions of the Property as of the Easement Date.

1.06 Defined Terms

Initially capitalized terms not defined in this article 1 are defined in article 7.

1.07 Beneficiaries

No Beneficiary is identified in this Grant, and no rights are intended to be granted to any person or entity other than RCPA, except to the State of Utah as provided in Article 4.01.

1.08 Consideration

Provo City acknowledges receipt, as of the Easement Date, of the sum of \$1.00 in consideration of this Grant.

1.09 Superior to all Liens

Provo City warrants to RCPA that the Property is, as of the Easement Date, free and clear of Liens or, if it is not, that Provo City has obtained and recorded in the Public Records the legally binding subordination of the Liens affecting the Property as of the Easement Date.

Article 2. TRANSFER; SUBDIVISION

2.01 Prohibitions

All of the following are prohibited except as set forth in the next section:

- (a) **Transfer of Portion of Property.** Transfer of ownership, possession, or use of a portion of the Property, including subsurface portions of the Property, independent of the remainder of the Property.
- (b) **Subdivision.** Change in the boundary of a Lot or other Subdivision of or including the Property.
- (c) **Transfer of Density.** Use of open space area protected under this Grant to increase (above limits otherwise permitted under Applicable Law) allowable density or intensity of development within other portions of the Property or outside the Property.
- (d) **Transfer of Rights.** Transfer of development rights or other rights granted or allocated to the Property in support of development outside the Property.

2.02 Permitted Changes

The following changes are permitted:

- (a) **Transfer to Qualified Organization.** Subject to Review, creation and transfer of a Lot or the entire Property to a Qualified Organization for park, nature preserve, public trail, or other conservation purposes approved by RCPA after Review.

(b) Transfer of Rights of Possession or Use. Subject to Review, transfer of possession or use (but not ownership) of one or more portions of the Property, including subsurface portions of the Property, for purposes permitted under, and subject to compliance with, the terms of this Grant. Leases of space within Improvements are not subject to Review.

Article 3. PROPERTY PROTECTIONS

3.01 Improvements

Improvements within the Property are prohibited except as permitted below in this article.

- (a) Existing Improvements.** Existing Improvements that are included in the Rock Canyon Trailhead Master Plan, a copy of which has been approved and is on file with the Provo City Department of Parks and Recreation, may be maintained, repaired, and replaced in their existing locations. Existing Improvements may be expanded or relocated if the expanded or relocated Improvement complies with requirements applicable to Additional Improvements of the same type.
- (b) Existing Servitudes.** Improvements that Provo City is required to allow because of an Existing Servitude are permitted.
- (c) Additional Improvements.** The following Additional Improvements are permitted to the extent that the Improvement is consistent with the Rock Canyon Trailhead Master Plan:
- (1) Fences, walls, and gates, not to exceed five feet in Height, unless such greater Height is approved by RCPA after Review.
 - (2) Signs; however, signs other than Regulatory Signs are limited to a maximum of two square feet per sign and a total of 20 square feet for the entire Property.
 - (3) Habitat enhancement devices such as birdhouses and bat houses.
 - (4) Trails covered by wood chips, gravel, or other highly porous surface, or as approved by RCPA after Review.
 - (5) Subject to Review, footbridges, stream crossing structures, and stream access structures.
 - (6) Tree stands and blinds for nature study. Tree stands and blinds to remain in place for more than a season are subject to Review.
 - (7) Site Improvements reasonably required for activities and uses permitted within the Property or servicing activities, uses, or Improvements not within the Property that Holder, without any obligation to do so, approves after Review.
 - (8) Subject to Review, Access Drives and Utility Improvements to service Improvements within the Property but only if there is no other reasonably feasible means to provide access and utility services to the Property.
 - (9) Subject to Review, Extraction Improvements but only if located wholly beneath the surface at a depth at which there can be no impairment of water or other resources described in the Conservation Objectives. No Access Drives to construct or service such Improvements are permitted.

3.02 Activities and Uses

Activities and uses within the Property are prohibited except as permitted below in this article and provided in any case that:

- The intensity or frequency of the activity or use does not materially and adversely affect maintenance or attainment of Conservation Objectives.
- No Invasive Species are introduced.

(a) Existing Servitudes. Activities and uses that Provo City is required to allow because of an Existing Servitude are permitted.

(b) Resource Management and Disturbance. The following activities and uses are permitted:

- (1) Cutting trees, Construction, or other disturbance of resources, including removal of Invasive Species, to the extent reasonably prudent to remove, mitigate, or warn against an unreasonable risk of harm to Persons, their belongings, or health of Native Species on or about the Property. Provo

City must take such steps as are reasonable under the circumstances to consult with RCPA prior to taking actions that, but for this provision, would not be permitted or would be permitted only after Review.

- (2) Planting, replanting, and maintaining Native Species or, subject to Review, planting, replanting, and maintaining other vegetation.
 - (3) Subject to Review, removal of vegetation to accommodate replanting and other Construction reasonably required to accommodate Improvements as permitted in this article.
 - (4) ..
 - (5) Construction of permitted Improvements with prompt restoration of soil and vegetation disturbed by such activity.
 - (6) Vehicular use in the case of emergency and in connection with activities or uses permitted under this subsection.
 - (7) Except within Wet Areas, cutting or removing trees, standing or fallen, but only if the aggregate inside bark diameter of stumps (one foot above ground on the uphill side) does not exceed 200 inches per year.
 - (8) Application of manure and plant material, both well composted, and, subject to compliance with manufacturer's recommendations, other substances to promote the health and growth of vegetation. (These permitted substances do not include sludge, biosolids, septic system effluent, and related substances.)
 - (9) Piling of brush and other vegetation to the extent reasonably necessary to accommodate activities or uses permitted within the Property.
 - (10) Other activities that RCPA, without any obligation to do so, determines are consistent with maintenance or attainment of Conservation Objectives and are conducted in accordance with the Rock Canyon Trailhead Master Plan or other plan approved for that activity after Review.
- (c) **Recreation and Education.** Recreational, educational, and scientific research activities are permitted that do not require Improvements other than trails identified in the Rock Canyon Trailhead Master Plan and do not materially and adversely affect maintenance or attainment of Conservation Objectives such as the following: (1) walking, horseback riding or mountain bike riding on designated trails, rock climbing, cross-country skiing, bird watching, and nature study; and (2) wildlife research consistent with and in furtherance of the Conservation Objectives. Motorized vehicle use is not permitted in connection with the activities permitted under this subsection unless RCPA approves the use after Review.

Article 4. RIGHTS AND DUTIES OF RCPA

4.01 RCPA Covenants

In support of the Conservation Objectives, RCPA declares the following covenants binding upon its easement interest in the Property:

- (a) **Exercise of Powers.** RCPA must exercise the powers granted to it by this Grant to block activities, uses, and Improvements of the Property inconsistent with the Conservation Objectives.
- (b) **Must be Qualified Organization.** RCPA must be and remain at all times a Qualified Organization unless RCPA first transfers the Conservation Easement and assigns its rights and responsibilities under this Grant to another Qualified Organization. However, RCPA must not transfer the Conservation Easement or otherwise assign its rights or responsibilities under this Grant to a Person other than a Qualified Organization committed to upholding the Conservation Objectives.
- (c) **Proceeds Used for Conservation Purposes.** RCPA must use any funds received on account of the release, termination, or extinguishment of the Conservation Easement in whole or in part in furtherance of its charitable conservation purposes.
- (d) **Forfeiture Remedy.** If RCPA fails to abide by the covenants of this section, or if RCPA is dissolved or becomes defunct before transferring the Conservation Easement and assigning its rights and responsibilities under this Grant to another Qualified Organization as provided in subsection (b), the

State of Utah may petition a court of competent jurisdiction to order the Conservation Easement transferred to a Qualified Organization ready, willing, and able to abide by such covenants. However, if no such Qualified Organization is found, the rights granted to RCPA under this Grant shall expire and revert to Provo City.

4.02 Rights and Duties of RCPA

The items set forth below are both rights and duties vested in RCPA by this Grant:

- (a) **Enforcement.** To enter the Property to investigate a suspected, alleged, or threatened violation of the covenants and, if found, to enforce the terms of this Grant by exercising RCPA's remedies in this Grant.
- (b) **Inspection.** To enter and inspect the Property for compliance with the requirements of this Grant upon reasonable notice, in a reasonable manner, and at reasonable times.
- (c) **Review.** To exercise rights of Review in accordance with the requirements of this article.
- (d) **Interpretation.** To interpret the terms of this Grant and, at the request of Provo City, furnish RCPA's explanation of the application of such terms to then-existing, proposed, or reasonably foreseeable conditions within the Property.

4.03 Other Rights of RCPA

The items set forth below are also rights vested in RCPA by this Grant; however, RCPA, in its discretion, may or may not exercise them:

- (a) **Amendment.** To enter into an Amendment with Provo City if RCPA determines that the Amendment: (1) will not impair RCPA's power, enforceable in perpetuity, to block activities, uses, and Improvements of the Property inconsistent with the Conservation Objectives; (2) will not result in a private benefit prohibited under the Code; and (3) will be consistent with RCPA's policy with respect to Amendment as of the applicable date of reference.
- (b) **Signs.** To install one or more signs within the Property identifying the interest of RCPA in the Conservation Easement. Such signs do not reduce the number or size of signs permitted to Provo City under this Grant. Signs are to be of the customary size installed by RCPA, and must be installed in locations readable from the public right-of-way and otherwise reasonably acceptable to Provo City.
- (c) **Proceedings.** To assert a claim, defend or intervene in, or appeal, any proceeding under Applicable Law that (1) pertains to the impairment of Conservation Objectives; or (2) may result in a transfer, Improvement, or use that violates the terms of this Grant.

4.04 Review

The following provisions are incorporated into any provision of this Grant that is subject to Review:

- (a) **Notice to RCPA.** At least 30 days before Provo City intends to begin or allow an Improvement, activity, or use that is subject to Review, Provo City must notify RCPA of the proposed change including with the notice such information as is reasonably sufficient to comply with Review Requirements and otherwise describe the proposal and its potential impact on the Conservation Objectives.
- (b) **Notice to Provo City.** Within 30 days after receipt of Provo City's notice, RCPA must notify Provo City of RCPA's determination to (1) accept Provo City's proposal in whole or in part; (2) reject Provo City's proposal in whole or in part; (3) accept Provo City's proposal conditioned upon compliance with conditions imposed by RCPA; or (4) reject Provo City's proposal for insufficiency of information on which to base a determination. If RCPA gives conditional acceptance under clause (3), commencement of the proposed Improvement, activity, or use constitutes acceptance by Provo City of all conditions set forth in RCPA's notice.
- (c) **Failure to Notify.** If RCPA fails to notify Provo City as required in the preceding subsection, the proposal set forth in Provo City's notice is deemed approved.
- (d) **Standard of Review**

- (1) The phrase “without any obligation to do so,” in relation to an approval or determination by RCPA, means that, in that particular case, RCPA’s approval is wholly discretionary and may be given or withheld for any reason or no reason.
- (2) In all other cases, RCPA’s approval is not to be unreasonably withheld. It is not unreasonable for RCPA to disapprove a proposal that may adversely affect resources described in the Conservation Objectives or that is otherwise inconsistent with maintenance or attainment of Conservation Objectives.

4.05 Costs and Expenses

Provo City must pay or reimburse, as the case may be, RCPA’s costs and expenses (including Losses, Litigation Expenses, allocated personnel costs, and reasonably incurred liabilities) in connection with: (a) enforcement (including exercise of remedies) under the terms of this Grant; (b) response to requests by Provo City for Review, Waiver, or Amendment; and (c) compliance with requests for information, interpretation, or other action pertaining to the Grant if required by Applicable Law.

Article 5. VIOLATION; REMEDIES

5.01 Violation

If RCPA determines that the terms of this Grant are being or have been violated or that a violation is threatened or imminent, then the provisions of this section will apply:

- (a) Notice.** RCPA must notify Provo City of the violation. RCPA’s notice may include its recommendations of measures to be taken by Provo City to cure the violation and restore features of the Property damaged or altered as a result of the violation.
- (b) Opportunity to Cure.** Provo City’s cure period expires 30 days after the date of RCPA’s notice to Provo City subject to extension for the time reasonably necessary to cure but only if all of the following conditions are satisfied:
 - (1) Provo City ceases the activity constituting the violation promptly upon receipt of RCPA’s notice;
 - (2) Provo City and RCPA agree, within the initial 30-day period, upon the measures Provo City will take to cure the violation;
 - (3) Provo City commences to cure within the initial 30-day period; and
 - (4) Provo City continues thereafter to use best efforts and due diligence to complete the agreed upon cure.
- (c) Imminent Harm.** No notice or cure period is required if circumstances require prompt action to prevent or mitigate irreparable harm or alteration to a natural resource or other feature of the Property described in the Conservation Objectives.

5.02 Remedies

Upon expiration of the cure period (if any) described in the preceding section, RCPA may do one or more of the following:

- (a) Injunctive Relief.** Seek injunctive relief to specifically enforce the terms of this Grant, to restrain present or future violations of the terms of this Grant, and/or to compel restoration of resources destroyed or altered as a result of the violation.
- (b) Civil Action.** Exercise RCPA’s rights under Applicable Law to obtain a money judgment (together with interest thereon at the Default Rate).
- (c) Self-Help.** Enter the Property to prevent or mitigate further damage to or alteration of natural resources of the Property identified in the Conservation Objectives.

5.03 Modification or Termination

If the Conservation Easement is or is about to be modified or terminated by exercise of the power of eminent domain (condemnation) or adjudication of a court of competent jurisdiction sought by a Person other than RCPA, the following provisions apply:

- (a) Compensatory Damages.** RCPA is entitled to collect, from the Person seeking the modification or termination, compensatory damages in an amount equal to the increase in Market Value of the Property

resulting from the modification or termination plus reimbursement of Litigation Expenses as if a violation had occurred. In the event of an extinguishment of the Conservation Easement, RCPA is entitled to the greater of the compensation provided under this section or the compensation provided under any other provision of this Grant.

- (b) **Restitution.** RCPA is entitled to recover from the Person seeking the modification or termination: (1) restitution of amounts paid for this Grant (if any) and any other sums invested in the Property for the benefit of the public as a result of rights vested by this Grant, plus (2) reimbursement of Litigation Expenses as if a violation had occurred.

5.04 Remedies Cumulative

The description of RCPA's remedies in this article does not preclude RCPA from exercising any other right or remedy that may at any time be available to RCPA under this article or Applicable Law. If RCPA chooses to exercise one remedy, RCPA may nevertheless choose to exercise one or more of the other rights or remedies available to RCPA at the same time or at any other time.

5.05 Waivers

- (a) **No Waiver.** If RCPA does not exercise a right or remedy when it is available to RCPA, that is not to be interpreted as a waiver of any non-compliance with the terms of this Grant or a waiver of RCPA's rights to exercise its rights or remedies at another time.
- (b) **No Material Effect.** RCPA in its discretion may provide a Waiver if RCPA determines that the accommodation is for a limited time and limited purpose and will have no material effect on the Conservation Objectives.

5.06 No Fault of Provo City

RCPA will waive its right to reimbursement under this article as to Provo City (but not other Persons who may be responsible for the violation) if RCPA is reasonably satisfied that the violation was not the fault of Provo City and could not have been anticipated or prevented by Provo City by reasonable means.

Article 6. MISCELLANEOUS

6.01 Notices

- (a) **Requirements.** Each Person giving notice pursuant to this Grant must give the notice in writing and must use one of the following methods of delivery: (1) personal delivery; (2) certified mail, return receipt requested and postage prepaid; or (3) nationally recognized overnight courier, with all fees prepaid.
- (b) **Address for Notices.** Each Person giving a notice must address the notice to the appropriate Person at the receiving party at the address listed below or to another address designated by that Person by notice to the other Person:

If to Provo City: City Attorney
 Provo City
 351 West Center St.
 Provo, UT 84604

If to RCPA: Ginger Woolley, President
 Rock Canyon Preservation Alliance
 2145 N. Oak Lane
 Provo, UT 84604

6.02 Governing Law

The laws of the State of Utah govern this Grant.

6.03 Transfer

- (a) **Notice Required.** Not less than thirty (30) days prior to transfer of the Property or a Lot, Provo City must notify RCPA of the name(s) and address for notices of the Persons who will become the owner or owners following the transfer.
- (b) **Prior to Transfer.** Provo City authorizes RCPA to (1) contact the Persons to whom the Property or Lot will be transferred, and other Persons representing Provo City or the prospective transferees, to discuss with them this Grant and, if applicable, other pertinent documents; and (2) enter the Property to assess compliance with this Grant.
- (c) **Ending Continuing Liability.** If RCPA is not notified per this section's requirement, it is not the obligation of RCPA to determine whether a violation first occurred before or after the date of the transfer. Provo City continues to be liable on a joint and several basis with the post-transfer owner for the correction of violations under this Grant until such time as RCPA is given the opportunity to inspect and all violations noted in RCPA's resulting inspection report are cured.

6.04 Burdens; Benefits

This Grant binds and benefits Provo City and RCPA and their respective personal representatives, successors, and assigns.

- (a) **Binding on All Owners.** This Grant vests a servitude running with the land binding upon Provo City and, upon recordation in the Public Records, all subsequent owners of the Property or any portion of the Property are bound by its terms whether or not such owner or owners had actual notice of this Grant and whether or not the deed of transfer specifically referred to the transfer being under and subject to this Grant.
- (b) **Rights Exclusive to RCPA.** Only RCPA has the right to enforce the terms of this Grant and exercise other easement rights granted herein. Owners of Lots within or adjoining the Property do not have the right to enforce the terms of this Grant against Provo City. Only Provo City or its successor(s) in ownership has a right to notice of, or other participation in, any decision that is the subject of a request for Review, Waiver, Amendment, interpretation, or other action by RCPA.

6.05 Documentation Requirements

- (a) **Between RCPA and Provo City.** No Amendment, Waiver, approval after Review, interpretation, or other decision by RCPA is valid or effective unless it is in writing and signed by an authorized signatory for RCPA. This requirement may not be changed by oral agreement. The grant of an Amendment or Waiver in any instance or with respect to any portion of the Property or any right granted herein to RCPA does not imply that an Amendment or Waiver will be granted in any other instance.
- (b) **Between RCPA and Assignee.** Any assignment of RCPA's rights under this Grant, as permitted under this Grant, must be in a document signed by both RCPA and the assignee holder. The assignment document must include a covenant by which the assignee holder assumes the covenants and other obligations of RCPA under this Grant. RCPA must deliver the Baseline Documentation and such other documentation in RCPA's possession reasonably needed to uphold the Conservation Objectives.

6.06 Severability

If any provision of this Grant is determined to be invalid, illegal, or unenforceable, the remaining provisions of this Grant remain valid, binding, and enforceable. To the extent permitted by Applicable Law, the parties waive application of any provision of Applicable Law that renders any provision of this Grant invalid, illegal, or unenforceable in any respect.

6.07 Counterparts

This Grant may be signed in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute only one document.

6.08 Indemnity

Provo City must indemnify and defend the Indemnified Parties against all Losses and Litigation Expenses arising out of or relating to: (a) a breach or violation of this Grant or Applicable Law; and (b) personal injury (including death) and damage to personal belongings occurring on or about the Property if and to the extent not caused by the negligent or wrongful acts or omissions of an Indemnified Party.

6.09 Guides to Interpretation

- (a) **Captions.** The descriptive headings of the articles, sections, and subsections of this Grant are for convenience only and do not constitute a part of this Grant.
- (b) **Glossary.** If a term defined in the Glossary is not used in this Grant, the defined term is to be disregarded.
- (c) **Other Terms**
 - (1) The word “including” means “including but not limited to.”
 - (2) The word “must” is obligatory; the word “may” is permissive and does not imply an obligation.
- (d) **Conservation and Preservation Easements Act.** This Grant is intended to be interpreted so as to convey to RCPA all of the rights and privileges of a RCPA of a conservation easement under the Utah Land Conservation Easement Act.
- (e) **Restatement (Third) of the Law of Property: Servitudes.** This Grant is intended to be interpreted so as to convey to RCPA all of the rights and privileges of a holder of a conservation servitude under the Restatement (Third) of the Law of Property: Servitudes.

6.10 Entire Agreement

This is the entire agreement of Provo City and RCPA pertaining to the subject matter of this Grant. The terms of this Grant supersede in full all statements and writings between Provo City and RCPA pertaining to the transaction set forth in this Grant.

6.11 Incorporation by Reference

Each exhibit attached to this Grant is incorporated into this Grant by this reference. The Baseline Documentation and the Rock Canyon Trailhead Master Plan (whether or not attached to this Grant) are incorporated into this Grant by this reference.

6.12 Jurisdiction; Venue

RCPA and Provo City submit to the exclusive jurisdiction of the courts of the State of Utah located in Utah County and agree that any legal action or proceeding relating to this Grant or the Conservation Easement may be brought only in those courts located in that county.

Article 7. GLOSSARY

“Access Drive” means a road, drive, or lane providing vehicular access.

“Additional Improvement” means an Improvement other than an Existing Improvement.

“Amendment” means an amendment, modification, or supplement to this Grant signed by Provo City and RCPA and recorded in the Public Records. The term “Amendment” includes an amendment and restatement of this Grant.

“Applicable Law” means federal, state or local laws, statutes, codes, ordinances, standards, and regulations applicable to the Property, the Conservation Easement, or this Grant as amended through the applicable date of reference. If this Grant is intended to meet the requirements of a qualified conservation contribution, then applicable provisions of the Code and the Regulations are also included in the defined term.

“Beneficiary” means a Person given rights under the terms of this Grant (other than Provo City or RCPA).

“Land Conservation Easement Act” means Utah Code §§ 57-18-1 through -7 (2016) as amended through the applicable date of reference.

“Construction” means demolition, construction, reconstruction, maintenance, expansion, exterior alteration, installation, or erection of temporary or permanent Improvements; and, whether or not in connection with any of the foregoing, excavation, dredging, mining, filling, or removal of gravel, soil, rock, sand, coal, petroleum, or other minerals.

“Existing Improvement” means an Improvement existing as of the Easement Date as identified in the Baseline Documentation.

“Existing Servitude” means an easement or other matter affecting title to the Property (other than a Lien) accorded priority to the Conservation Easement by notice in the Public Records or other prior notice recognized under Applicable Law.

“Height” means the vertical elevation of an Improvement measured from the average exterior ground elevation of the Improvement to a point, if the Improvement is roofed, midway between the highest and lowest points of the roof excluding chimneys, cupolas, ventilation shafts, weathervanes, and similar protrusions or, if the Improvement is unroofed, the top of the Improvement.

“Impervious Coverage” means the footprints (including roofs, decks, stairs, and other extensions) of Improvements; paved or artificially covered surfaces such as crushed stone, gravel, concrete, and asphalt; impounded water (such as a man-made pond); and compacted earth (such as an unpaved roadbed). Also included in Impervious Coverage are green roofs and porous pavement surfaces. Excluded from Impervious Coverage are running or non-impounded standing water (such as a naturally occurring lake), bedrock and naturally occurring stone and gravel, and earth (whether covered with vegetation or not) so long as it has not been compacted by non-naturally occurring forces.

“Improvement” means a building, structure, facility, or other improvement, whether temporary or permanent, located on, above, or under the Property.

“Indemnified Parties” mean RCPA and its respective members, directors, officers, employees and agents, and the heirs, personal representatives, successors, and assigns of each of them.

“Invasive Species” means a plant species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. In cases of uncertainty, publications such as “Plant Invaders of Mid-Atlantic Natural Areas” by the National Park Service and U.S. Fish and Wildlife Service, are to be used to identify Invasive Species.

“Lien” means a mortgage, lien, or other encumbrance securing the payment of money.

“Litigation Expense” means any court filing fee, court cost, arbitration fee or cost, witness fee, and each other fee and cost of investigating and defending or asserting any claim of violation or claim for indemnification under this Grant including, in each case, attorneys’ fees, other professionals’ fees, and disbursements.

“Losses” mean any liability, loss, claim, settlement payment, cost, expense, interest, award, judgment, damages (including punitive damages), diminution in value, fines, fees, penalties, or other charge other than a Litigation Expense.

“Lot” means a unit, lot, or parcel of real estate separated or transferable for separate ownership or lease under Applicable Law.

“Market Value” means the fair value that a willing buyer, under no compulsion to buy, would pay to a willing seller, under no compulsion to sell as established by appraisal in accordance with the then-current edition of Uniform Standards of Professional Appraisal Practice issued by the Appraisal Foundation or, if applicable, a qualified appraisal in conformity with §1.170A-13 of the Regulations.

“Native Species” mean a plant or animal indigenous to the locality under consideration. In cases of uncertainty, published studies, including “Rock Canyon Ecological Restoration Guide” (September 2017 revision), by Phil Allen et al.; and Landscaping on the New Frontier: Waterwise Design for the Intermountain West (2009), by Susan E. Meyer, et al., are to be used to establish whether or not a species is native.

“Provo City” mean Provo City and all Persons after them who hold an interest in the Property.

“Person” means an individual, organization, trust, government, or other entity.

“Public Records” mean the public records of the office for the recording of deeds in and for Utah County.

“Qualified Organization” means a governmental or charitable entity that (a) meets the criteria of a qualified organization under §1.170(A-14(c)(1) of the Regulations and (b) is duly authorized to acquire and hold conservation easements under the Land Conservation Easement Act.

“Regulations” mean the provisions of C.F.R. §1.170A-14, and any other regulations promulgated under the Code that pertain to qualified conservation contributions, as amended through the applicable date of reference.

“Regulatory Signs” mean traffic signs (not exceeding one square foot each) to control access to the Property or for informational, directional, or interpretive purposes.

“Review” means review and approval by RCPA under the procedure described in article 6.

“Review Requirements” mean, collectively, any plans, specifications, or other information required for approval of the Subdivision, activity, use, or Improvement under Applicable Law (if any) plus the information required under (a) an exhibit incorporated into this Grant or (b) the Baseline Documentation or (c) if the information described in items (a) and (b) is inapplicable, unavailable, or insufficient under the circumstances, the guidelines for Review of submissions set by RCPA to provide sufficient information to conduct its Review.

“Subdivision” means any division of the Property or any Lot within the Property; and any creation of a unit, lot, or parcel of real estate, including subsurface portions of the Property, for separate use or ownership by any means including by lease or by implementing the condominium form of ownership.

“Waiver” means a written commitment by which RCPA, without any obligation to do so, agrees to refrain from exercising one or more of its rights and remedies for a specific period of time with respect to a specific set of circumstances.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

INTENDING TO BE LEGALLY BOUND, Provo City and RCPA, by their respective duly authorized representatives, have signed and delivered this Grant as of the Easement Date.

Witness/Attest:

Provo City Municipal Corporation

 (SEAL)

By:

Its:

Rock Canyon Preservation Alliance

Ginger Woolley
President

STATE OF UTAH:

COUNTY OF UTAH

:

ON THIS DAY _____, before me, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____, Notary Public

Print Name:

STATE OF UTAH : _____

SS

COUNTY OF UTAH : _____

:

ON THIS DAY _____ before me, the undersigned officer, personally appeared **Ginger Woolley**, who acknowledged herself to be the President of Stepping Stones for Families, Inc., a Utah non-profit corporation doing business as Rock Canyon Preservation Alliance, and that she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by her/himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____, Notary Public

Print Name:

This document is based on the 7th edition of the *Model Grant of Conservation Easement and Declaration of Covenants* (v. 2017.05.18)
published by the Pennsylvania Land Trust Association.

EXHIBIT A

Legal Description of Property:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°35'19"W ALONG THE SECTION LINE 624.23 FEET TO AN EXISTING FENCE; THENCE ALONG SAID FENCE THE FOLLOWING (2) COURSES; THENCE N10°38'09"W 15.97 FEET; THENCE S88°09'49"W 98.01 FEET TO AN "X" IN THE CONCRETE AND THE SOUTHEAST CORNER OF LOT 1, PLAT B, LES LIECHTY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE N00°00'00"E 174.97 FEET TO A REBAR, SAID REBAR IS MARKING THE SOUTHEAST CORNER OF LOT 2, PLAT C, LES LIECHTY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE ALONG SIAD PLAT THE FOLOWING (2) COURSES; THENCE N°00'00"E 354.73 FEET TO A REBAR; THENCE S88°40'30"W 19.48 FEET TO A REBAR; THENCE ALONG THE "STEED HOLDINGS PROPERTY" RECORD OF SURVEY, ENTRY NO. 14-060, ACCORDING TO THE OFFICIAL RECORD ON FILE AT THE OFFICE OF THE UTAH COUNTY SURVEYOR'S OFFICE THE FOLLOWING (2) COURSES; THENCE N18°40'30"E 193.46 FEET; THENCE S88°40'30"W 239.03 FEET TO THE EAST RIGHT-OF-WAY LINE OF 1450 EAST STREET; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING (2) COURSES; THENCE N18°50'19"E 242.03 FEET; THENCE NORTHERLY ALONG THE ARC OF A 588.71 FOOT RADIUS CURVE TO THE LEFT 125.85 FEET (CHORD BEARS: N12°22'51"E 125.61 FEET) TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 13287:1994 OF THE OFFICIAL RECORDS OF UTAH COUNTY; THENCE N89°18'55"E ALONG SAID DEED 802.45 FEET TO THE SOUTH QUARTER SECTION LINE; THENCE S00°45'08"E ALONG SAID SECTION LINE 1076.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.75 ACRES OR 816665.98 SQUARE FEET

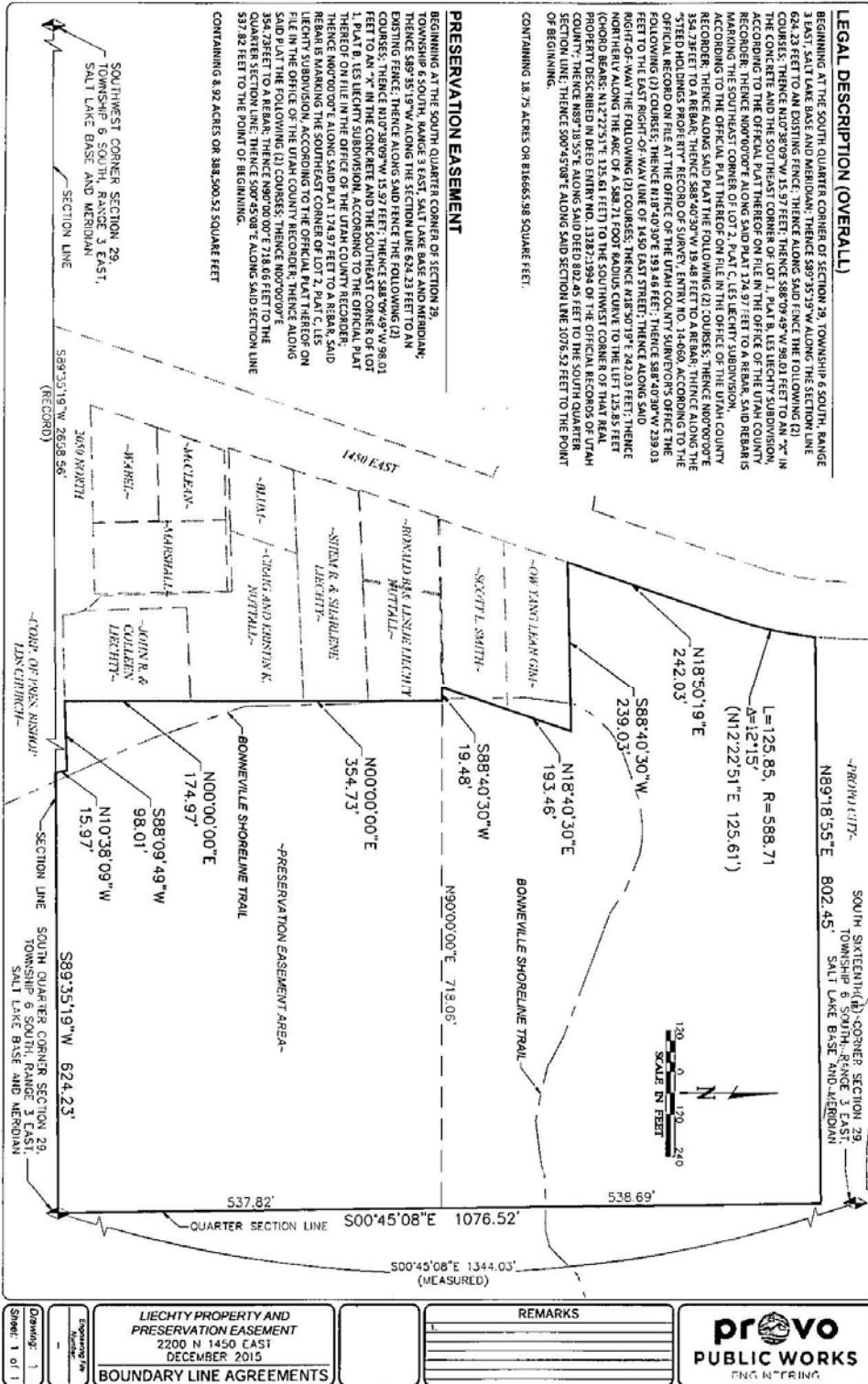
EXHIBIT B

ENT 26448:2016 PG 17 of 17

LEGAL DESCRIPTION (OVERALL)

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE EAST, SAKE LAKE EAST AND MARIJAN, THENCE S 89° 51' W ALONG THE SECTION LINE 624.23 FEET TO THE EAST ENDING FENCE, THENCE ALONG SAKE FENCE FOR THE FOLLOWING [2] CEDARS, THENCE N 80° 09' W 15.97 FEET, THENCE S 88° 04' W 86.01 FEET TO A POINT ON THE CONCRETE AND THE OUT-HEAST CORNER OF LOT 1, PLAT B, LESLEY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE NODORF ALONG SAKE PLAT 7A 97' FEET TO A REBAR, SAID REBAR MARKING THE SOUTH-EAST CORNER OF LOT 2, PLAT C, LESLEY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER; THENCE ALONG SAKE PLAT THE FOLLOWING (2) COURSES; THENCE NODORF "STEEL HOLDINGS PROPERTY RECORD OF SURVEY" ENTRY NO. 14-4650, ACCORDING TO THE OFFICIAL RECORD FILE AT THE OFFICE OF THE UTAH COUNTY SURVEYORS OF UTAH, FOLLOWING (1) COURSES, THENCE N 80° 49' W 19.46 FEET; THENCE S 84° 40' W 239.63 FEET TO THE EAST RIGHT-OF-WAY OF 1450 EAST STREET; THENCE N 80° 19' W 242.23 FEET, THENCE NORTHERLY ALONG THE ARC OF A 588.71 FOOT RADIOSCOPE CURVE TO THE LEFT 125.53 FEET (CHORD BEARS: N 122° 22'15" 25.61 FEET) TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 13287-1994 OF THE OFFICIAL RECORDS OF UTAH, PROPERTY THE INC RNS# 187557, ALONG SAKE PLAT 454.45 FEET TO THE SOUTH QUARTER SECTION LINE, THENCE S 00° 45' 50.87' ALONG SADE SECTION LINE 1076.52 FEET TO THE POINT OF BEGINNING.

PRESERVATION EASEMENT





provo

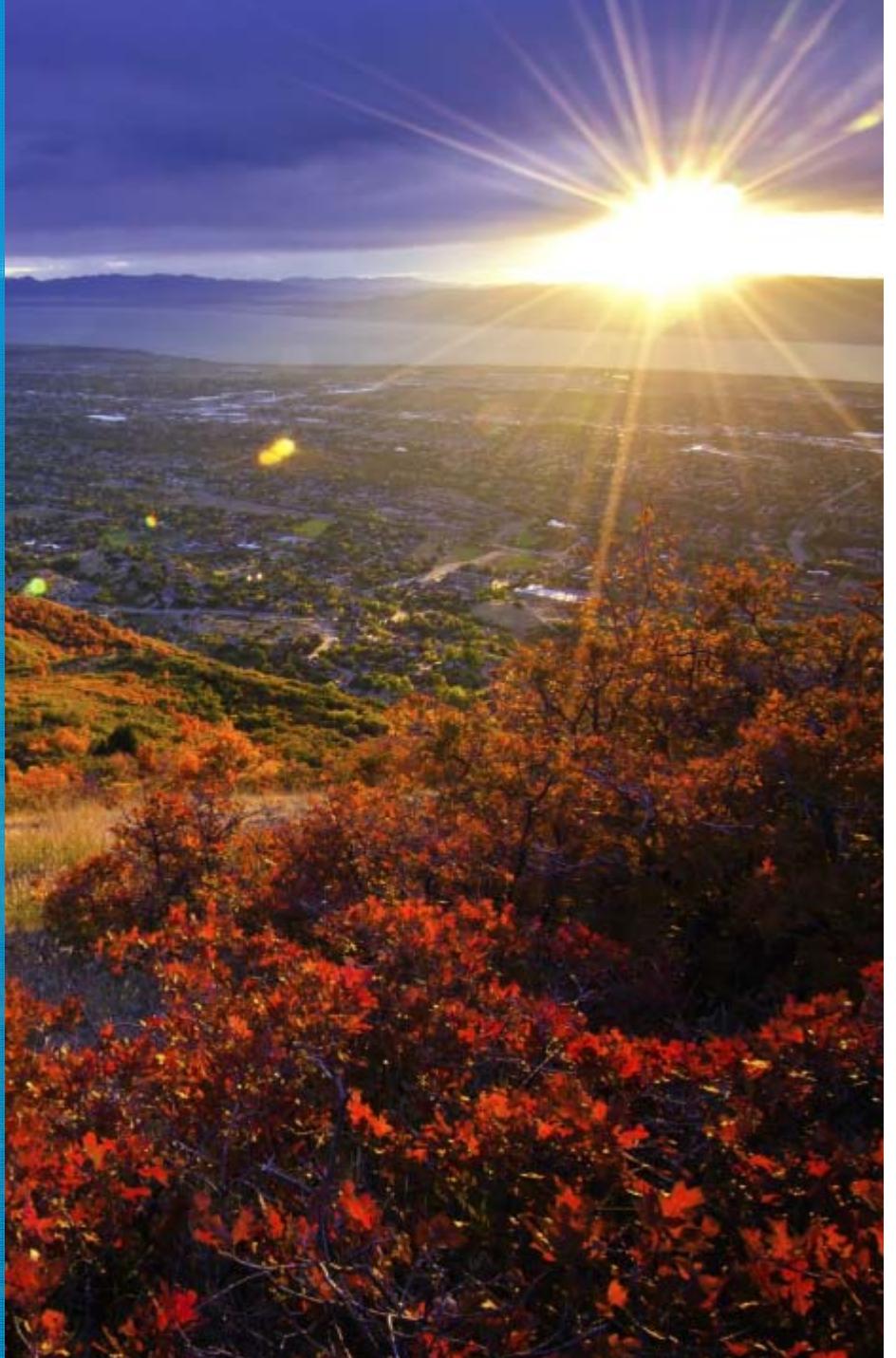
WELCOME HOME

LUCA: Local Update of Census Addresses

PROVO CITY

GEOGRAPHIC INFORMATION
SYSTEMS

October 17, 2017



Key

What is GIS?

It's making maps digitally with computers *in an effort to improve decision making and increase efficiency.*



GIS Projects

Provo 360

Predatory Towing Maps

Mobile: Stormwater Asset Management

Construction Map

Mobile: Blue Stakes

Deer Complaints Map

Coming soon: List of official maps in codebook

Mobile: Water/Sewer Asset Management

Election Results Map

Maps.provo.org

Mobile: Sign Asset Management

Licensing

GIS Home (Internal)

2017 Aerial Imagery

Mobile: Tree Inventory

2020 Census LUCA

Mobile: Recycle Bin Distribution



Key Staff

The Core Provo City GIS Team

(a federated organization)

GIS Admin Team – IS Division:

- Phil Uhl – GIS Administrator
- Stan McShinsky – GIS Web Developer

Energy Dept:

- Jared Curle
- Marah Sanders

Public Works:

- Liz Nesbit – Water/Sewer
- Scot Allen – Stormwater
- David Michelsen – Addresses/Roads

+ many more users
of different levels...



Census 2020

LUCA: Local Update of Census Addresses

Purpose: Give local governments the opportunity to review and update the residential address list to be used during the census. The Census Bureau relies on the accuracy of this list to reach all residences.



LUCA: Key Points

- This is a voluntary program
- Stringent confidentiality requirements
- Participation through an online Census GIS tool
- LUCA workshops coming
- Currently: completing registration forms

LUCA: Calendar

- January 2017: Advance notice mailed to local officials
- July 2017: LUCA invitations and registration materials mailed
- October 2017: LUCA training workshops begin
- Feb-April 2018: Participants review and update the Census Bureau's address list
- Feb-Sept 2018: Census Bureau processes LUCA submissions.



Other Census Initiatives

Boundary and Annexation Survey

- Tell the Census Bureau our city limits

Other Census Initiatives

PSAP: Participant Statistical Areas Program

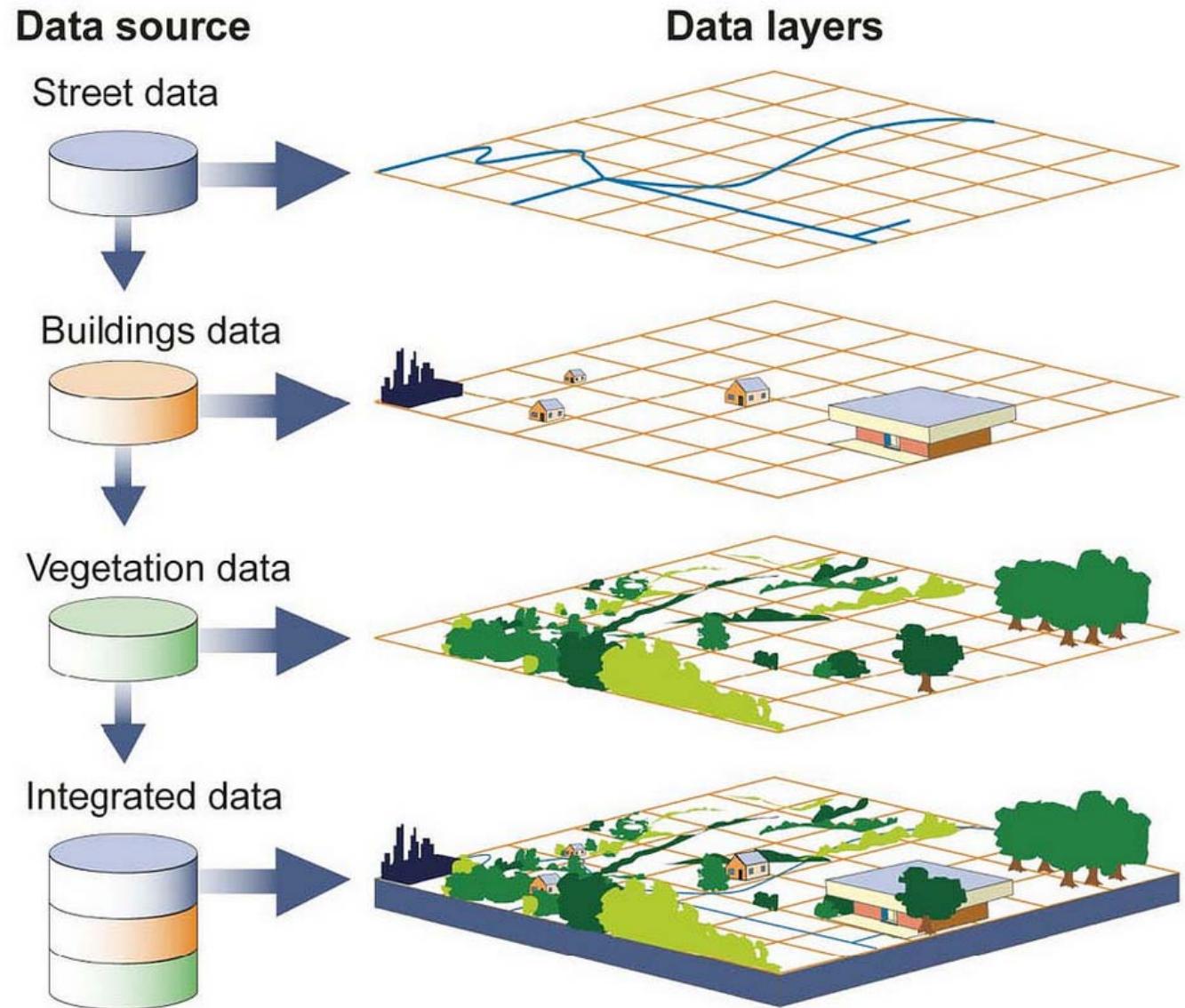
- A chance to influence block groups and census tracts (Mag)
- Also recommend precinct adjustments to Utah County
- View data in [GIS Home](#) our internal mapping application

Other Census Initiatives

Demographics...not so much

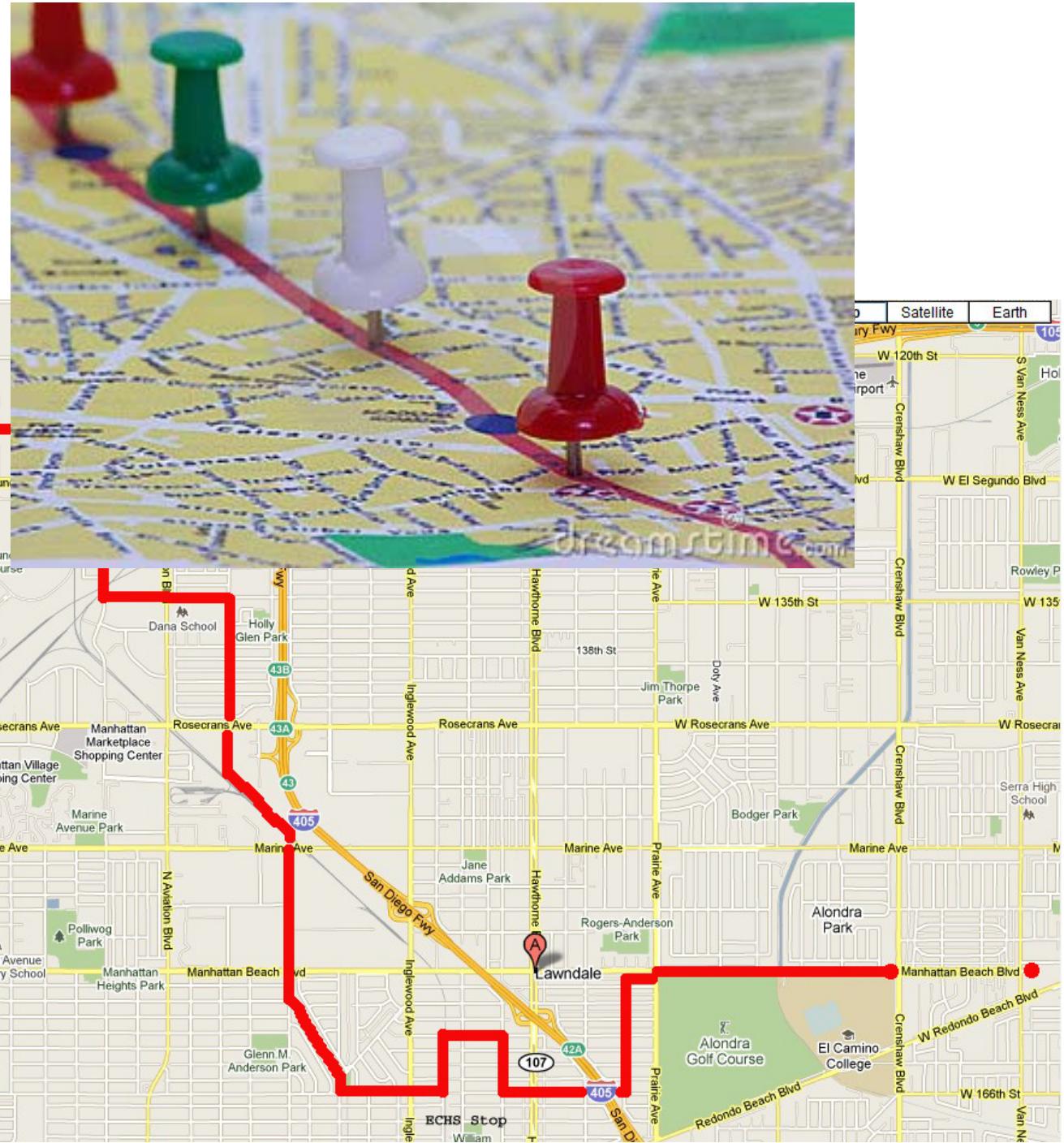
- Redistricting...yes: Council and School Board
 - redistricting.provo.org

Layers and
layers of
mapping data
are created



Mapping data
is made
intelligent in
the database

For example,
adding
intelligence to a
road line on the
map makes
finding a good
route to your
destination
automatic (almost)



Provo City GIS

Parcel Lines
Street Center Lines
Addresses
Zoning
Historical Rezones
General Plan
Neighborhoods
Council Districts
Precincts
COP Grid
Primary Fire
Primary Medical
First Alarm Areas
Fire Hydrants
Hydrant Inspection Districts
AED Locations
Fire/EMS Locations
Patrol Beats
Master Street Plan
Contours

Some of Provo's GIS layers

Wetlands
High Water Table
Fault Buffer Study
Sherwood - Bldg Hold
2000 Imagery
2009 Imagery
2012 Imagery
2013 Imagery
2015 Imagery
New Construction
Redevelopment Areas
Building Footprints
Hazard Data
Permit Parking Areas
Recycling Areas
Sanitation Areas
Annexation Policy
Historic Districts
Points of Interest

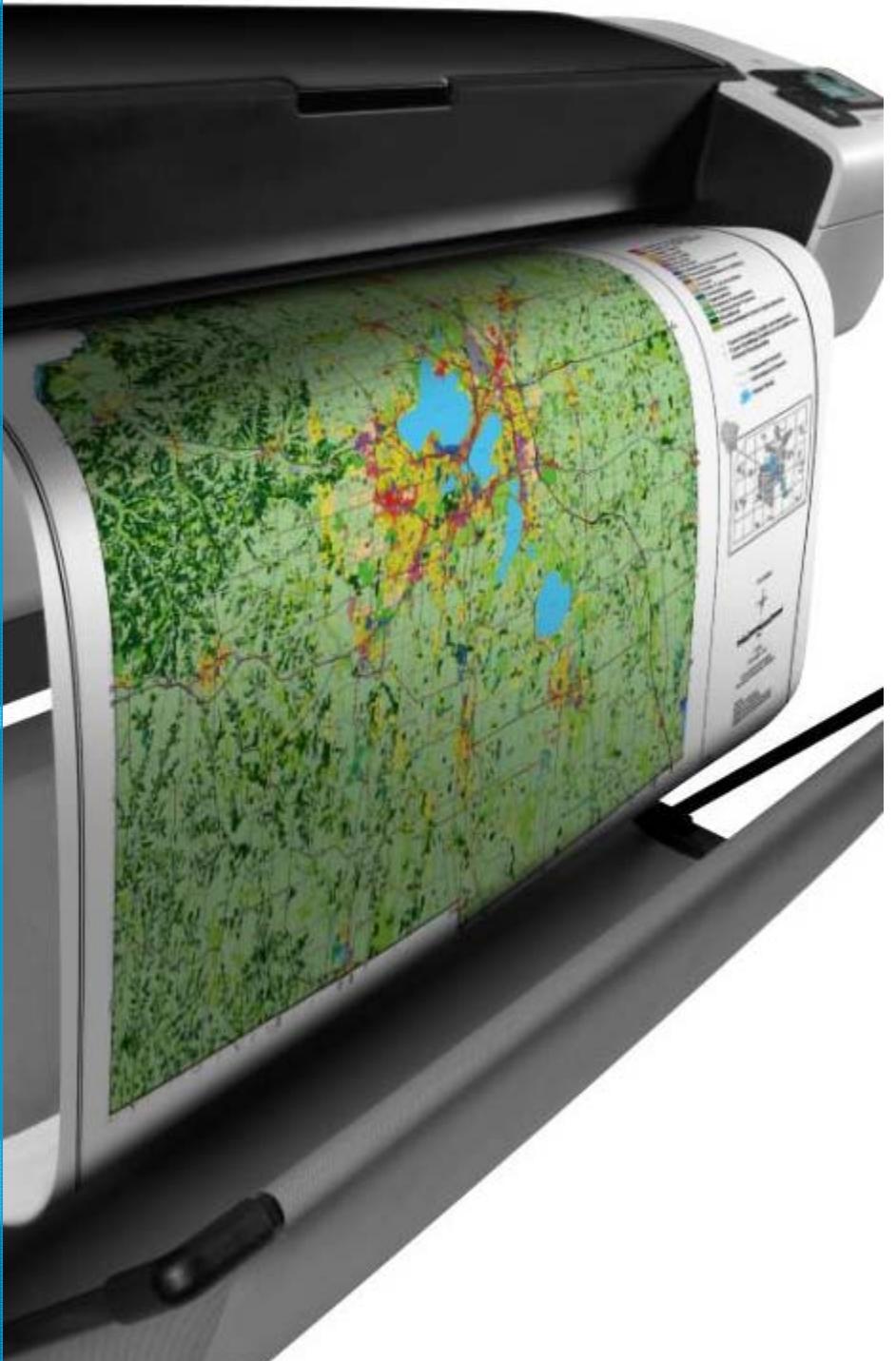
Trails
Bike Master Plan
Schools & Boundaries
School Board
Polling Places
Fiber Data
Cartography Layers
Annotation (Roads)
Railroads
Census Blocks & Tracts
City Limits
Grids
Conservation Easements
Design Corridors
Electrical +
Water +
Storm Water +
Sewer +





Thank you

Phil Uhl – GIS Administrator
puhl@provo.org



GIS Home

The screenshot shows the Provo Online Maps GIS Home interface. At the top left is the title "Provo Online Maps". To its right is the main heading "GIS Home". Below these are two tabs: "GIS HOME V1.1" (selected) and "Old GIS Web". On the far right are standard map controls: a magnifying glass for search, a grid icon, a stack icon, a print icon, and a refresh/cross icon.

The central area is a map of Provo, Utah, featuring a grid street pattern. A red line highlights a specific route or feature, likely a water main. A green polygon covers a portion of the city, possibly indicating a specific area of interest or a recent event like a water main break. The map also includes labels for "RIVER RAIL COURTESY CLUB", "200 N", "100 E", and "100 W".

To the right of the map is a "Layer List" panel with a black header. It contains a list of operational layers, each with a checkbox and a downward arrow:

- Address
- Subdivisions
- Parks and Trails
- Major and Local Street Plan
- Provo Fiber
- Power
- Water
- Sewer
- Storm Drain
- School
- Neighborhoods
- Sanitation

A workhorse for staff in house & in the field (water main break incident)



1

SELECT A DISTRICT
from the list below.

- District 1
- District 2
- District 3
- District 4
- District 5
- Unassign

Submit Plan!

Start Over

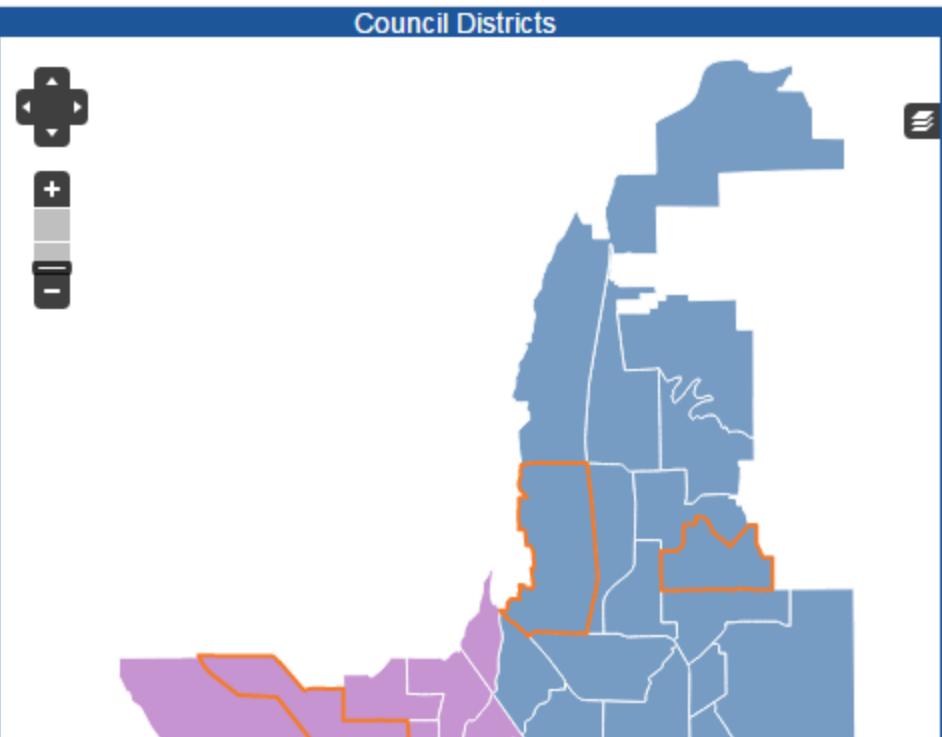
View Plans

2

CLICK ON PRECINCTS
to change their colors (districts)
on the map.

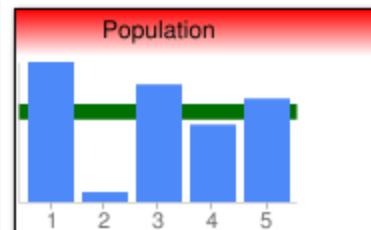
3

BALANCE POPULATION
for each district until they are close
to equal by using the charts below.
Then submit your plan.



Precinct	36
Population	1,899

Precinct Information



Population levels must get close
to the green bar to submit plan.

DISTRICT	POPULATION
1	37,555
2	2,420
3	28,565
4	18,804
5	36

Redistricting in a rough political sport – not so much now

City Wide II

Loop ALL races (20s)

Refresh SELECTED race (60s)

City Wide II [refresh](#)

STEWART

WYTIAZ

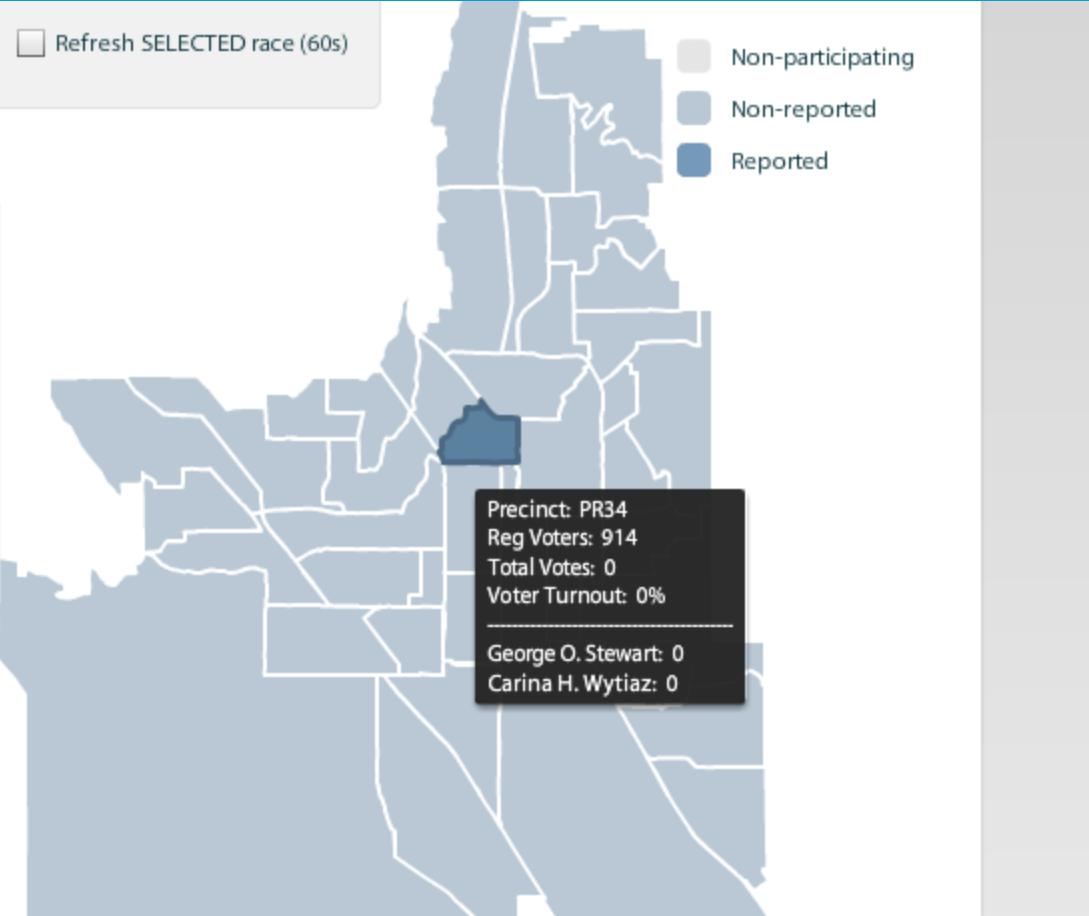
Race Statistics:

Number of Precincts in Race: 45

Number of Precincts Reporting: 0 (0%)

Number of Registered Voters: 41737

Total Voter Turnout for Race: 0 (0%)



Provo's source for election night results after polls close



Provo Online Maps

parkfinder.provo.org

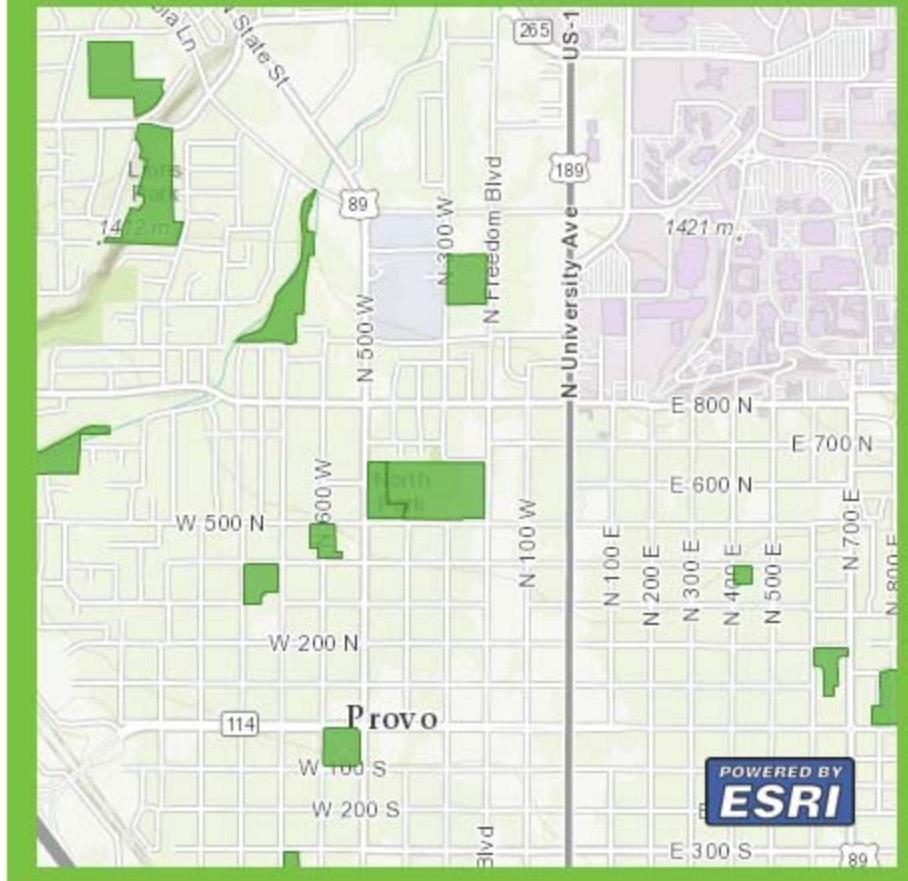
Find Park! | Results | Summary

Filter Parks

**Uncheck all filters to load all parks.

<input type="checkbox"/> Basketball	<input type="checkbox"/> Bathrooms
<input type="checkbox"/> Grills/BBQ	<input type="checkbox"/> Horseshoe
<input type="checkbox"/> Pavilion	<input type="checkbox"/> Picnic Tables
<input type="checkbox"/> Playground	<input type="checkbox"/> Power/Lights
<input type="checkbox"/> Soccer	<input type="checkbox"/> Softball
<input type="checkbox"/> Tennis Courts	<input type="checkbox"/> Trail Access
<input type="checkbox"/> Volleyball	<input type="checkbox"/> Water Taps
<input checked="" type="radio"/> Search all parks (City-wide)	
<input type="radio"/> Search current map extent only	

Search for Parks!



The map displays the city of Provo, Utah, with various parks outlined in green. The map includes street names like State St, N University Ave, US-1, N Freedom Blvd, N 300 W, N 500 W, N 600 W, N 100 E, N 200 E, N 300 E, N 400 E, N 500 E, N 600 N, N 700 N, N 800 N, W 100 S, W 200 S, W 300 S, W 400 S, W 500 N, W 600 N, W 700 N, and W 800 N. Major highways 89, 114, and 265 are also shown. A logo for "POWERED BY ESRI" is in the bottom right corner of the map area.

Identify parks with the amenities you want. Tennis anyone?



Provo Online Maps

maps.provo.org/construction

Provo Construction

The map displays a grid of streets with major roads like I-15, US-189, and S. STATE ST. A legend at the top indicates 'Active' (yellow) and 'Planned' (green) projects. The 'Step Screen/Headwords Building' project is shown as an active site. The callout box contains the following information:

Status:	Active
Address:	1685 SouthEast Bay Blvd.
Project Description:	Replace Deteriorating equipment and improve efficiency
Current Progress:	Demolition of existing equipment
Traffic Impact:	None
City Project Leader:	Shane Jones
Project Lead Phone:	(801) 852-4773
Project Lead email:	sjones@provo.org
Contractor:	Gerber Construction
Contractor Phone:	(801) 407-2000

Look for this one to grow into a nice hub for community info



Provo Online Maps

maps.provo.org

The screenshot shows a map interface for the address 351 W Center St, Provo, UT. The map displays several panels: a top-left panel with a search bar containing '351 W Center St' and a 'Wrong Location?' button; a top-right panel with a 'Find out more about Provo City, Utah.' link; a middle-left panel with a 'Detail Summary' table listing local entities like PROVO CITY CORPORATION, Central Business District, Franklin Elementary, Dixon, Provo, Julie Rash, PF, D, PR14, Calli Hales, Norman Thurston (R), Curtis Bramble (R), 84601, Monday, and Monday; a middle-right panel showing a detailed view of the Central Business District; and a bottom-right panel showing a larger area around Center St. A callout bubble over the map provides links to Details, My Polling Place, Street View, School Bus Stops, Parcel Info, Park Finder, and Election Results.

Our main map for citizens – find information relevant to location



Analysis

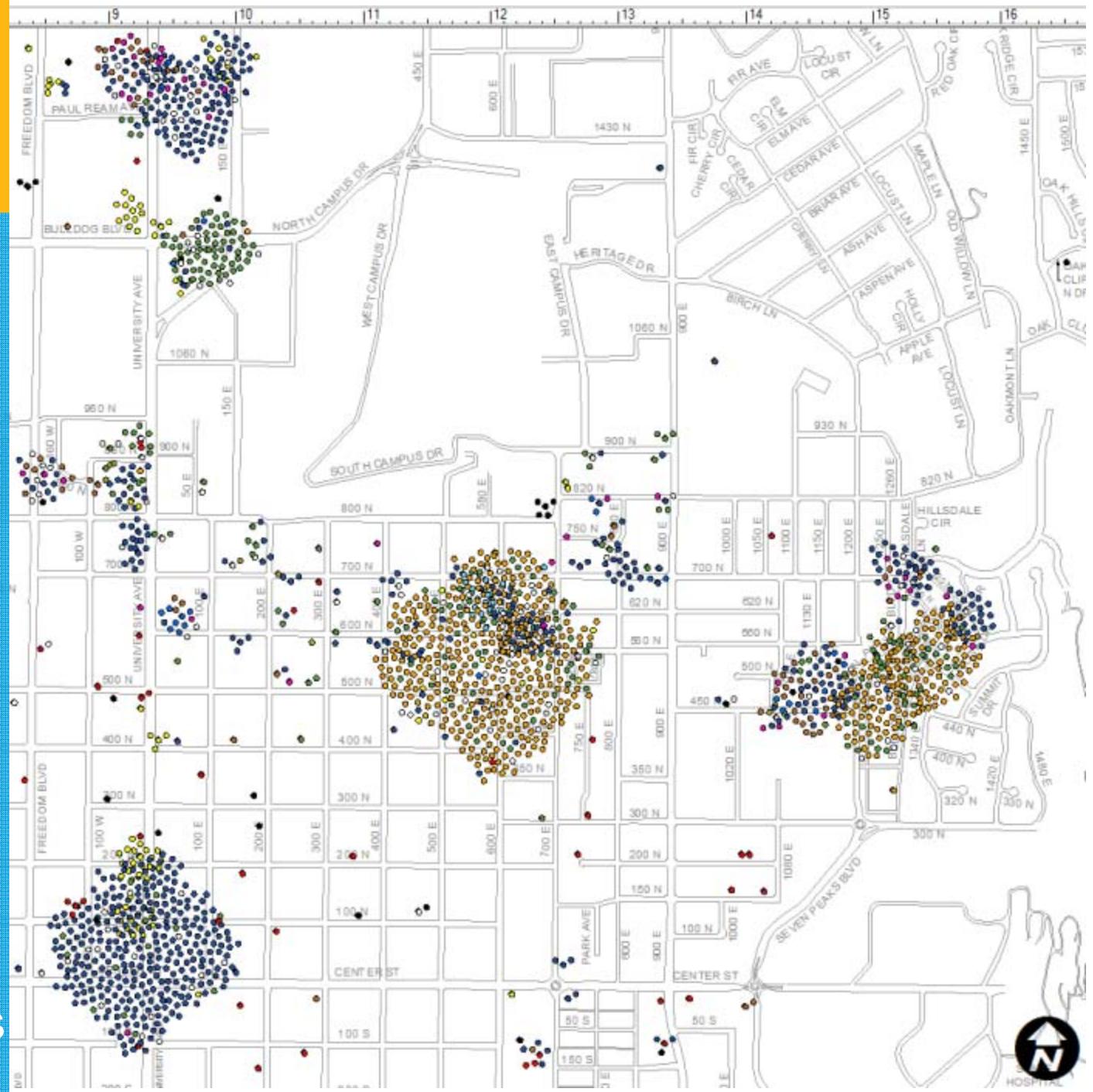
You could take
this information
and...

	B	C	D
	When Reported	Respond-to Address	Call Taker Comments
1	1/1/2014 0:12	55 N UNIVERSITY AVE	black 2002 mercedes 240 u
2	1/1/2014 0:14	55 N UNIVERSITY AVE	black 2009 toyota camry u
3	1/1/2014 1:41	1300 E 580 NORTH ST	black 2014 ford explorer n
4	1/1/2014 2:58	1505 N CANYON RD	gold 2002 ford explorer az
5	1/1/2014 23:07	580 N ARLINGTON DR	black 2008 kia spectra ut c
6	1/1/2014 23:45	580 N ARLINGTON DR	white 1998 honda prelude
7	1/2/2014 2:27	180 S 1600 WEST ST	blue 1995 chevrolet gk2 ut
8	1/2/2014 3:51	1505 N CANYON RD	green 1998 dodge stratus
9	1/2/2014 12:45	55 N UNIVERSITY AVE	silver 2011 honda odyssey
10	1/2/2014 18:42	262 E 100 SOUTH ST	gold 2002 mazda mpv wag
11	1/2/2014 19:49	55 N UNIVERSITY AVE	silver 1999 honda crv ut b
12	1/2/2014 20:17	55 N UNIVERSITY AVE	silver 2001 chevrolet cava
13	1/2/2014 23:25	580 N ARLINGTON DR	SILVER 2000 MERCEDES BE
14	1/3/2014 2:39	1700 N STATE ST	red 1993 ford explorer ut
15	1/3/2014 3:27	556 W 800 NORTH ST	blue 1993 dodge caravan u
16	1/3/2014 3:49	999 E 450 NORTH ST	green 1997 pontiac bonne
17	1/3/2014 12:56	55 N UNIVERSITY AVE; N SR 189 HWY	BLUE 2001 VOLKSWAGEN J
18	1/3/2014 14:09	455 E 600 NORTH ST	white 2001 toyota camry u
19	1/3/2014 14:15	1191 W 900 NORTH ST	GREEN 2005 TOYOTA RAV4
20	1/3/2014 16:48	735 n seven peaks blvd	white 1999 mercedes c280
21	1/3/2014 16:50	455 N 400 WEST ST	red 2004 nissan 350z road
22	1/3/2014 19:05	935 N UNIVERSITY AVE	gray 2011 chevrolet cruze
23	1/3/2014 19:55	55 N UNIVERSITY AVE	gray 2010 pontiac vibe ut y
24	1/3/2014 20:17	55 N UNIVERSITY AVE	silver 1999 subaru legacy
25	1/3/2014 20:31	66 E 1650 NORTH ST	red 1982 subaru brat wl gx
26	1/3/2014 20:52	55 N UNIVERSITY AVE	green 2002 honda odyssey
27	1/3/2014 22:14	720 N ARLINGTON DR	blue 2005 nissan murano
28	1/4/2014 1:54	1436 S STATE ST	green 1998 toyota camry u
29	1/4/2014 2:43	1436 S STATE ST	black 1997 ford mustang n
30	1/4/2014 2:45	404 S 1850 WEST ST	black 2005 dodge neon ut
31	1/4/2014 2:48	1108 S 950 EAST ST	black 2011 bmw 328 temp
32	1/4/2014 23:24	1684 N FREEDOM BLVD	black 2010 acura tsx ut b18
33	1/4/2014 23:25	1684 N FREEDOM BLVD	gray 2006 hyundai sonata
34	1/5/2014 0:13	1700 N STATE ST	white 2000 honda accord u
35	1/5/2014 0:24	775 N UNIVERSITY AVE	gold 1999 mitsubishi galan
36	1/5/2014 2:33	112 W BULLDOG BLVD	white 2003 nissan altima u
37	1/5/2014 18:46	410 N UNIVERSITY AVE	gray 2012 honda civic AB E
38	1/5/2014 19:20	602 E 600 NORTH ST	silver 2012 honda civic ca
39			

Analysis

...And
visualize it like
this...

Map of Provo
Towing Incidents



Satellites &
aircraft
provide
aerial images
for mapping





provo

WELCOME HOME



provo

WELCOME HOME



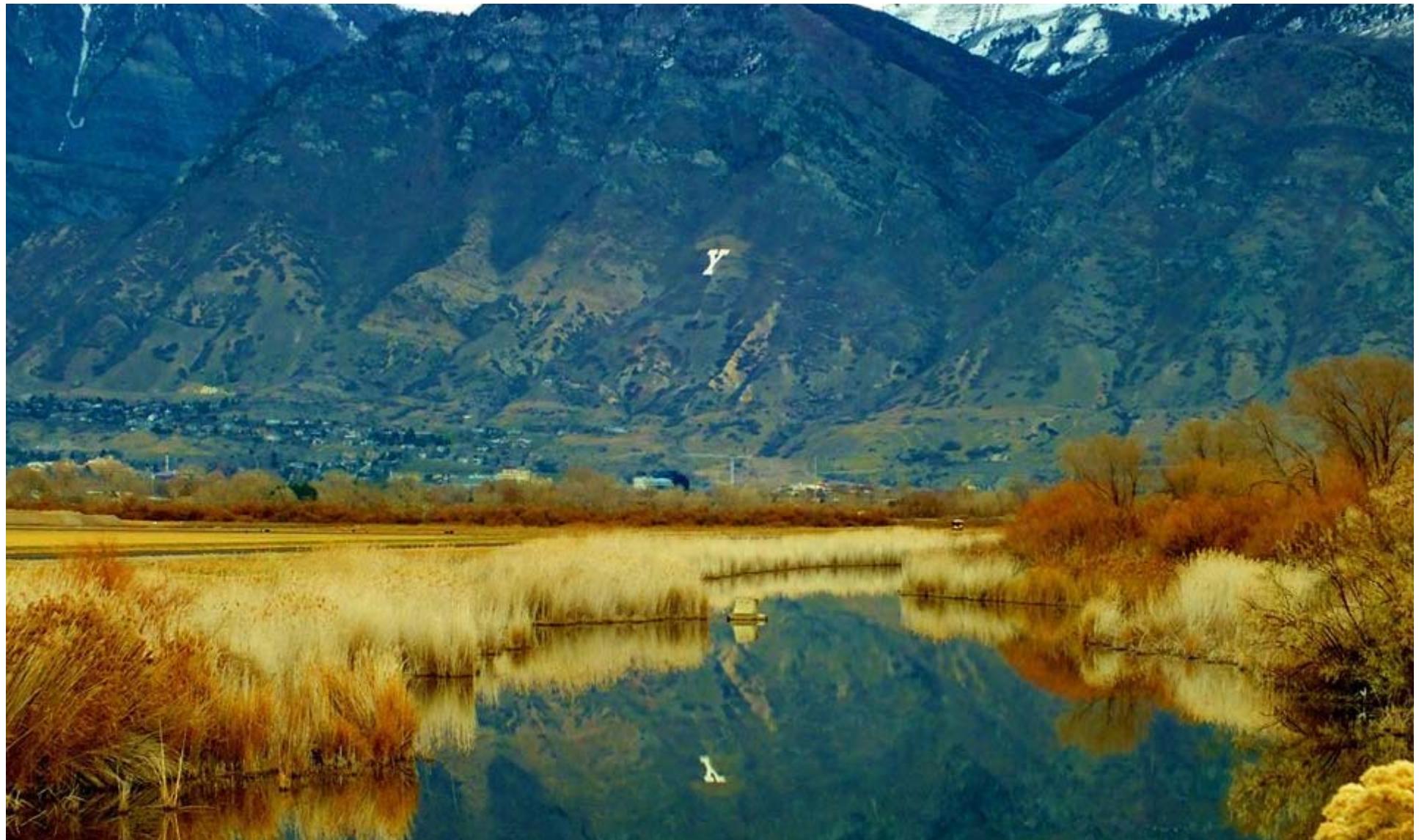
provo

WELCOME HOME



provo

WELCOME HOME



provo

WELCOME HOME

Nutrient Timeline

- 2017 – 2-3 mg/L Phosphorous
- 2020 – 1 mg/L Technology Based Phosphorous Effluent Limit (TBPEL)
- 2025 – TBPEL Compliance with Variance
- 2030 – 0.05 - 0.5 mg/L Phosphorous
 - Regulations for Nitrogen and other nutrients have been discussed by DWQ
 - Pharmaceuticals?
-



PUBLIC WORKS
TEL 801 852 6780
1377 S 350 E
PROVO, UT 84606

Erica Gaddis, PhD
State of Utah Department of Environmental Quality
Division of Water Quality
195 North 1950 West
Salt Lake City, UT 84114
August 23, 2017

Subject: Request for Variance from Technology-Based Phosphorus Effluent Limits under R317-1-3.3.C.d and R317-1-3.3.C.e for the Provo City Wastewater Reclamation Facility

Dear Dr. Gaddis:

Provo City is submitting this request for a variance from the Technology-Based Phosphorus Effluent Limits (TBPEL) under the guidelines established in the Utah Administrative Code (UAC) 317-1-3.3.C. Provo City staff met with Utah Division of Water Quality (DWQ) staff on September 6, 2017 to discuss options for obtaining a variance. Based on guidance received at this meeting, Provo City is requesting a variance in accordance with the provisions included in UAC R317-1-3.3.C.d and R317-1-3.3.C.e.

R317-1-3.3.C.d – The provisions for a variance under this section require the City to “demonstrate that a commensurate phosphorus reduction can be achieved in receiving waters using innovative alternative approaches such as water quality trading, seasonal offsets, effluent reuse, or land application.” The City’s understanding, based on communications with DWQ staff, is that the goal of the TBPEL regulation as it applies to the Provo Wastewater Reclamation Facility (WRF), is to lower the phosphorus level in Utah Lake, and does not have to be tied to the wastewater facility compliance point. Provo is working with various consultants, private companies, and local and state entities to investigate alternatives that will create a commensurate phosphorus reduction in Utah Lake. These alternatives need to be thoroughly vetted, and many include complex agreements that will take significant time to complete. In pursuing this course, Provo will work closely with DWQ to establish milestones and decision points to ensure that Provo City complies with the provisions of the TBPEL regulation found in UAC 317-1-3.3.

R317-1-3.3.C.e – As outlined in this provision, Provo City is in the process of completing its “due diligence toward construction of a treatment facility designed to meet the TBPEL.” To date, Provo City has completed the development of planning documents for the upgrade of the City’s wastewater treatment capabilities including process evaluations, phasing and scheduling plans, and funding evaluations. This effort has resulted in the creation of the following planning documents:

1. Provo Water Reclamation Facility Master Plan (Provo WRF Master Plan)

The Provo WRF Master Plan documents the evaluation of the performance of the existing Provo WRF as well as process upgrades that may be completed to meet the TBPEL. In addition to phosphorus removal to meet the TBPEL, the evaluation includes the analysis of processes for the removal of phosphorus to lower levels than are currently required in anticipation of future regulations that may establish more stringent effluent discharge limits. Based on the charter document for the Utah Lake Water Quality Study, it is Provo’s understanding that additional nutrient limits will not be implemented for treatment facilities on Utah Lake until 2030.

The Provo WRF Master Plan also includes a phasing plan that outlines the dates and timeframes for the upgrade and expansion of the existing Provo WRF to meet the TBPEL.

2. Provo Water Reclamation Facility Preliminary Plant Relocation Evaluation

Provo City is considering the option of constructing a new treatment facility in the existing location or near Utah Lake. This option is being considered based on the assessment of the age and condition of the existing Provo WRF, and the estimated cost of refurbishment. The Site Relocation Evaluation includes an analysis of options for construction of a new facility. These include the construction of a smaller facility (approximately 6 mgd capacity) that will be expanded in phases until the new facility and collection system are fully established and the existing Provo WRF can be decommissioned. During the interim condition, both the new and existing facilities will be in operation and will meet the TBPEL jointly in accordance with the water quality trading provision of UAC 317-1-3.3.C.d.

3. Provo Waste Water Treatment Modifications Schedule and Phasing Plan

The Schedule and Phasing plan expands on the phasing presented in the Provo WRF Master Plan to show the project timeline for key projects for the upgrade of the existing Provo WRF and the construction of a new water reclamation facility. The phasing plan includes key analysis timeframes and the required timing for key decisions. Of critical importance is the timeframe for the City to make a final decision on its selected strategy for meeting the TBPEL. It is the intent of the City to follow the timelines presented in the plan to complete the projects outlined therein.

4. Provo Wastewater Treatment Modifications Project Funding Plan

The Project Funding Plan has been developed based on the cost estimates developed for the upgrade of the existing Provo WRF and the construction of a new treatment facility. The funding plan includes the rate increases that have been approved by the Provo City Council to fund the projects, and presents the revenue that will be received by the City in relation to the capital that will be expended by the City to complete the required projects.

5. Provo City Council resolution confirming the request for a variance in accordance with the provisions included in UAC R317-1-3.3.C.d and R317-1-3.3.C.e.

Provo City is investing significant effort into the evaluation of wastewater treatment options that will meet the current and future needs of its community. The decision between the upgrade of the existing facility and the construction of a new facility is one that is being thoroughly investigated. It is the intent of the City to complete this investigation as outlined in the Schedule and Phasing Plan, and proceed with the design and construction of the projects necessary to meet the TBPEL as outlined therein.

Sincerely,

David Decker, PE
Public Works Director

Attachments:

- Provo Water Reclamation Facility Master Plan
- Provo Water Reclamation Facility Preliminary Site Relocation Evaluation
- Provo Wastewater Treatment Modifications Schedule and Phasing Plan
- Provo Wastewater Treatment Modifications Project Funding Plan

1

RESOLUTION 2017-.

2 A RESOLUTION REQUESTING APPROVAL FROM THE UTAH DIVISION OF
3 WATER QUALITY OF A VARIANCE FROM TECHNOLOGY-BASED
4 PHOSPHORUS EFFLUENT LIMITS UNDER R317-1-3.3.C.d AND R317-1-3.3.C.e
5 FOR THE PROVO CITY WASTEWATER RECLAMATION FACILITY. (17-128)

6 WHEREAS, the City of Provo owns and operates a waste water treatment facility (the
7 Plant) wherein waste water collected is treated and discharged into Utah Lake via the Provo Bay;
8 and

9 WHEREAS, the State of Utah, Division of Water Quality (DWQ), adopted Rule R317-1-
10 3 titled "Requirements for Waste Discharges"; and

11 WHEREAS, the State of Utah, Division of Water Quality, has established Technology-
12 Based Phosphorus Effluent Limits (TBPEL) as a part of Rule R317-1-3; and

13 WHEREAS, Provo City contracted with Water Works Engineers, LLC on September 10,
14 2014 to complete a comprehensive assessment and master plan (the Plan) for the Plant; and

15 WHEREAS, the Plan is nearing completion; and

16 WHEREAS, the Plan has identified that a significant amount of infrastructure at the Plant
17 has reached or is beyond its useful life; and

18 WHEREAS, the construction of a new plant at a new location is under serious
19 consideration; and

20 WHEREAS, the deadline for achieving the TBPEL is January 1, 2020 unless a variance
21 is granted; and

22 WHEREAS, Provo City needs time to consider and evaluate all options for the removal
23 of Phosphorus to meet the TBPEL, including the construction of a new plant; and

24 WHEREAS, Provo City desires to pursue projects that will best meet the needs of the
25 Plant and meet the TBPEL; and

26 WHEREAS, Provo City has exercised due diligence toward the construction of a
27 treatment facility designed to meet the TBPEL in completing the Plan; and

28 WHEREAS, there are a number of innovative options for meeting the TBPEL through
29 commensurate phosphorus reduction; and

30 WHEREAS, Provo City is desirous of obtaining from the State of Utah, Division of
31 Water Quality, a variance for TBPEL until all options for meeting the TBPEL can be thoroughly
32 evaluated.

33 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
34 follows:

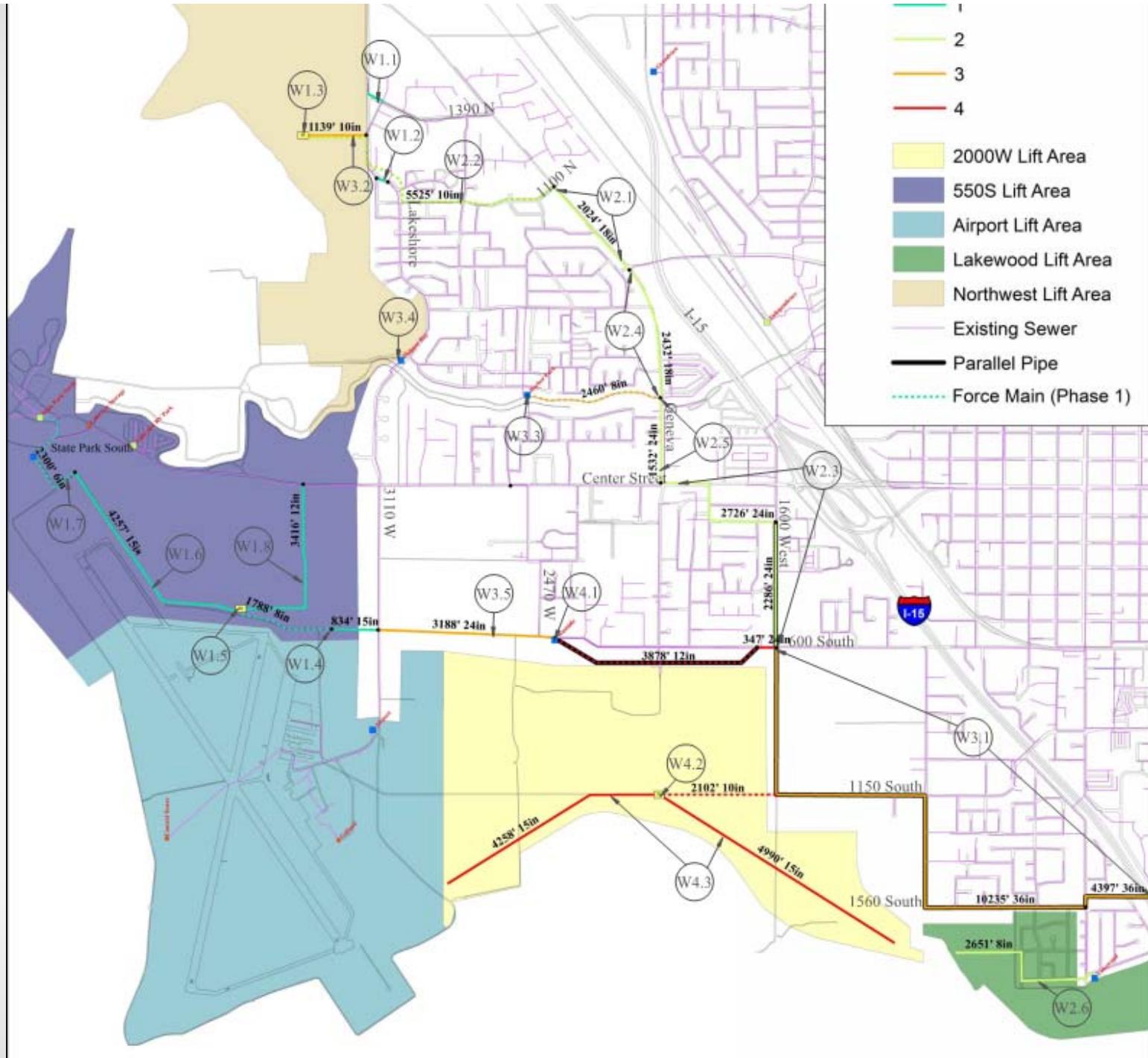
35 PART I:

- 36 1. A request for a variance from the TBPEL shall be submitted to the State of Utah,
37 Division of Water Quality.
- 38 2. Provo City hereby commits to establishing and pursuing a plan to meet the TBPEL by
39 January 1, 2025 as required and allowed under Administrative Rule R317-1-3
40 “Requirements for Waste Discharges.”

41 PART II:

42 This resolution shall take effect immediately.

43 END OF RESOLUTION.



Wastewater
Capital Improvement Fund Summary

Funded Projects

Funding Sources

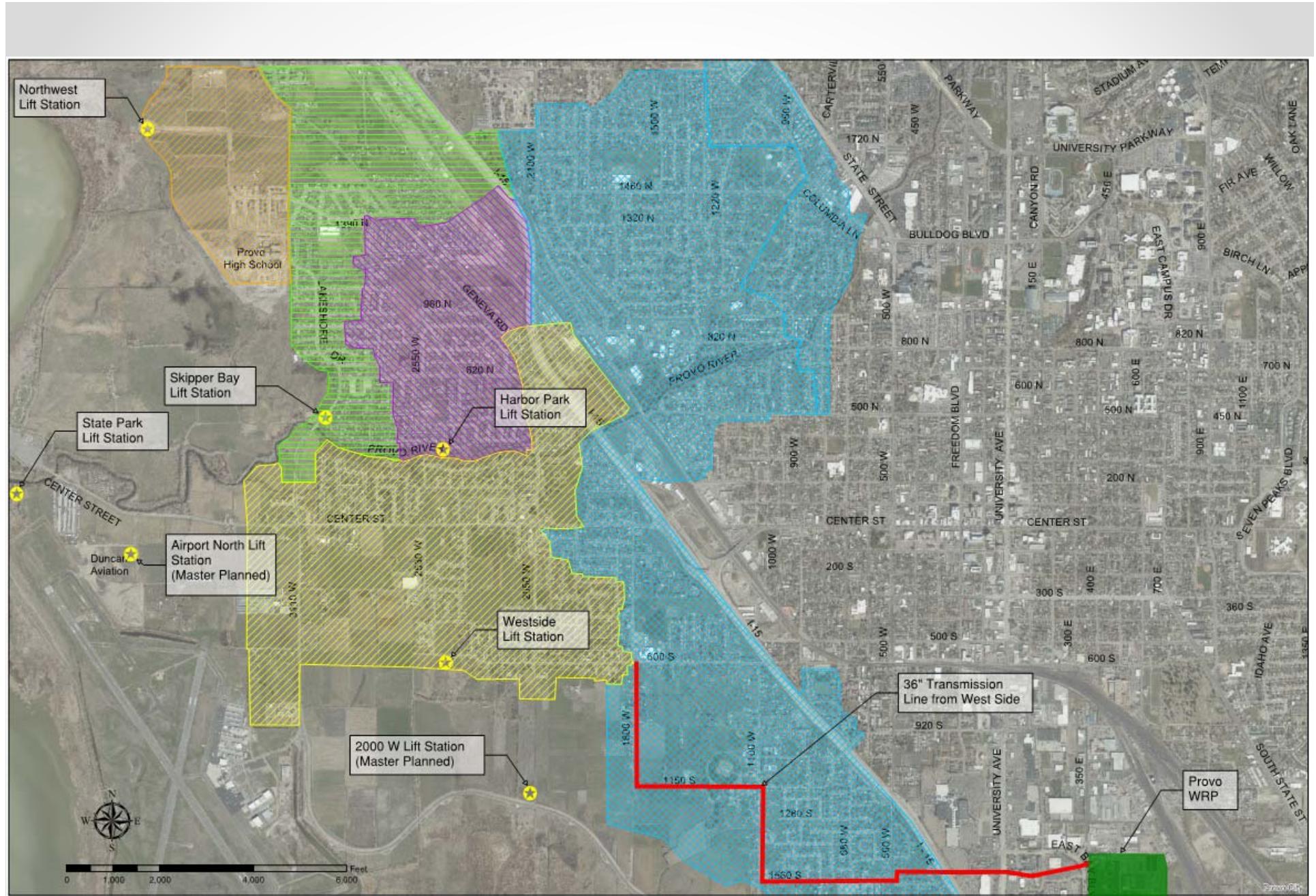
	FY 2017-2018 Estimate	FY 2018-2019 Estimate	FY 2019-2020 Estimate	FY 2020-2021 Estimate	FY 2021-2022 Estimate	Total
Transfers	\$ 5,846,000	\$ 12,159,667	\$ 11,957,000	\$ 5,826,200	\$ 8,531,800	\$ 44,320,667
Impact Fees						-
Total Funding Sources	\$ 5,846,000	\$ 12,159,667	\$ 11,957,000	\$ 5,826,200	\$ 8,531,800	\$ 44,320,667

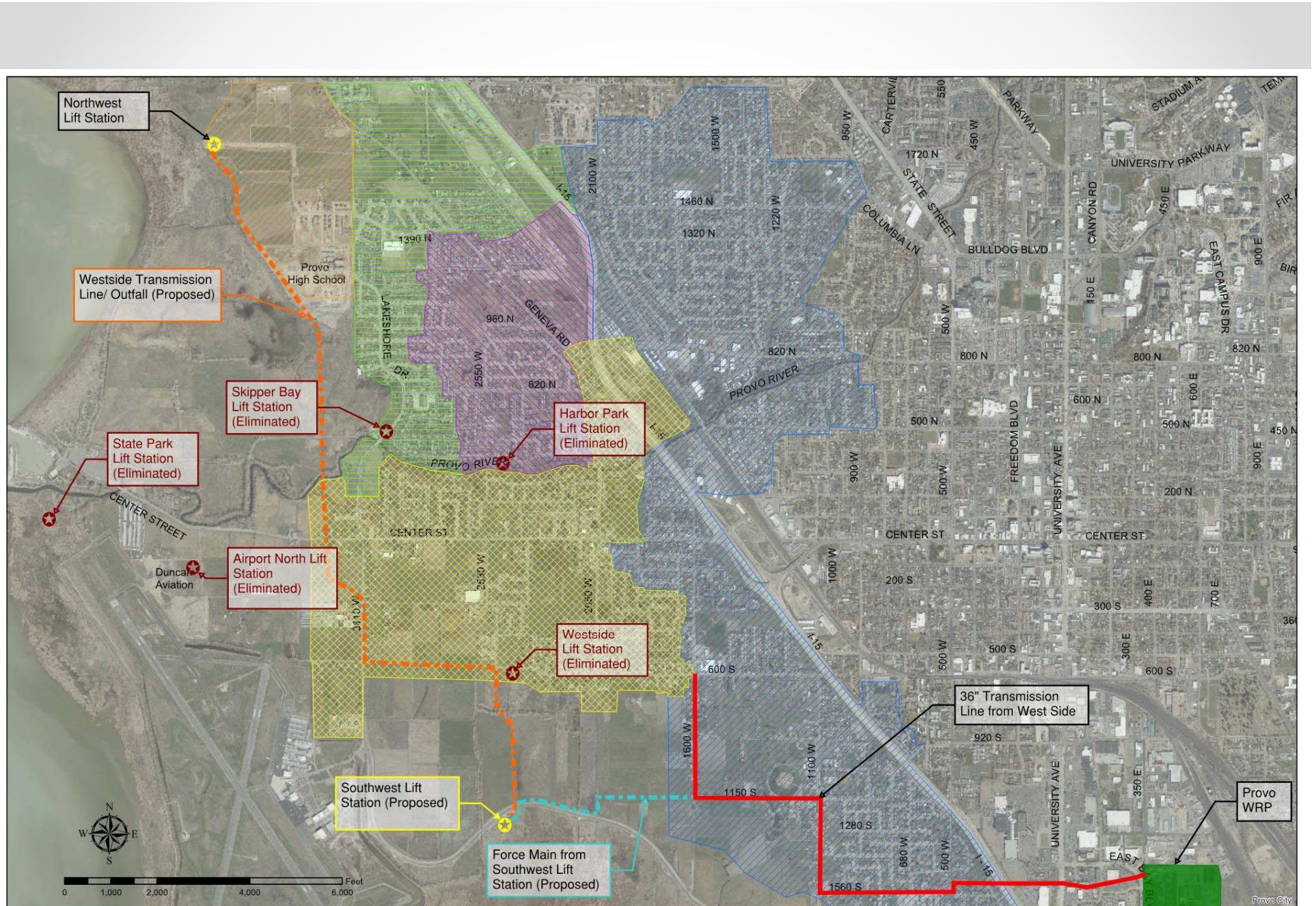
Project Costs

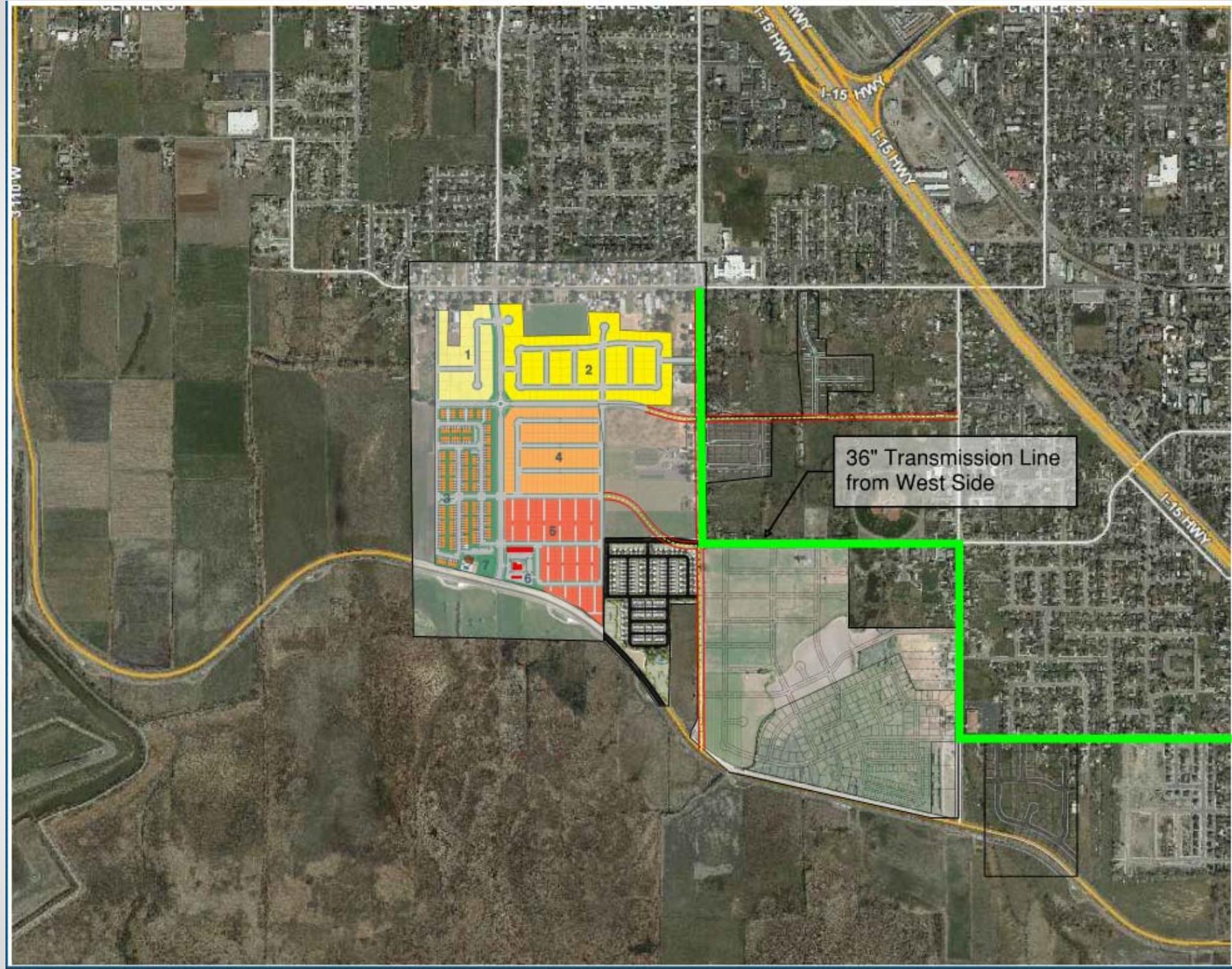
Project Description	Priority Level							Operating Impact
5 - 4516-Collection System Rehab.	1	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 300,000	A
12 - Reclamation Master Plan Projects	1	1,886,000	7,004,667	4,852,000	2,371,200	3,716,800	19,830,667	C
15 - Parallel 36" West Side Sewer Main	1	1,000,000	1,000,000	3,000,000	2,000,000	2,000,000	9,000,000	C
1 - 4505-Misc WWC & WRP	2	20,000	20,000	20,000	20,000	20,000	100,000	B
2 - 4506-Overlay Roads WRP*	2	100,000	300,000	300,000	-	-	700,000	A
3 - 4508-Sewer Main Oversizing	2	50,000	50,000	50,000	50,000	50,000	250,000	A
4 - 4514-Capital Equipment	2	25,000	25,000	25,000	25,000	25,000	125,000	B
6 - 4523-Contingency	2	100,000	100,000	100,000	100,000	100,000	500,000	B
7 - 4549-West Side Sewer Lines	2	-	2,000,000	3,000,000	1,000,000	400,000	6,400,000	B
8 - 4558-Riverside Country Club 18" Sewer Main Line	2	250,000	-	-	-	-	250,000	A
9 - 4548-Nutrient Removal	2	200,000	-	-	-	-	200,000	C
10 - 4559-Mt. Vista Collection System Improvements	2	400,000	400,000	-	-	-	800,000	A
11 - 4551-University Avenue Pipe Bursting	2	-	700,000	-	-	-	700,000	A
13 - 4542-Vehicle Replacement	2	155,000	150,000	300,000	-	-	605,000	A
14 - 4553-Sewer Lift Station Improvements	2	150,000	100,000	100,000	50,000	2,000,000	2,400,000	A
16 - 4560-Collection System Master Plan	2	100,000	100,000	-	-	-	200,000	B
17 - 4561-Public Works Facilities Improvements	2	250,000	150,000	150,000	150,000	150,000	850,000	C
18 - 4540-Roofing	2	-	-	-	-	10,000	10,000	A
19 - Headworks HVAC and Aeration Pumps	2	500,000	-	-	-	-	500,000	C
20 - Stadium Avenue	2	350,000	-	-	-	-	350,000	B
21 - 500 West Repairs - Center St. to 800 North	2	250,000	-	-	-	-	250,000	A
Total Project Costs		\$ 5,846,000	\$ 12,159,667	\$ 11,957,000	\$ 5,826,200	\$ 8,531,800	\$ 44,320,667	

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

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









PROVO CITY COUNCIL

PUBLIC ENGAGEMENT

UPDATE 2017

ENCOURAGE PUBLIC ENGAGEMENT WITH THE COUNCIL

- Improved engagement with students, businesses, HOAs, and landlords
- Technological tools which make the Council more accessible to Provo citizens
 - Council policies and practices which encourage and enable interested stakeholders to learn about, follow, and engage in issues that the Council is addressing

SATISFACTION SURVEYS

LEVEL OF ENGAGEMENT - ANALYTICS

REDUCED RESPONSE TIME

Performance Indicators

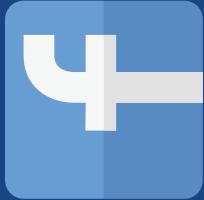
Variety of Tools/Channels



**Provo
Residents**



You
Tube



**provo
NEIGHBORHOOD
PROGRAM**



• "Keep doing it!

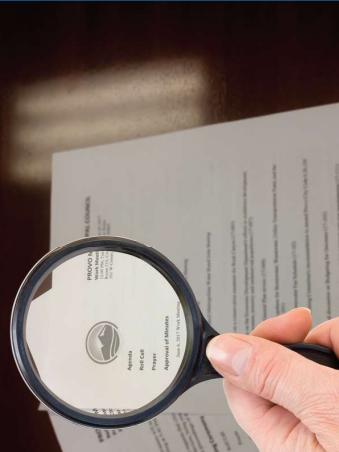
• "I print it out and bring it with me to Council meetings"

• "I am finally able to understand what is on the meeting agenda"

• "Best thing I've seen come out of the Council office"

CITIZENS AGENDA

Citizens Agenda



- 4 editions so far
- 2 have made it into our top 10 blog posts

11,123
reached



621

↑ Increase of 95%
since January 2016

575

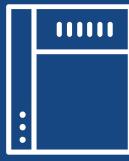
↑ Monthly Average
Increase of 35%
from January 2016

33,355

↑ Monthly Average
Increase of 450%
from January 2016

25,941

Clicks on links to Council and
Neighborhood newsletters
since January 2016



PAGE
LIKES



ENGAGEMENT



REACH



CLICKS

FACEBOOK





TWITTER



YOUTUBE



▲ Increase of 63%
from January 2016



▲ Monthly Average
Increase of 89%
from January 2016



▲ Monthly Average
Increase of 8%
from January 2016

▲ Monthly Average
Increase of 71%
from January 2016

1,044

Unique visitors

188

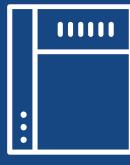
Participated in topics

230

Became subscribers

90%

Satisfaction rate



VISITORS



ENGAGEMENT



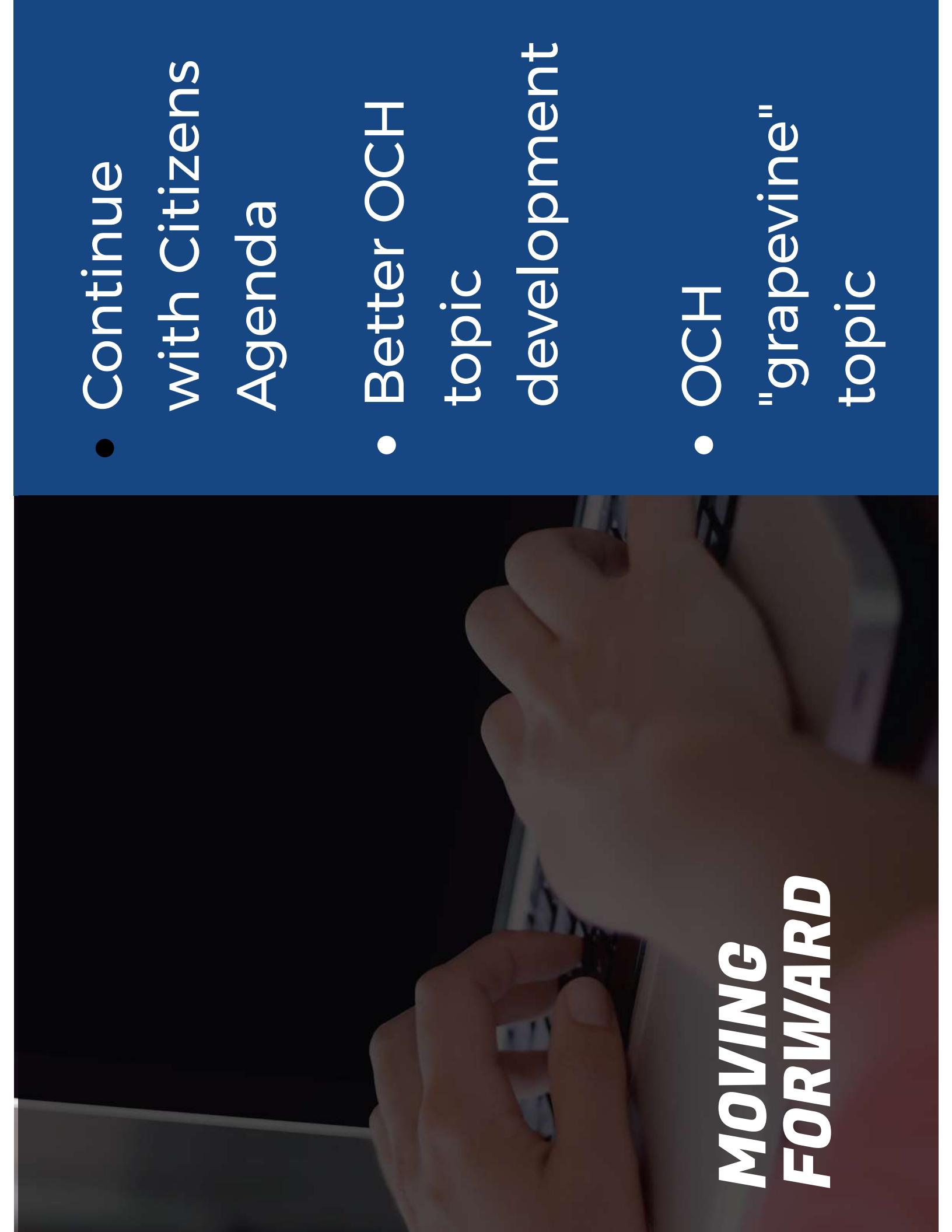
SUBSCRIBERS



SATISFACTION

OPEN CITY HALL

- Continue with Citizens Agenda
- Better OCH topic development
- OCH "grapevine" topic



MOVING FORWARD

PROVO



STRATEGIC

Parking Management

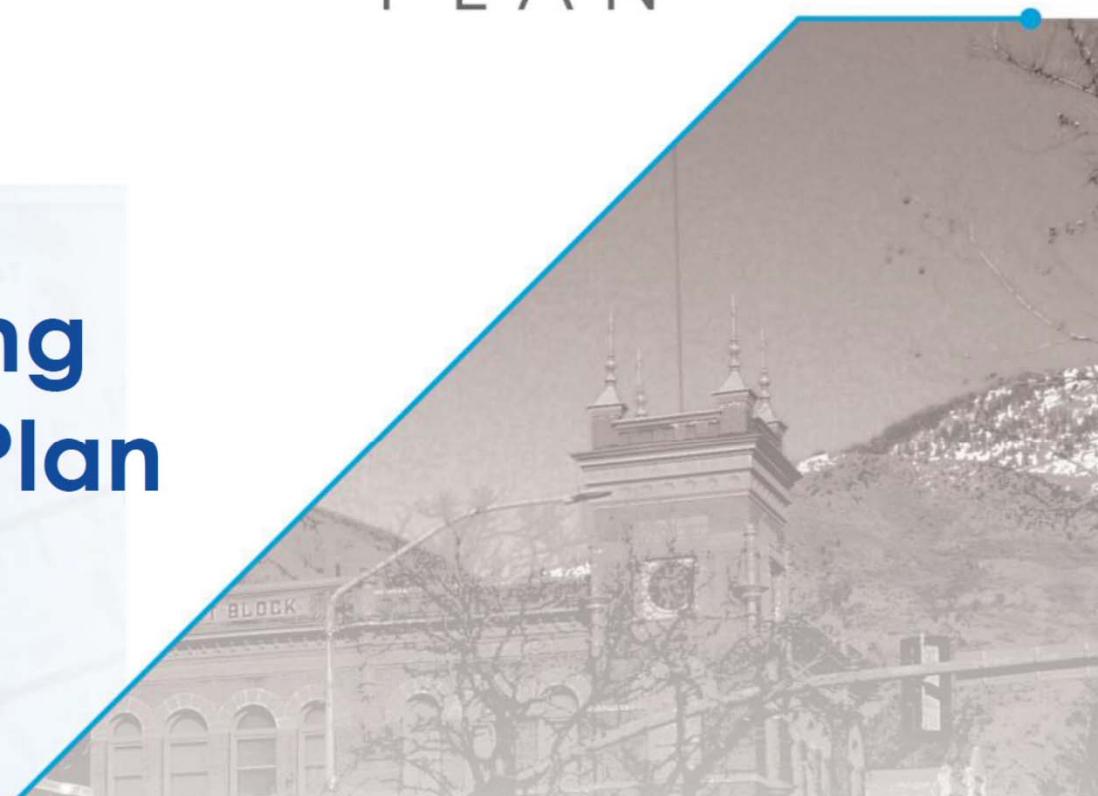
PLAN



PROVO
Welcomes
the World

Strategic Parking Management Plan

DRAFT REPORT



- General Plan (current)
 - 13.8.16 Conduct a parking utilization study and work with all parties to design a plan to better utilize downtown parking.
- Retreat – Reviewed draft plan
- Parking Administrator – Hired
- What's next?
 - Adopt a Strategic Parking Management Plan
 - Include by reference into the General Plan

What to include?

- Parking Vision Statement



"The Provo parking program will strive to develop a superior, customer-oriented parking system, responding to the current and future needs of parkers, including visitors, employees, employers, and property owners through active planning, management, coordination, and communications."

"The Provo parking program shall be considered an integral component of the community's economic development strategies and programs."

What to include?

- Mission Statement



"The Provo parking program is committed to enhancing the parking experience for the City's customers and stakeholders. Parking policies, planning, and programs will effectively support the community's strategic goals and objectives."

What to include?

• Guiding Principles

Recommended Guiding Principles

The goal in crafting these program guiding principles is to develop a comprehensive approach to parking management for the City of Provo that will provide an integrated, action-oriented, and accountable system of parking and access management strategies that supports, facilitates and contributes to a sustainable and vibrant community. These principles are strategic in nature, responsive to the needs of the community and aligned with the larger community's strategic and economic development goals.

These parking program Guiding Principles will encourage the use of parking and other transportation resources to support and facilitate priority economic development goals and serve prioritized user groups. They will also serve as a foundation for near and long-term decision-making relating to parking management and development in the downtown.

Draft Guiding Principle Categories:

1. Organization/Leadership
2. Community and Economic Development
3. Leveraging Technology
4. Planning /Urban Design
5. Effective Management/Accountability
6. Customer Service Orientation
7. Communications/Branding /Community Education
8. Accountability/Financial Management
9. Integrated Mobility Management
10. Sustainability

What to include?

- Action Steps?

Primary Action Items

Beginning on page 125 there is a list of recommended “Primary Action Items”. Below is summary listing of these key recommendations:

Primary Action Item #1: Adopt new program Vision and Mission Statements and Recommended Parking Program Guiding Principles. Hire a parking management professional and implement parking management best practices.

Primary Action Item # 2: Establish the parking program as a separate enterprise fund and combine all parking related revenue streams into this fund.

Primary Action Item # 3: Begin a process to evaluate investment in new on-street and off-street parking technology.

Primary Action Item # 4: Leverage parking as a community and economic development strategy and develop a comprehensive parking planning function.

Primary Action Item # 5: Critically assess the current parking enforcement program using the tools provided. Invest in mobile license plate recognition (LPR) technology.

What to include?

- Action Steps?

Primary Action Item # 6: Develop a proactive facility maintenance program including regular facility condition appraisals, prioritized facility rehabilitation plans and the creation of parking facility maintenance reserves.

Primary Action Item #7: Develop a new parking program brand and marketing program including significant on-going community outreach strategies. (See marketing strategy implementation matrix.)

Primary Action Item # 8: Invest in training and staff development with a goal of mastering the fundamentals of parking system management and operations.

Primary Action Item # 9: Work collaboratively with BYU and neighborhood associations to better define residential neighborhood parking issues and enhance residential permit programs, improve neighborhood permit enforcement (through LPR technology and increased staffing) and to identify and rectify documented safety issues such as intersection line of sight issues, speeding and related problems.

Primary Action Item # 10: Expand the scope of the parking program over time to be more supportive of alternative modes of transportation and embrace more of a “mobility management philosophy”.

Primary Action Item # 11: Address abuse of accessible parking placards to improve parking availability for those who are truly disabled.

General Plan (current)

13.8.16 Conduct a parking utilization study and work with all parties to design a plan to better utilize downtown parking.

Goal 9.6**Implement and administer the Strategic Parking Management Plan.**

- 9.6.1 Develop the Provo parking management system into a superior, customer-oriented parking system, responding to the current and future needs of parkers, including residents, visitors, employees, employers, and property owners through active planning, management, engaging market forces, coordination, and communications.
- 9.6.2 Develop the Provo parking management system will be a vertically integrated city division with responsibility for managing on-street parking, city-owned off-street parking, coordination with privately owned off-street parking, consistent and equitable parking enforcement/citation management and adjudication, parking planning and development, and transportation demand management.
- 9.6.3 The Provo parking management system will be an adopter of technology solutions to enhance customer service and parking information options with a key goal to make parking less of an impediment to visiting the city and more of an amenity.
- 9.6.4 The Provo parking management system shall have an active and comprehensive planning function that is pursued on multiple levels, anticipating and planning for future needs in a forward thinking, “best-in-class” approach.

Goal 9.6**Implement and administer the Strategic Parking Management Plan.**

- 9.6.5 The parking management system will promote the City as a desirable destination for residents, workers, businesses, shopping, dining, and recreation by making parking a positive element of the overall community experience.
- 9.6.6 Parking management programs and facilities will be developed to function as a positive education and marketable asset for the City. A comprehensive branding, education and marketing function will enhance program effectiveness.
- 9.6.7 The parking management system will strive, over time, to be financially self-supporting and accountable to stakeholders.
- 9.6.8 The Provo parking management system will support a “park once” philosophy and a foster a balance of travel modes – including vehicular, transit, bicycle, and pedestrian – to meet community-wide access goals. Parking should support linkages to other forms of transportation.
- 9.6.9 Parking facilities (public and private, on- and off-street) are managed as a capital facility asset necessary for the efficient operation of the transportation system. Capital facility planning and budgets will prepare public assets to maximize their use toward the achieving of city-wide outcome policies and objectives.

- What's next?
 - Adopt a Strategic Parking Management Plan
 - Strategic versus Master Plan
 - Short version or full version?
 - Timing

Baching Singles Overlay

Some thoughts on the case for
modifying and extending the BSO

Comments from Singles

- We're not welcome here
- We're not considered long term
- We don't contribute to the community
- We're not stable homeowners

Foothills Neighborhood Goals

- 1. Increase owner occupancy within the neighborhood.
- 2. Increase the stability of the neighborhood by attracting longer-term residents.
- 3. Increase a sense of neighborhood and belonging.
- 4. Find a permanent resolution to the occupancy violations and concerns within the condominium complexes.

Foothills Continued

- “Encourage policies that encourage baching singles to reside in the South Campus Planning Area and reclaiming former one-family dwellings for one-family occupancy.”
- “New residential developments should focus exclusively on creating residences that appeal to families that will intend to become permanent owner-residents of the neighborhood. Every effort should be taken to ensure that new developments limit or prohibit the opportunity for creating situations that appeal to renting or baching singles.”

Hence the feelings shared

- Foothills is probably where many of the singles would have lived due to the proximity to the law school.
- Instead many have migrated to southeast Provo as part of the ProvoGradHousing.com concept.

US News & World Report on Cars

- Ranges from 0% to 98%
- Variation tended to depend on the community and campus design
- Boise State reported 90% of students had cars
- BYU may be similar
 - Higher number due to out of state students with higher income families
 - Or lower with high number of young marrieds using only one car

Survey Responses

- Housing Type: 50% townhouses, 25% house, 25% condo
- Rooms: 99% private, 1% don't care
- Roommates: 30% wanted four, 35% wanted three, remaining 30% was even among 5, don't care, or live alone.
- Roommates2: 34% wanted four, 44% wanted three, the rest were less than three.
- Bathrooms: Private or shared with one other
- Parking: 93% had one car. 7% had more than one car.

Interesting to note

- Respondents were 75% female
- I personally believe that is why we didn't see much if any 5 to 6 roommate preferences.
- The 5 to 6 occupants really only show up in houses that have five or more bedrooms

Issues with the Current Ordinance

- Pretty much limited to SCPA
- Current parking is two spots per bedroom for 100+ sqft bedrooms, one per unit if less than 100sqft.
- The current definition is 3 or 4. I didn't see a 5 or 6 except in PRO zones or grandfathered units.

Key Points on Concerns

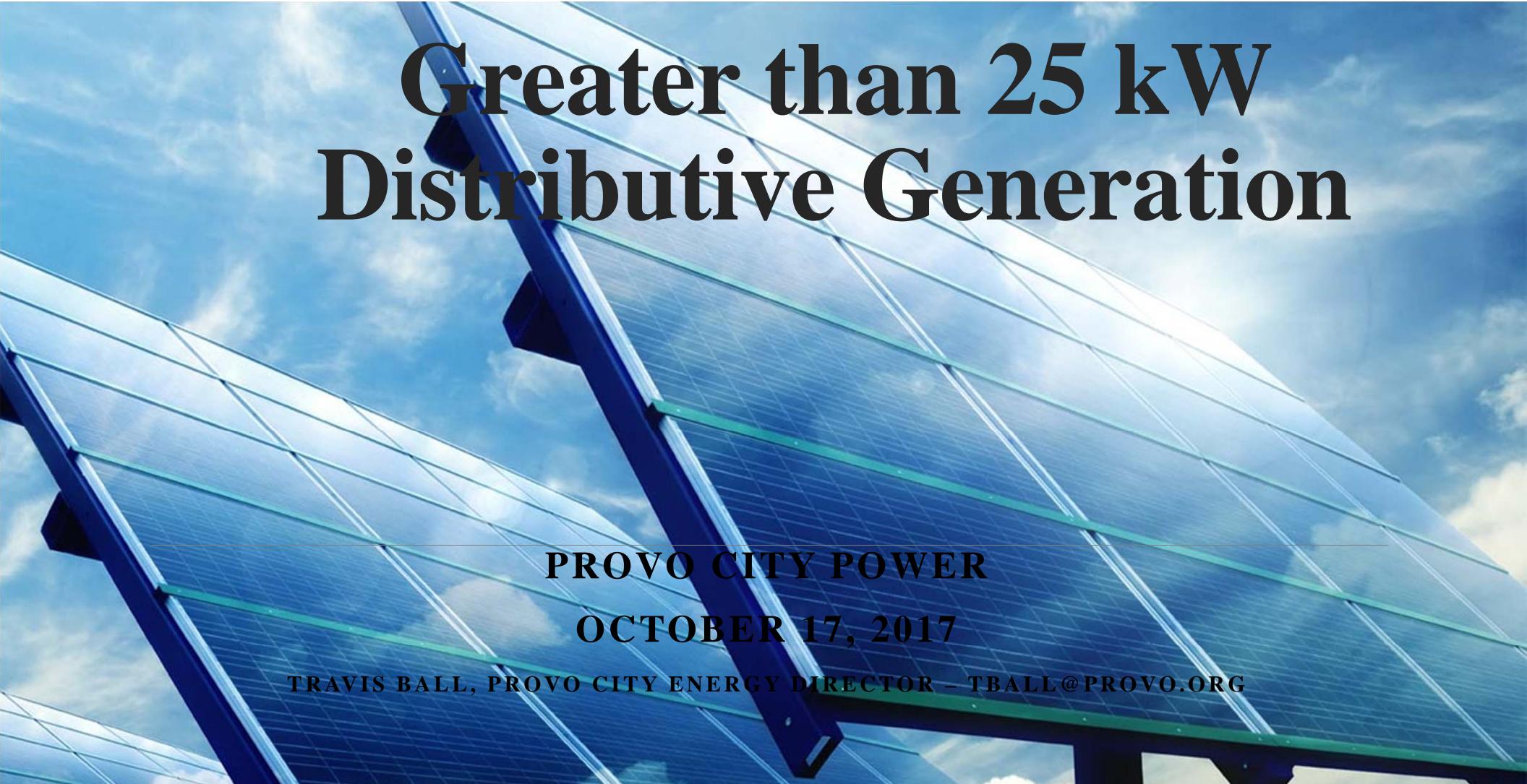
- Current baching is limited to one area (SCPA)
- Current baching is out of date as it uses room size to judge parking requirements.
- Current baching caps at 4, which, isn't really baching so we need to have a 5 or 6 option

Recommendations

- Future baching needs to bring back the 5 to 6 option.
- Future baching needs to have a one to one ratio of occupants to cars with perhaps a 10% bump for guests or make sure to have the streets wide enough to park guests.
- Baching needs to available in neighborhoods, but can be done in conjunction with projects that fit the neighborhood and meet the parking requirements. For example, townhouse style and single family home style apartments.

Final Thoughts

- I think that I would not allow a "conversion". I could see investors sweeping up single family homes to apply for conversions.
- I think it would have to be done through redevelopment or master plans or new construction areas.
- Start with areas where they are already congregating (east of State, maybe downtown)



Greater than 25 kW Distributive Generation

PROVO CITY POWER
OCTOBER 17, 2017

TRAVIS BALL, PROVO CITY ENERGY DIRECTOR – TBALL@PROVO.ORG

Current Provo City Code

12.03.080. Generation or Transmission of Electricity by Entities Other than Provo City.

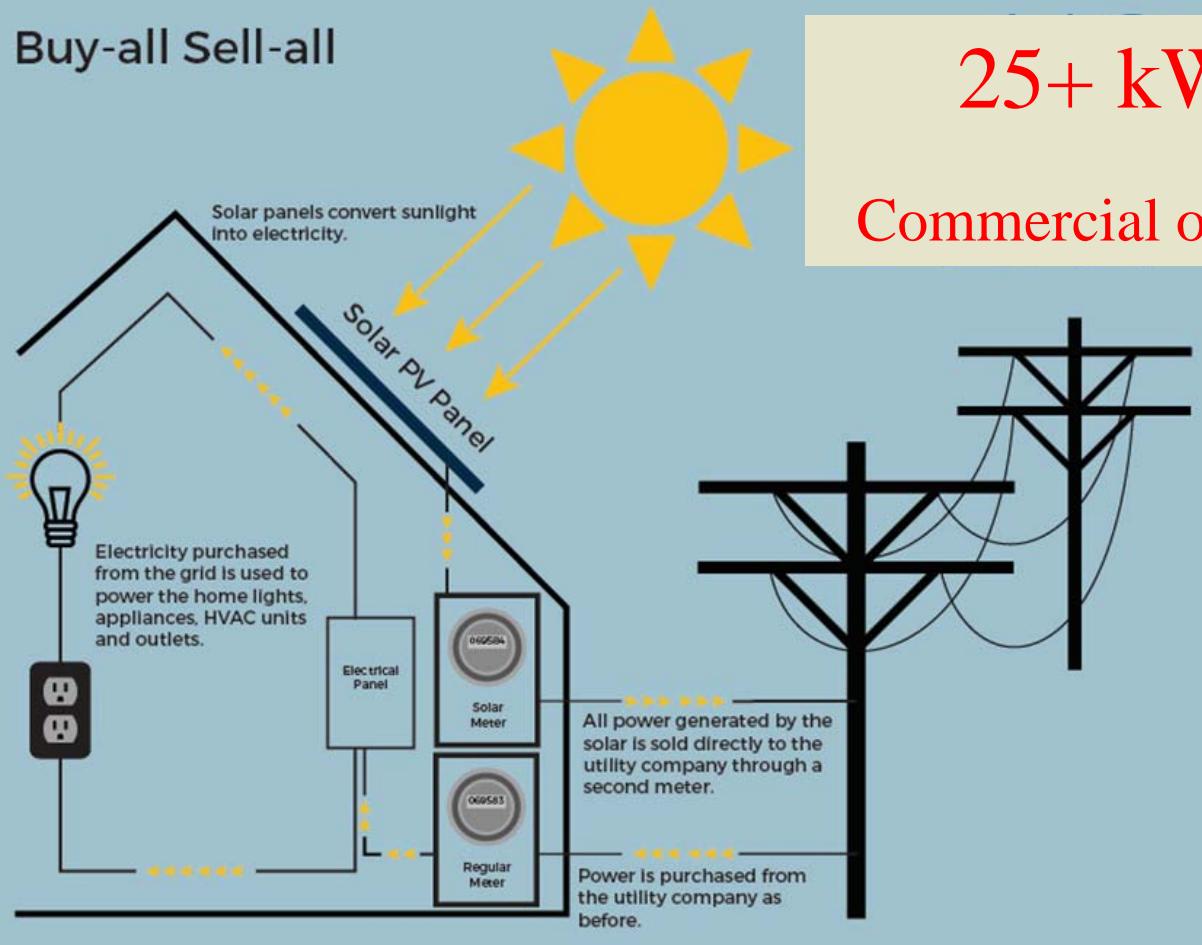
- (1) Electric energy may not be generated in Provo City without a license therefor.
- (2) A license for the generation of **electric energy less than 25kW** by an entity other than Provo City or an interlocal entity of which Provo City is a member **may be issued by the Director of the Energy Department**. The applicant shall complete and submit the license application for consumer generation to the Department. The Department shall have thirty (30) days to review the license application and either issue a license or deny the license request. The Department's denial of a license application may be appealed to the Mayor within thirty (30) calendar days from the date written notice of denial is sent by the Department. The successful applicant/licensee shall comply with the other requirements of this Section prior to construction or installation of any equipment necessary for the generation of electric energy. A license may be issued if the Director finds the following:

UMPA and its Member Cities Commercial/Industrial Distributed Generation Program

- Distributed Generation Greater than 25 kW
 - Commercial and Industrial Consumers
- Buy All – Sell All Approach
- Customer's Usage is Billed at the Retail Rate by the City Utility
- UMPA Purchases all Generation Output at Avoided Cost – sends them a check
- Customer is Paid directly by UMPA for all Generation at the Avoided Cost



Buy-all Sell-all



25+ kW Solar System

Commercial or Industrial Classification

Sell-All

Provo's Existing Commercial Rate

- Customer Charge \$30.16/Mo
- Demand Charge \$14.36/kW
- Energy Charge \$0.0446/kWh

Total Bill

Buy-All

UMPA's New DG Solar Rate (kwh)

- All Generation \$0.06/kWh
or 6.0 cents/kWh

UMPA and Member Cities - Next Steps

Joint Efforts

- Finalize the details of the program: application fee, size +25kW to 750 kW, rate, contract length, etc.
- Develop a sample Interconnection and Power Purchase Agreement (Provo/UMPA/Customer)

UMPA

- Approval by UMPA Technical Committee (8/30/17)
- Approval by UMPA Board of Directors (9/27/17)
- Coordinate review and approval by the Member Cities

Provo

- Draft Ordinance change for this program
- Approval by Energy Board (9/18/17)
- Approval by City Council
- Develop the city process for design review, application for building permit and inspections

Questions



PLANNING COMMISSION
OCTOBER 11, 2017

ITEM 1*

Provo City Economic Development Department requests amendments to the General Plan text for the Spring Creek Neighborhood to allow for SLU#6614 Contract Construction Services and Heavy Manufacturing (M-2) Zoning, located at approximately 4000 South 2300 East. Current zoning is Planned Industrial Commercial (PIC).

Spring Creek Neighborhood

17-0004GPA

Provo City General Plan, Chapter 6, Key Land Use Policies

...

Southeast Area Guiding Principles, Policies and Goals

Private Property Policies

...

9. Area A should consist of a mix of uses, including residential, retail and offices, with a focus on residential. Area B should be developed with a mix of light industrial, **limited locations of heavier industrial or transportation related business uses along major traffic corridors, such as S. R. 75** and limited residential uses with a master development plan. This area includes the Mountain Vista Business Park development.

Provo City General Plan, Chapter 6, Key Land Use Policies (continued)

...

Spring Creek Neighborhood

...

3. Ironton should be developed as an upscale business park, with industrial and commercial uses. ~~within a park-like atmosphere. The City should look for an anchor project, which may include a significant civic or recreational facility, to establish an identity for the planned commercial/industrial park.~~ Ironton Boulevard should be connected to Larsen Parkway, and a traffic control signal should be placed at Valley Vista, Ironton Boulevard or Mountain Vista View Parkway and South State Street, for the benefit of both the Spring Creek and Provost South businesses and residents. **On a limited basis it may be acceptable to allow for more intense industrial or transportation related businesses along major traffic corridors, such as S.R. 75.**

Excerpt from page 18, Land Use Section of the Adopted Southeast Neighborhoods Plan

INDUSTRIAL/MANUFACTURING PLANNED INDUSTRIAL COMMERCIAL (PIC) The Mountain Vista Industrial Park has gone through extensive cleanup efforts by the City to create a place ready for development. The area is poised well for revitalization and should place a high priority on the perception the zone provides to those viewing the area from State Street. Open space and landscaping requirements for this zone should be modified to align better with the original intent of the zone. Although new applications of this zone are not recommended as part of this plan, the areas currently zoned for this type of development should be considered when analyzing the effectiveness of the zoning ordinance. Recommendations to improve the current zoning regulation include increased landscape requirements, enhanced architectural guidelines, and incentives to encourage greenroof construction or screening when viewed from State Street. Although the uses in this area are industrial, the aesthetics of the area can create an inviting atmosphere for those who pass by. Attractive buildings and landscaping can encourage a positive work environment as well which can help to increase the quality of life for the new workforce that could be drawn to this area. **On a limited basis it may be acceptable to allow for more intense industrial or transportation related businesses along major traffic corridors, such as S.R. 75.**

ITEM 2*

Paul Washburn requests a Zone Change from Planned Industrial Commercial (PIC) Zoning to the Heavy Manufacturing (M-2) Zone for approximately 64 acres located at 3750 South Mountain Vista Parkway.

Spring Creek Neighborhood

17-0013R

ITEM 3

Paul Washburn requests Concept Plan Approval for SLU 6614 Contract Construction Services in a proposed Heavy Commercial (M2) Zone located at 3750 South Mountain Vista Parkway.

Spring Creek Neighborhood

17-0019PPA

Current Zoning Map



Current General Plan Map



