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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, October 23, 2018

Room 200, Municipal Council Chambers

351 W. Center Street, Provo, UT 84601

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding

Council Member David Knecht

Council Member David Sewell

Council Member Gary Winterton

Council Member George Handley

Council Member George Stewart

Council Member Vernon K. Van Buren

Mayor Michelle Kaufusi (Arrived 5:44)

CAO Wayne Parker

Council Attorney Brian Jones

Council Executive Director Cliff Strachan

Conducting: Council Chair Gary Winterton

Prayer

Spencer Reese

Pledge of Allegiance

Jace Packer

Approval of Minutes

- **August 7, 2018 Council Meeting**
- **August 21, 2018 Council Meeting**
- **September 25, 2018 Council Meeting**
- **October 9, 2018 Council Meeting**

Chair Winterton declared the meeting minutes approved by unanimous consent.

Public Comment (0:03:35)

Fifteen minutes had been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda. Chair Winterton opened public comment.

Jenny Smith lived on Canyon Road in unincorporated Provo, she sent an email in September to Council and Mayor about things happening in her neighborhood. She wanted to thank those that replied and continued the conversation. Her neighborhood was interested in creating a neighborhood plan that was

reflective of the neighborhood. Mr. Winterton represented the north part of the district where she lived, he encouraged Ms. Smith to contact him directly.

Mary Wade, Dixon Neighborhood, had been working on bike routes for 500 North, but was told by public works to wait until the roads were resurfaced in another 3-5 years. Specifically, she wanted to improve bike access to the library. Ms. Wade shared an experience of being hit by a vehicle while she and her children traveled by bike to the library for story time. There were no injuries and she opted not to report this incident to the police. She thought waiting for resurfacing was understandable, but there was a pressing need to do something. She asked the city to prioritize safe lanes from the Rec Center to Library. She said active transportation was healthy and made Provo better for everyone.

Bryant Jensen lived in the Timp Neighborhood. He had been biking to his job at BYU for the last six years. He echoed Mary's concerns and shared that he had recently been hit by a vehicle just a block from the library, this incident was also not reported to the police. He encouraged Council to consider that the number reported are not reflective of incidents like his and Ms. Wade's because many are not reported. Mr. Jensen previously lived in Eugene Oregon where the culture was to respect cyclists, he hoped for a similar culture in Provo.

There were no other comments, Chair Winterton closed public comment.

Action Agenda

5 Resolution 2018-40 adding the house generally located at 395 E 100 N to the Provo Landmarks Register. Joaquin Neighborhood. (PLLN20180305) [\(0:12:31\)](#)

Motion: An implied motion to approve Resolution 2018-40, as currently constituted, has been made by council rule.

Joshua Yost, Planner, presented. Scott and Whitney Christopherson requested their home be added to the Provo Landmarks Register. The home met multiple criteria described by [Provo City Code 16.05.020](#):

- Built in 1932
- On the National Register of Historic Places
- Associated with the lives of persons significant in the history of the city: Walter and Velma Hedquist (Hedquist Pharmacy and Provo Literary League of Provo)
- Constructed by Joseph Nelson, who was a master architect in the first half of the 20th century in Provo; designed buildings such as the Utah County Courthouse, Dixon Junior High, Grant Building, Amanda Knight Hall, and more
- Was easily identifiable because of its prominent special location on the corner and was an easily identifiable visual feature of the neighborhood

The Landmark Commission recommended adding the home to the Provo Landmarks Register.

Mr. Harding noticed the photo displayed was from 2015, he said a more current photograph was available on social media.

Chair Winterton opened public comment and invited the property owner to speak.

Mr. Christopherson was a professor at BYU and taught documentary film. He also had a master's degree in sociocultural anthropology. He said architecture was an important part of preserving culture. Joseph Nelson was an important architect in Provo, this was one of the primary reasons why Mr. Christopherson wanted to preserve the home.

Megan VanWagenen was a neighbor said they take great care of the home, she hoped the home would be added to the register.

There were no other comments from the public.

Mr. Knecht asked when the last home had been added to the register. Mr. Yost said there had been three additions in the last 18 months, but before that it had been nearly a decade.

Mr. Harding expressed his appreciation to all the property owners who maintain their properties well, especially, those who maintain older homes. He said these homes are assets to the community. Mr. Harding acknowledged registering their homes added restrictions to the property. He was thankful for those in the community who were selflessly willing to do this for the benefit of the community.

Roll Call Vote: The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Chair Winterton responded to an earlier comment from Mr. Sewell who indicated that it appeared there were others who wanted to speak after Mr. Jensen during public comment. Mr. Winterton apologized but declined to reopen public comment. (These individuals had arrived just as Chair Winterton closed public comment.)

6 An ordinance to amend the General Plan Map regarding land west of the I-15 freeway and south of the Provo River. Lakewood, Sunset, Provo Bay, and Fort Utah Neighborhoods. (PLGPA20180225) (0:21:34)

Bill Peperone, Community Development Assistant Director, presented. He explained Community Development formed a steering committee consisting of 13 members, primarily neighbors and farmers from the area who helped prepare and provide input for this land use map. The map had been presented during a neighborhood meeting and on Open City Hall. They received 44 generally supportive comments from the public. After feedback was received, the committee adjusted the map and presented it to planning commission. After being reviewed by the planning commission the steering committee incorporated their feedback. There had been four or five maps created during this process.

Mr. Peperone had the map displayed and provided an overview ([00:23:50](#)).

- The "RES" residential zones would be four units per acre
- Multiple opportunities for commercial development were placed throughout
- 4,060 dwelling units
- Some agricultural land was set aside for preservation
- Land around the airport, McCoard's Greenhouse, and John Hinkley's Property, was in the Airport Protection Area and could eventually become airport related.

Mr. Peperone explained this map was the next step of the west side plan. If adopted, the staff would begin drafting language reflective of the map. The steering committee would remain involved.

The plan called for commercial development on both sides of Lakeview Parkway, as well as the area owned by Smith's near Fort Utah park. The biggest change to the area was the MDR area in east part of the Fort Utah Neighborhood, this would allow for up to 30 units per acre.

There were comments regarding the regional sports park on Open City Hall; some residents felt like there was only value to people who play sports. Mr. Peperone said there would also be neighborhood assets, such as playgrounds and tot lots.

Mr. Knecht asked if guidance was needed from the council on the net versus gross size of the lots. Mr. Knecht preferred R1.10 over R1.16. Mr. Peperone said the current general plan called for four units per acre for the entire area, on a gross calculation basis. Someone with 20 acres could have 80 units, but this worked out to 6,000 square foot lots. The steering committee recommended using a net calculation, so the roads and non-buildable areas were removed from the calculation. The higher density nodes were intended to offset the density loss in areas where there were only 2.8 units per acre. This also allowed for more affordable housing types to balance the more expensive housing on the lower density areas.

Mr. Knecht spoke about the pump stations, sewer lines, and limited capacity. He recognized adjustments could be made, but this this plan took all of this into consideration. Mr. Peperone said Public Works was using this map for their infrastructure plan. Mr. Knecht asked if this met the overall westside goal of four units per acre for sewer capacity. Mr. Peperone said all of the versions of this map were pretty close to 3500 dwellings, but this one was 4000. They were within 500 units of what had been anticipated. If substantial infrastructure improvements were needed, the additional dwellings would help fund this.

Mr. Winterton said the city receives many grants for the airport, it had allowed the city to purchase land for the master plan that could be used for a match towards federal funds. He wondered if this plan prohibited or enabled that strategy. David Decker, Public Works Director, said the map did not prohibit this.

Mr. Handley was not familiar with how something this large would be executed over time. He worried about this being piecemeal and parts being removed or changed, which could change the density. He said the mixed uses were attractive, but he worried they would disappear overtime as plans changed. If the mixed uses were removed, people would need to drive to stores because there was no mass transportation in the area. Mr. Handley asked how this could be prevented.

Mr. Peperone explained that by the time there is an adopted plan, there seemed to be broad based support, so the rezone becomes less controversial. If the application did not match the plan there would not be approval from staff. The written plan would be very descriptive to help developers understand the ground rules.

Mr. Handley asked why the mixed-use areas were only recommended, not required. Mr. Peperone said there were more mixed-use nodes than they anticipated would be developed. He explained they wanted enough flexibility to let the market drive the development.

Mr. Harding pointed out the rezoning still needed to take place and the future zoning would still be up to council.

Mr. Knecht said this was monumental. He said this had been a difficult task and he expressed appreciation to those involved.

Mr. Harding was very happy with this plan. He participated on a previous committee and his desire then had been four units per gross acre, but on average. He was happy to see the mixed densities throughout the area. He said even in the yellow “RES” areas, he would like to see four units per net acre, but on average within that zone. This would allow for varying lot sizes.

Chair Winterton opened public comment. He invited the neighborhood chairs to speak first.

Beth Alligood, Southwest Area Representative, said this was a long time coming. She appreciated the effort. She thought it was a good baseline but did not expect it to be set in stone. Many people focus on commercial nodes, but she pointed out the land by the airport would also be commercial. The neighborhood chairs had been advocating for something like Mr. Harding described with mixed lot sizes. They also wanted opportunities for agricultural preservation.

Tom Halladay was a member of the steering committee. He thought there had been a lot of effort to consider property owners thoughts and feelings. It was a big task to take this on. He said Mr. Peperone and the committee did a good job. This would be an example to other cities. It allowed for growth and conservative adjustments to be made and take care of the wants and needs of the city. As a land owner, he felt that his feelings were taken into consideration. He said not everything he wanted was granted, but the best outcome possible was reached. His concern was that utility infrastructure would not be able to keep up with the growth.

Jonathan Hill, committee member and Fort Utah neighborhood chair, worked on both iterations of the committee. He said if you look at Provo as a whole, there were many district neighborhoods that created unique environments that were each attractive to different groups of people. What draws people to the west side was open space and a slower feel. This plan balanced this idea with affordable housing and density. The higher density nodes were pushed away from the existing neighborhoods. In his neighborhood every open acre has had a proposal at some point. The neighborhood was glad to have the neighborhood plan to support their feelings when reviewing proposals from developers. Lastly, Mr. Hill said there had been many apartments or townhomes built recently, but the city was lacking affordable single-family homes. This housing type was needed to bring in higher incomes and businesses to Provo.

Becky Bogdin, Lakewood Neighborhood Chair, previously detailed her concerns in an email to council. Her neighborhood wanted to remove the commercial node on 1100 west, she felt there was enough commercial in the area. This was also the desired site for Dixon Junior High, according to Ms. Bogdin. She wanted to minimize commercial in other areas to preserve the feel of the neighborhood and give them an opportunity to bring in homes with higher incomes.

Kelly Watson was a representative from Bach Homes, she explained they were under contract on a parcel within a commercial node located in the southeast area of this map near the interchange. Bach Homes understood the desire for a grocery store in the southwest area and had been working with Am Source to find a grocer to bring into their development. Ms. Watson said they had a committed grocer who wanted to locate in this area. However, Bach Homes wanted to reduce the number of commercial acres to 18 and use 19 acres for apartments and townhomes. She hoped council would allow for some flexibility on the density for this parcel.

Mr. Knecht asked if she had met with Dixon Holmes, Economic Development Director, to discuss her plan. Ms. Watson understood that Mr. Holmes wanted to bring in a big box grocery but said he didn't have anyone committed.

Chair Winterton encouraged her to continue working with Community Development, Mr. Holmes, and the Council. He said they were amenable to certain things and would be open to these discussions. Ms. Watson said they were interested in building a nice, family-oriented community that would have a splash pad and other family-oriented amenities. The units would be larger three and four-bedroom units to attract transitional families.

Mr. Holmes said his office was not too concerned with the specific acreage that would be commercial or residential. He appreciated that this was a general plan and not overly specific. It was important to Mr. Holmes not to eliminate the opportunity for commercial development. He also spoke about the continuation of the airport environment for light industrial and/or airport related uses next to the airport. It was important to have the opportunity for future employment at the airport. The plan would allow for those farming in the area to continue to do so. Mr. Holmes thought this plan was a good compromise for all.

As allowed by council rule, Mr. Harding thought it would be beneficial to hear this item again at the next council meeting. He said items passed on the first hearing were routine and non-controversial, but he thought this was monumental and should be heard again.

Mr. Van Buren thanked Mr. Peperone and everyone who participated on the project. He thought this was a good plan.

Mr. Stewart thought with so many people in attendance for this item it would be sensible to vote now.

Mr. Harding was willing to withdraw his request if council felt strongly. Otherwise, it would require five votes to suspend council rules and call for a vote on the item.

Motion: Council Member Stewart moved to suspend council rules and call the item to a vote. Council Member Van Buren seconded the motion.

Chair Winterton invited feedback from the public again. He wanted to know if any of the neighbors felt strongly about this being heard again at the next meeting.

Jonathan Hill said there had been multiple neighborhood meetings and it had been available on Open City Hall, he thought there had been ample opportunity for feedback.

Becky Bogdin preferred the item be continued. She said the commercial node in her neighborhood was only recently added and they would appreciate the opportunity for more time.

Mr. Handley did not feel strongly either way but did not feel there was an urgent need to vote on the item. More time would allow him to gain a firmer understanding of the plan.

Mr. Stewart was sensitive to the fact that people had already taken time to attend and speak to council about the plan.

Mr. Sewell thought it would be best to continue the item since a neighborhood chair still had concerns.

Mr. Stewart withdrew his motion.

The item would be continued to November 13, 2018.

7 Ordinance 2018-30 amending the Zone Map Classification of approximately 77.5 acres of real property, generally located at 1860 South East Bay Boulevard, from Regional Shopping Center (SC3) and Planned Industrial Commercial (PIC) to Public Facilities (PF). East Bay Neighborhood. (PLRZ20180323) (1:14:32)

Motion: An implied motion to approve Ordinance 2018-30, as currently constituted, has been made by council rule.

Joshua Yost, Community Development Planner, presented. He displayed a map of the golf course and indicated the two areas that would be rezoned to Public Facility (PF). One area was Regional Shopping Center (SC3) and the other was Planned Industrial Commercial (PIC). The intent was to remove zones that had been implemented to support redevelopment. The planning commission recommended approval.

Chair Winterton opened public comment.

Becky Bogdin was supportive of the change because it reflected the intent of the golf course and assured residents it would remain a golf course.

There was no desire from council to hear the item again at the next meeting.

Mr. Van Buren thanked Mr. Holmes for requesting the change. Mr. Sewell said it was good to be clear about the intent of the golf course.

Chair Winterton called for a vote on the implied motion.

Roll Call Vote: The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

8 A resolution regarding a pledge of support and to identify measures to be taken to address Utah's housing needs across the State and in Provo City. (18-070) (1:19:00)

Mr. Harding presented. He explained there had been concern about using the word “ensure” and said they had changed this to “committed to” and thought this was a better representation of their intent. There had also been a change to one of the WHEREAS paragraphs to remove the word “fees,” which were currently under review.

Mr. Sewell thought this was a good step forward to publicly affirm the Council’s commitment to doing what they could to provide affordable housing.

Chair Winterton told Mr. Jones they did not want this to be a meaningless resolution. He referred to Section 2 that described minimizing barriers to affordable housing. He did not feel this was specific and said it could be interpreted multiple ways. He asked Mr. Jones if this resolution committed the council to anything specific. Mr. Jones said this did not create or change legislation, this was a statement of intent only.

Mr. Knecht explained the council avoids signing or resolving to do something that was not achievable. He thought it was important to change the word “ensure” because they could not guarantee anything other than doing their best. There was already more affordable housing in Provo than any other city in the county, but they would still try to create new opportunities for affordable housing.

Mr. Handley said this would send a message to other cities and invite them to be part of the solution.

Chair Winterton opened public comment.

Beth Alligood, Lakeview North Neighborhood Chair, had concerns about the resolution. She did not believe it was the City’s responsibility to provide things for people or dictate what could be done by landowners. Ms. Alligood felt like this resolution gave authority to other entities to dictate Provo’s land-use decisions. She felt like this was sacrificing autonomy.

Jonathan Hill, Fort Utah Neighborhood Chair, said he spent fall break in the Bay Area. Affordable housing was a big issue in California. There was an item on the ballot for rent control; he said the media portrayed this as an attempt to do something, even if they knew it would not work. He was concerned that bad policy decisions were made when there was a desperate need to do something. Mr. Hill thought this might limit innovative solutions to the problem. It was a challenge to balance affordable housing with other city priorities.

Becky Bogdin, Lakewood Neighborhood Chair, said having too much affordable housing in her neighborhood was becoming a problem because they were now considered the lower-income area. She did not want to see Provo become the low-income area of the valley.

Mr. Van Buren was opposed to the resolution. The comment had been made that this would send a message to other cities; he thought the better approach was to tell other cities to step up. He said Provo carried this burden for the county and it was time for the other cities to do more. He identified several specific concerns with the wording of the resolution. One section said affordable housing would lead to improved air quality, but Mr. Van Buren doubted there was research to support this. Another section called for action, but the words had been softened and it was vague. Impact fees were scheduled to be reviewed soon; passing this resolution and then increasing impact fees would send a mixed message. He would be voting against the resolution.

Mr. Handley did not see anything in the resolution that was not already part of the City’s stated goals. He said this was not policy, it was a moral declaration of principal. It was a commitment to be attentive to these problems. Housing in Provo would be like Seattle by 2050. He thought this was a low-risk step in the right direction with the potential for high yield results.

Mr. Stewart was not in favor of passing “feel good” resolutions.

Mr. Knecht appreciated Mr. Van Buren’s comments. He discussed what it could mean to minimize barriers. He said the Housing Committee was in the process of reviewing the A and S overlays and possibly combining them. In Central Provo the older lots were usually deeper and did not lend themselves to having accessory apartments. Sometimes, if there was enough land behind the home, a carriage house or casita could be created, but it was not currently allowed. This was something the committee was looking into allowing. NeighborWorks was considering a pocket neighborhood, but there were many technicalities. He said the city was serious about reforming policies to make these projects work. Mr. Knecht said the westside plan was a good balance of infrastructure, economy, and aligning housing needs. The council was already working to minimize barriers. This resolution was consistent with Vision 2030.

Mr. Stewart had concerns about the second item listed in Section 2. It said *“Review and reform existing practices that would negatively impact housing affordability;”* Mr. Stewart said this was difficult with impact fees, especially since there was a study being conducted that would likely result in the increase of these fees. He would be voting no.

Mr. Harding did not feel there would be a loss of autonomy. It was restating what council had already committed to do regarding affordable housing. He thought this was a good way to encourage the surrounding cities to do their part.

Mr. Sewell proposed an amendment to Section 2, Item 1, it said *“Minimize barriers to the provision of all housing and provide housing opportunity for all incomes and life stages;”* He said it was council’s job to minimize barriers; the market *provides* the opportunities for affordable housing.

Motion: Council Member Sewell moved to amend Section 1 to “Minimize barriers to the provision of housing opportunities for all incomes and life stages.”
Council Member Handley seconded the motion.

The word “pledge” was troublesome to Mr. Winterton. A pledge was a promise and he disliked the use of this word in the resolution.

Substitute Motion: Council Member Harding moved to continue the item to resolve the wording in work session and then bring it back to council for a vote on November 13, 2018. Seconded by Council Member Knecht.

Chair Winterton questioned whether the resolution was worthwhile unless it passed unanimously.

Mr. Stewart suggested removing the word “reform” from Section 2, Item 2. He did not mind reviewing, but reforming meant action.

Chair Winterton called for a vote on the implied motion.

Roll Call Vote: The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

9 **THIS ITEM HAS BEEN CONTINUED McClean Properties LLC requests Ordinance Text Amendments to Sections 14.50 and 14.37.100 to allow for new Project Redevelopment Option Zone to permit six additional dwelling units on the property, and to allow for a one-way drive**

isle for parallel parking spaces for property located at 385 N 500 W in the Residential Conservation Zone. Dixon Neighborhood. (PLOTA20180292)

- 10 ****THIS ITEM HAS BEEN CONTINUED**** McClean Properties LLC requests a zone change for approximately one acre of property located at the 385 N 500 W from Residential Conservation to a Project Redevelopment Option Zone to allow for six additional dwelling units. Dixon neighborhood. (PLRZ20180293)

- 11 ****THIS ITEM HAS BEEN WITHDRAWN**** The Provo City Economic Development Department requests a Code Amendment to Section 14.20.160(7) to increase the amount of residential development in a Regional Shopping Center Zone (SC3) Zone from 20% to 33%. Citywide application. (PLOTA20180231)

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:18 p.m.