PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, May 07, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

Decorum

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

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

A presentation of the FY 2019-2020 Tentative Provo City Budget (19-004)

Approval of Minutes

March 5, 2019 Council Meeting Minutes

Public Comment

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

Please state your name and city of residence into the microphone.
Please limit your comments to two minutes.
State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

1. A resolution approving two amended Interlocal Agreements between Provo City and Utah County regarding the funding of the Lakeview Parkway. (19-051)

2. A public hearing regarding a resolution approving the Program Year 2019 Annual Action Plan, Fifth Year update to the 2015 Five-Year Consolidated Plan, as amended. (19-059)

3. A resolution authorizing the Mayor to submit an application for a Utah County Municipal Recreation Grant to be used for Lakewood Park Playground. (19-053)

4. An ordinance amending Provo City Code to update and revise the street cross-sections. City-wide application. (PLOTA20190136)

5. An ordinance amending the Zone Map Classification of approximately 1.92 acres of real property, generally located at 442 and 490 South State Street from General Commercial (CG) to High Density Residential (HDR). Maeser Neighborhood. (17-0010R)

6. A resolution requesting a Certificate of Registration (COR) from the Utah Division of Wildlife Resources. (19-054)

7. An ordinance amending the Zone Map Classification of approximately 3.7 acres of real property, generally located between 500 S. to 600 S. and from 100 W. to University Ave. from ITOD to Mill Race PRO Zone. Downtown Neighborhood. (PLRZ20190047)

8. ***CONTINUED*** Todd Sinks request a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use for 8.94 acres, located at 178 E 1860 S. East Bay neighborhood. PLRZ20180321

9. ***CONTINUED*** Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone. City-wide application. PLOTA20190120

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: http://provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org
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The next scheduled Council Meeting will be held on 5/21/2019 5:30:00 PM at 5/21/2019 5:30:00 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Meeting start time is to be determined (typically between 12:00 and 4:00 PM) and will be noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)
In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah

84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. Council meetings are broadcast live and available for on demand viewing at youtube.com/user/ProvoCityCouncil.

Notice of Telephonic Communications

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

Notice of Compliance with Public Noticing Regulations

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

Network for public internet access: *Provo Guest,* password: *provoguest*

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.

PROVO MUNICIPAL COUNCIL
Redevelopment Agency of Provo
Regular Meeting Minutes
5:30 PM, Tuesday, March 05, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member George Handley	Council Member David Harding
Council Member Dave Knecht	Council Member David Sewell
Council Member George Stewart	Council Member Vernon K. Van Buren
Council Executive Director Cliff Strachan	Council Attorney Brian Jones
CAO Wayne Parker	Mayor Michelle Kaufusi

Conducting: Council Chair David Harding
Excused: Council Member Gary Winterton

Prayer
Grant Eckstein
Pledge of Allegiance
Carrie Howse

Approval of Minutes

1. February 5, 2019 Council Meeting Minutes

The February 5, 2019 Council Meeting Minutes were approved by unanimous consent.

Public Comment (0:08:00)

Brian Jones, Council Attorney, explained the public comment procedure. Chair Harding opened public comment. There was no response from the public. Councilor Harding closed public comment.

Action Agenda

2. Ordinance 2019-07 amending the Zone Map Classification of approximately 0.96 acres of real property, generally located at 1356 South 500 West, from Residential Agricultural (RA) to Residential (R1.8). Lakewood Neighborhood. (17-0017R) (0:09:40)

Motion: An implied motion to adopt Ordinance 2019-07 as currently constituted, had been made by council rule.

Aaron Ardmore, Planner, presented. If approved, this amendment would allow for a three-lot subdivision where there is currently a single lot. The item had been continued from the previous Council

meeting to allow time to resolve neighborhood concerns about the height of future homes. A development agreement had been proffered and it specified that there would be no basements and homes would be limited to two stories. The development agreement was displayed.

The applicant, Angela Eckstein, was invited to address the Council. Ms. Eckstein appreciated the extra time to draft the development agreement and felt it addressed the concerns of the Neighborhood Chair. She reminded the Council the reason for the request was that the RA zone was no longer serving its purpose. The irrigation had been discontinued and the property was no longer used agriculturally. She thought this was the best option to help complete neighborhood.

Becky Bogdin, Lakewood Neighborhood Chair, spoke to council. She was satisfied with the development agreement but questioned whether the neighbor to the south would be required to finish curb and gutter in response to this application. Mr. Ardmore responded that this was discussed in a coordinator review meeting the previous week. As part of the subdivision review process, Ms. Eckstein would need to bond for curb and gutter for her property, but the property to the south would not be required to put in curb and gutter. David Decker, Public Works Director, agreed this was correct. Ms. Bogdin asked if this commitment could be put in writing. Mr. Knecht explained that occasionally for multiple properties a special improvement district could be created for the purpose of curb and gutter, but he did not think this was an option for this application. The property to the south would not be improved until it is developed at some point in the future. Mr. Harding reminded Ms. Bogdin that there was previously nothing in writing that required the property owner to the south to provide curb and gutter and this remained unchanged.

Recognizing the development agreement specifically limited the new homes to two stories, Mr. Van Buren wondered if a three-story home would normally be possible in the R1.8 zone. Mr. Ardmore explained the structure height in the R1.8 zone was restricted to 35 feet which would make it possible to build a three-story home.

Chair Harding opened public comment. There was no response.

Mr. Jones clarified that if it was Council's intent to approve the development agreement, they would need to make a motion to substitute the ordinance with the version that approved the Development Agreement.

Substitute Motion: Councilor Stewart moved to substitute the ordinance with the development agreement version. Councilor Sewell seconded the motion.

Vote: The motion was approved 6:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor. Councilor Winterton was excused.

Chair Harding called for a vote on the implied motion.

Vote: The motion to approve Ordinance 2019-07 passed 6:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor. Councilor Winterton was excused.

3. Ordinance 2019-08 amending Chapter 1 of the General Plan and changing the designation for approximately 35 acres, generally located at 178 E 1860 S. East Bay Neighborhood.

(PLGPA20180407) (0:20:56)

Motion: An implied motion to adopt Ordinance 2019-08 as currently constituted, has been made by council rule.

Joshua Yost, Planner, presented. The item had been presented at a previous meeting but had been continued because there was no redlined version of the amendment available. Mr. Yost said the redline text had recently been provided to Council.

Central Area Guiding Principle 15 indicated that freeway-oriented commercial zoning should be initiated for property adjacent to I-15; an amendment had been made to except the property southeast of the intersection at 1860 South and I-15, in the East Bay area. Principles five and seven had been removed completely from the East Bay Neighborhood Policies. Principle five discussed the 60 acres south of 1860 South and east of I-15 as Regional Shopping Center, zoned as SC3. Principle seven recommended a study that evaluated the development of the East Bay Gold Course for retails and consideration of relocating the golf course. These were no longer necessary because the land would be used for the Noorda School of Osteopathic Medicine.

Chair Harding invited the East Bay Neighborhood Chair to comment, there was no response. He opened public comment, there was none.

Substitute Motion: Councilor Handley moved to substitute the version displayed for the implied motion. Councilor Knecht seconded the motion.

Chair Harding called for a vote on the motion.

Vote: The substitute motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor.

Chair Harding called for a vote on the implied motion.

Vote: The motion to approve Ordinance 2019-08 was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor. Councilor Winterton was excused.

4. Resolution 2019-14 of the Municipal Council to express support for the Utah State Legislature to increase the minimum age for tobacco purchases and otherwise to consider passing a City law to that effect. (19-029) (0:24:05)

Motion: An implied motion to adopt Resolution 2019-14 as currently constituted, has been made by council rule.

Councilor Sewell presented. Utah State Legislature was considering HB 324 (2019); if passed, it would increase the minimum age for tobacco purchases from 18 to 21. This would be a phased implementation over a period of several years. The proposed resolution encouraged the State Legislature to move forward with passing the bill. Additionally, if the State did not pass the bill, the resolution considered a City law to increase the minimum age for tobacco purchased in Provo. Mr. Sewell invited Marc Watterson to speak to Council.

Mr. Watterson was the Director of Government Relations for the American Heart Association. Lehi and Cedar Hills had recently enacted ordinances in their cities to increase the age for tobacco purchases to 21. Mr. Watterson said two percent of tobacco retail sales currently went to those 19-20 years old, and of this two percent, they were supplying 90 percent of the tobacco to underage youth. He believed increasing the purchase age gave youth a better change of not becoming addicted and limited the number of products being made available to underage consumers. This was the second draft of the bill, if passed by July 1, 2020, the legal age to purchase tobacco would be raised to 20 and by July 1, 2021, the age would be raised to 21.

When the bill came out of committee it included preemption language which removed the ability for Cities to pass local laws, Mr. Watterson had been working with others to have this language removed in the Second Substitute. During work session the Council made an amendment to the resolution, Mr. Sewell asked for this to be displayed. Council had added language that supported the Second Substitute because it removed the preemption language.

Mr. Handley asked if it made a difference whether the vote was unanimous. Mr. Jones said this would not be indicated in the resolution itself, just on the coversheet. Mr. Harding reminded the Council speaks by majority vote, so even without a unanimous vote, it would still carry the weight of the Council.

Mr. Watterson reminded Council that even if the bill passed, it would be two years before the age would be raised to 21. He encouraged cities to consider passing their own ordinance that might increase the age sooner.

Chair Harding opened public comment, there was no response.

Mr. Handley was supportive, and he wanted to revisit passing an ordinance to increase the age sooner than July 2021.

Mr. Van Buren understood tobacco use was a dangerous and difficult habit, but he felt strongly that a 19-year-old person was just as much an adult as a 21-year-old. He did not agree with legislating people to be healthy. He would not be voting in support of the resolution.

Mr. Sewell did not see this as restricting someone from engaging in the behavior, rather it restricted the supply and did not allow retailers to profit from selling to youth. He felt this legislation had the potential to save many lives. He was supportive.

Chair Harding called for a vote on the implied motion.

Vote: The motion passed 5:1 with Councilors Handley, Harding, Knecht, Sewell, and Stewart in favor. Councilor Van Buren was opposed. Councilor Winterton was excused.

5. **Continued An ordinance to amend Downtown Streetscape standards to clarify right-of-way improvements for 100 West. City-wide Impact. (PLOTA20190007)**

6. Ordinance 2019-09 amending the Zone Map Classification of approximately 4.99 acres of real property, generally located at 504 South 2470 West from Agriculture (A1.5) to One-Family

Residential (R1.8). Provo Bay Neighborhood. (PLRZ20180426) (0:38:11)

Motion: An implied motion to adopt Ordinance 2019-09 as currently constituted, has been made by council rule.

Javin Weaver, Planner, presented. He explained this was a rezone request for 18 lots in the Provo Bay Neighborhood. The surrounding area was agriculture (A1.5) and there were two different collector roads surrounding the development, one on 560 South and the other on 2470 West. The future land use map for the area has this area designated as residential which was in alignment with the request.

Mr. Weaver showed Council the subdivision plan and explained that lots 13, 14, and 15, which faced 2470 West (a collector road), were accessed through driveways behind the homes. This required easements between lots 17 and 18. Zoning code restricted access to single family homes from collector roads.

Mr. Weaver spoke about issues that came up during Planning Commission, several neighbors preferred R1.10, but staff agreed with R1.8.

Chair Harding invited the applicant, Paul Peterson, to address the Council. Mr. Peterson represented Beacon Homes and 422 South Holdings. He said his home prices start at $350,000 and go up from there depending on customizations. He worked on the subdivision across the street and said those homes ranged from $350,000 to $600,000, which increased the value in the area. He hoped these homes would add more customization to the area.

The Neighborhood Chair was not available, but the Area Rep, Beth Alligood spoke to Council. Ms. Alligood said this was presented to the neighborhood late last year and some neighbors wished for less density and preferred R1.10, but for the most part the neighborhood was satisfied with R1.8. Ms. Alligood thought this was a good fit for the neighborhood.

There were no other comments from the public.

Mr. Harding thought it was good to see development on the west side again. Because there had been concern about utility infrastructure on the westside, Mr. Harding asked what infrastructure impact parameters were considered before approving new development. He invited Gary Calder, Division Director of Water, to explain how these applications were being evaluated. Mr. Calder said that last summer they brought Council a list of 14 different areas where capacity could be improved. He said just next to this development, they were spending money to add capacity to the west side lift station, because of this, he did not think this development would cause any problems. Each application had to be evaluated individually to determine what downstream effects the development might cause. Mr. Calder assured Council every application was going through the same process.

Ms. Alligood spoke about a document provided by Public Works that showed the waste water capacity in each area. She said this had been very helpful for the neighborhood chairs because it can be referenced when neighborhoods meet with developers.

Mr. Jones said a draft development agreement had been provided earlier in the day but was not recognized in the ordinance being voted on. Council would need to substitute the ordinance to include the agreement if they wanted to include it.

Mr. Weaver said the agreement had been discussed by the Planning Commission. Because of the easements mentioned earlier, there were concerns about how the backyards of lots 17 and 18 would be fenced. Typically, fences in the rear are six feet tall, but with cars using the easements to access the other homes, they did not feel that six-foot fences would be safe. The agreement would limit the fence height to allow adequate vision for motorists using the driveway.

Mr. Harding referred to the agreement being displayed and questioned whether the current language was enforceable. It did not specify an actual fence height. Mr. Weaver said they discussed several possible options for height but decided not to restrict it to an exact height and the homeowner would need to determine what was adequate.

Mr. Peterson, the applicant, asked for the home renderings to be displayed, the driveway between lots 17 and 18 was visible. He said for a corner fence they usually recommend a 36-inch fence, or 42 inches if it has slats for 50 percent visibility.

Mr. Van Buren asked who would be responsible for the upkeep of the driveway. Mr. Peterson said it would be deeded to all of the owners and would be a joint responsibility. There was not an HOA.

Mr. Peterson was not in favor of the rear entrances and said he had never seen homes facing a collector road without being able to empty onto it. He told Council that in other cities most new developments on collector roads, with a speed limit of 30 MPH or less, would empty on to the collector road. Mr. Knecht understood Mr. Peterson's frustration, but said this code had been implemented because emptying onto collector roads was inherently dangerous.

Substitute Motion: Councilor Knecht moved to substitute the ordinance to include the development agreement shown on the screen. The motion was seconded by Councilor Handley.

Vote: The motion passed 6:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor. Council Member Winterton was excused.

Chair Harding called for a vote on the implied motion that had been substituted.

Vote: The motion to approve Ordinance 2019-09 passed 6:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor. Council Member Winterton was excused.

7. Ordinance 2019-10 amending Provo City Code to clarify provisions regarding boards and commissions. (19-033) (0:59:53)

Motion: An implied motion to adopt Ordinance 2019-10 as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented. The item had been discussed in Work Session. Elizabeth VanDerwerken, Council Executive Office Assistant, had identified several provisions that needed to be cleaned up.

Chair Harding opened public comment, there was no response. He called for a vote on the implied motion.

Vote: The motion to approve Ordinance 2019-10 was approved 6:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, and Van Buren in favor. Councilor Winterton was excused.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:30 p.m.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-07-2019

SUBJECT: An agreement between Provo City and Utah County regarding the use of Part 19 tax revenues and authorizing the Mayor to sign that agreement on behalf of the City. (19-051)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: Th Lakeview Parkway project is designed to provide access to the West side of Provo City. As part of the building of the parkway, the County agreed to help with the initial build through interlocal agreements. One of the agreements is for Lakeview Parkway from Mike Jense Parkway to Center Street and the other is for Lakeview Parkway from 620 North to 1280 North. Both of these agreements are to provide the 10% contingency funding for the projects. The southern section of Lakeview Parkway provides and additional $661,700 to project number 431-1209 and the northern section provides an additional $149,328 to project number 431-3133. We will need Council approval to appropriate this additional funding.

FISCAL IMPACT: Yes

PRESENTER'S NAME: Dave Graves

REQUESTED DURATION OF PRESENTATION: 20 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-051

Agreement No. 2019 - 205

AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY FOR A HIGHWAY PROJECT KNOWN AS "LAKEVIEW PARKWAY PROJECT" IN PROVO CITY, UTAH

THIS AGREEMENT, made and entered into this ___ day of _____ 2019, by and between UTAH COUNTY, a body corporate and politic of the State of Utah, with principle offices located at 100 East Center Street, Suite 2300, Provo, Utah 84606 ("County") and PROVO CITY, a political subdivision of the State of Utah, with principle offices located at 351 West Center Street, Provo, Utah, 84601 ("City").

RECITALS:

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties and political subdivisions of the State of Utah to make the most efficient use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

WHEREAS, the City and the County desire to facilitate the construction of a highway project known as the "Lakeview Parkway Project" which consists of new road connecting from the Provo Airport to 2000 North in Provo

WHEREAS, pursuant to Utah Code Ann. Section 59-12-1903, as amended in Section 59-12-2218, the County has adopted Ordinance 2008-26 (the "Section 2218 Ordinance") to enact a sales and use tax ("Section 2218 Tax") of 0.25% upon the transactions described in Utah Code Ann. Section 59-12-103(1) subject to the exemptions provided under Utah Code Ann. Section 59-12-104; and

WHEREAS, pursuant to the Section 2218 Ordinance and 59-12-2218, prior to July 2014 the Section 2218 Tax is to be collected by the Utah State Tax Commission and transferred as follows: (i) 0.10% to the Utah Department of Transportation ("UDOT") for deposit into the County of the Second Class State Highway Projects Fund for new construction, major renovations, and improvements to state highways within the County; (ii) 0.05% to UDOT for deposit into the Local Transportation Corridor Preservation Fund for acquisitions of real property or interest in real property for highway corridor; and (iii) 0.10%, as determined by the County's governing body, deposited with the County directly to be expended for state highway designated under 72-4-1 of the Code, or a local highway; and

WHEREAS, the County bonded against the revenues of the Section 2218 Tax ("Section 2218 Tax bond funds") so as to make those revenues immediately available for highway projects throughout Utah County, Utah; and

WHEREAS, pursuant to Section 41-1a-1222 of the Code, the County has passed Ordinance 2006-8 (the "Vehicle Registration Fee Ordinance") imposing a local option transportation corridor preservation fee (the "Vehicle Registration Fee"); and

WHEREAS, the Mountainland Metropolitan Planning Organization Regional Planning Committee recommended that the Highway should receive a portion of the Section 2218 Tax revenues, Section 2218 bond funds, and/or the Vehicle Registration Fee not to exceed seven million two hundred sixty-two thousand eight hundred nine dollars ($7,262,839) for direct costs of the Highway; and

WHEREAS, the City and the County held duly noticed public meetings wherein this Agreement was considered, and an Authorizing Resolution was presented for approval by the respective legislative bodies.

WHEREAS, the above parties previously entered into Agreement No. 2016-536, executed on the 2nd day of August 2016;

WHEREAS, pursuant to mutual agreement between the parties, Agreement No. 2016-536, shall be amended.

NOW THEREFORE, in consideration of the covenants and agreements contained herein and other valuable consideration, the sufficiency of which is hereby acknowledged, an in accordance with Section 7 of the Agreement No. 2016-536, the City and County hereby agree to amend Agreement No. 2016-536 as follows:

Section 3. EFFECTIVE DATE; DURATION.

This Agreement shall become effective and shall enter into force within the meaning of the Interlocal Cooperation Act, upon the submission of this Agreement to, and the approval and execution hereof by the governing bodies of the County and the City. The term of this Agreement shall be from the date of execution hereof until the terms and obligations identified herein are completed, but in no event longer than 3 years from the execution date.

Section 5. TERMS.

3. Reimbursement to City for ROW, Design, and Construction Costs: Both City and County acknowledge that the Lakeview Parkway Project has been recommended by the Mountainland Metropolitan Planning Organization Regional Planning Committee to be funded at an amount not to exceed $7,262,839 for the direct costs of the Highway. City, if desiring reimbursement for the direct costs of the Highway, must provide County itemized invoices detailing actual costs for the ROW acquisition, design and construction of the Highway, not to exceed $7,262,839.

County agrees to reimburse City within 30 days of receiving acceptable itemized invoices establishing the validity of the direct costs of the Highway. The maximum amount of reimbursement from County to City shall not exceed $7,262,839. Any costs which exceed $7,262,839 shall be the City's sole responsibility. If the costs of the Highway are less than $7,262,839, then County shall retain those non-utilized funds. The use of City equipment and/or City employee time for the Highway shall not be reimbursable. The County reserves the right to reimburse the City with any combination of the Section 2218 Tax, Section 2218 Tax bond funds, and/or the Vehicle Registration Fee.

The remaining provisions of Agreement No. 2016-536 shall remain in full force and effect, and are incorporated in this Amended Agreement as if fully set forth herein.

UTAH COUNTY

Authorized by Resolution No. 2019-34, authorized and passed on the 2 day of April 2019.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: _____
WILLIAM C. LEE, Chairman

ATTEST: AMELIA POWERS

By: _____
Utah County Clerk/Auditor

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
DAVID O. LEAVITT, Utah County Attorney

By: _____

PROVO CITY

Authorized by Resolution No. _____ , authorized and passed on the _____ day of _____ 2019.

PROVO CITY MAYOR, PROVO CITY, UTAH

By:_____
MICHELLE KAUFUSI, Mayor

ATTEST: AMANDA ERCANBRACK

By:_____
Provo City Recorder

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
_____, Provo City Attorney

By:_____

Agreement No. 2019-224

AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY FOR A HIGHWAY PROJECT KNOWN AS "LAKEVIEW PARKWAY PHASE III" IN PROVO CITY, UTAH

THIS IS AN INTERLOCAL COOPERATION AGREEMENT ("Agreement"), made and entered into by and between UTAH COUNTY, a political subdivision of the State of Utah, hereinafter "COUNTY," and PROVO CITY, a political subdivision of the State of Utah, hereinafter "CITY."

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act ("Act"), Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Act, the parties desire to work together through joint and cooperative action that will benefit the residents of COUNTY and CITY.

WHEREAS, all of the parties to this Agreement are public agencies as defined in the Act, and

WHEREAS, it is to the mutual benefit of both COUNTY and CITY to enter into an agreement to facilitate the above desires of COUNTY and CITY,

WHEREAS, the above parties previously entered into Agreement No. 2017-667, executed on the 10th day of October 2017;

WHEREAS, pursuant to mutual agreement between the parties, Agreement No. 2017-667, shall be amended.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein and other valuable consideration, the sufficiency of which is hereby acknowledged, an in

accordance with Section 8 of the Agreement No. 2017-667, the City and County hereby agree to amend Agreement No. 2017-667 as follows:

Section 4. EFFECTIVE DATE; DURATION is amended to read:

This Agreement shall become effective and shall enter into force within the meaning of the Interlocal Cooperation Act, upon the submission of this Agreement to, and the approval and execution hereof by the governing bodies of the County and City. The term of this Agreement shall be from the date of execution hereof until the terms and obligations identified herein are completed, but in no event longer than 1 year from the execution date.

Section 6. TERMS is amended to read:

8) Total Project Cost – Program Manager and Project Sponsor and acknowledge that the Approved Project has been authorized by the Mountainland MPO and Regional Planning Committee to be funded at an amount not to exceed $1,760,000 (Total Project Cost) of the Approved Project.

b) Reimbursement – The Project Sponsor, if desiring reimbursement for the direct costs of the Approved Project, will provide the Program Manger with one monthly itemized invoice detailing actual costs for the ROW acquisition, design, utility relocation, relocation, or other approved elements of the project. Appropriate backup materials shall also be supplied. The Program Manager agrees to reimburse the Project Sponsor within 30 days of receiving acceptable itemized invoices establishing the validity of the direct costs of the Approved Project. The maximum amount of reimbursement from the Program Manager to the Project Sponsor shall not exceed $1,642,448 (Total Project Cost less Matching Funds). Any costs which exceed $1,642,448 shall be the sole responsibility of the Project Sponsor. The Program Manger will review and approve monthly each itemized invoice and will reimburse the total amount less

required matching funds.

The remaining provisions of Agreement No. 2017-667 shall remain in full force and effect and are incorporated in this Amended Agreement as if fully set forth herein.

UTAH COUNTY

Authorized by Resolution No. 2019-53, authorized and passed on the 2 day of April 2019.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: _____
William C. Lee, Chairman

ATTEST: AMELIA POWERS
Utah County Clerk/Auditor

By: _____
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
DAVID O. LEAVITT, Utah County Attorney

By: _____
Deputy County Attorney

PROVO CITY

Authorized by Resolution No. _____ , authorized and passed on the _____ day of

_____ 2019.

PROVO CITY MAYOR, PROVO CITY, UTAH

By:_____
Michelle Kaufusi, Mayor

ATTEST:

_____
Provo City Recorder

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
ROBERT WEST, PROVO City Attorney

By:_____
Provo City Attorney

RESOLUTION 2019-

A RESOLUTION APPROVING TWO AMENDED INTERLOCAL AGREEMENTS BETWEEN PROVO CITY AND UTAH COUNTY REGARDING THE FUNDING OF THE LAKEVIEW PARKWAY. (19-051)

WHEREAS, Provo City is presently constructing a roadway ("Lakeview Parkway") extending from the Provo Airport to 2000 North in Provo; and

WHEREAS, upon completion, Provo City will own and maintain the Lakeview Parkway in perpetuity and is responsible for payment of construction costs; and

WHEREAS, Utah County and Provo City have previously entered into Interlocal Agreements 2016-536 and 2017-667 regarding funding to be provided to the City for the construction of the Lakeview Parkway; and

WHEREAS, these agreements are in need of amendment in order to update the terms of the contributions to the project; and

WHEREAS, on May 7, 2019, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) the interlocal agreements should be amended as set forth herein, and (ii) this action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I;

The proposed amendments to Interlocal Agreement 2016-536, as shown in Exhibit A, are hereby approved and the Mayor is authorized to sign and execute all necessary and appropriate documents in conjunction with this Agreement. Upon execution, a copy of the executed amended agreement will be attached hereto as Exhibit C.

PART II:

The proposed amendments to Interlocal Agreement 2017-667, as shown in Exhibit B, are hereby approved and the Mayor is authorized to sign and execute all necessary and appropriate documents in conjunction with this Agreement. Upon execution, a copy of the executed amended agreement will be attached hereto as Exhibit D.

PART III:

This resolution shall take effect immediately.

END OF RESOLUTION

RESOLUTION 2019- .

A RESOLUTION APPROVING THE PROGRAM YEAR 2019 ANNUAL ACTION PLAN, FIFTTH YEAR UPDATE TO THE 2015 FIVE-YEAR CONSOLIDATED PLAN, AS AMENDED. (18-056)

WHEREAS, Provo City (the "City") as the Lead Entity of the Utah Valley HOME Consortium ("Consortium") is required to prepare an Annual Action Plan update to the five-year Consolidated Plan and submit to the United States Department of Housing and Urban Development ("HUD") in order to obtain funding for Community Development Block Grant (CDBG) and HOME Investment and Partnerships Program (HOME); and

WHEREAS, the City has prepared the Program Year 2019 Annual Action Plan (the "Plan") as shown in Exhibit A, Fifth Year Update to the 2015 Five-Year Consolidated Plan, as amended, in compliance with federal requirements; and,

WHEREAS, the City expects to receive from HUD an entitlement amount of $1,255,621 in CDBG funds and expects to reprogram $291,725 in Program Income and unexpended previous years' Program funds; all shown in Exhibits B and C; and,

WHEREAS, the City as Lead Entity for the Consortium estimates to receive from HUD $1,296,068 for the HOME Program; and expects to reprogram $566,329 in Program Income; all as shown in Exhibit D; and,

WHEREAS, a duly noticed 30-day public comment period began on May 1, 2018 to give citizens, partner agencies and other interested parties an opportunity to provide comment on the proposed Plan; and,

WHEREAS, after duly considering applications received and the needs of the City and the Consortium Advisory Committees (the "Committees") made recommendations to the Municipal Council regarding the use of CDBG and HOME funds; and,

WHEREAS, on May 7, and June 4, 2019 the Municipal Council held duly noticed public hearings to receive public comment and consider public comment and ascertain the facts regarding the Plan and the use of CDBG and HOME funds, which facts and comments are found in the hearing record; and,

WHEREAS, all persons for and against the proposed Plan and funding recommendations were given an opportunity to be heard; and

WHEREAS, after considering the recommendations of the Committees and facts and comments presented to the Provo Municipal Council, the Council finds that (i) approval of the Program Year 2019 Annual Action Plan, Fourth Year Update to the 2015 Five-Year Consolidated Plan, herein attached as Exhibit A; (ii) CDBG and HOME funds should be apportioned as shown in the Attached Exhibits B, C and D and (iii) that such use of CDBG and HOME funds reasonably further the health, safety and general welfare of the citizens of Provo

City.

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

PART I:

1. The Program Year 2019 Annual Action Plan, as shown in the attached Exhibit "A," is hereby authorized and adopted.

2. The Municipal Council hereby adopts a CDBG Program for Program Year 2019 in the total amount of $1,255,621, plus $291,725.00 in reprogrammed funds, all as shown in attached Exhibits B and C.

3. The Municipal Council hereby adopts a HOME Program for Program Year 2019 in the total amount of 1,296,068, plus $566,329 in reprogrammed funds, all as shown in attached Exhibit D.

4. The Mayor is authorized to (i) submit the Program Year 2019 Annual Action Plan and related documents to the U.S. Department of Housing and Urban Development, (ii) to execute appropriate certifications, Final Statements, and Program Applications in conjunction with the Plan's submittal.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Provo City *(Redevelopment Agency)*

Staff Memorandum

Program Year 2019 Annual Action Plan, Fifth Year Update to the 2015 Consolidated Plan, as amended and Approval of CDBG & HOME funding recommendations

May 7, **and** June 4, 2019

Department Head David Walter 6167 **Presenter** Dan González 6168 **Required Time for Presentation** 15 Minutes **Is This Time Sensitive** Yes / No **Case File # (if applicable)** XX-XXX	**Purpose of Proposal** • Approval and adoption of Program Year 2019 Annual Action Plan (PY-2019-AAP), including approval of Advisory Committees and Boards' recommendations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) **Action Requested** • Hold two public hearings and adopt a resolution approving the PY-2019 AAP for submittal to the U.S. Department of Housing and Urban Development (HUD). **Relevant City Policies** • Program Year 2019 Annual Action Plan, Fifth Year Update to the 2015 Consolidated Plan, as Amended. **Budget Impact** • $3,409,743 PY-2019 Allocations from HUD, including Program Income and reprogrammed funds—CDBG: $1,547,346 -F273; HOME: $1,862,397-F278. **Description of this item (at least 2 paragraphs)** • The CDBG and HOME Programs provide the City of Provo and other local governments with the opportunity to develop viable urban communities by funding

	activities that provide decent housing, a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons. Funds are awarded to carry out a wide range of community development activities directed towards neighborhood revitalization, homeownership and condition of housing stock. The Programs are administered by the Community Planning and Development Office of the U.S. Department of Housing and Urban Development (HUD). ● Every year, as Lead Entity for the Utah Valley HOME Consortium, Provo City submits an Annual Action Plan (an update to the Five-Year Consolidated Plan submitted to HUD) outlining the goals, objectives and the proposed use of federal CDBG and HOME resources to address housing, economic development, and community development projects to be undertaken. ● A Public Comment Period (April 29, 2019 to June 4, 2019) is conducted for citizens, partner agencies, and other interested parties to review and comment on the Plan. ● Along with the Public Comment Period, two public hearings are held to receive input from Provo citizens and Consortium members' and citizens. ● The first public hearing on May 7, 2019 will present the Draft of PY-2019 AAP (Exhibit A) to Council members and the public in general. The document includes the proposed uses for CDBG and HOME funds which, to simplify the review of proposed projects, are also included in Exhibits B-for CDBG Capital Projects, C-for CDBG Public Services Projects, and D-for HOME Projects. Theses Exhibits show the proposed funding recommendations made by Advisory Committees who listened to applicant presentations and reviewed and evaluated application. ● Copies of the PY-2019 AAP Draft are available for public review at the Redevelopment Agency's office and electronically at the City's website. ● The second public hearing on June 4, 2019 will close the Public Comment Period and provide the Municipal Council an opportunity to make final funding determinations for the CDBG and HOME programs for Program Year 2019, which begins on July 1, 2019 and ends on June 30, 2020. ● Actual allocation amounts of CDBG and HOME funds are included in Exhibits B, C, and D. Exhibit B shows a total of **$1,547,346**, receiving an allocation of $1,255,621 in CDBG Entitlement funds plus $291,725 to

	be reprogrammed from Program Income ($253,230), and balances left from finished projects ($38,495). This exhibit shows all proposed uses for CDBG projects and activities including costs for administration ($251,124), program delivery ($64,911); the anticipated 15% set-aside amount for Public Services projects ($188,343) and proposed uses for CDBG Capital Projects ($1,042,968). Exhibit C shows detailed proposed funding of Public Services projects. Exhibit D shows **$1,861,397** an allocation of $1,296,068 in HOME funds plus $566,329 to be reprogrammed from Program Income received.



Year Five, Annual Action Plan

July 1, 2019 through June 30, 2020

of the 2015-2019 Five-Year Consolidated Plan

as Amended

City of Provo (City)
Utah Valley HOME Consortium (UVHC)
Redevelopment Agency of Provo City Corporation (RDA)
351 West Center Street
Provo, Utah 84601
http://www.provo.org/departments/redevelopment

AP-05 EXECUTIVE SUMMARY – 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Provo/Utah Valley HOME Consortium Program Year 2019 Annual Action Plan (2019-AAP) is the Fifth Year Action Plan of the 2015-2019 Five-Year Consolidated Plan (ConPlan), as amended in May 2019. It is a product of a planning and coordination process to identify housing and community development needs. The process forms the framework for a community-wide dialogue to establish priorities and create strategies to address those needs, especially for low- and moderate income households. This plan is intended to be an informative and useful tool for the residents, organizations and businesses committed to continued growth in our community.

The Annual Action Plan includes the City's application for the federal grants received from the U.S. Department of Housing and Urban Development (HUD) and administered by the Office of Community Planning and Development (CPD), a division of HUD, through which the City receives an annual allocation, or formula grant, from the CPD programs:

- **Community Development Block Grant (CDBG)**
  The CDBG program's primary objective is to promote the development of viable urban communities by providing decent housing, suitable living environments and expanded economic activities to persons of low and moderate income. Provo receives CDBG as an entitlement city.

- **Home Investment and Partnerships Program (HOME)**
  The primary objective of the HOME Program is to create affordable housing for low-income households. Communities often partner with nonprofit and for-profit organizations to fund a wide variety of activities including building, buying and/or rehabilitating affordable housing for rent or homeownership or provide direct rental assistance to low-income people.

The City of Provo has designated the Redevelopment Agency of Provo City Corporation (RDA) to manage and administer all funding received from HUD.

The Utah Valley HOME Consortium is an inter-jurisdictional partnership between the Cities of Provo, Orem, Lehi and Utah County, formed to receive HOME Program funds directly from HUD. The Cities of Orem and Lehi receive their own CDBG entitlement and Utah County, as a qualified Urban County, also receives its own allocation of CDBG funding. All jurisdictions within Utah County, which have entered into an Interlocal Agreement to receive CDBG funding through Utah County, are also eligible to benefit from HOME funds. As the designated Lead Entity for the Consortium, The City of Provo

administers the HOME Program through the RDA. The 2015-19 Consolidated Plan was amended in June of 2017 to include the City of Lehi as a participating member of the Consortium, corresponding to the signed Consortium Agreement covering Program Years 2017 through 2019. The 2015 ConPlan was subsequently amended in May of 2019 to incorporate the use of proceeds received by Provo City from the use of the Section 108 Loan Guarantee Program as a resource to assist and fund infrastructure improvements to the City Airport necessary for the expansion of Duncan Aviation.

Regulations in the HOME Program establish that Participating Jurisdictions (PJs) are provided affordable homeownership limits annually by HUD, however the regulations also allow PJs to determine these limits on their own through a local market analysis. The Consortium now conducts such an analysis annually and determines its own affordable homeownership limits. The process and results are outlined in Section AP-90-Program Specific Requirements of this Action Plan, by completing a market analysis ensuring a sufficient number of recent housing sales are included in the survey.

2. Summary of Objectives and Outcomes Identified in the Plan

As a result of citizens' and City Council's input The City of Provo will prioritize its activities and projects in three categories of Locally Targeted Objectives: Decent Housing, Suitable Living Environment, and Creating Economic Opportunities.

Decent Housing

- DH-1 Improve and maintain neighborhood integrity through repair and rehabilitation of housing stock.
- DH-2 Increase the supply, affordability, and condition of rental housing in the community.
- DH-3 Provide down payment and closing cost assistance to increase low-income person's access to home ownership.
- DH-4 Support programs that work to educate low-income households concerning home ownership.
- DH-5 Support efforts to more rapidly assist families from homelessness into permanent or transitional housing.
- DH-6 Increase the supply and affordability of homeownership housing in the community

Suitable Living Environments

- SLE-1 Undertake infrastructure projects in low-income neighborhoods (e.g. playground equipment, lighting, street enhancements, accessibility access, etc.).
- SLE-2Provide funding for organizations that assist Provo residents to improve job skills.

- SLE-3 Assist in providing services to low-income families with at-risk youth (e.g. after-school programs, recreation programs, mentoring programs, etc.).
- SLE-4 Provide or upgrade neighborhood facilities (e.g. parks, community centers, etc.).
- SLE-5 Provide support services to population with special needs (e.g. elderly, persons with disabilities, homeless persons, victims of domestic violence, etc.).
- SLE-6 Assist agencies that provide meals to very-low- and low-income individuals.
- SLE-7 Provide funding to social service organizations for rehabilitation of their own buildings.
- SLE-8 Provide assistance to agencies that provide healthcare services and health education to Provo residents.

Economic Opportunities

- EO-1 Provide job creation and retention through small business assistance.
- EO-2 Provide technical assistance in recruiting business to vacant buildings in the Central Business District.
- EO-3 Assist local businesses and entrepreneurs by providing mentoring and technical assistance.
- EO-4 Provide job creation and eliminate blighting influences on storefronts in the Central Business District.
- EO-5 Increase economic opportunities to minority- and women-owned businesses.
- EO-6 Utilize the Section 108 Loan Guarantee to increase economic opportunities and assist businesses in job creation.

3. Evaluation of Past Performance

The CDBG and HOME investments have been used to make long lasting improvements serving low-income residents. Past programs have focused on community needs that continue to exist including affordable housing, neighborhood improvements, and public service support for low-income residents.

At the conclusion of each program year the City of Provo prepares its Consolidated Annual Performance Evaluation Report (CAPER) which is submitted to HUD within 90 days of the end of the Program Year (PY).

While specific accomplishment data for PY-2019 are not yet available we believe the programs and projects carried out have benefited greatly and assisted in meeting community needs as projects are moving forward to provide more affordable housing choices throughout Utah County as well as funding used this Program Year to help make various public services available to low-income individuals and assist those with disabilities.

4. Summary of Citizen Participation and Consultation Process

An integral part of the ConPlan planning process is Citizen Participation as it provides for goals and priorities that are defined in the context of community needs and preferences. In addition, the citizen participation process provides a format to educate the community about the federal grants received by City of Provo and the Consortium. To this end the RDA solicited involvement from a diverse group of stakeholders and community members during the development of the 2015-2019 ConPlan, as amended. A comprehensive public engagement process included stakeholder meetings, citizen's survey available in both English and Spanish, public hearings, committee meetings and a public comment period.

The City received input from residents, stakeholders and other interested parties including service providers. Through the AAP planning process citizen advisory committees met several times to hear presentations and discuss the needs of the City and make recommendations for funding. All public notices for the Annual Action Plan were published in the Daily Herald newspaper as well as the City website.

Funding recommendations by Citizen's committees will be presented to the Municipal Council in two public hearings conducted on May 7 and June 4, 2019, with final funding amounts and will be available for review by the public, Citizen's committees and boards, and applicants. It is anticipated that Provo City's Municipal Council will adopt the Final Draft of the 2019-AAP at the public hearing held on June 4, 2019.

5. Summary of Public Comments

A summary of public comments is available as Appendix "A" of this Annual Action Plan.

6. Summary of Comments Not Accepted

All comments were considered in the formation of this Annual Action Plan.

7. Summary

The Annual Action Plan provides for the allocation of CDBG and HOME funds for Program Year 2019 (PY-2019) and the reprogramming of existing funds. It also reflects the coordinated efforts of local governments and citizens, as well as the wide network of housing and human service providers in Utah County.

PR-05 LEAD & RESPONSIBLE AGENCIES – 24 CFR - 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible of each grant program and funding source

The following agencies/entities are responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	PROVO	REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION
HOME Administrator	PROVO	REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION

Table 1 – Responsible Agencies

2. Narrative

The City of Provo, through the Redevelopment Agency of Provo City Corporation, is the Lead Entity responsible for preparing the Consolidated Plan and consecutive annual updates. The RDA also represents the City of Provo as the Lead Entity for the HOME portion of the Consolidated Plan for the Utah Valley HOME Consortium. The Cities of Orem and Lehi administer their own CDBG funds as does Utah County as an Urban County entitlement.

3. Consolidated Plan Public Contact Information

Dan González, CDBG & HOME Program Administrator
Redevelopment Agency of Provo City Corporation
351 West Center Street
Provo, UT 84601
801-852-6168
dgonzalez@provo.org

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

This section describes the community consultation process followed by the City in developing the Consolidated Plan and the coordination with other local governments, the Continuum of Care, public and private housing providers, and service agencies.

The RDA engaged in a collaborative effort to consult with City departments, representatives of low-income neighborhoods, non-profit and for-profit housing developers, service providers, lenders, social service agencies, homeless service providers, faith-based organizations, supportive housing and service providers, community stakeholders, community partners, and beneficiaries of entitlement programs to inform and develop the priorities and strategies contained within the ConPlan.

a. Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

In preparing the Program Year 2019 Annual Action Plan the RDA held consultations with various organizations which provide services in the City and Utah County, including local leaders, housing providers, and service providers.

As partner of the South Franklin Partnership Provo City participates in quarterly meetings with several entities and service agencies that come together to share on each other's efforts and activities and plan actions to know each other better and provide better services.

Provo City also participates in regular meetings with other CDBG grantees in Utah County to streamline and simplify the process for new and renewing applicants.

b. Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The vision of the Mountainland Region Continuum of Care (CoC) is to provide decent, safe and affordable housing and effective support services to homeless, chronic homeless families and individuals including—initial stabilization, transitional housing, permanent housing, access to mainstream resources and independence from governmental assistance. United Way of Utah County (United Way) leads the CoC, of which the City of Provo is a member, represented by the RDA.

The CoC is an organized body of local jurisdictions, government agencies, local nonprofit organizations, faith-based service and housing organizations, and other agencies and partners seeking to maximize resources and avoid duplication of services while providing consistent and unified planning in Utah County.

As it annually does, the CoC led the efforts for the point in time count, in which volunteers participated in an outreach to find homeless individuals. The event was advertised in the Daily Herald (local paper), the Provo Mayor's blog, and the United Way Facebook page.

Chronically Homeless Individuals and Families—The RDA coordinates closely with the CoC in addressing chronic homelessness for individuals and families. The CoC developed a coordinated intake and assessment system to coordinate services, support individual agencies in reaching project goals and HUD and CoC established performance goals.

Families with Children—The specific needs of families facing homelessness is a key component of the work being done by the CoC, which centralizes resources, leveraging partnerships amongst CoC members.

Veterans—The CoC participates in the planning and coordinating efforts associated with the Ten-Year plan to End Homelessness in Utah. The CoC will implement its coordinated intake and assessment and housing placement system for single adults.

c. Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS.

Neither the City of Provo, nor any other jurisdiction with membership in the HOME Consortium receives ESG funding.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, public service agencies and other entities

Table 2 below shows key participants with whom consultations were held in preparing the Consolidated Plan. For further information, please also see the Citizen Participation appendix.

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	**Center for Women & Children in Crisis**
	Agency/Group/Organization Type	Housing Services – Children Services – Victims of Domestic Violence Services – Homeless Services – Education
	What Section of the Plan was addressed	Non-Homeless Special Needs Homeless Needs—Families with Children
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Director and Program Manager were interviewed. Continued funding to support and operate emergency sheltering, treatment and recovery services, as well as transitional housing to victims of domestic abuse.
2	**Agency/Group/Organization**	**Community Action Services & Food Bank**
	Agency/Group/Organization Type	Services – Housing Services – Children Services - Homeless Services – Education
	What Section of the Plan was addressed	Homelessness Strategy Homeless Needs – Families with Children Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Through agency staff interviews, data was gathered to complete the Plan. The agency provides several services to low- and moderate-income households throughout Utah County providing rental and food pantry assistance with case management follow-up, as well as homebuyer education, among other services.
3	**Agency/Group/Organization**	**Family Support & Treatment Center**
	Agency/Group/Organization Type	Services – Children Services – Education Services – Victims
	What Section of the Plan was addressed	Overall Plan

	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to assist children who are victims of child abuse (sexual or physical) or neglect who are classified as low- and moderate-income families.
4	**Agency/Group/Organization**	**Food & Care Coalition**
	Agency/Group/Organization Type	Services – Housing Services – Persons with Disabilities Services – Health Services – Homeless Services – Education
	What Section of the Plan was addressed	Homeless Needs – Chronically homeless Homelessness Strategy
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to assist homeless individuals with meals and other basic support services and case management.
5	**Agency/Group/Organization**	**Friends of Utah County Children's Justice Center**
	Agency/Group/Organization Type	Services – Children Services – Victims
	What Section of the Plan was addressed	Overall Plan
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to aid abused children by providing specialized mental health treatment to serve them and their families.
6	**Agency/Group/Organization**	**Golden Spike and Outreach**
	Agency/Group/Organization Type	Housing Services – Persons with Disabilities Services – Homeless
	What Section of the Plan was addressed	Housing Needs Assessment Homeless Needs-Homeless Strategy
	How was the	Golden Spike deals primarily with released

	Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	offenders of substance abuse providing comprehensive treatment to recovery where the first step is providing housing assistance and is complemented with case management and complementary services.
7	**Agency/Group/Organization**	**Habitat for Humanity of Utah County**
	Agency/Group/Organization Type	Housing Services – Education
	What Section of the Plan was addressed	Housing Needs Assessment Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Habitat develops new single family housing and rehabilitates existing single family housing, including providing critical home repairs. In addition they contract and coordinate with local government to assist and revitalize neighborhoods through community education and organization to implement clean-up and planting initiatives.
8	**Agency/Group/Organization**	**Housing Authority of Utah County**
	Agency/Group/Organization Type	PHA
	What Section of the Plan was addressed	Housing Needs Assessment Public Housing Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists.
9	**Agency/Group/Organization**	**House of Hope**
	Agency/Group/Organization Type	Services – Children Services – Persons with Disabilities
	What Section of the Plan was addressed	Housing Need Assessment Non-Homeless Special Needs

	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to provide housing, therapy and case management to women with substance abuse problems and their children.
10	**Agency/Group/Organization**	**Mountainlands Community Health Center**
	Agency/Group/Organization Type	Health Agency
	What Section of the Plan was addressed	Overall Plan
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	We have worked successfully with Mountainlands Community Health Center over the last seven years; this continued relationship solidifies access to affordable healthcare to low- and moderate-income households.
11	**Agency/Group/Organization**	**People Helping People**
	Agency/Group/Organization Type	Services – Education Services - Employment
	What Section of the Plan was addressed	Overall Plan
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to provide low-income and minority women with opportunities for affordable day-care, community support from working women, and helping them receive proper education and gain adequate employment.
12	**Agency/Group/Organization**	**Project Read**
	Agency/Group/Organization Type	Services – Elderly Persons Services – Education
	What Section of the Plan was addressed	Overall Plan
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to assist and provide services to prevent and alleviate adult illiteracy through one-on-one tutoring services to help them improve their English reading and writing skills.
13	**Agency/Group/Organization**	**Provo City Housing Authority**

	Agency/Group/Organization Type	PHA
	What Section of the Plan was addressed	Housing Needs Assessment Public Housing Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff was interviewed. Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists.
14	**Agency/Group/Organization**	**Recreation and Habilitation Services (RAH)**
	Agency/Group/Organization Type	Services – Children Services – Persons with Disabilities
	What Section of the Plan was addressed	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Continued support to provide recreational opportunities to people with disabilities and a safe environment for them and their neighbors.
15	**Agency/Group/Organization**	**Rural Housing Development Corporation**
	Agency/Group/Organization Type	Housing
	What Section of the Plan was addressed	Housing Need Assessment Housing Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff was interviewed. Continued support to build and distribute Affordable Housing throughout Utah County.

a. Identify any Agency Types not consulted and provide rationale for not consulting

The Annual Action Plan process provided an opportunity and invited participation comments from all relevant organizations and agencies.

b. Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care Plan	United Way of Utah County	Assist persons who are homeless and at risk of homelessness
Five-Year Consolidated Plan	Orem City	Consortium member
Five-Year Consolidated Plan	Lehi City	Consortium member
Five-Year Consolidated Plan	Mountainland Association of Governments	Consortium member

Table 3 – Other local / regional / federal planning efforts

c. Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l)).

As Lead Entity of the Utah Valley HOME Consortium, the City of Provo engages with other Consortium members discussing community needs and long-term housing strategies. The City of Provo is also an active member of the Mountainland Continuum of Care and the Utah County Council of Governments. In preparing for the upcoming plan year Provo City engaged with Orem City and Mountainland Association of Governments, who administers both Lehi City's and Utah County's CDBG Programs, in offering better funding opportunities to Public Services providers by creating a unified application process requiring less duplicative efforts from both CDBG entitlements and Subrecipients. The focus of these efforts is to provide a more immediate and complete impact for public services in need of capital improvement funding as well as a better application/reporting/monitoring system. Representatives to the entitlement cities from the Community Planning & Development Office of the U.S. Department of Housing and Urban Development are involved in this process and provide full support to achieving the proposed objectives.

AP-12 Participation – 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

a. Summarize citizen participation process and how it impacted goal-setting

The RDA sought out public participation in the development of this plan from citizen's at large, non-profit organizations, elected officials and other interested parties through public meetings, public hearings and surveys.

Citizen Advisory Committees and Boards met several times to evaluate applications and listen to presentations from agencies seeking funding from both CDBG and HOME programs. Residents were invited to participate in the Public Hearings where the projects and/or programs for the fifth year Action Plan were presented as well as provide input in its adoption.

Since estimated funding amounts were used through committees and boards' process, Citizen's Committees proposed contingency recommendations for the final allocation of CDBG and HOME funds. These recommendations are included as part of the introduction to section AP-35 Projects, page 22 of this document.

The Public Comment Period to this Plan ran from April 28, 2019 to June 4, 2019. Comments were solicited in person during the Council Public Hearings held on May 7, and June 7, 2019. Interested parties can also provide input through email to the CDBG & HOME Administrator for the City of Provo: dgonzalez@provo.org; by phone: 801-850-6168; through the Provo City website and by mail: to Redevelopment Agency of Provo City Corporation, ATTN: PY-2019 Annual Action Plan, 351 West Center Street, Provo, Utah, 84601.

Citizen Participation Outreach

Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
Newspaper Ad	Non-Targeted / Broad Community	Not applicable	See Appendix "A"	All comments accepted	
Internet Outreach	Non-Targeted / Broad Community	Not applicable		All comments accepted	
Public Hearing	Non-targeted /Broad Community	Municipal Council sought input from citizens/residents on the PY-2019 Annual Action Plan proposed activities.	See Appendix "A"	All comments accepted	
Citizen's Survey	Non-targeted /Broad Community	Citizens felt priorities are where they should be with an emphasis on affordable housing and a need for bike trails.		All comments accepted	

Table 4 – Citizen Participation Outreach

YEAR FIVE ACTION PLAN PY-2019

AP-15 Expected Resources – 91.420(b), 91.220(c)(1,2)

1. Introduction

The following table summarizes the anticipated resources.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 4				Expected Amount Available Reminder of ConPlan	Description
			Annual Allocation	Program Income	Prior Year Resource	Total		
CDBG	Public Federal	Acquisition Admin and Planning Economic Development Housing Land Acquisition Public Improvements Public Services (Including Proceeds from 108 Loan Guarantee)	$1,255,621	$253,230	$38,495	$1,547,346	$0	Funds will leverage other public investment through infrastructure projects. Expected amount available assumes similar annual entitlement allocation and similar CDBG Program Income each year.
HOME	Public Federal	Acquisition Homebuyer Assistance Homeowner rehab Multifamily rental new construction New construction for ownership TBRA	$1,296,068	$566,329	$0	$1,862,397	$0	These funds will be distributed throughout the Consortium to support housing needs of low income residents

Table 5 - Expected Resources – Priority Table

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2. **Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

   Provo City's Public Facilities and Parks projects use CDBG funding as gap financing allowing leveraging of other sources of funds.

   HOME funding is also used to leverage private funding, frequently in addition to the 25 percent Match required by the program. Match is met through a combination of private financing, cash contributions, donated material, services, and labor.

3. **If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

   40 acres of land adjacent to the airport runway on the northeast area of the airport owned by Provo City will be leased to Duncan Aviation on a 70-year term to support their expansion for their western regional hub facility. It is anticipated that Duncan Aviation will employ between 600 and 700 people, of which approximately 115 will be jobs created for low-moderate income individuals.

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ANNUAL GOALS AND OBJECTIVES

AP-20 Annual Goals and Objective – 91.420, 91.220(c)(3)&(e)

Goals Summary Information—Amounts not included in Table 6 are $380,730 for CDBG and HOME Programs administration and $64,911 for Program Delivery Costs associated with Down Payment Assistance, Egress Windows, Commercial Façades and Emergency Home Repair

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Homeowner/Homebuyer	2015	2019	Affordable Housing		Affordable Housing	CDBG: $159,318 HOME: $570,990	Homeowner Housing Constructed: **22** Homeowner Housing-Rehabilitated: **22** Direct Financial Assistance to Homebuyers: **25**
2	Rental Housing	2015	2019	Affordable Housing		Affordable Housing	HOME: $55,150	Tenant Based Rental Assistance: **25**
3	Public Facilities	2015	2019	Non-Housing Community Development		Suitable Living Environments	CDBG: $453,650	Public Facility or Infrastructures Activities other than Low/Moderate Income Housing Benefit: **67,919**
4	Public Services	2015	2019	Homelessness Non-Homeless Special Needs		Suitable Living Environments	CDBG: $188,343	Public Service Activities other than Low/Moderate Income Housing Benefit: **7,696**
5	Stimulate Economic Growth	2015	2019	Non-Housing Community Development		Economic Development	CDBG: $150,000	Façade treatment/business building Rehabilitation Jobs Created/Retained Businesses Assisted: **4/15**

Table 6 – Goals Summary

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Goal Descriptions

1	**Goal Name**	Homeowner/Homebuyer Affordability
	Goal Description	The purpose of this goal is to increase the affordability, availability, accessibility and sustainability of owner-occupied housing.
2	**Goal Name**	Rental Housing Affordability
	Goal Description	The purpose of this goal is to increase the affordability, availability, accessibility and sustainability of rental housing.
3	**Goal Name**	Public Facilities
	Goal Description	This goal strives to improve neighborhood infrastructure and access to basic services for low--income and special needs populations
4	**Goal Name**	Public Services
	Goal Description	This goal consists of activities to help low--income individuals and families as well as individuals with special needs receive, therapy, supportive services, education, medical assistance, and other needed services
5	**Goal Name**	Stimulate Economic Growth
	Goal Description	This goal includes activities that create or retain jobs, foster entrepreneurship and increase access to employment centers for low- and moderate-income populations

Table 7 – Goals Summary

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AP-35 Projects – 91.420, 91.220(d)

Introduction

Five different entitlement allocations from HUD for PY-2019 come to Consortium members. For CDBG Programs City of Provo will receive $1,255,621, Utah County's allocation is $1,313,945, City of Orem will receive $686,080 and Lehi's allocation is $251,877. Additionally the HOME Consortium will receive $1,296,068 in HOME funds. To these amounts Provo City adds $819,559 in Program Income and $38,495 reprogrammed funding from previous years. Provo City's total available for funding is $3,409,743 (CDBG: $1,547,346; HOME: $1,862,397).

In the following CDBG stated projects, $64,911 will appear to not have been allocated, these funds have been set aside to allocate for Program Delivery of RDA administered programs: Down Payment Assistance—$39,059; Egress Windows—$8,992; Commercial Façade Renovation—$6,744; Emergency Home Repair—$10,106.

CONTINGENCY APPROACH FOR FINAL CDBG & HOME ALLOCATIONS

Citizen committees and boards providing CDBG and HOME funding recommendations made these based on estimated numbers. In anticipation of receiving final allocation amounts from HUD after they finished their processes, committees and boards proposed a contingency approach should final allocation amounts be lower or higher than the estimated amounts used.

Provo City CDBG Advisory Committee-Capital Projects: The committee proposed to reduce funding recommendations proportionately if final CDBD allocations were lower than the estimated amount of $1,100,000 estimated amount.

Should the final allocation of CDBG funding be higher than the estimated amount, the additional funding should be allocated as follows:

a. Increase Administration to the proportionate 20% of the final allocation,
b. Increase Program Delivery to the proportionate requested 4.1% of the final allocation, according to adjusted recommendations made by Redevelopment Agency staff,
c. Increase Public Service funding to the proportionate maximum of 15% of the final allocation,
d. Allocate the remainder of the additional funding, until exhausted, with the following priority: a) Adaptive Playground; b) Emergency Home Repair; DRIP-Commercial Façades; Neighborhood Revitalization; Egress Windows.

Provo City CDBG Advisory Committee-Public Services: The committee proposed to reduce funding recommendations proportionately if final CDBD allocations were lower than the estimated amount of $165,000 (15% of $1,100,000).

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Should the final allocation of CDBG funding be higher than the estimated amount, by no more than 20%, the additional funding should be allocated to organizations with the highest Provo City Priority to meet 100% of their request until the additional funding amount is exhausted, with the following priority: Project Read; Provo Police Victims Assistance. If additional funding is available after funding these two agencies then bring up CASFB Circles Program to 50% of their request and allocate the balance, if any to Rocky Mountain University of Health Professions Foundation-Physical Therapy Program up to 100% of their request.

Utah Valley HOME Consortium Advisory Board: The Board proposed to reduce funding recommendations proportionately if final HOME allocations were lower than the estimated amount of $1,100,000

Should the final funding HOME allocation be higher than the estimated amount, but less than 20%, the all programs should receive a proportionate increase up to their maximum requests.

Pre-Award Costs

Should Provo City's CDBG and HOME Grant Agreements with HUD be finalized after the beginning of the Program Year (July 1, 2019), which could cause award recipients to delay beginning their proposed activities, the City will authorize award recipients to begin delivery of their services and other project activities, related to and included in this 2019-AAP, beginning July 1, 2019. These costs are necessary for efficient and timely performance of all proposed PY2019 projects. All other requirements for the expenditure of CDBG and HOME before Grant Agreements are signed will be completed.

As authorized by 24 CFR 570.200(h) and 24 CFR 92.212(b), Provo City plans to expend pre-award costs prior to the execution of the 2019 Community Development Block Grant (CDBG) and HOME Investment Partnerships Agreement. The use of these funds will not affect future grants.

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#	Project Name
1	CDBG: Administration
2	CDBG: Community Actions Services & Food Bank—Supp. Svcs. for Homeless families
3	CDBG: Community Actions Services & Food Bank—Emergency and Supplemental Food Assist.
4	CDBG: Community Actions Services & Food Bank—Circles Program
5	CDBG: Family Support and Treatment Center
6	CDBG: Friends of Utah County Children's Justice Center
7	CDBG: Friends of the Coalition
8	CDBG: Boys and Girls Clubs of Utah County
9	CDBG: Mountainlands Community Health Center
10	CDBG: Project Read
11	CDBG: Provo City Police Victim Services
12	CDBG: Building Beginnings—Affordable Substance Abuse Treatment
13	CDBG: Rocky Mtn. Univ. of Health Professions: Physical Therapy
14	CDBG: Neighborhood Revitalization
15	CDBG: Downtown Redevelopment Improvement Program (DRIP-Bus. Façade Rehabilitation)
16	CDBG: Emergency Home Repair—Owner Occupied Rehabilitation
17	CDBG: Egress Window Program
18	CDBG: House of Hope—Capital Improvements
19	CDBG: Family Support & Treatment Center—Capital Improvements
20	CDBG: Friends of Utah County Children's Justice Center—Capital Improvements
21	CDBG: Provo Parks-Adaptive Playground
22	CDBG: The Alpine House-Capital Improvements
23	CDBG: TURN—Capital Improvements
24	CDBG: Section 108 Loan Repayment
25	HOME: Administration-Utah Valley HOME Consortium
26	HOME: Administration-Provo City
27	HOME: Loan-To-Own Down Payment Assistance Program
28	HOME: Golden Spike Outreach: Tenant Based Rental Assistance—Re-Entry Assistance Prog.
29	HOME: Habitat for Humanity of Utah County
30	HOME: Home Purchase Plus
31	HOME: Housing Authority of Utah County: Tenant Based Rental Assistance—for Victims of Abuse and Domestic Violence
32	HOME: Rural Housing Development Corporation

Table 8 Project Information

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Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.

The RDA is taking a strategic approach to direct funding. Priorities include expanding affordable housing opportunities throughout the Consortium, providing critical services for the most vulnerable residents, expanding self-sufficiency for at-risk populations, and improving neighborhood conditions in concentrated areas of poverty.

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AP-38 Project Summary

Project Summary Information

1	**Project Name**	**CDBG: Administration**
	Target Area	Serving Provo City Residents
	Goals Supported	Homeowner/Homebuyer Affordability Rental Housing Affordability Public Facilities Public Services Stimulate Economic Growth
	Needs Addressed	Affordable Housing Suitable Living Environments Economic Development Public Services Public Facilities
	***Funding**	CDBG: $251,124
	Description	CDBG Administration budgets are determined by 20% of the Entitlement. Redevelopment Agency staff personnel and overhead costs to administer the CDBG and HOME programs.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Funds will be used for the administration of CDBG and HOME programs
	Location Description	351 West Center Street, Provo, UT, 84601
	Planned Activities	Manage and Monitor CDBG and HOME Programs
2	**Project Name**	**CDBG: Community Action and Food Bank Services—Support Services for Homeless and At-Risk Families and Children**
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	Funding	CDBG: $5,000
	Description	Funds will be used to provide case management, housing research, tenant rights and responsibilities instruction, financial coaching, and connections to employment services.
	Target Date	6/30/2020

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	Estimate the number and type of families that will benefit from the proposed activities	It is anticipated that CASFB will assist approximately 240 homeless households with this funding.
	Location Description	815 S Freedom Boulevard Suite 100, Provo, UT 84601
	Planned Activities	Case management, housing research, tenant rights and responsibilities instruction, financial coaching, and connections to employment services
3	**Project Name**	**CDBG: Community Action and Food Bank Services—Emergency and Supplemental Food Assistance**
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $5,000
	Description	Funds will be used to provide emergency and supplemental food assistance to low-income individuals and families; including elderly, homeless persons, persons with disabilities, and elementary-school-aged children
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is anticipated that CASFB will assist a minimum of 3,400 LMI households with this funding.
	Location Description	815 S Freedom Boulevard Suite 100, Provo, UT 84601
	Planned Activities	Emergency and supplemental food assistance
4	**Project Name**	**CDBG: Community Action and Food Bank Services—Circles Program**
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	Funding	CDBG: $26,000
	Description	Participants (Circle leaders) establish goals and plans and learn new tools, assisted by Allies, to secure and sustain better jobs
	Target Date	6/30/2020

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	Estimate the number and type of families that will benefit from the proposed activities	The Center anticipates it will assist about 80 heads of household.
	Location Description	815 South Freedom Blvd. Provo, UT 84601
	Planned Activities	Partial payment of salaries for Job Coach and an Assistant
5	**Project Name**	**CDBG: Family Support and Treatment Center**
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $9,000
	Description	Funds will be used to assist and provide therapy to children who are victims of abuse.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	16 LMI Provo residents will be assisted
	Location Description	1255 West 1200 North Orem, Utah, 84057
	Planned Activities	Therapy for victims of neglect and abuse
6	**Project Name**	**CDBG: Friends of Utah County Children's Justice Center**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $13,000
	Description	Funds will be used to assist and provide therapy to children who are victims of abuse.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	The Center will report a minimum of 150 abused children receiving services and treatment
	Location Description	315 South 100 East, Provo, Utah, 84606
	Planned Activities	Therapy and intervention services.

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7	**Project Name**	**CDBG: Friends of the Coalition**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments Public Services
	***Funding**	CDBG: $10,000
	Description	Funds will be used for costs associated with providing meals to homeless persons.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Homeless persons are included in the definition of Presumed Eligibility; however the agency will provide reports for a minimum of 2100 persons served.
	Location Description	299 East 900 South, Provo, UT 84606
	Planned Activities	Meals to homeless persons.
8	**Project Name**	**CDBG: Boys and Girls Clubs of Utah County**
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $15,000
	Description	Afterschool sessions aimed to improving math and reading proficiency of low-income students struggling in school.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Even though the facility and residents are presumed eligible, a minimum of 300 individuals will be reported.
	Location Description	1841 North 1120 West Provo, UT 84606
	Planned Activities	Reading and Math support
9	**Project Name**	**CDBG: Mountainlands Community Health Center**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $12,000

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	Description	Funds will be used to provide quality primary discounted medical, dental, pharmacy, and mental health care to LMI Provo residents.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	This funding is expected to serve 150 low-income Provo residents
	Location Description	589 South State St. Provo, Utah, 84606
	Planned Activities	Medical, dental, pharmacy, and mental health care.
10	**Project Name**	**CDBG: Project Read**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $17,000
	Description	Help adults achieve self-sufficiency by helping them acquire literacy and life skills.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	50 low-income Provo residents
	Location Description	550 North University Ave #215,Provo, UT 84601
	Planned Activities	Literacy Lab, digital literacy/technology, health literacy and education, writing labs
11	**Project Name**	**CDBG: Provo Police –Victim's Services**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $30,000
	Description	Funds will be used for program delivery of services offered to victims of domestic violence and/or abuse
	Target Date	6/30/2020

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	Estimate the number and type of families that will benefit from the proposed activities	The organization anticipates serving at least 1,000 low-income Provo residents.
	Location Description	48 South 300 West Provo, UT 84601
	Planned Activities	Referrals to resources, court counseling, assistance in interviews with responding officers, emergency sheltering placement
12	**Project Name**	**CDBG: Building Beginnings—Affordable Treatment**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	***Funding**	CDBG: $15,000
	Description	Funds will be used to provide therapist and case manager to work with clients overcoming substance abuse and mental health issues
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Agency anticipates to assist 5 low- and moderate-income Provo residents
	Location Description	286 South 600 East Bldg. 3, Provo, UT 84606
	Planned Activities	Therapy, case management
13	**Project Name**	**CDBG: Rocky Mountain University of Health Professions Foundation—Community Rehabilitation Clinic (CRC) Physical Therapy**
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments Public Services
	Funding	CDBG: $27,343
	Description	Funding will be used to assist the under-served and uninsured Provo citizens with rehabilitation and physical therapy needs.
	Target Date	6/30/2020

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	Estimate the number and type of families that will benefit from the proposed activities	205 low-income Provo residents will be served
	Location Description	122 East 1700 South, Provo, Utah, 84606
	Planned Activities	Physical Therapy
14	**Project Name**	**CDBG: Neighborhood Revitalization**
	Target Area	
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Leaving Environments, Public Facilities
	Funding	CDBG: $20,000
	Description	Neighborhood revitalization through clean-ups, paint projects and security campaigns
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	6,700 Provo residents
	Location Description	351 West Center Provo, UT 84601
	Planned Activities	Neighborhood clean-ups, paint projects and security campaigns
15	**Project Name**	**CDBG: Downtown Redevelopment Improvement Program (DRIP)**
	Target Area	Downtown Provo
	Goals Supported	Stimulate Economic Growth
	Needs Addressed	Economic Development
	***Funding**	CDBG: $150,000
	Description	Funds will be used to provide matching grants for commercial façade renovation and program delivery, leading to job creation for LMI.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is expected to assist four businesses and create 15 jobs for lmi-individuals.

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	Location Description	Downtown Provo locations in the five planning districts identified in the Provo Master Plan.
	Planned Activities	Façade renovation and rehabilitation
16	**Project Name**	**CDBG: Emergency Home Repair**
	Target Area	City of Provo
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	***Funding**	CDBG: $100,000
	Description	Funds will be used to provide assistance to elderly (60+), disabled and active military low-income individuals and households with emergency repairs to their home.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 10 low-income households will benefit from this funding
	Location Description	Eligible single-family properties in Provo City.
	Planned Activities	Rehabilitation of heating/air conditioning, water, electrical, plumbing systems; roof leaks; sewer. May include other repairs to ensure a healthy/sanitary living environment.
17	**Project Name**	**CDBG: Egress Windows**
	Target Area	Provo City
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Suitable Leaving Environments, Affordable Housing
	Funding	CDBG: $37,500
	Description	Funding will be used to assist low-income homeowners needing to bring bedroom windows up to code.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	5 low-income households
	Location Description	Eligible single-family properties in Provo City.
	Planned Activities	Egress Windows

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18	**Project Name**	**CDBG: House of Hope—Capital Improvements**
	Target Area	
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	***Funding**	CDBG: $68,400
	Description	Renovations to House of Hope's facilities including playground structure, parking lot re-pavement, and residential units.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 women and their children
	Location Description	1726 Buckley Ln. Provo, UT 84606
	Planned Activities	Doors/Decks in Cottages, Roof/paint admin bldg. commercial playground structure, re-pave parking lot.
19	**Project Name**	**CDBG: Fam. Supp. and Treatment Ctr.—Capital Improvements**
	Target Area	Serving Provo City Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	***Funding**	CDBG: $46,750
	Description	Funds will be used to rehabilitate the facility including replacing HVAC and plumbing systems, converting lights to LED, attic insulation, new flooring and raising parking lot
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	221 LMI Provo residents will be assisted
	Location Description	1255 West 1200 North Orem, Utah, 84057
	Planned Activities	Replace HVAC and plumbing systems, converting lighting to LED, attic insulation, new flooring and raising the parking lot.

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20	**Project Name**	**CDBG: Children's Justice Center—Capital Improvements**
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	***Funding**	CDBG: $75,500
	Description	Funds will be used to replace roof and new flooring
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	The Center will serve about 500 abused children receiving services and treatment
	Location Description	315 South 100 East, Provo, Utah, 84606
	Planned Activities	New roof and flooring
21	**Project Name**	**CDBG: Provo Parks-Adaptive Playground**
	Target Area	Provo North Park
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	***Funding**	CDBG: $200,000
	Description	An adaptive playground will be built to provide an opportunity for children with disabilities to enjoy play in an outdoor space that is suited to their needs. The playground will help promote healthy development of children's physical, social, cognitive, and sensory abilities.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	67,111 (Census Tracts 18.01, 18.02, 19, 20)
	Location Description	Provo North Park, 500 W 500 N in Provo
	Planned Activities	Construct an adaptive playground specifically to provide opportunities for children with disabilities. Key unique features will be added including a pavilion, custom concrete slide, custom fencing and surfacing.

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22	**Project Name**	**CDBG: The Alpine House—Capital Improvements**
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	***Funding**	CDBG: $35,000
	Description	Provide individual bathroom spaces and replace piping and emergency exit stairway
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 low-income residents
	Location Description	156 South 300 West, Provo, UT 84601
	Planned Activities	Rehabilitation of bathrooms, replace copper piping and emergency exit stairway.
23	**Project Name**	**CDBG: Turn, Pinnacle Center—Capital Improvements**
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	***Funding**	CDBG: $28,000
	Description	Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with intellectual disabilities.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	32 low-income Provo residents
	Location Description	1921 West 1120 North, Provo, UT 84601
	Planned Activities	Upgrade windows and flooring. Replace HVAC systems
24	**Project Name**	**CDBG: Section 108 Loan Repayment**
	Target Area	
	Goals Supported	Stimulate Economic Growth

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	Needs Addressed	Economic Development
	***Funding**	HOME: $280,000
	Description	Funds will be used to repay the Section 108 loan that was used to cover costs associated with building/updating infrastructure at the Provo City Airport
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	3421 Mike Jensen Parkway Provo, UT 84601
	Planned Activities	Payment of Principal and Interest
25	**Project Name**	**HOME: Administration-Utah Valley HOME Consortium**
	Target Area	
	Goals Supported	Homeowner/Homebuyer Affordability Rental Housing Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $73,875
	Description	Funds will be used to pay for administration costs of the activities for the Utah Valley HOME Consortium.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	351 West Center Street Provo, Utah 84601
	Planned Activities	Administration and planning
26	**Project Name**	**HOME: Administration-Provo City**
	Target Area	
	Goals Supported	Homeowner/Homebuyer Affordability Rental Housing Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $55,731
	Description	Funds will be used to cover administration costs to administer the HOME program and activities for The City of Provo.

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	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	351 West Center Street Provo, Utah 84601
	Planned Activities	Funds will be used to cover administration costs to administer the HOME program and activities for The City of Provo.
27	**Project Name**	**HOME: Golden Spike Outreach—Tenant Based Rental Assistance, Re-Entry Assistance Program**
	Target Area	Consortium Wide
	Goals Supported	Rental Housing Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $55,150
	Description	Provide rental assistance to persons returning to society after recent incarceration.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 low-income Provo residents
	Location Description	Provo, Springville, and Spanish Fork
	Planned Activities	Rental and utilities payments, including deposits.
28	**Project Name**	**HOME: Habitat for Humanity of Utah County**
	Target Area	Consortium wide
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $171,846
	Description	Funding will help build two (2) new homes for eligible families
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	2 low- moderate-income households

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	Location Description	613 South Geneva Rd. Orem, UT 84058
	Planned Activities	New construction
29	**Project Name**	**HOME: Habitat for Humanity of Utah County**
	Target Area	Consortium wide
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $250,000
	Description	Four residential lots will be purchased for residential housing.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	2 low- moderate-income families
	Location Description	Geneva Road, Orem
	Planned Activities	Land acquisition, lot improvements and construction costs for a town-home project.
30	**Project Name**	**HOME: Home Purchase Plus**
	Target Area	Provo City
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $275,750
	Description	Funds will be used to provide down payment (DPA) to qualified, eligible low-income households
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 18 low-income families will be assisted
	Location Description	Throughout Provo City
	Planned Activities	Down-payment assistance and closing costs.
31	**Project Name**	**HOME: Loan-To-Own Down Payment Assistance Program**
	Target Area	UVHC jurisdictions
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing

DRAFT

	***Funding**	HOME: $110,300
	Description	Funds will be allocated to the RDA of Provo to assist eligible families living within Consortium boundaries with down payment assistance and closing costs loans.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Up to 7 low and moderate-income families will be assisted with this funding.
	Location Description	Within Consortium cities excluding Provo City.
	Planned Activities	Down payment assistance and closing costs loans.
32	**Project Name**	**HOME: Rural Housing Development Corporation**
	Target Area	Consortium wide
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	***Funding**	HOME: $1,009,445
	Description	Funds will be used to purchase and develop land in Salem, UT. The property will be used to develop residential lots to build single-family homes for low to very-low income families earning less than 80% of the AMI.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Up to 20 low- and very-low income families.
	Location Description	63 North 400 West Provo, UT 84601
	Planned Activities	Land acquisition, lot improvements and new construction of single-family housing.

DRAFT

AP-50 Geographic Distribution – 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

At this time neither The City of Provo nor the Consortium is establishing specific geographic areas of service

Geographic Distribution

Target Area	Percentage of Funds

Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

N/A

AFFORDABLE HOUSING

AP-55 Affordable Housing – 91.420, 91.220(g)

1. Introduction

Goals for program year affordable housing outcomes are indicated below.

One Year Goals for the Number of Households to be Supported	
Homeless	25
Non-Homeless	69
Special-Needs	0
Total	94

Table 10 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	25
The Production of New Units	22
Rehab of Existing Units	22
Acquisition of Existing Units	25
Total	94

Table 11 - One Year Goals for Affordable Housing by Support Type

2. Discussion

Housing activities will be supported through both CDBG and HOME and will provide subsidies for individuals and families ranging from 0% to 80% AMI. Activities will include homeowner housing rehabilitation, and direct financial assistance for eligible homebuyers.

AP-60 Public Housing – 91.420, 91.220(h)

1. Introduction

The Housing Authority of Utah County and Provo City Housing Authority are responsible for managing the public housing inventory, developing new affordable housing units and administering the Section 8 voucher programs for Utah County and Provo City, respectively. They strive to provide affordable housing opportunities throughout their jurisdictions by developing new or rehabilitating existing housing that is safe, decent, sanitary and affordable—a place where an individual's income level or background cannot be identified by the neighborhood or housing in which they live.

2. Actions planned during the next year to address the needs to public housing

The Housing Authority of Utah County is in the process of identifying 9 additional units in the community to lease, making the units available for a two-year period.

Provo City Housing Authority (PCHA) plans to look at additional LITHC developments and continue to actively provide property management to existing units keeping them well maintained.

3. Actions to encourage public housing residents to become more involved in management and participate in homeownership

HAUC residents are invited to participate each year in a Resident Advisory Board where proposed policies are reviewed prior to implementation. HAUC has a resident currently serving on our Board of Commissioners. HAUC promotes self-sufficiency to all residents, to the extent they are able to achieve. Clients are referred to various agencies who provide budgeting, home ownership and financial counseling. Clients are often notified about various home ownership opportunities available

PCHA has a few CROWN developments which allow the resident to purchase their unit after 15 years at a price well below market value. PCHA coordinates a home owner class for residents as well

4. If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Neither Housing Authority is designated as troubled.

AP-65 Homeless and Other Special Needs Activities – 91.420, 91.220(i)

1. Introduction

The Consortium, through the Mountainland Continuum of Care, works with a number of homeless services agencies to reduce the number persons experiencing homelessness, reduce the length of time individuals experience homelessness, increase successful transitions out of homelessness and reduce the instances of return to homelessness.

Representatives from The City of Provo and Consortium cities participate in the CoC executive specifically so the CoC's priorities are considered during funding allocations.

The Mountainland Continuum of Care contracts with the State of Utah to administer HMIS. All service agencies in the region and the rest of the state are under a uniform data standard for HUD reporting and local ESG funders. All ESG funded organizations participate in HIMS, which is supported by Client Track.

The Mountainland Continuum of Care conducts an annual Point-In-Time count at the end of January to count sheltered (emergency sheltered and transitional housing) and unsheltered homeless individuals. Unsheltered homeless individuals are counted by canvassing volunteers. The volunteers use the Vulnerability Index & Service Prioritization Decision Assistance Tool (VI-SPDAT) to interview and try to connect unsheltered homeless individuals into services.

2. Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

a. Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Provo and Consortium cities will continue to partner with the Mountainland Continuum of Care and its partner agencies, and providing CDBG funding to support the efforts to reaching out to unsheltered individuals to assess their needs.

b. Addressing the emergency shelter and transitional housing needs of homeless persons

Neither The City of Provo nor Consortium cities have direct access to Emergency Solutions Grant (ESG) funding. However, State of Utah allocations are awarded to Community Action Services and Food Bank and the Food and Care Coalition. These agencies use the funding to support their services such as: providing motel vouchers, access to safe facilities, case management, etc.

c. Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Provo, the City of Orem, and Mountainland Associated Government (MAG, CDBG Administrator for Utah County) are active participants in the Task Force to End Chronic Homelessness, which have set the following goals:

- Renew Shelter Plus Care (S+C) projects currently in place for homeless mentally ill
- Introduce new S+C projects to provide housing and support services for chronic homeless
- Build permanent supportive housing for homeless mentally ill
- Fully utilize Olene Walker Housing Trust Fund through State of Utah to fund housing for chronically homeless and increase levels of funding
- Hold Chronic Homeless Task Force meetings to develop further goals
- Continue to hold Discharge Planning meetings
- Increase outreach and support services to chronic homeless by acquiring additional funding'
- Train homeless service providers quarterly regarding access to mainstream resources
- Assess and address client pathway barriers
- Assess problems and possible solutions to the problem of chronic homeless persons acquiring needed personal identification to access mainstream resources
- Continue to support efforts to assist young adult homeless people with substance abuse and mental health problems
- Provide counseling at main chronic homeless provider site
- Develop resources to expand care clinics

Other goals to eliminate homelessness are being addressed through participation in the Mountainland Continuum of Care. Goals are crafted to reduce homelessness in the larger service area of which Provo and Consortium cities are a part.

d. Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

A Discharge Planning Committee meets regularly addressing the following issues:

Foster Care Discharge—As a result of the Initiative on Utah Children in Foster Care and the Transitions to Adult Living support Network Plan formed within the Department of Human Services, including the Divisions lf Child and Family Services (DCFS), Juvenile Justice Services (JJS), Services for People with Disabilities (DSPD), and the Department of Workforce Services (DWS), young people transitioning into adulthood are increasingly living in safe, stable and affordable housing in their communities. Case management is a key component to success during the transition; community partners are assisting the youth as they learn and grow in their new environments. Wasatch Mental Health Vantage Point Youth Services plays a key local role in assisting youth in making the transition to independence.

Health Care Discharge—The Mountainland Continuum of Care has a Discharge Planning Committee whose goal is to ensure that no one is discharged from a medical facility to the streets. The persons on this committee who are developing the final protocol for health care discharge are: homeless service providers, housing providers, emergency room case workers, hospital social workers and representation from the largest local health care system, Intermountain Healthcare.

Mental Health Discharge—The State of Utah has developed protocol and has completed a survey and analysis of homelessness. Within the Public Mental Health System, we are currently in development stages to plan the capacity to ensure that all mentally ill homeless individuals discharged from public institutions will have access to affordable housing and supportive services. State Human Services Discharge Planning Committee has developed a plan specific to mental health and substance abuse, and continues to work with the State Homeless Coordinating Committee to identify and create additional low-income permanent housing for the chronically homeless and develop a process for rapid re-housing of the temporarily homeless.

Correction Discharge—In addition to private organizations such as Prisoner Information Network (PIN) and the Harm Reduction Project, which provide prisoners being discharged with information and services as they leave the state

prison, State Corrections has developed a program inmates are able to access before their release. The Women's Correctional Facility has developed the Your Parole Requires Extensive Preparation (YPREP) office which is opened to women prior to their release and offers much information on successful living outside the facility. The YPREP office is currently in the process of assessing the housing needs of the female population. The information gathered will result in a strategically targeted effort to meet those needs for the women prior to release from incarceration. Each month community members meet for the Women's Summit and Men's Summit meetings. The summit meetings are used to identify and develop resources needed for successful transition.

3. Discussion

While the City of Provo and Consortium cities do not fund services that directly affect homelessness, it is their intent to support agencies with programs that assist the homeless and help people that are vulnerable to becoming homeless. We also continue to work with other organizations, including those that serve and coordinate with the Mountainland Continuum of Care to influence policy to help prevent homelessness in the future.

AP-75 Barriers to affordable housing – 91.420, 91.220(j)

1. Introduction

The most critical public policy barriers (direct and indirect) to the production and preservation of affordable housing include the following:

1. Siting of Housing
2. Land or development cost barriers
3. Zoning and land use barriers
4. Local residency preferences by Housing Authorities
5. NIMBYsm (Not-In-My-Back-Yard)
6. Limited availability of housing choice vouchers
7. Development and land costs
8. Impact fees

2. Actions planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies, affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

The RDA will initiate the process of coordination with Consortium cities to review the barriers and establish strategies and action plans to address them.

Since 2016 monthly meetings have been held by a Housing Committee, sub-committee of Provo City Municipal Council. Discussions include creation of a Community Land Trust (CLT), Inclusionary Zoning, amongst others. The Community Development department is researching the effects of inclusionary zoning and how would the City be able to enact it. The RDA is evaluating prospect agencies that have the capacity to establish and run a successful/effective CLT.

Provo and Orem City councils meet quarterly to discuss common items including availability of affordable housing. Orem has committed to do a closer review of future multi-family projects and provide assistance for qualification for Low-Income Housing Tax Credits.

AP-85 Other Actions – 91.420, 91.220(k)

1. Introduction

The City of Provo and Consortium cities will engage in a variety of activities intended to further local housing and community development goals.

2. Actions planned to address obstacles to meeting underserved needs

The City of Provo and Consortium cities will continue to collaborate and partner with a wide network of housing and human services providers, government officials, business leaders, and citizens to identify areas of need in the community. A coordinated effort will be made to continually improve service delivery systems, reduce duplicative services and to create a process that is flexible enough to meet new needs as they develop.

3. Actions planned to foster and maintain affordable housing

The City of Provo and Consortium cities will continue to operate single-family rehabilitation programs. During this current year specific emphasis was requested for affordable housing projects outside of Provo to provide increased affordable housing choice. Other planned actions that will foster affordable housing include homebuyer and rental projects. To further enhance low- to moderate-income neighborhoods, street improvements are also planned.

4. Actions planned to reduce lead-based paint hazards

Lead risk assessments will be completed for all housing units receiving assistance through the housing rehabilitation programs. When conditions are found which indicate a potential lead-based paint hazard, appropriate remedial action will be included as part of the proposed work. All lead work will be conducted in accordance with federal regulations and performed by appropriate certified and/or licensed contractor

5. Actions planned to reduce the number of poverty-level families

The City of Provo and Consortium cities have well-established service networks to provide services to impoverished people. These include:

- County Health Program to provide medical coverage for those who need it.
- The City and the Consortium address other critical needs by supporting coordinating and referring families and individuals to resources such as:
    - Circles initiative, which helps individuals living in generational poverty recognize and overcome their barriers to self-reliance, sponsored by Community

Action Services and Food Bank (CASFB);
    - Bridges Out Poverty Training, conducted by CASFB
    - Community garden, community kitchen, food bank, family development programs, home buyer and mortgage counseling through CASFB;
    - Weatherization and energy conservation programs available from the Housing Authority of Utah County;
    - Down payment assistance through the RDA;
- Partner nonprofit agencies that provide medical services to extremely and very low-income families and individuals

6. Actions planned to develop institutional structure

The RDA will continue to coordinate activities and foster relationships in the community among public and non-governmental entities. With diminished revenues, lost resources must be offset. The following are considered for the coming year:

Management Capacity

- Develop additional cost-effective ways to provide affordable housing. The City of Provo and Consortium cities will continue to seek additional ways to share resources and costs to maintain an acceptable level of program and management capacity
- Identify service gaps and improve efficiency and effectiveness in their delivery. The City of Provo and Consortium cities will enhance program design and delivery.

Expanding the Network of Partners

The City of Provo and Consortium cities will continue efforts to strengthen existing and establish new relationships with service providers to expand and strengthen services in the community.

Subrecipient Monitoring

The RDA will continue to monitor and assist Subrecipients and Community Housing Development Organizations (CHDOs). Monitoring will be performed through risk assessment and Technical Assistance will be provided on the degree of need.

7. Actions planned to enhance coordination between public and private housing and social service agencies

The City of Provo and Consortium will enhance coordination with service providers and housing providers through coordination meetings, participating in community-wide-committees, and engaging local experts recommend and provide programs for their target populations. A major tool for this coordination is through the collaborative relationship with the Mountainland Continuum of Care.

PROGRAM SPECIFIC REQUIREMENTS

AP-90 Program Specific Requirements – 91.420, 91.220(l)(1,2,4)

Introduction

In this section the RDA addresses various program specific requirements and how it complies with federal regulations specific to the grants received. This section provides a calculation of total CDBG Program Income. The guidelines established to comply with statutory requirements of the HOME Program are also included.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	$240,000.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	$0.00
3. The amount of surplus funds from urban renewal settlements	$0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	$0.00
5. The amount of income from float-funded activities	$0.00
	$240,000.00

Other CDBG Requirements

1. The amount of urgent need activities	$0.00

2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Years covered that include this Annual Action Plan: 2019.	75.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   The Utah Valley HOME Consortium utilizes only forms of investment as outlined in Section 92.205

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   The following provisions will apply to Subrecipients, Contractors and Developers (including CHDOs) or other entities that will provide homebuyer assistance with HOME funds provided through the Utah Valley HOME Consortium.

   - The length of the affordability period will be as established by the HOME Program statute depending on the amount of funding received for the project.
   - The chosen method is Recapture
   - The Utah Valley HOME Consortium will require full payment of the assistance provided to the homebuyer if the assisted HOME unit is sold during the affordability period. However, if there are no net proceeds or insufficient proceeds to recapture the full amount of the HOME investment due, the amount subject to recapture will be limited to what is available from the net proceeds. Net proceeds are defined as the sales price minus superior non-HOME loan repayments and closing costs, excluding realtor commissions.
   - Written agreements will reflect this requirement
   - Affordability provision will be enforced through a recorded Deed of Trust

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   The description of the guidelines for homebuyer activities (Question #2 in this section) apply here as well. Please refer to the response to question AP-90 #2.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   The Consortium has no plans to exercise this section of the HOME statute during this five-year period.

5. A description of the determination of the 95 percent median area purchase price limit for affordable homeownership established by the Jurisdiction. See 24 CFR 92.254(a)(2)(iii):

The current local market in Utah County shows that the affordable homeownership limits provided by HUD ($284,000 for a 1-unit structure) are discordant.

Regulations require that:

A) The 95 percent of median area purchase price must be established in accordance with a market analysis that ensures a sufficient number of recent housing sales is included in the survey.
B) Sales must cover the requisite number of months based on volume: For 500 or more sales per month a one-month reporting period; for 250 through 499 sales per month, a 2-month reporting period; for less than 250 sales per month, at least a 3-month reporting period. The data must be in ascending order of sales price.
C) The address of the listed properties must include the location within the Participating Jurisdiction. Lot, square, and subdivision data may be substituted for the street address.
D) The housing sales data must reflect all, or nearly all, of the one-family house sales in the entire Participating Jurisdiction.
E) To determine the median, take the middle sale on the list if an odd number of sales, and if an even number, take the higher of the middle numbers and consider it the median. After identifying the median sales price, the amount should be multiplied by 0.95 to determine the 95 percent of the median area purchase price.

Following the requirements above PJ staff gathered and analyzed data of all single-family housing sales in Utah County for the month of February, 2019. A total of 521 single-family homes sales were identified. The average price amongst all sales is $393, 711. Following the instructions of paragraph E) above, the median price is: $355,000 and therefore the 95% of median is $337,250.

APPENDICES

Appendix A – Citizen Participation Comments

Public Hearing May 7, 2019

Public Comment—Pending

Public Hearing June 4, 2019

Public Comment—Pending

Written comments received through Public Comment Period

Public Comment—Pending

Appendix B – SF-424's and Certifications

FINAL PY-2019 CDBG FUNDING RECOMMENDATIONS
EXHIBIT B

PY2018 CDBG ENTITLEMENT		FINAL ALLOCATION	$	1,255,621
AVAILABLE FOR REPROGRAMMING				
PY2017 Program Income	$	253,230		
Balances from finished projects	$	38,495		
Total Available for Reprogramming			$	291,725
PY2018 ESTIMATED CDBG AVAILABLE			$	1,547,346

PY2018 FUNDING REQUESTS:	Requested:	PY-2018 Funded	PY-2019 Recommended Funding By Committees
Administration CDBG (20% of Entitlement)	$ 251,124	$ 228,370	$ 251,124
Program Delivery			
Down Payment Assistance Program	$ 39,059	$ 41,600	$ 39,059
Eggress Windows	$ 8,992	$ 11,900	$ 8,992
Commercial Façade Renovation	$ 6,744	$ 11,000	$ 6,744
Emergency Repairs	$ 10,116	$ -	$ 10,116
CDBG-Public Services Funding (Max. 15% of Entitlement-$162,750)	$ 188,343	$ 184,354	$ 188,343
TOTAL CDBG Admin, Program Delivery, Program Income, Social Services Funding			$ 504,378
Total Estimated Funding Available			$ 1,547,346
Total Available for Capital Projects			$ 1,042,968

CAPITAL PROJECTS:	Requested	Unspent $$	PY2018 Funded		Percent of Total Avail.	Percent of Applicant's Request
108 Loan Repayment--Duncan Improvements at Provo Airport	$ 280,000			$ 280,000	10.44%	100%
Family Support & Family Treatment Ctr. Capital Improvements	$ 46,750	$ -	$ -	$ 46,750	16.87%	100%
Friends of UT Cty Children's Justice Center-Capital Improvements	$ 75,500	$ -	$ -	$ 75,500	15.28%	100%
House of Hope: Housing Rehabilitation (Cottage Project/Svcs Bldg/Parking)	$ 68,400	$ -	$ -	$ 68,400	44.68%	100%
Provo City Parks Dept.: Adaptive Playground	$ 200,000	$ 264,315	$ 300,000	$ 200,000	22.34%	100%
Provo City RDA: Emergency Home Repair	$ 100,000	$ 9,301	$ 30,000	$ 100,000	33.51%	100%
Provo City RDA: Downtown Redevelopment Improvement Program (DRIP)	$ 150,000	$ 104,000	$ 100,000	$ 150,000	8.38%	100%
Provo City RDA: Egress Window Program	$ 50,000	$ 31,500	$ -	$ 37,500	4.87%	75%
Provo City RDA: Neighborhood Revitalization	$ 25,000	$ -	$ 20,000	$ 21,818	7.82%	87%
The Alpine House-Capital Improvements	$ 35,000	$ -	$ -	$ 35,000	6.25%	100%
TURN Community Services, Inc.-Capital Improvements	$ 28,000	$ -	$ -	$ 28,000	0.00%	100%
					170%	
TOTAL CAPITAL PROJECTS REQUESTS	$ 1,058,650					
TOTAL CAPITAL PROJECTS RECOMMENDED FUNDING				$ 1,042,968		
Capital Projects To be Committed (over committed)				$ (0)		

PY-2019 CDBG-PUBLIC SERVICES FUNDING RECOMMENDATIONS
EXHIBIT C

CDBG Public Services Applicants PY2019 Final Grant Amount $1,255,621	PY2018 CDBG Award	Requested PY2019	Committee Recommendations (Max. 15% - $188,343)	Balances from prior Program Years	Percent of Request	Percent of Avail. Funds
Boys & Girls-Reading & Math Support	$ -	$ 50,000	$ 15,000	$ -	30.0%	9%
Building Beginnings Affordable Treatment	$ -	$ 51,720	$ 15,000	$ -	29.0%	9%
CASFB: Circles Provo site	$ -	$ 50,000	$ 26,000	$ -	52.0%	16%
CASFB: Food Bank Support	$ 9,000	$ 30,000	$ 9,000	$ 5,100	30.0%	5%
CASFB: Housing Services	$ 9,000	$ 20,000	$ 5,000	$ 7,800	25.0%	3%
Family Support and Treatment Center	$ 16,604	$ 20,600	$ 9,000	$ -	43.7%	5%
Friends of the Coalition (AKA Food & Care)	$ 10,000	$ 10,000	$ 10,000	$ -	100.0%	6%
Friends of UC Children's Justice Center	$ 20,000	$ 20,000	$ 13,000	$ 2,575	65.0%	8%
Mary C. Elliott-Mental Health Counseling	$ -	$ 15,000	$ -	$ -	0.0%	0%
Mountainlands Community Health Center	$ 11,000	$ 15,000	$ 12,000	$ -	80.0%	7%
People Helping People	$ 6,000	$ 10,000	$ -	$ 6,000	0.0%	0%
Project Read	$ 7,000	$ 17,000	$ 17,000	$ -	100.0%	10%
Provo City Police Dept.: Victims Assistance	$ 28,000	$ 30,000	$ 30,000	$ 13,770	100.0%	18%
Rocky Mountain University of Health Professions Foundation: Physical Therapy	$ 20,000	$ 40,000	$ 27,343	$ -	68.4%	17%
Total PY19 CDBG Public Services Requests	$ 155,604	$ 379,320	$ 188,343			114%

PY-2019 HOME Funding Allocations
Exhibit D Final

		FINAL ALLOCATION	TOTAL ALLOCATION		
Program Year-2019 HOME CONSORTIUM ENTITLEMENT FINAL		$ 1,296,068	$ 1,296,068		
Administration 10% of Grant		$ 129,606			
Program Income FY-2017			$ 566,329		
Total Available for Reprogramming			$ -		
Program Year 2019 HOME FUNDS ESTIMATED AVAILABLE			$ 1,862,397		
PROPOSED USES PY-2019:					
	Requested:	**Final Allocations**		Request/Recommendation Ratio	% of Award
HOME Administration		$ 129,606			
			$ 129,606		7%
HOME-CHDO Funding					
Habitat for Humanity - Land Acquisition/New Construction		$ 97,206			
Rural Housing Development Corp. - Mutual Self Help Program		$ 97,205			
HOME-CHDO Available (15% of Entitlement)			$ 194,411		
Proposed Project					
Golden Spike-TBRA ReAP	$ 60,000	$ 55,150		91.92%	3%
Habitat for Humanity-New Construction	$ 200,000	$ 74,640		54.79%	9%
RDA-HomeOwner Rehabilitation	$ 200,000	$ 110,300		55.15%	6%
RDA-Home Purchase Plus Provo City-Wide DPA	$ 300,000	$ 275,750		91.92%	15%
RDA-Loan-to-Own County Wide DPA	$ 300,000	$ 110,300		36.77%	6%
Rural Housing Development Corp.-Mixed SF/MF Housing	$ 1,000,000	$ 912,240			54%
Rural Housing Development Corp.-Mutual Self Help Program	$ 900,000	$ -	$ 1,538,380		
					100%
TOTAL PROPOSED USES			$ 1,862,397		
To Be Committed (over committed)			***$ 0***		

To be approved on June 4, 2019



Consolidated Annual Performance and Evaluation Report (CAPER)

July 1, 2017 through June 30, 2018

of the 2015-2019 Five-Year Consolidated Plan

as Amended

City of Provo (City)
Utah Valley HOME Consortium (UVHC)
Redevelopment Agency of Provo City Corporation (RDA)
351 West Center Street
Provo, Utah 84601
http://www.provo.org/departments/redevelopment

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

As the housing prices are outpacing salaries in Utah County and affordable housing is harder for low and moderate income families to acquire, Provo City has put an emphasis on finding ways to create permanent affordable housing. While this is a work still in progress, providing these opportunities continues to be a top priority.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Homeowner/Homebuyer Affordability	Affordable Housing	HOME:$2,615,442	Homeowner Housing Added	Household Housing Unit	30	37	123.33%	69	8	11.59%
Homeowner/Homebuyer Affordability	Affordable Housing	CDBG: $ / HOME: $	Homeowner Housing Rehabilitated	Household Housing Unit	25	27	108.00%	16	8	50.00%
Homeowner/Homebuyer Affordability	Affordable Housing	CDBG: $ / HOME: $	Direct Financial Assistance to Homebuyers	Households Assisted	35	70	200.00%	27	31	114.81%
Public Facilities	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	19425	192.43%	0	5340	0.00%

Public Facilities	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	100	0	0.00%	100	0	0.00%
Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	30000	22354	74.51%	0	5062	0.00%
Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	0	0	0	653	0	0.00%
Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Homeless Person Overnight Shelter	Persons Assisted	0	0	0	0	0	0.00%
Rental Housing Affordability	Affordable Housing	HOME: $	Rental units constructed	Household Housing Unit	10	20	200.00%	2	0	0.00%
Rental Housing Affordability	Affordable Housing	HOME: $	Rental units rehabilitated	Household Housing Unit	5	1	20.00%	0	0	

Rental Housing Affordability	Affordable Housing	HOME: $	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	15	27	133.3%	0	7	0.00%
Stimulate Economic Growth	Non-Housing Community Development	CDBG: $ / Section 108: $2500000	Facade treatment/business building rehabilitation	Business	0	0		10	0	0.00%
Stimulate Economic Growth	Non-Housing Community Development	CDBG: $ / Section 108: $2500000	Jobs created/retained	Jobs	115	12	10.43%	400	10	2.50%
Stimulate Economic Growth	Non-Housing Community Development	CDBG: $ / Section 108: $2500000	Businesses assisted	Businesses Assisted	16	4	00.25%	0	1	
Stimulate Economic Growth	Non-Housing Community Development	CDBG: $ / Section 108: $2500000	Buildings Demolished	Buildings	2	0	0.00%	0	0	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

In the 2017 Program Year, CDBG funds were used in seven homeowner rehabilitation projects. 10 jobs were created by assisting five downtown businesses with Façade rehabilitation. 481 homeless individuals were provided meals by the Food and Care Coalition and services to at-risk populations were furnished through Victim Services(1,081), Utah County Friends of Children's Justice Center (192) and Family Support & Treatment (121). Low-income families and individuals also received services for medical and dental care through Mountainlands Community Health Center (115) and the Community Rehabilitation Clinic run by Rocky Mountain University of Health Professionals(230). 130 illiterate individuals received assistance through Project Read and 10 female heads of household received job training/placement assistance by People Helping People.

31 Female heads of household were benefitted by the residential rehabilitation of House of Hope financed in part with CDBG funds, while 18 victims of abuse were benefitted by the rehabilitation of the Center for Women and Children in Crisis. Work is being completed on other public cacilities, such as Spring Creek Park, and the 200 East Bycicle/Pedestrian improvement project.

HOME funds were used to provide down payment assistance to 18 households. Rural Housing Development Corporation (RHDC/Self-Help Homes) leveraged HOME funds with private financing to build 15 new affordable homes in Payson, of which five were HOME-assisted units. RHDC also purchased land and began development of another project in Payson and two projects in Salem. Habitat for Humanity purchased land in Orem to build an eight unit project. In rental housing, HOME funds were used to provide TBRA through Golden Spike Rehabilitation Re-Entry Assistance Program and to complete 26 units for senior citizens built by the Housing Authority of Utah County.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	14,053	33
Black or African American	505	1
Asian	110	3
American Indian or American Native	348	0
Native Hawaiian or Other Pacific Islander	312	1
Total	**15,328**	**38**
Hispanic	672	1
Not Hispanic	14,656	37

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Based on the demographic information for Provo City in the 2017 American Communities Survey, they percentages served are proportionate to the populations with the exception of the Hispanic population. Provo City's CDBG and HOME programs show that 4% and 3% of those served where Hispanic compared to the ACS data showing Hispanics making up 16.5% of the population. This tells us more efforts should be made to engage the Hispanic community to bring an awareness of programs available to them.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	1,176,044	1,445,827.69
HOME	HOME	1,367,583	3,587,513.00
Section 108	Section 108	2,500,000	

Table 3 - Resources Made Available

Narrative

Of the dollars expended in CDBG $1,383,941.29 were entitlement dollars, some carried over from previous years and $61,886.40 of program income was expended. In the HOME Consortium $2,822,502.63 was expended in entitlement dollars while $765,010.37 was program income.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

There are no targeted areas in Provo or in the Utah Valley HOME Consortium.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	$13,188,755.05
2. Match contributed during current Federal fiscal year	$0.00
3 .Total match available for current Federal fiscal year (Line 1 plus Line 2)	$13,188,755.05
4. Match liability for current Federal fiscal year	$234,575.18
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	$12,954,179.87

Table 5 – Fiscal Year Summary - HOME Match Report

Federal funding was leveraged by using approximately $5,233,758 of private dollars to complete development of the Cowan Corner project in Payson and in the land acquisition and development of property to build low and moderate income homes in Payson and Salem.

Federal funding assisted in the production of a senior housing project undertaken by the Housing Authority of Utah County and was leveraged by a total of $3,867,877 ($3,177,877 in private funds; $445,000 in state funds and $245,000 in local funds). The development was finished late spring and features all handicap accessible units.

Matching requirements for the PY2017 of $234,575.18 were satisfied by private cash contributions of $177,465.25 from the Pacific Drive Senior Housing Project (HAUC) and $351,764.25 of donated labor from the Orchard Farms project (RHDC). The total match provided from October 1, 2017 to September 30, 2018 All together the PJ has carryforward balance of $13.483 million dollars

In connection with 108 Loan funding, 40 acres of land adjacent to the airport runway on the northeast of the Provo City airport owned by Provo City will be leased to Duncan Aviation on a 70-year term to support the expansion of their western regional hub facility. It is anticipated that Duncan Aviation will employ between 600 and 700 people, of which approximately 115 will be jobs created for low-moderate income individuals.

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at begin-ning of reporting period $	Amount received during reporting period $	Total amount expended during reporting period $	Amount expended for TBRA $	Balance on hand at end of reporting period $
$663,364.07	$716,328.95	$765,010.37	$35,996.43	$949,662.61

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	**Minority Business Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Contracts						
Number						
Dollar Amount						
Sub-Contracts						
Number						
Dollar Amount						

	Total	**Women Business Enterprises**	**Male**
Contracts			
Number			
Dollar Amount			
Sub-Contracts			
Number	**2**	**0**	**2**
Dollar Amount	**709,861**	**0**	**709,861**

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	**Minority Property Owners**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	**0**	**0**	**0**	**0**	**0**	**0**
Dollar Amount	**0**	**0**	**0**	**0**	**0**	**0**

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition		
Parcels Acquired	**0**	
Businesses Displaced	**0**	
Nonprofit Organizations Displaced		
Households Temporarily Relocated, not Displaced		

Households Displaced	**Total**	**Minority Property Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	**0**	**0**	**0**	**0**	**0**	**0**
Cost	**0**	**0**	**0**	**0**	**0**	**0**

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	4432	18
Number of Non-Homeless households to be provided affordable housing units	421	37
Number of Special-Needs households to be provided affordable housing units	800	0
Total	**5,653**	55

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	2	18
Number of households supported through The Production of New Units	69	1
Number of households supported through Rehab of Existing Units	16	26
Number of households supported through Acquisition of Existing Units	27	37
Total	**112**	**82**

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Our down-payment assistance numbers are lower than expected this year. Affordable housing continues to be a challenge throughout Utah County. We attribute this to one of the main challenges to people looking to purchase a home.

The Rural Housing Development Project and Habitat for Humanity of Utah County were projected to complete units this year and both projects were slightly delayed with construction of new units being completed or near complete in the 2018 Program Year.

Discuss how these outcomes will impact future annual action plans.

Provo City and the Constortium will continue to look for ways to provide affordable housing throughout the county. This is a critical item and is a top priority.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	28	11
Low-income	6	2
Moderate-income	36	25
Total	**70**	**38**

Table 13 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Provo City and the Consortium participate actively in the Mountainland Continuum of Care. Together we work on improving relationships among agencies serving homeless populations.

With information gathered during the annual Point in Time canvas survey, agencies coordinate and provide outreach to homeless families and individuals.

Community Action Services provides outreach to homeless families living in inadequate and homeless situations. Wasatch Mental Health provides mental health outreach. Food and Care Coalition provides outreach to single homeless persons with substance abuse and other issues, through their hot meal and mentoring program in Provo.

Addressing the emergency shelter and transitional housing needs of homeless persons

Actions taken by the City to address emergency shelter and transitional housing needs of homeless individuals and families included funding agencies that provide transitional housing and case management to victims of domestic and sexual abuse.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The Consortium partners with Golden Spike Outreach to provide housing to recently released individuals from Utah County Jail who enter in their program to stay clean from drug abuse.

Helping homeless persons (especially chronically homeless individuals and families, families

with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Provo City and the Consortium participate with the Continuum of Care.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

A senior housing project was completedin late spring of 2018. This project provides 26 units of affordable housing to seniors with set-aside units for victims of domestic violence, veterans, and homeless individuals.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

While the Housing Authority of Utah County does not provide a homeownership class, clients are notified of homeownership opportunities available in the community (down-payment assistance, Self-Help Homes, and home buyers education through Community Action). When an employment position because available the Housing Authority advertises through the Department of Workforce Services. Occaccionaly the Housing Authority will reach out to clients for short-term or seasonal employment opportunities. They encourage feedback from clients on agency performance, and clients are invited to attend an annual meeting where they can provide input and agency goals are discussed.

Actions taken to provide assistance to troubled PHAs

N/A

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

There were no new policy changes within the City, or Consortium member jurisdictions that would have a significant impact on investments in affordable housing development.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

No new actions were taken to address obstacles.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

No new actions were taken to reduce lead-based paint hazards. It has long been a practice of the RDA to conduct lead-based paint testing on home purchases and any rehab work done for both commercial and residential structures and abate as needed.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

No new actions were taken to reduce the number of poverty-level families.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

No new actions were taken to develop institutional structure.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

All contracts with public service agencies require an invitation for a staff member from the RDA to attend at least one board meeting to open discussions about fair housing and community needs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Special consideration was given to Grantee applications submitted for affordable housing projects being constructed outside of Provo City to help provide affordable housing opportunities in growing economic areas within Utah County.

Impediment #1: Segregation due to concentrations of Affordable Housing: Nymbyism, Zoning and Land Prices.
Staff engages in continued education to Mayors and Municipal Councils throughout the County, about the need to provide affordable housing opportunities in their communities.

Impediment #2: Concentration of Tax Credit and Rent Assisted Apartment Communities
Most Tax Credit projects in the County are located in the City of Provo. Staff partners with advocate agencies and State officers to encourage Mayors and Municipal Councils throughout the County to provide access to Tax Credit projects in their jurisdictions.

Impediment #3: Concentration of Rental Units Limits Housing Choice for HUD Voucher Holders
Very few affordable housing rental units are found outside of Provo City. Staff partners with advocate agencies and State officers to encourage Mayors and Municipal Councils throughout the County to encourage projects for affordable rental housing in their jurisdictions.

Impediment #4: Vague and Outdated Housing Plans. The State of Utah is enforcing Utah County units of government to update their Housing Plans every two years.

Impediment #5: Availability of Rental Units for Large Families.
Staff partners with advocate agencies and State officers to encourage Mayors and Municipal Councils throughout the County to encourage projects for affordable rental housing in their jurisdictions.

Impediment #6: Language Access Plans Fundamental to Housing Discrimination Complaint Process and Information.
Provo City is developing a Language Access Plan and encourages Consortium members to develop their own.

Impediment #7: High Cost of Housing Development at TODs Impedes Development of Affordable Housing
Encouraging State to allow more Tax Credit projects in TODs.

Impediment #8: Hispanic Denial Rates for Mortgage Lonas Indicate Possible Impediment to Fair Housing.
Provo City engages in educating the Hispanic community on their rights for Affordable Housing and assists in referring claims to the State.

Impediment #9: Housing and Disabled Individuals
Provo City partners with advocacy agencies in educating landlords and assisting with "reasonable accommodations."

Impediment #10: concentration of Low Income Minorities in Provo Impedes Housing Choice as Well as Opportunity.
Staff engages and educates Mayors and Municipal Councils throughout the County.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

During PY-2017 the RDA monitored and evaluated funded projects progress toward contracted goals and expenditures. Agencies are required to submit regular quarterly program activity, financial and contractual compliance reports. This information was used to monitor program activity and contract compliance. Timely expenditure of funds is a component of these monitoring activities.

Staff conducted on-site reviews of Subrecipients and Contractors with current contracts, and provided technical assistance on several varied issues to both CDBG and HOME programs. HOME rental projects within the affordability period were also monitored.

A standard practice is to operate CDBG and HOME funds on a reimbursement basis, thus ensuring that a desk review of proposed expenditures is performed to verify that contract and federal regulations are being met.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The public is always encouraged to participate in helping determining priorities, comment on the use of funds and review the progress of CDBG and HOME funded projects and programs.

A public notice was published in the Daily Herald on August 31 and September 23, 2018 requesting the public to provide comments. The comment period beginning on September 1, and concluding in September 30, 2018. Comments were accepted through the last day of the comment period. No comments were received.

This year in addition to publication of legal notices in local newspapers, staff held a class open to citizens to inform on activities performed with CDBG and HOME funding. Staff also took advantage of social media to publish surveys in English and Spanish to collect opinions from the public in the Fall of 2017. A second survey was conducted in the spring of 2018 and sent specifically to organizations representing low income citizens as well as protected classes these included: Community Action Services of Utah County, Habitat for Humanity of Utah County,

Centro Hispano, and Recreation and Habilitation (RAH). These surveys were also published in English as well as Spanish. City council public hearings are also advertised to invite the general public to engage elected officials in conversation regarding the purposes and uses of both CDBG and HOME grants.

In accordance with the Americans with Disabilities Act, individuals who wish to attend and participate who need special assistance should contact the Redevelopment staff at least 48 hours prior to the meeting at 801-852-6160. The facility is a handicapped accessible building. If you are deaf or hard of hearing you may dial 711 for relay services from RelayUtah. Any non-English speaking persons requiring special assistance should contact staff at least 48 hours prior to the meeting. *Si usted desea asistir a esta audiencia pública y necesita interpretación, debe llamar al teléfono 801-852-6168 por lo menos 48 horas antes del inicio de la audiencia. Si tiene alguna discapacidad auditiva puede llamar al teléfono 888-346-3162 para recibir ayuda a través de RelayUtah.* The City promotes fair housing and makes all programs available to low and moderate income families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There are no changes in the City's program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants? No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

On-Site inspections of rental housing is performed every other year in even years during the monitoring process. In the 2017 year, rental property files were reviewed to ensure afforfability of property and eligibility of tenants.

Projects Inspected:
Willow Cove (HAUC)—Units are well kept and maintained. Selected sample of tenants are eligible.
Carillon Court (HAUC) —Units are well kept and maintained. Selected sample of tenants are eligible.
Cedar View Sr (HAUC) —Units are well kept and maintained. Selected sample of tenants are eligible.
Hollow Park (HAUC) —Units are well kept and maintained. Selected sample of tenants are eligible.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

As part of the application process all agencies soliciting funds are required to submit an Affirmative Marketing Plan for the projects for which they are seeking funding. Staff reviews the plans to ensure they meet program requirements and ensures they are incorporated into the Agreements.

Subrecipients and contractors follow their Affirmative Marketing Plans, which include outreach to underserved populations—including the Hispanic population—by contacting advocate groups and providing education and encouraging their staff to volunteer to get to know these individuals. Programs and projects are advertised through local publications and networks.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

$511,368.37 - RHDC Orchard Creek - Mutal Self-Help homes build in Salem, Utah. Program benefits low and moderate income families who participate in a group build to construct new homes.

$150,000 – RHDC Nebo Gateway - Mutal Self-Help homes build in Payson, Utah. Program benefits low and moderate income families who participate in a group build to construct new homes.

$103,642.00 - Habitat Geneva Road: Funding for property purchase and building of new home for low income family, beneficiary selection has not yet been completed.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Provo City's Municipal Council has formed an Ad-hoc housing committee in which Council and Community Members and City staff have been analyzing the concentration of LIHTC housing and are looking at possible zoning changes (inclusionary zoning) and are moving forward in developing a community land trust. Coordination is also being done with other cities within the county to help with affordable housing options.

RESOLUTION 2019-.

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR A UTAH COUNTY MUNICIPAL RECREATION GRANT TO BE USED FOR LAKEWOOD PARK PLAYGROUND. (19-053)

WHEREAS, it is proposed that the Mayor be authorized to submit an application for a Utah County Municipal Recreation Grant to be used for a new playground at Lakewood Park; and

WHEREAS, the Utah County Commission has determined that available funds will be divided among municipalities based on the population estimates (Mountainland Association of Governments 2017 Utah Census population estimates); and

WHEREAS, the total funding available for the 2019 Utah County Municipal Recreation Grant for Provo City is $58,575.07; and

WHEREAS, the funds for this grant program come from the Tourism, Recreation, Culture and Convention Tax pursuant to Section 59-12-601 et seq., Utah Code Annotated, 1953 as amended, and Section 21.4.1 et seq., Utah County Code; and

WHEREAS, on May 7, 2019 the Municipal Council held a noticed public meeting to ascertain facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the facts represented to the Municipal Council, the Council finds (i) the Mayor should be authorized to submit the proposed grant application, and (ii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

The Mayor is hereby authorized to sign the Utah County Municipal Recreation Grant Application and submit it to the Utah County Commission for consideration to be used for a new playground at Lakewood Park.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: TMCKENNA
Department: Parks and Rec
Requested Meeting Date: 04-23-2019

SUBJECT: A resolution authorizing the Mayor to submit an application for a Utah County Municipal Recreation Grant to be used for Lakewood Park Playground. (19-053)

RECOMMENDATION: This needs to be approved by resolution. The plan is to have this heard on May 7, 2019 during work session and later that evening during the regular Council Meeting. The application is due to the County on or before May 20, 2019.

BACKGROUND: This is an annual grant offered by Utah County for communities within the County. Funding for the grant comes from the "Restaurant Tax". Funds are distributed to communities based on population estimates from Mountainland Association of Governments 2017 Utah Census population estimates. Based on Provo's population, the grant allocation for 2019 is $58,575.07.

In order to be considered, all grant proposals must be submitted by May 20, 2019. This is a reimbursement grant. The City expends funds and must submit for reimbursement.

FISCAL IMPACT: None

PRESENTER'S NAME: Thomas McKenna

REQUESTED DURATION OF PRESENTATION: 10 minutes

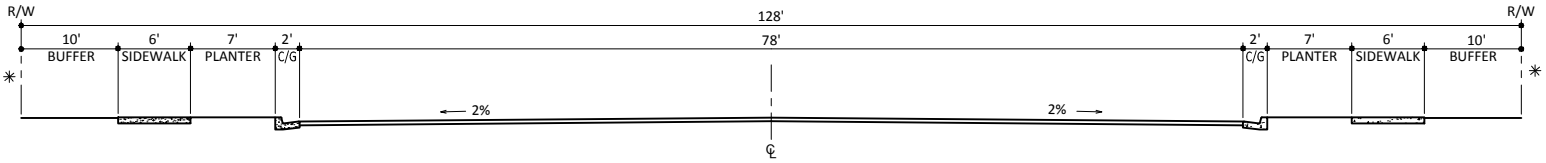
COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
2030 Vision - Core Value - Healthy, Inviting Environment - Value abundant park facilities and recreational opportunities.
Section 3 Leisure:
Goal 3.1 – Establish a system of attractive parks and recreational facilities that will provide a complete range of activities for all age groups.
2013 Parks and Recreation Master Plan Priority - Updating and maintaining what we have.

CITYVIEW OR ISSUE FILE NUMBER: 19-053

*Item 9

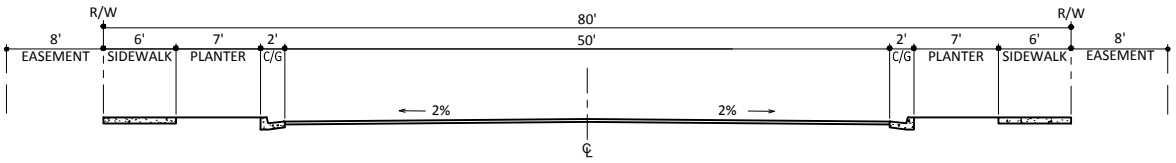
Exhibit A

Typical Street Sections



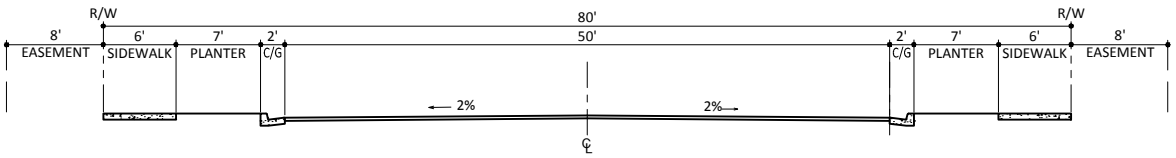
ARTERIAL STREET

(78' PAVEMENT)



MINOR ARTERIAL STREET

(50' PAVEMENT)



COLLECTOR STREET

(50' PAVEMENT)

NOTE:

✳ 8' PUBLIC UTILITY EASEMENT

SHEET 1 OF 1

provo PUBLIC WORKS 2019

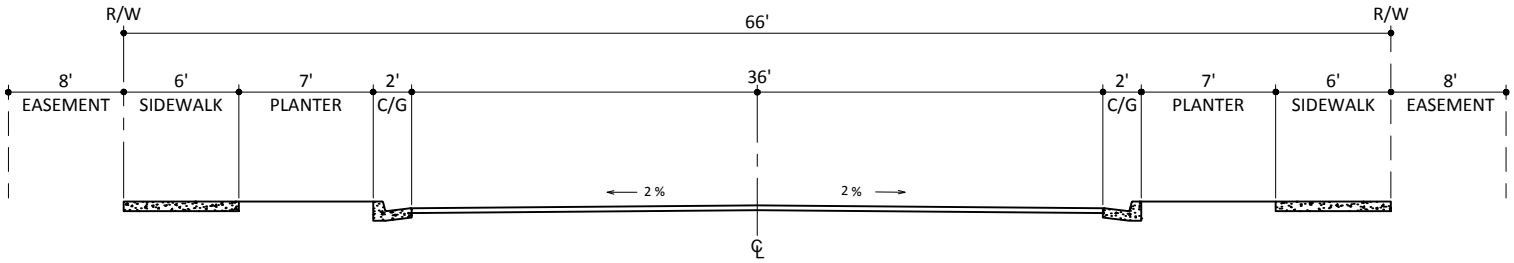
TYPICAL STREET SECTIONS

STANDARD DETAIL

P-900

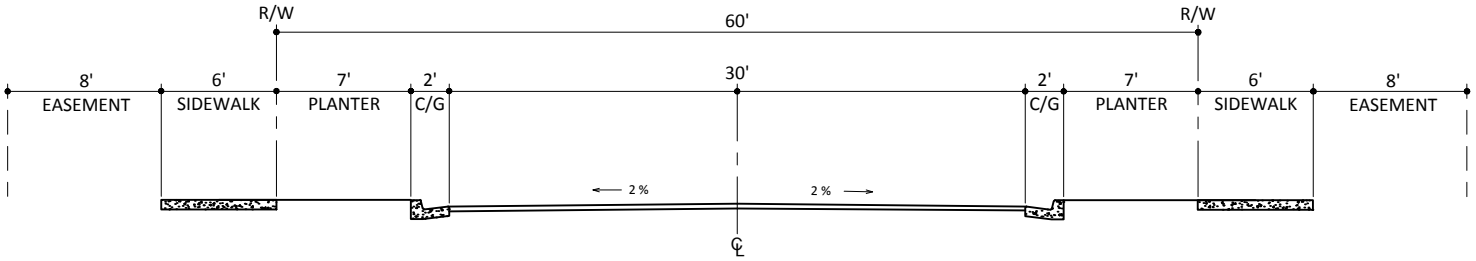
NOT TO SCALE

REVISED DATE: 4/2019



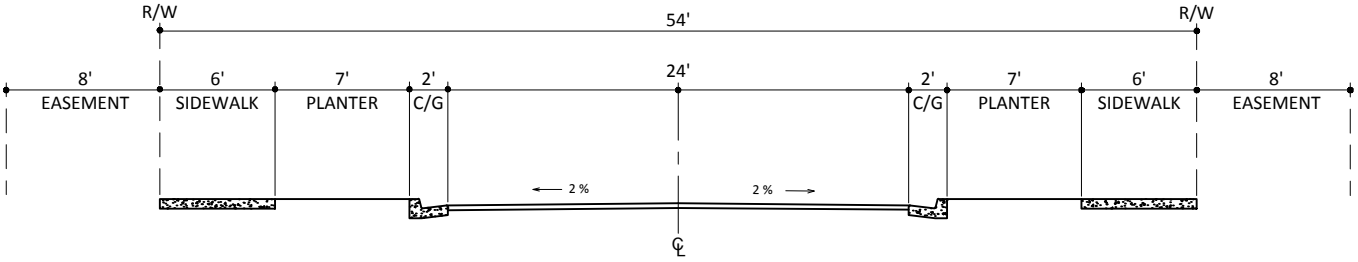
LOCAL STREET

(36' PAVEMENT)



LOCAL STREET

(30' PAVEMENT)



LOCAL STREET (Parking on one side)

(24' PAVEMENT)

NOTE:

8' PUBLIC UTILITY EASEMENT

SHEET 1 OF 1

provo PUBLIC WORKS 2019

TYPICAL STREET SECTIONS

STANDARD DETAIL

P-901

NOT TO SCALE

REVISED DATE: 4/2019

Provo City Planning Commission

Report of Action

April 24, 2019

*Item 9 The Public Works Department requests an Ordinance Text Amendment to update and revise the road cross-sections. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190136

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 24, 2019:

RECOMMEND APPROVAL

On a vote of 7:0, the Planning Commission recommended approval of the above noted application as illustrated by the attached Exhibit "A" of sheets P-900 and P-901

Motion By: Shannon Ellsworth
Second By: Andrew Howard
Votes in Favor of Motion: Shannon Ellsworth; Andrew Howard; Russell Phillips; Jamin Rowan; Robert Knudsen; David Anderson; Deborah Jensen.
Votes Opposed: None
Deborah Jensen was present as Chair.

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

RELATED ACTIONS
None

STAFF PRESENTATION
David Day, of the City's Engineering Staff presented Vern Keeslar, representing Parametrix, the consultant on the Public Works study regarding updating the City's streets and streets cross-sections standards. Mr. Keeslar briefly summarized their recommendations from the presentation made during a recent Planning Commission study session.

CITY DEPARTMENTAL ISSUES
None

NEIGHBORHOOD MEETING DATE
City-wide application.

NEIGHBORHOOD AND PUBLIC COMMENT
No public comment was received by staff nor made at the Planning Commission meeting.

PLANNING COMMISSION DISCUSSION
Planning Commission members stated they felt the adoption of the proposed street cross-section standards was a big step in the right direction and are looking forward to going further in looking at additional options in the future.

Clarification was made that the proposed 24-foot pavement width for local streets would allow for parking on one side of the street, where it hadn't in the past.



Planning Commission Chair



Director of Community Development

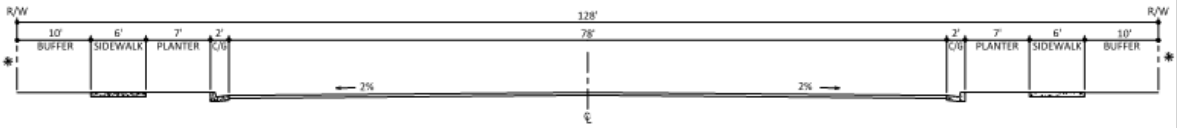
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ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

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

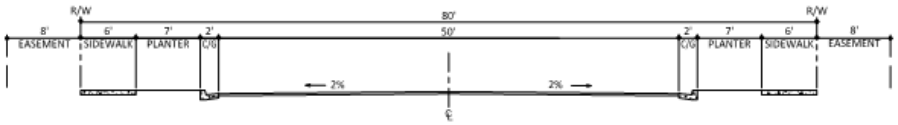
Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

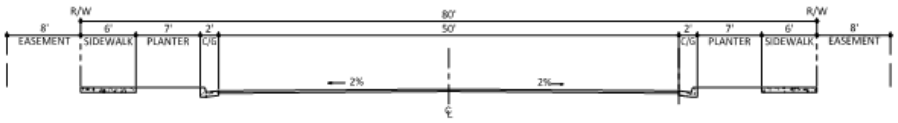
EXHIBIT “A”



ARTERIAL STREET
(78' PAVEMENT)



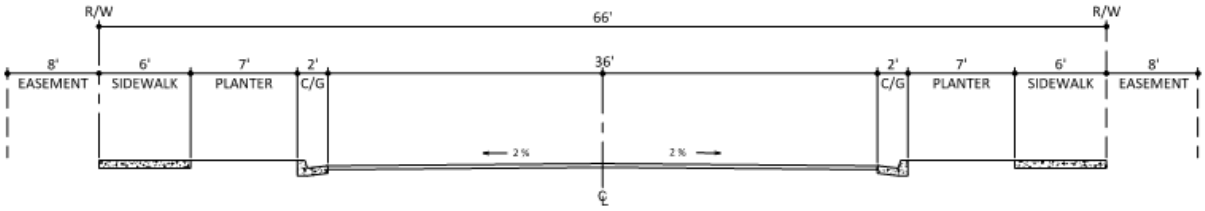
MINOR ARTERIAL STREET
(50' PAVEMENT)



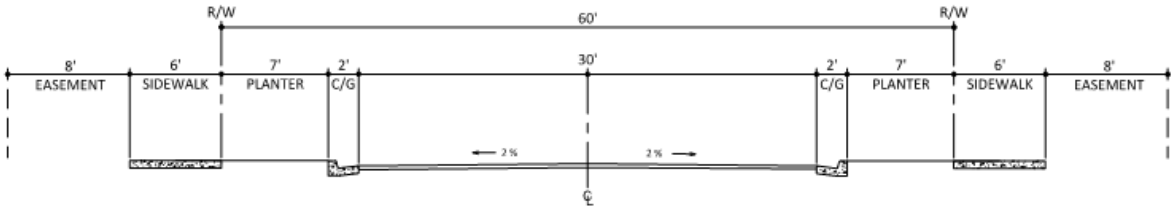
COLLECTOR STREET
(50' PAVEMENT)

NOTE:
* 8' PUBLIC UTILITY EASEMENT

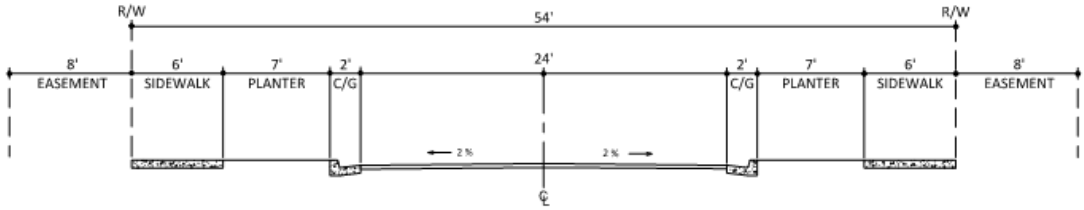
provo PUBLIC WORKS 2019	*TYPICAL STREET SECTIONS*	SHEET 1 OF 1 STANDARD DETAIL P-900 NOT TO SCALE REVISED DATE: 4/2019



LOCAL STREET
(36' PAVEMENT)



LOCAL STREET
(30' PAVEMENT)



LOCAL STREET (Parking on one side)
(24' PAVEMENT)

NOTE:
8' PUBLIC UTILITY EASEMENT

SHEET 1 OF 1

provo PUBLIC WORKS 2019

TYPICAL STREET SECTIONS

STANDARD DETAIL
P-901

NOT TO SCALE

REVISED DATE: 4/2019

Planning Commission Hearing Staff Report
Hearing Date: April 24, 2019

***ITEM 9** The Public Works Department requests an Ordinance Text Amendment to update and revise the road cross-sections. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190136

Applicant: Community Development

Staff Coordinator: Brian Maxfield

Property Owner: N/A
Parcel ID#: City-Wide
Acreage: N/A
Number of Properties: N/A

Current Zoning: NA

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 8, 2019 at 6:00 P.M.*

2. **Recommend denial**. *This action would not be consistent with the recommendation of the Staff Report. The Planning Commission should state new findings.*

Relevant History: None

Neighborhood Issues: This is a City-Wide issue. Several Neighborhood Chairs have inquired about the proposed amendment, but no issues have been raised to date.

Summary of Key Issues: Appropriateness of new allowances regarding detached units.

Related Items: None

Staff Recommendation:
Recommend Approval of the update and revision of the Provo City Street Standards and Street Cross-sections document, dated April 9, 2019, and included with this staff report.

This action would be consistent with the recommendations of the Staff Report.

OVERVIEW

This item is an update and revision to the city's street standards and street cross-sections. The City's Public Works Department has been working with a private consultant (Parametrix), and utilized reviews and input by other City departments and the City's Transportation Management Advisory Committee (TMAC) in the creation of the proposed update and revisions. The resulting document is included with this report as a separate attachment.

CONCLUSIONS

Staff supports the update and revision of the street standards and street cross-sections as contained in the attached document.

RECOMMENDATION

Recommend Approval of the update and revision of the Provo City Street Standards and Street Cross-sections document, dated April 9, 2019, and included with this staff report.

ORDINANCE 2019-.

AN ORDINANCE AMENDING PROVO CITY CODE TO UPDATE AND REVISE THE STREET CROSS-SECTIONS. CITY-WIDE IMPACT. (PLOTA20190136)

WHEREAS, a revision to the street cross-sections has been recommended as part of the Provo City Transportation Master Plan and has been reviewed by the City departments and the City's Transportation Management Advisory Committee; and

WHEREAS, on April 24, 2019 the Planning Commission held a duly noticed public hearing to consider this proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 7:0; and

WHEREAS, on April 23, 2019 and May 7, 2019, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the street cross-sections should be amended as set forth below, and (ii) this action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code 15.03.200 (Street Standards) is hereby amended to update street standards and cross-sections as shown in the attached Exhibit A.

PART II:

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

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

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

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

END OF ORDINANCE.

Planning Commission Hearing Staff Report
Hearing Date: April 24, 2019

***ITEM # 2 Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 442 & 490 South State Street. Maeser Neighborhood. 17-0010R**

Applicant: Tim Soffe
Staff Coordinator: Dustin Wright
Property Owner: Bart Coon
Parcel ID#: 220290005, 220290026
Current Zone: General Commercial (CG)
Proposed Zone: High Density Res. (HDR)
General Plan Des.: Residential
Acreage: 1.92
Number of Properties: 2
Number of Lots: 2
Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 8, 2019, 6:00 p.m.*

2. Recommend **denial** the requested Rezone. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings for denial.*

Current Legal Use:
Commercial uses listed in 14.22.020 of the Provo City Code.

Relevant History:
In January 2018 the Planning Commission approved the PPA with the conditions and recommended approval to the City Council of the zone change request.
The City Council continued the zone change and requested that the applicant work with the neighbors to come up with a project that would reduce the building height.

Neighborhood Issues:
A neighborhood meeting on May 16, 2017. Neighbors expressed issues with:

- HDR zone is excessive for neighborhood
- Excessive building height (four stories)
- Vehicular access onto 500 S. and added traffic.
- Too many one-bedroom units.

The applicant has met with neighbors following their last City Council hearing and made changes to the proposed project to address some of the concerns.

Summary of Key Issues:

- City Council directed the applicant to work with the neighborhood and then incorporate that feedback into the project.
- A development agreement would be able to address concerns raised for the HDR zone that would allow for more development than desired on the site once rezoned.

Staff Recommendation:
Staff recommends the following conditions:

1. That a Development Agreement limit building height

	for the north building to three stories and the east building to four stories, with a maximum building height of 44' and the south building to two stories; 2. That the total number of dwelling units be limited to 60; and 3. That the existing lots are combined into one lot.

OVERVIEW

The applicant is requesting a zone change from General Commercial (CG) to High Density Residential (HDR) at this location to allow for a four-story, 32-unit apartment, a three-story, 24-unit apartment and a two-story, 4-unit townhomes on the corner of 500 South and State Street. These proposed sixty units would be on commercial property that is to be rezoned to High Density Residential (HDR).

The HDR zone would allow for more units and additional building height than is being requested, therefore, a development agreement would be advisable to ensure that only what has been proposed would be developed.

The City Council continued the zone change request and instructed the applicant to go back and work with the neighborhood and address their concerns. The applicant has now done that and made changes to their original proposal of 64 units in 2 four-story buildings.

FINDINGS OF FACT

1. A neighborhood meeting was held on May 16, 2017.
2. Plans have been changed to address concerns expressed by the neighborhood.
3. The proposed project plan would meet the requirements for a development in the HDR zone.
4. HDR zone allows up to 50 dwelling units per acre.
5. The proposed plan includes only 32 dwellings per acre.
6. HDR zone allows for a building height of 55 feet.
7. The proposed plan is four stories but limits the building height to 44 feet.
8. The General Plan designation is for Residential.
9. The current zoning is General Commercial.

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question. **The amendment would allow the property to transition from commercial to residential and match the existing General Plan designation for residential instead of existing commercial.**

(b) Confirmation that the public purpose is best served by the amendment in question. **A development agreement limiting some of elements in the HDR zone such as height and number of units per acre will help address some of concerns that neighbors expressed.**

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan policies and goals for the Maeser Neighborhood allow for development along State Street to be considered for development other than one-family residential.**

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.**

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies in the Plan aim to "protect viable, significant areas of one-family structures". The site has been adjusted to better transition into the surrounding neighborhood and is limited to this site. The project is adjacent to areas of one-family structures, but will not expand into them.**

(f) Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exists now. Existing commercial zoning would also allow for taller structures and could have a greater traffic impact if fully developed as a commercial site.**

(g) *Verification of correctness in the original zoning or General Plan for the area in question.* **Zoning and General Plan designation are correct. The General Plan Map has been updated.**

(h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.* **No conflicts have been identified.**

STAFF ANALYSIS

Staff has reviewed the revised project plan and found that it conforms with the development requirements of the HDR zone. The two lots would need to be combined into one lot as part of a separate application with the City.

The reason that the applicant is seeking High Density Residential (HDR) and not Medium Density Residential (MDR) density is that the proposed density is 32 dwelling units per acre and the MDR zone only allows up to 30. The setbacks are less in the HDR which also allows the building to address the State Street more appropriately.

If the City desires to rezone the property to HDR, a development agreement would be beneficial to ensure that project doesn't increase in density or height from what has been proposed.

CONCLUSIONS

The multi-family housing would be a good alternative to the commercial zoning that is in place now. The changes that have been made will help the site transition better into the surrounding single-family neighborhood.

The General Plan goals and policies relating to this area of the City aim to "maintain all existing one-family residential areas" while noting that exceptions should apply to development along State Street. The applicant is seeking to amend the zoning map to allow for a higher density development. The rezone will not extend into areas of existing one-family residential.

STAFF RECOMMENDATION

Staff recommends the following conditions:

1. Development Agreement for building height limiting the north building to three stories and the east building to four stories and the south building to two stories and to limit the number of units to sixty as part of the Rezone.
2. The existing lots are combined into one lot as part of a separate application.

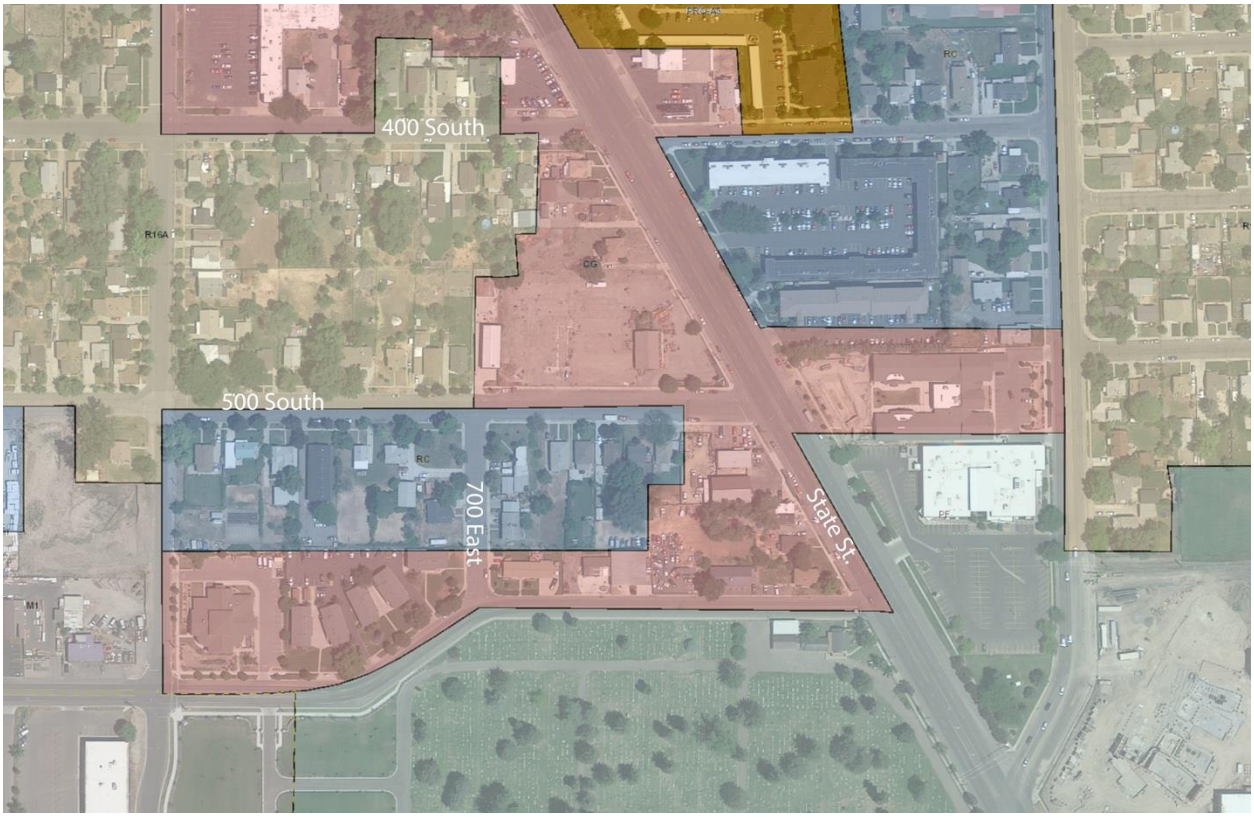
ATTACHMENTS

1. Site Location
2. Zoning Map

ATTACHMENT 1 - SITE LOCATION



ATTACHMENT 2 – Zoning Map



Provo City Planning Commission

Report of Action

April 24, 2019

Item *2 Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 442 & 490 South State Street. Maeser Neighborhood. 17-0010R

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 24, 2019:

RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 6:1, the Planning Commission recommended that the Municipal Council approve the above noted application with the following conditions:

Conditions of Approval:

1. That building height be limited for the north building to three stories and the east building to four stories, with a maximum building height of 44' and the south building to two stories;
2. That the total number of dwelling units be limited to 60; and
3. That the existing lots are combined into one lot.

Motion By: Andrew Howard
Second By: Robert Knudsen
Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Debora Jensen, Russ Philips, Shannon Ellsworth, Jamin Rowan.
Votes not in Favor: Dave Anderson
Debora Jensen was present as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED
The property to be rezoned to the High Density Residential Zone is described in the attached Exhibit A.

RELATED ACTIONS
- Report of Action from Planning Commission Hearing on January 24, 2019 Item 2.

DEVELOPMENT AGREEMENT

- The applicant has expressed has offered to enter into a development agreement to memorialize the limitations he has placed on his development. The conditions of approval accurately reflect those proffers and limitations.

STAFF PRESENTATION

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 05/16/2017.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

- A desire was stated to also limit the building for the building closest to State Street to three stories.
- It is estimated at 750 average daily trips will be generated from this project and slowing traffic down to increase safety would be desirable.
- There could be a need for additional parking so that there is not a parking issue.
- There is an existing issue along the streets in this area with parking. Adding this development will make it a bigger issue.
- Limit the development to three stories to help maintain a smaller scale residential feel in the neighborhood.

APPLICANT RESPONSE

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

- There has been a lot of working with the neighbors to address the concerns. Not all concerns can be practically met, but there have been a lot of changes to help address as many as possible.
- The density is just over the Medium Density Residential limit of 30 units per acre.
- The maximum building height of 44' meets the requirement for the MDR zone.
- Worked with UDOT to get permission to have an entrance on State Street.
- Adjustments will be made to the intersection on 500 South and State to meet the request for Provo Public Works to improve the road alignment.
- Expressed willingness to do a development agreement limiting the site to the items listed in the staff report and have the project plan be incorporated into the development agreement.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The number of units has decreased by four since this item was last heard by the Planning Commission.
- The intersection at 500 South and State is less pedestrian friendly since the last time that the Planning Commission saw this item.
- The buffering and fencing will play an important role in limiting impacts on adjacent residential.
- The townhomes on 500 South will be for rent, but could be for sale.
- The parking requirement is 101 and the proposed site will meet that requirement.
- There have been a lot of positive changes since the Planning Commission saw the first proposal.
- Provo has a lot of apartments and other housing options should be considered.



Planning Commission Chair



Director of Community Development

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

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

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

Parcel 1:
Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:
thence South 29°41'16" East 229.08 feet along the West line of State Street; thence North 89°29'37" West 394.51 feet along the North line of 500 South Street; thence North 1°49'05" East 198.05 feet; thence South 89°29'37" East 274.76 feet to point of beginning.
Parcel 1 Contains 66,258 sq. ft or 1.52 acres

Parcel 2:
Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian,and running:
thence North 89°29'37" West 254.33 feet; thence North 0°09'52" East 71.43 feet; thence North 89°43'14" East 211053 feet to the West line of State Street; thence South 29°41'16" East 86.00 feet along the West line of State Street and the point of beginning.
Parcel 2 Contains 17,007 sq. ft. or 0.39 acres

ITEM 2*

Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 442 & 490 South State Street.

Maeser Neighborhood
17-0010R


400 South
500 South
State St.
700 East


CG
RC
RC
PF


400 South
Play
24 Units
(3-story)
Fire Pit
101 Sp
1.667 Sp/Unit
32 Units
(4-story)
2 Units
(2-story over Garage)
2 Units
(2-story over Garage)
Outdoor Kitchen
Dog Park
500 South
State St.
700 East


Play
24 Units
(3-story)
Fire Pit
101 Sp
1.667 Sp/Unit
32 Units
(4-story)
2 Units
(2-story over Garage)
2 Units
(2-story over Garage)
Outdoor Kitchen
Dog Park
500 SOUTH STREET
500 South



RENDERING IMAGES

Think
Architecture

PROVO MARRIED HOUSING

PROVO , UTAH

25 MARCH 2019

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



RENDERING IMAGES

Think
Architecture

PROVO MARRIED HOUSING

PROVO , UTAH

25 MARCH 2019

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RENDERING IMAGES

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Architecture

PROVO MARRIED HOUSING

PROVO , UTAH

25 MARCH 2019

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RENDERING IMAGES

Think
Architecture

PROVO MARRIED HOUSING

PROVO , UTAH

25 MARCH 2019

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



32 PLEX - SOUTH ELEVATION
3/16" = 1'-0"
1
A201



32 PLEX - WEST ELEVATION
3/16" = 1'-0"
2
A201

Think
Architecture

PROVO MARRIED HOUSING

PROVO, UTAH

MARCH 20, 2017

ORDINANCE 2019-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 1.92 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 442 AND 490 SOUTH STATE STREET FROM GENERAL COMMERCIAL (CG) TO HIGH DENSITY RESIDENTIAL (HDR). MAESER NEIGHBORHOOD. (17-0010R)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 1.92 acres of real property, generally located at 442 and 490 South State Street (as shown on Exhibit A), be amended from General Commercial (CG) to High Density Residential (HDR) to allow for a housing complex; and

WHEREAS, on April 24, 2019, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended approval to the Municipal Council in a 6:1 vote with conditions; and

WHEREAS, the Planning Commission's recommendation was based on the following conditions:

1. That building height be limited for the north building to three stories and the east building to four stories, with a maximum building height of 44 feet and the south building to two stories;
2. The total number of dwelling units be limited to 60; and
3. The existing lots are combined into one lot; and

WHEREAS, on May 7, 2019, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah, should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property shown in the attached Exhibit A reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

The classification on the Zone Map of Provo, Utah is hereby amended from the General Commercial (CG) Zone to the High Density Residential (HDR) Zone for approximately 1.92 acres of real property generally located at 442 and 490 South State Street as described in the attached Exhibit A.

PART II:

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

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

C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

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

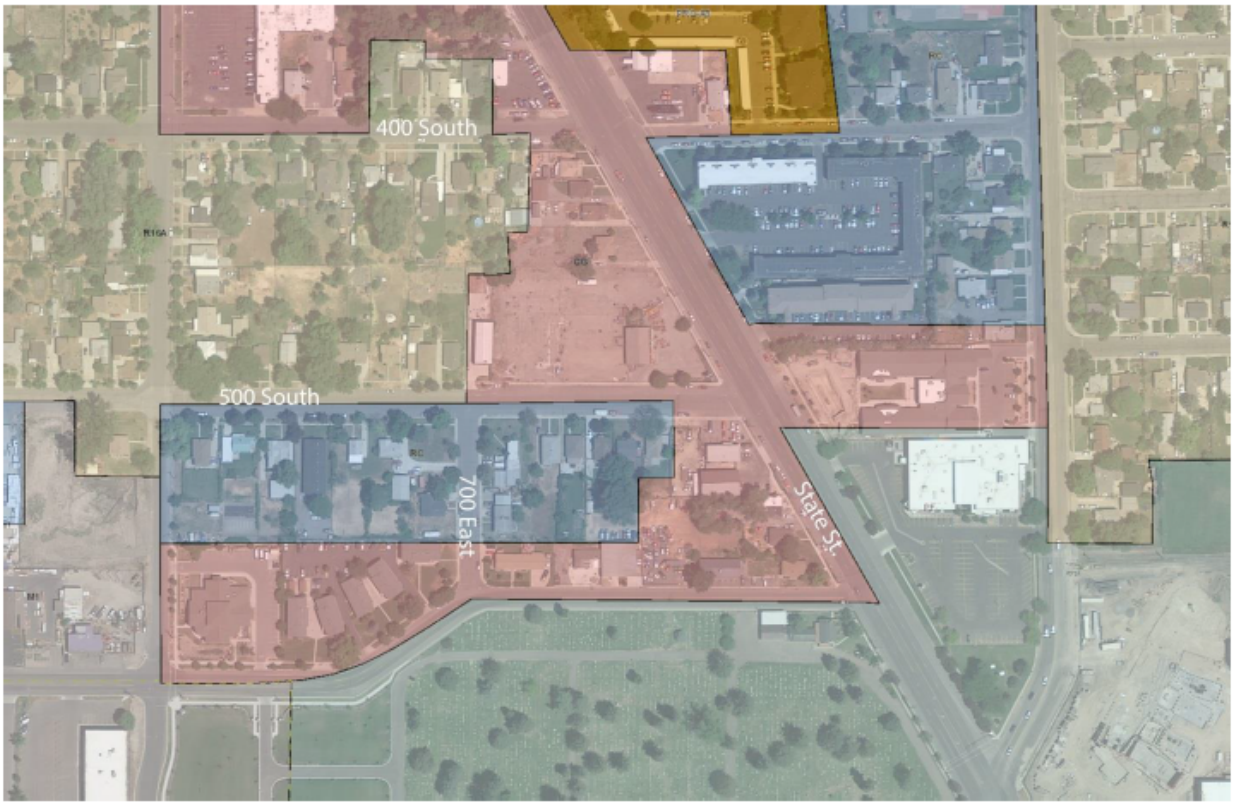
END OF ORDINANCE

Exhibit A

Site Location



Zoning Map



PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-07-2019

SUBJECT: A resolution requesting a Certificate of Registration ("COR") from the Utah Division of Wildlife Resources. (19-054)

RECOMMENDATION: Approve the resolution as written

BACKGROUND: The Urban Deer program is reliant upon a Certificate of Registration in order to continue the program past August 1, 2019. In order to renew our Certificate of Registration with the Division of Wildlife Resources for another three-year period the City must have two public hearings. This is the first step in that process.

FISCAL IMPACT: Not directly

PRESENTER'S NAME: Camille Williams

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-054

Provo City Municipal Council

Staff Memorandum

Urban Deer Program Evaluation

Hannah Salzl, Policy Analyst, and Rachel Woerner, Intern

Executive Summary

Background and Problem

Urban deer cause many accidents and many thousands of dollars in property damage annually in Provo. To reduce the number of urban deer in the city and the related problems, the Council approved Resolution 2016-31 (see Appendix C) to create an urban deer program that would run through August 1, 2019. The City contracted with Humphries Archery for the lethal portion, and the harvested meat was given to families in need or volunteer recipients in the city or in neighboring cities. The DWR, with the help of Provo Animal Control, the Mule Deer Foundation, and Humphries Archery, operated the nonlethal trap and relocate portion (see page 6 for program details). On January 22, 2019, the Council decided not to continue funding the nonlethal portion of the program.

From October 1, 2016 to December 31, 2018, Humphreys Archery has lethally taken a total of 104 urban deer, and the DWR, with the assistance of Provo Animal Control, a local sportsman's group, and Humphries Archery, trapped and released 76 (see page 11). According to Brian Cook, the owner of Humphries Archery, there are many fewer deer in Provo now than there were when the program began. However, the number of deer-related auto accidents, an early metric for the severity of the urban deer problem, does not seem to have responded to the program. Several factors (e.g., urban spread, human population increase, increased traffic, etc.) also contribute to deer-related accidents. Many of the accidents also involve mountain deer rather than urban deer (see page 12). The program carefully does not target mountain deer, and that element of the problem remains largely unaddressed.

Humphries Archery will be changing the way they charge cities from their urban deer program, and the new structure gives cities more control over the cost (see page 10). At a Work Meeting on December 18, 2018, the Council asked about trapping and euthanizing. City staff have verified that it would be permissible with the DWR, and Humphries Archery would be willing to add a trap and euthanize element (see page 14).

As the end of the three-year urban deer program approaches, the Council has the opportunity to evaluate the program and determine whether to renew it.

Objectives

In analyzing the urban deer program, Council staff have identified the following five objectives (see page 20):

- effectiveness and safety
- efficiency
- cost-effectiveness
- public opinion
- environmental impact

Alternatives, Consequences, and Tradeoffs

Council staff have identified four potential alternatives and presented some of the expected consequences and tradeoffs of each. The fourth alternative could also be combined with any of the others. Although this list is not exhaustive, please consider the following alternatives as the Council evaluates the program (see page 24):

1. let program end (do nothing)
2. renew the program (lethal takings only)
3. renew the program and add a trap and euthanize portion
4. adopt or encourage the adoption of other methods to control urban deer and improve safety

Table of Contents

Executive Summary **1**
Background and Problem 1
Objectives 2
Alternatives, Consequences, and Tradeoffs 2
Table of Contents **3**
Background **4**
Where did this issue stem from? 4
What has the Council done so far? 4
How does the program work? 5
The Process 6
The Timing and Location 7
The Cost 8
Has the program been effective? 10
The Number of Deer Removed 11
Deer-Related Auto Accidents 12
If renewed, how could the program be improved? 14
Contract 14
Trap and Euthanize 14
What do residents think? 15
What is the Problem? **19**
Objectives **20**
Effectiveness and Safety 20
Efficiency 20
Cost-Effectiveness 21
Public Opinion 23
Environmental Impact 23
Alternatives, Consequences, and Tradeoffs **24**
Conclusion **26**
References **27**
Appendix A **28**
Certificate of Registration issued by the Division of Wildlife Resources 28
Appendix B **30**
RESOLUTION 2015-37. 30
Appendix C **32**
RESOLUTION 2016-31. 32

Background

Where did this issue stem from?

Wildlife permanently settling in urban areas can prove hazardous for both the animals and the residents. For example, between 2013 and 2015, deer-related auto accidents caused an estimated $450,000 in vehicular damage, killed about 150 deer per year, and endangered human lives. Urban deer also cause serious property damage, which was estimated to total $300,000 in 2015.[1]

In response to the growing number of urban deer in the city, the Provo City Council adopted a series of resolutions to implement an urban deer program with the goal of reducing the number of deer living in the urban area. The City contracted with Humphries Archery in American Fork, which managed a similar program in Highland,[2] to carry out the lethal portion of the program and with the Division of Wildlife Resources (DWR) to operate the nonlethal portion.

It is worth noting that the program focused on urban deer who live within the city and not on transient mountain deer, although mountain deer do sometimes wander into traps set for urban deer as the weather pushes them deeper into urban areas in search of food and mates. Data gathered on the program does not distinguish between urban and mountain deer, but Brian Cook, the owner of Humphries Archery, explained that, "... [A]ll deer were harvested inside the city boundaries and at more than a half mile away from any boundary."[3] Mountain deer tend to be larger than urban deer, and Humphries Archery uses cameras between June and November in order to determine if spikes in numbers could be caused by transient mountain deer. The cameras also allow them to recognize individual deer within urban herds and thus focus their efforts on urban deer.

Although the program does not target mountain deer, they still cause many of the deer-related auto accidents, especially on high-traffic and high-speed roads near the mountains. The number of such accidents might therefore not provide a reliable metric for how much safety has improved with the urban deer program. A separate approach to reducing the threats caused by mountain deer could be considered, but it is only touched on briefly in the scope of this paper.

What has the Council done so far?

On July 7, 2015, the Council unanimously passed Resolution 2015-37 (see Appendix B), which authorized the Mayor to request a certificate of registration from the Utah Division of Wildlife Resources (DWR) and begin the creation of an urban deer program. On March 15, 2016, the

[1] Resolution 2016-31 (see Appendix C)
[2] Humphries Archery now manages urban deer programs in Herriman, Mapleton, American Fork, and Springville in addition to Highland and Provo.
[3] Cook, "Re:PS," 2017

DWR issued a certificate of registration (COR) to Provo City (see Appendix A). The COR authorized the City to:

1. lethally take antlered animals between August 1 through October 31,
2. lethally take antlerless animals between August 1 and December 31,[4]
3. lethally remove up to 300 deer during the duration of the program, and
4. non-lethally remove deer to approved release sites determined by the DWR.

The COR for the urban deer program expires on August 1, 2019.

On August 3, 2016, City Council unanimously approved a resolution authorizing the submission of a final Urban Deer Control Plan, the implementation of the program, and an appropriation for the funds for the program's first year.[5] The Urban Deer Control Plan estimated that 500 urban deer lived in Provo, and the goal of the program was to reduce the population to 100.

On January 19, 2019, the Council approved an appropriation to fund only the lethal portion of the program. Non-lethally trapping the deer proved significantly more labor-intensive and was also traumatic for the deer. The DWR estimates that because of stress and injury, only approximately half of the deer trapped and released to the east of the Wasatch range survive the process.[6] In one non-lethal taking, a Provo Animal Control officer sustained a serious injury. According to Wes Alexander, who heads the Urban Deer Control Program for the State, the DNR will discontinue the non-lethal taking portion of the program.[7]

How does the program work?

The City contracts with Humphries Archery, which is based in American Fork. Brian Cook, the owner, explained that "The goal of the program is not to eliminate urban deer from Provo. That is not possible…. The goal is of the urban deer program is to control the population of urban deer."[8] Cook identified Humphries Archery's two goals:

1. Reduce the number of urban deer in the city.
2. Keep that number low by continuing to target does.

Removing one young doe can significantly reduce the future population of a herd, and so Cook and his archers focus their efforts on does as per the COR. Of the 104 deer lethally taken over the three years of the program, 101 were does.

---

[4] Focusing efforts on the female population results in steeper population decline as fewer fawns are born in the area in the following years.
[5] Resolution 2016-31 (see Appendix C)
[6] Alexander, Interview by phone with Camille Williams, 2019
[7] Alexander, Interview by phone with Hannah Salzl, 2019
[8] Cook, Personal interview, March 7, 2019

The Process

The Division of Wildlife Resources operated the nonlethal portion of the program with help from Provo Animal Control, the Mule Deer Foundation, and Humphries Archery. The DWR did not specifically target does, and they relocated whatever deer wandered into the trap to designated release points.

Humphries Archery operated the lethal portion. The archers set up cameras in June near portable feeders so they would have identified the herds' travel patterns by the time the COR allowed them to begin taking animals in August. In lethal takings, archers hid in ground blinds or portable stands near the feeders until the deer come to eat. Cook and his team became familiar with the herds in the city, and they can usually predict their travel patterns fairly accurately. The archers used broadhead bolts with crossbows mounted on stable tripods. According to Cook, they have recovered every arrow fired.[9]

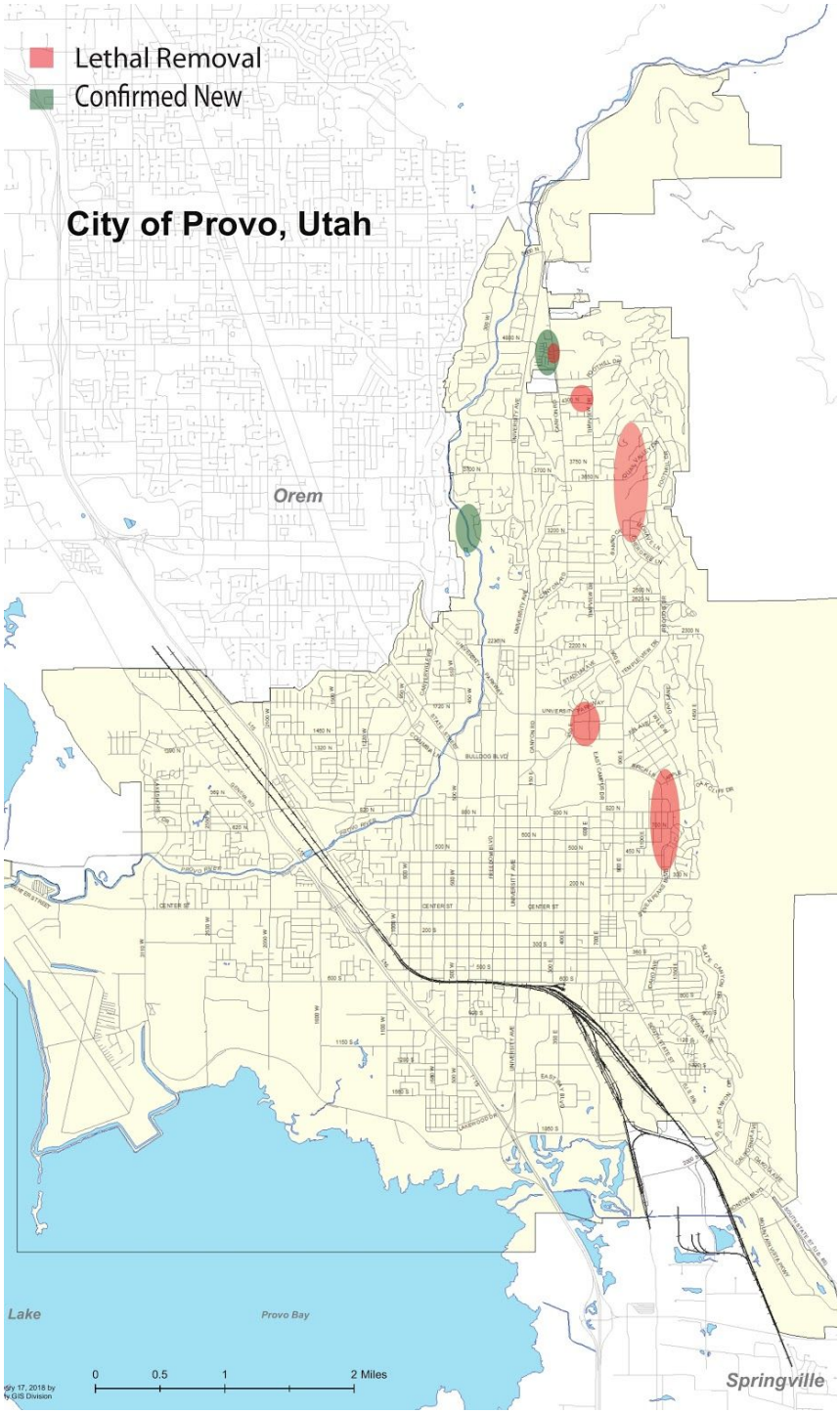
The DWR prohibits the wasting of game. The initial agreement was that the archers would deliver the deer meat from lethal takings to Honaker's Farm Fresh Market Meats for butchering, which would cost the recipient approximately $85. Honakers closed publically, but the owners continued to privately dress some of the deer. Residents who received the meat paid the cost for dressing the deer when they could, and Honaker donated the labor for free when they could not. In the majority of cases, in order to ensure that the meat was fresh upon delivery, the deer was delivered to volunteers who would dress the deer themselves and keep the meat. The archers typically set up a recipient from the list of volunteers before the deer was killed. Humphries Archery prioritizes giving the meat to a resident in the city where the deer was taken, but they must do so before the meat spoils. If they cannot contact any of the listed recipients in the city, they give the meat to one of the other volunteers on the list (often a local religious leader) who distributes the meat to families in need in their area. Humphries Archery has donated approximately 7,800 pounds of meat from deer taken in Provo.[10]

Cook believes that the DWR will begin requiring the archers to collect tissue samples from harvested deer, a preventative measure to counter the spread of chronic wasting disease. The disease has not yet been identified in any local deer populations, though it has in the state. The effects of eating meat contaminated with the disease are not well studied. Cook estimates that this new tissue sample requirement will cost an additional $10 per deer to be paid by the City.[11]

[9] Cook, Personal interview, March 7, 2019
[10] Humphries Archery has taken 101 does and 3 bucks. Each urban doe yields an average of 75 pounds of meat for a total of 7,800 pounds. This calculation does not include the bucks.
[11] Cook, Personal interview, March 7, 2019

The Timing and Location

The map below shows the general area where Humphries Archery has operated between 2016-2018 as well as two new areas where they would have permission to operate in 2019 if the program were renewed.



Humphries Archery began with one good lethal taking location in 2016, and they have now expanded to six good locations at the request of residents in those areas.[12] Because a mule deer can die within a 100-yard radius of the area where it was shot, the archer must be able to follow and collect it within a wide radius of the feeder. If a deer were to die in the yard of someone who had not given Humphries Archery permission to take deer from their yard, the archers would have to leave the animal where it died. Humphries Archery enters new areas only at the request of residents and with their permission. Unlike some cities in which deer were taken on city property, deer taken in Provo are taken on private property with the property owners' permission. Obtaining that permission and acquainting surrounding neighbors with the program required hundreds of personnel hours in 2016.

This has sometimes slowed the program. For example, although Cook knows that a herd lives near the south end of the Riverside Country Club on North University Avenue, he cannot send archers to remove them until residents in the area have given permission to enter their properties. The archers must therefore attempt to take the animals as they range around the city to forage, but the herd learns to avoid areas where deer have been taken. However, Cook expects that the herd will soon begin to return to old feeding areas on properties to which the archers already have access. As Humphries Archery has built rapport with residents, they have been able to expand their areas of operation. They will continue to work with residents and expect access to continue to expand.

Mule deer typically feed shortly after sunset and shortly before dawn. Licensed hunters (including the archers for Humphries Archery) may hunt deer only during daylight hours. During the summer and early fall, the archers must exercise even greater caution, as the meat can spoil quickly on a warm day.

The Cost

The lethal portion of the program cost the City $10,000 per year plus bait and camera rental fees. Humphries Archery uses approximately $150 dollars worth of apples per location per year. They use approximately 1.5 cameras per location and charges $30 per month for approximately six months each year. Except for the owner, Brian Cook, Humphries Archery's deer control program works with unpaid volunteer archers who pass a rigorous test, which lowers the program cost for the City while ensuring a high standard of work.

The nonlethal portion of the program cost the City $200 per deer trapped and relocated. The city also purchased five traps ($4,075) and a trailer ($7,000) in order to operate the nonlethal program

[12] A list of the locations is available through Council staff. Brian Cook asked that the locations not be made public in order to preserve the privacy of the property owners.

without using equipment from the DWR, but the equipment was never used because the nonlethal portion ceased operation when funding was not renewed.

Since the program began in 2016, the City spent a total of $31,677 on the lethal portion, $21,557 on the nonlethal portion (including assistance from Humphries Archery and Provo City Police overtime[13]), and $11,075 on the traps and a trailer for a total program cost of $64,309. The costs are listed in the table below.

Source	2016	2017	2018	Total
Humphries Archery Contract	$10,000	$10,000	$10,000	$30,000
Humphries Archery Cameras	$120	$360	$390	$870
Humphries Archery Bait	$52	$280	$295	$627
Humphries Archery Trap & Relocate Assistance	-	-	$3,100	$3,100
Deer Tags[14]	-	$180	-	$180
Department of Natural Resources for Trap & Relocate	-	$6,200	$9,000	$15,200
Police Overtime	-	-	$3,257	$3,257
Traps	-	$4,075	-	$4,075
Trailer	-	-	$7,000	$7,000
TOTAL	$10,172	$21,095	$33,042	$64,309

[13] The majority of the overtime hours were accrued in assisting the DWR with the nonlethal portion of the program. The only off-hours work done for the lethal program was passing on communications to and from Humphries Archery and/or residents.

[14] The DWR requires that the person in possession of the deer carcass have a tag for it. The City printed the tags in-house in 2016 and ordered 200 through Alphagraphics in 2017 after the employee who printed them for the City left. If the Council decides to renew the program and would like to reduce the cost, Council staff could explore printing in-house. Tags could also be printed once to cover the three years of the program.

In order to simplify budgeting for the lethal portion of the urban deer program, Humphries Archery will soon be moving to an annual flat fee per location system. Brian Cook expects this to save most cities money, make costs more predictable, and allow cities greater control over the cost of their programs. Humphries Archery will begin charging $2,500 per location plus cameras and bait, which varies based on the cost of produce but is estimated at approximately $150 per location. Cook recommends approximately between two and four locations in Provo. These locations would not be static, and the archers would move them to follow the most productive harvesting points. If the Council decides to apply for another COR and operate the program in the four recommended locations, it would cost the City $10,000 per year plus cameras and bait (not including other potential costs like overtime for police officers, which totaled $3,256 over the three years of the program). This figure represents a significant reduction in the estimated total cost of the program.

Has the program been effective?

Determining the effectiveness of the urban deer program is challenging. In the initial proposal for the urban deer program, staff used the number of deer-related auto accidents to illustrate the severity of the urban deer problem. This metric proves unreliable for several reasons. First, the Provo Police Department has tracked deer-related auto accidents and phone calls about deer since 2014, but neighboring cities have not. Staff can compare Provo's numbers from year to year, but they lack a comparison to determine whether changes were caused by the program or by other factors. Potential external factors that could impact the number of dear and the number of deer-related accidents in the city include the following:

- weather
- snow elevations
- expansion of urban areas
- new construction pushing deer herds closer to highways
- increased traffic
- public awareness and an increase in reports

Springville only recently began their urban deer program through Humphries Archery in 2016. However, a comparison between the two cities would say little about the effectiveness of the program because the cities' development patterns differ. Provo also covers over three times more land, which means more roads, people, and cars. Even so, in order to provide consistency with previous reports, this paper will address deer-related auto accidents.

To evaluate the effectiveness of the urban deer program, this report will analyze the following metrics:

- the number of deer removed
- deer-related auto accidents

In addition, Chief Ferguson expressed his opinion that the trapping portion of the program was "not working on several levels," but that the professional hunter portion was "making a difference" even if the program could not remove as many deer as some residents might like. His primary concern is safety and the number of accidents caused by deer.[15]

The Number of Deer Removed

In 2016, the estimated number of urban deer in Provo was 500. In the spring of 2019, Brian Cook estimates that number to be around 250 to 300.

According to Brian Cook, "the overall urban herd is diminishing."[16] He and the other archers at Humphries Archery have lethally taken 104 deer over the three years of the program. Before the nonlethal portion of the urban deer program ceased to operate in 2018, the DWR and Provo Animal Control removed 76 deer, as shown in the table below, bringing the total number of deer removed lethally and nonlethally to 180.

Year	Deer Lethally Taken	Deer Trapped and Relocated	Total Deer Removed
2016	35	31	66
2017	30	45	75
2018	39	0	39
TOTAL	104	76	180

Brian Cook expects the number of deer taken to increase in 2019 if the program continues to operate. He and the other archers have seen deer begin to return to old locations that were cleared in 2016. They already have permission to operate in these areas and are familiar with the travel patterns now, and so they should be able to harvest a greater number. If they receive permission to take deer on properties near the south end of the private golf course on North University Avenue, where a herd of 30-35 deer currently live, they will also be able to begin reducing the

[15] Ferguson, 2019
[16] Cook, Personal interview, March 7, 2019

size of that herd. Additionally, they recently received permission to begin lethal takings on properties near a natural funnel.[17]

The number of does taken can have a significant impact on the total population over time. Does live an average of 9 to 11 years and give birth to an average of two fawns per year (with the exception of the first birth, where one fawn is standard). Approximately half of those fawns will be females who will be sexually mature within 18 months.[18] This means that half of the fawns born to does taken in 2016 would have mated in 2018 and given birth in 2019.

By targeting does, the City and its partners can significantly reduce the population over time while removing relatively few animals. Humphries Archery has already begun to see the effects. When the program began in 2016, Brian Cook saw an average of 20-25 sightings per night per location on their cameras (these were sometimes the same herd, which can travel 10 miles per night in search of food). Even though they have improved their tracking in the city, they now see only about 5 sightings per night per location (still sometimes the same herd).[19]

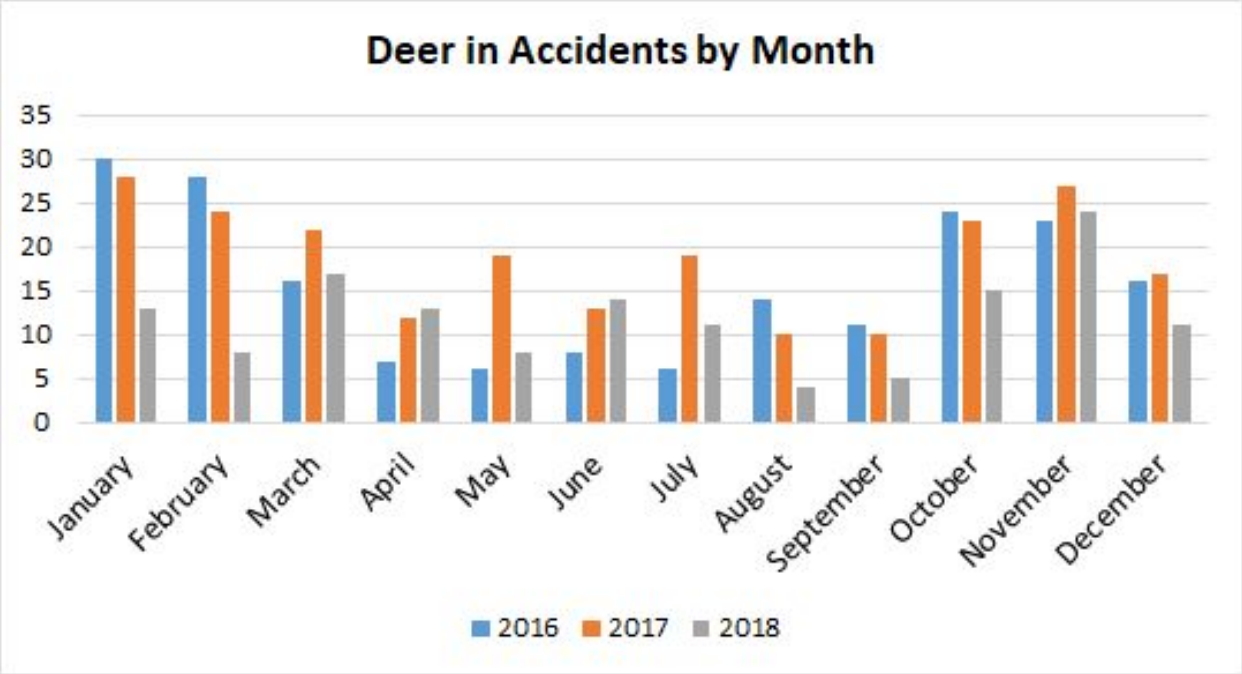
Deer-Related Auto Accidents

One of the original expectations of the urban deer program was that it would reduce the number of deer-related auto accidents. Since the urban deer program began in October 2016,[20] the annual number of deer-related accidents has increased and then decreased, as shown in the table below.

Year	Number of Deer-Related Accidents
2016	189
2017	224
2018	143

A month-by-month breakdown reveals that the spike in accidents in 2017 occurred during the summer months of 2017, as shown in the graph on the next page.

[17] Ibid.
[18] Texas Tech University, 2019
[19] Cook, Personal interview, March 7, 2019
[20] 2016 on its own cannot serve as a control year or an indicator of a "normal" year. The City does not have full data for previous years, and staff cannot establish an average for the number of deer-related accidents in a given year before the implementation of the urban deer program.



2017 seems to have had an unusually high number of accidents, ranking the most or second most dangerous year in all 12 months. 2016 saw fewer accidents than 2017 or 2018 in half of the year (March-July, August), and 2018 had fewer accidents than the two preceding years in the other six months. 2017 and 2018 overall had a higher rate of accidents during the summer than 2016. With the data available, it is difficult to determine whether this is caused by an increased number of deer in the city in those summers or whether 2016 was just unusually low. In all three years, accidents almost consistently peaked in January. A second peak occurs in November in all three years.

With the exception of a peak in November, 2018 remained the most stable and had the least monthly variation in the number of deer-related accidents. Again, Council staff lack sufficient data to determine whether this was caused by the program or by external factors.

The number of deer-related accidents is influenced not only by the overall number of urban deer in the city, but also by the increase in traffic and urban spread. Most of the deer-related accidents in Provo occur on University Avenue in the north (especially near the intersection with 5600 North) and on Highway 89 in the south near the Slate Canyon area. Both of these roads have high speeds and long stretches that run near the mountains without much development to prevent urban and mountain deer from reaching the road. An increase in traffic could account for an increased number of deer-related accidents despite a decrease in the urban deer population.

Many of the deer causing accidents in these areas are mountain deer rather than urban deer. Brian Cook explained that it would prove practically impossible and politically unpopular to run an effective control program in those areas. He explained that a fence or wall could be effective,

but perhaps not the most efficient.[21] However, since mule deer can easily jump over six feet,[22] the barrier would need to be very tall. These roads also belong to the state, and so the City could not unilaterally decide to build such a tall wall that might limit future development in those areas. If the Council decides to consider options to prevent accidents involving mountain deer, more analysis would be necessary.

On the whole, the impact of the urban deer program alone on deer-related accidents is nearly impossible to determine, though emails from residents and the survey on Open City Hall reported that most residents who have interacted with the program support it. At the very least, it can reasonably be expected that the program did not increase the number of accidents involving urban deer. As discussed previously, auto accidents has proven to be an unreliable metric subject to a number of external influences with no available external comparison.

If renewed, how could the program be improved?

Contract

Most other cities that contract with Humphries Archery do so on a year-to-year renewable contract for three years, which is the duration of the certificate of registration issued by the Division of Wildlife Resources (DWR). This offers the City and Humphries Archery the opportunity to negotiate improvements to the urban deer program annually when renewing the contract.

Trap and Euthanize

The Council asked staff to look into a trap and euthanize portion. Camille Williams, Senior Assistant City Attorney, confirmed with the DWR that they would allow such a program. Brian Cook has said that he thinks the addition of a trap and euthanize portion will improve efficiency and slightly increase the number of deer lethally taken, though he does not yet use it in any of the cities where Humphries Archery operates urban deer programs. Cook and his archers would trap and euthanize only on an as-needed basis and would require the permission of the Provo Police Department and the property owner each time. Within these parameters, Jayson Swenson, Provo Animal Control Supervisor, thinks that this element could help target urban deer to which the City might otherwise not have safe access.

The addition offers several potential benefits.

1. Trapping deer overnight while they forage would allow archers to trap deer during hours when they otherwise could not operate and return to the location in the morning.
2. Meat would be less likely to spoil during warm months before the deer could be dressed.

[21] Cook, Personal interview, March 7, 2019
[22] University of Texas, 2019

3. Deer would also not be able to wander after the archers have shot it, which can be traumatic for the deer and for residents who might see it.
4. Because the deer could not wander, the taking could occur on one property and allow the archers to operate in neighborhoods where they have not yet gained or cannot gain permission to access neighboring yards.
5. The deer would be killed with a handheld gun similar to the ones used to euthanize cattle before butchering, which is immediate and humane.

With this addition, the City would incur some additional costs. The City already owns one trailer and five traps that were purchased to facilitate the nonlethal portion before it was effectively discontinued. All are available, but the traps lack stakes and cables. Humphries Archery would charge a one-time setup fee of $50 per trap ($250 assuming all five traps are used). The City would also incur the extra cost of a euthanizing bolt gun ($1,500). The expected costs are totalled in the table below:

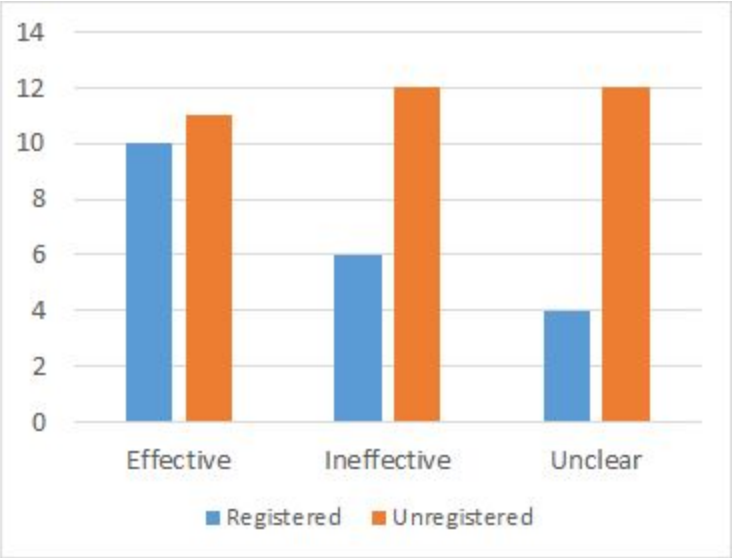
Source	One-Time Cost	Annual Cost
Stakes and Cables	$300	
Set-up Fee	$250	
Euthanizing Bolt Gun	$1,500	
Maintenance (Traps and Trailer)		$500
TOTAL	$2,050	$500

What do residents think?

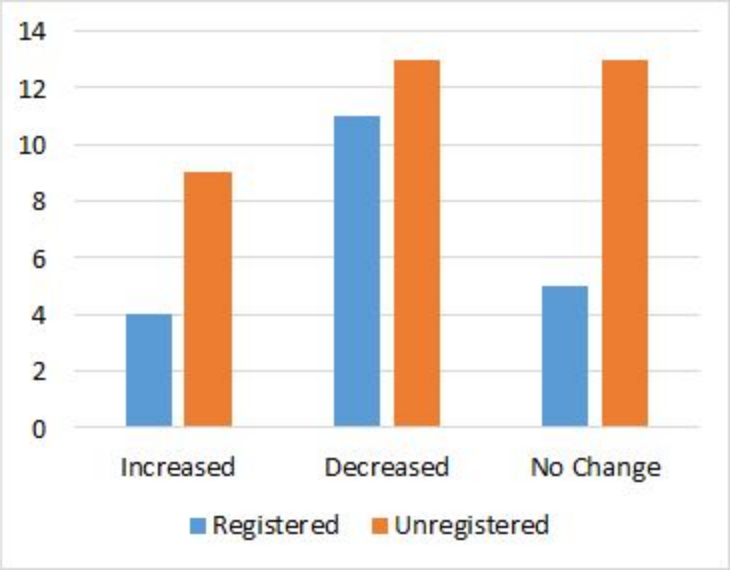
Residents have mixed reactions, but the majority of survey respondents support the urban deer program. In a survey about the program on Open City Hall, 20 residents submitted registered responses to the questions listed on the following pages.[23] A further 35 people submitted unregistered responses. After reviewing the comments, Council staff believe that few, if any, of the responses were submitted by the same person. Staff cannot determine whether the unregistered respondents live in Provo, but their answers still help to better understand the urban deer situation and how residents perceive the program.

[23] Registered respondents names have not been given in this paper in order to protect their privacy. If a member of the Council would like more information about the survey or a particular response, the information is available through Council staff.

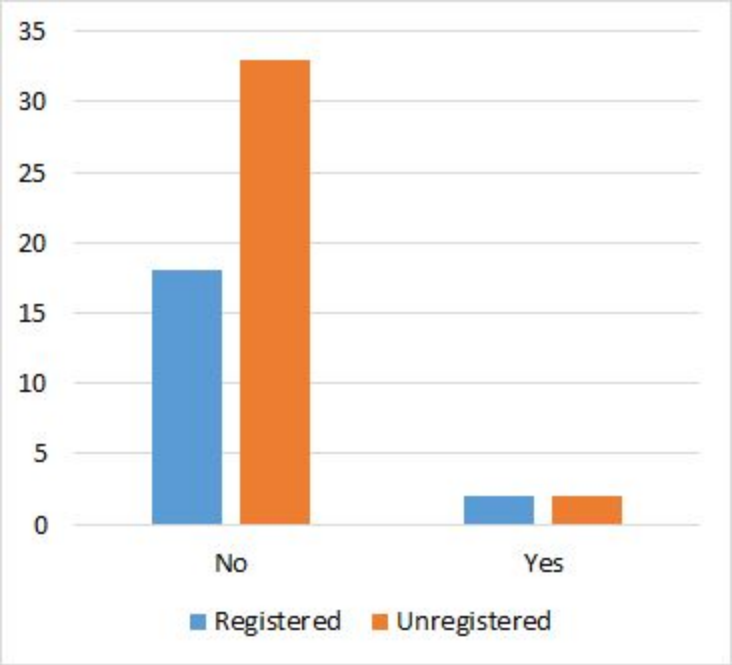
Do you think the Urban Deer Control Program has been effective?



What kind of change have you noticed in the number of deer in your area?



Have you or your neighbors had any problems with Provo Animal Control or Humphries Archery as they carry out the program?



If you answered "Yes" in the question above, please give details on what the problems were.[24]

Registered

- "You are killing our wildlife!!!!!!"
- "Yes, because it would be very objectionable to witness if carried out in our area. Let the deer live!"

Unregistered

- "We have found arrows in our yard at various times."[25]
- "They responded when I notified them about a young deer stuck in my gate. Unfortunately, said deer had to be taken away and put down."

The survey included two open-ended questions whose responses are available through staff but not included in this paper: "Have any of your neighbors raised any concerns? If so, is there

[24] Four respondents answered "Yes," and all four explanations are listed here.
[25] Humphries Archery labels and tracks all of their arrows and have not lost any fired as part of the urban deer program. The State does permit hunting just outside the City, and so the arrow likely came from a hunter.

anyone you think we should speak with as we gather input for our program evaluation?" and "Are there any changes you would like to see if the program were to be renewed?" Almost all of the responses to the last question included suggestions that were already part of the program or would not be permissible under the certificate of registration from the DWR Resources. Notable comments include the following:

- "Stop killing our deer!!!! I enjoy seeing and sharing our neighborhood with our wildlife."
- "I understand the safety issues, and also the gardening issues--particularly with my beans! However, there is a great deal of joy to be gained by having wildlife in our midst. Since we live close to the mountain it may be that I expect the deer more than I would further into town. . . . On a personal basis, I am happy to have deer, and willing to sacrifice beans. I can buy beans at Macey's, I can't replace the deer."
- "I just hope that the program continues. Thanks for addressing the urban deer problem."
- "More deer gone, whatever way is most cost effective."
- "Efforts need to be increased and results need to be measured and reported."
- "Get rid of them all."
- "Please continue. We still have deer roaming through our neighborhood. There are fewer, but still many deer in our area."
- "Suggest working with Orem City or the state to install more street lights along Geneva road. Then the deer will be more visible at night. Will bring peace of mind and prevent deer related accidents."

While some residents shared strong criticism of the program, 8 of the 20 registered respondents and 7 of the 35 unregistered specifically asked in their comments that the program be continued or that more deer be removed from the city.

In addition to a survey on Open City Hall, Council staff also sent emails to residents who had indicated in 2016 that they were willing to respond to a survey or wanted Humphries Archery to begin trapping and lethal takings on their properties. None had any problem with Humphries Archery, and all supported the program. Two volunteered to kill the deer in their yards themselves if the City would allow it. Notable responses include the following:

- "I had a deer with an arrow through it's chest and shoulder lie for several hours in severe distress in my backyard. It was a Sunday and I could not arouse any help from the city The animal eventually found it's way out and I have no further information. Following this event, I believe there should be emergency services available at all times. and I don't think the bow thinning of the herd is effective or humane."[26]

[26] All of the crossbow bolts used by Humphries Archery carry the registered name of the archer and their cell phone number. Brian Cook is confident that this was not of their arrows because the crossbow bolts they use cannot become lodged in this way (Cook, April 16, 2019).

- "The post implementation outcomes of the Deer Control Program implemented in the southeast corner of the Pleasant View Neighborhood have been, for the last year, quite successful in reducing the number of deer from 6 on a daily basis spiking to 24 on some days, to 1 or 2 deer sightings each week."
- "... We thank you profusely for considering and acting proactively on the deer problem in Provo. It restored our sanity for two whole wonderful summers! We can't wait for Brian's return this third year! … We beg you to continue Brian Cook's crossbow part of the removal program."
- "For the program to be effective there will need to be a lot more deer killed. A drop in the bucket is never noticeable."
- "I may be ignorant of the apparatus, but I don't feel that there has been good communication with residents to inform us regarding the how's behind the program. For example, when we had the deer in our yard, what do we do? Who do we call?"

As in the last comment above, several residents asked for more information. Some of the comments revealed that many residents do understand the program. More public information could help to better inform residents if the Council decides to renew the urban deer program.

What is the Problem?

The Council has the opportunity to evaluate the performance of the urban deer program and determine whether or not to renew the program. If the Council decides not to renew the program, they can simply do nothing and let the program end on August 1, 2019. If the Council decides to renew the program, the process, including the application for a certificate of registration (COR) from the Division of Wildlife Resources, could take several weeks. Council staff anticipate that renewing the program will require a public hearing to hear input from residents and a second public hearing when the Council hears the proposed plan. Brian Cook has also requested one or two months for the application for the COR to process before the lethal taking period begins on August 1. Council staff recommend reaching a decision and holding the second hearing by the end of May.

Councilors need to make a determination on the following:

Has the Urban Deer program been successful? Is the program a prudent expense of taxpayer dollars? Should the program continue?

Objectives

As the Council considers whether to renew the urban deer program, the following objectives could help to establish criteria for evaluating the alternatives:

- effectiveness and safety
- efficiency
- cost-effectiveness
- public opinion
- environmental impact

Effectiveness and Safety

The Council adopted the program in order to reduce the number of urban deer in Provo. The program was also expected to reduce the number of deer-related accidents and the amount of deer-related property damage. Brian Cook and his team have seen a decrease in the number of urban deer in the city. Focusing efforts on does has further reduced the urban deer population in future years.

Deer-related accidents increased in 2017 and decreased in 2018, and the numbers seem to be affected by other factors. Mountain deer cause a significant number of accidents, especially on high-traffic roads near undeveloped areas along the mountain, but the program has carefully avoided taking mountain deer. Other options to address mountain deer could be explored.

The city has very little data about deer-related property damage, and all of that is anecdotal. Some residents say they have not seen any difference in the number of deer in their area, while others have praised the program's effects.

Ask the questions:

- ❑ *Has the program had the intended effect?*
- ❑ *Were there any other expectations for this program, and have those been met?*

Efficiency

The program changed during its first three years. At the recommendation of Provo Animal Control, the Council discontinued funding for the nonlethal portion. If the Council decided to renew the program, the addition of a trap and euthanize portion could also improve efficiency. Cook also expects the program to be able to operate more efficiently now that he and his archers have begun building community trust and become familiar with the travel patterns of urban deer in Provo.

Council staff have identified some potential alternative methods to reduce the population of urban deer.[27] Some of these options are not feasible, and some will be explored in greater detail in the section "Alternatives, Consequences, and Tradeoffs."

- trap and euthanize
- administer a contraception vaccine annually to enough does
- sharp-shooting
- introduce natural predators
- provide supplemental feeding to draw deer to designated areas

The City would certainly not want to use firearms or predators within city limits. A contraception program would require that each doe receive an annual contraceptive vaccination, which Jayson Swenson, Provo Animal Control Supervisor, thinks will be prohibitively labor-intensive. The Council prohibited the feeding of deer in the City on June 2, 2015 in Ordinance 2015-23. Council staff could conduct additional research if the Council wants more information about contraception or setting up feed stations outside of the city.

Ask the questions:

- ❑ *Does the Council feel the current efforts have been efficient?*
- ❑ *Are there other measures that Council would like to consider to improve efficiency?*
- ❑ *Would another method of urban deer population control have the desired effect at a lower cost?*
- ❑ *Would Brian Cook's suggestions improve the efficiency of the program significantly enough to be worth the additional costs, monetary and nonmonetary?*

Cost-Effectiveness

A determination of cost-effectiveness is based on two variables: resources invested and the return gained.

$$\frac{\text{COST}}{\text{RETURN}} = \text{COST-EFFECTIVENESS RATIO}$$

Over its two years of operation, the nonlethal portion of the program cost $21,557 including the cost per deer relocated ($15,200), assistance from Humphries Archery ($3,100), and Provo City Police overtime ($3,257). The DWR removed 76 deer from Provo. The cost-effectiveness ratio calculates to $284 per deer.[28]

[27] Golden Valley Deer Task Force, 2006

[28] The DWR provided their services at a reduced rate.

$$\frac{(15200 + 3100 + 3257)}{76} = 284:1$$

Between 2016-2018, the lethal portion of the program cost $31,497 including the contract ($30,000, camera rental fees ($870), and bait ($627). Humphries Archery removed 104 from the city for a cost of $303 per deer.

$$\frac{(30000 + 870 + 627)}{104} = 303:1$$

However, the payment structure and operation of the program would change if renewed, which would affect both variables. Humphries Archery is changing their payment structure to a nearly flat-rate cost ($2,500 per site plus cameras and bait) per site. Eliminating non-lethal takings, increased access to residents' yards, the deer's return to old feeding areas to which Humphries Archery already as access, and allowing the program to trap and euthanize would likely also increase the number of deer taken each year. As the urban deer population reaches a stable level, Cook estimates that they will remove 50 to 100 deer annually to maintain a balance.

Assuming the City chooses to renew the program for three more years and chooses to contract with Humphries Archery for four sites that cost $2,500 plus $150 per year in bait plus $270 per year in cameras for three years, that the program will lethally take 50-100 deer, and that the DWR requires a tissue sample that costs the City $10 per deer, the program could reasonably be expected to cost between $244 and $127 per deer removed. This calculation does not account for the potential addition of a trap and euthanize portion.

$$\frac{((2,500+150 + 270)*4*3) + (10*50*3)}{(50*3)} = 244:1$$

$$\frac{((2,500+150 + 270)*4*3) + (10*100*3)}{(100*3)} = 127:1$$

These calculations do not include any potential nonmonetary factors, such as environmental or political costs or benefits.

Ask the question:

- ❑ *Are the benefits gained from the number of deer taken worth the cost of the program?*

Public Opinion

Although urban deer do not regularly affect most residents, some residents, especially in the neighborhoods near the mountains, have strong feelings about the urban deer program. The majority of survey respondents favored the program, but some opposed it. Letting the program end or renewing it would likely upset some residents.

Ask the questions:

- ❑ *Are the benefits of the program worth upsetting residents who oppose it?*
- ❑ *Are the costs of the program worth upsetting the residents who favor it?*

Environmental Impact

Cities have the responsibility to protect the environment within their borders. An urban deer program or lack of one would have an impact on the deer, residents, and pets. Wild deer are a keystone species of their environment, but urban deer play no significant role in the environment or food chain in urban areas maintained by humans; however, they can threaten people and pets.

Brian Cook explained that every city already operates a lethal deer program that is much more expensive and more dangerous to residents. Cars are a very effective way to kill deer. Assuming one deer killed in every deer-related auto accident in 2018, drivers killed 143 deer and Humphries Archery killed 39. Brian Cook asserts that a relatively quick death by bow is more humane to the deer and safer for the driver.[29]

Such large animals can pose a threat to residents and pets. One resident, Clair Freedman from the Indian Hills Neighborhood, had a hazardous encounter with a deer in her yard. She wrote:

> Last summer a deer turned and stomped our little dog, knocked her over and pinned her down under the deer's foot. It would have killed her if I had not run and scooped up the dog. It was a frightening experience as I did not know if the deer would attack me too. As it was, the dog did have a bite mark on her neck and was terribly traumatized as were we!

Both renewing and not renewing the program would impact the environment in the city, including animals and humans.

Ask the questions:

- ❑ *Is the impact on the deer worth the program?*
- ❑ *Is the impact on residents worth the program?*

[29] Cook, Personal interview, March 7, 2019

Alternatives, Consequences, and Tradeoffs

With regards to the urban deer program, Council staff have evaluated four potential policy alternatives, some of which could be combined. These alternatives are not an exhaustive list. Council staff could also evaluate any additional suggestions from the Council or from City staff. Please consider the following:

1. **Do nothing**: The Council has the option to let the program end. The certificate of registration for the program will expire on August 1, 2019.

   Consequences and Tradeoffs

   If the Council were to allow the program to end without renewing it, Humphries Archery would cease to operate in Provo. The City would also no longer bear the financial burden of funding the program. Residents who support the program could be upset, but residents who oppose it would likely see the end of the program as a humane step.

   The number of deer would likely remain lower than it otherwise would have for the next few years because of the number of does taken during the duration of the program. Without any lethal threats besides cars, the urban deer population would likely increase over time. The situation would likely resemble the status quo before the program began in October 2016, though likely with more deer/human interaction because of human population growth and urban expansion.

2. **Renew the urban deer program**: The Council could renew the program as it currently exists, which would include Humphries Archery's new pay structure and not include non-lethal takings.

   Consequences and Tradeoffs

   If the Council were to renew the current program they could do so on a year-to-year basis. The current status quo would remain much the same. The urban deer population could be expected to continue to decrease (or at least not increase) as Humphries Archery winnows down the current herds. Cook estimates that their new locations will allow them to kill an estimated 20 more deer per year. He also expects his team to be able to kill more deer if residents near the south end of the private golf course on North University Avenue grant them permission to take deer on their property. After three years, he also expects deer to begin to return to old feeding spots to which Humphries Archery already has access. As the population reaches a manageable level, Cook expects maintaining the population to mean 50-100 deer removed per year. It should be noted that does killed in one year also reduce the population in future years.

The Council would continue to pay for the program if they renewed it. Brian Cook recommends between two and four locations, each costing $2,500 plus cameras and bait. If the DWR does begin requiring tissue samples and does not pay for them, the program will cost the City an additional $10 per deer. Residents who support the program would be pleased, but residents who opposed it would not.

Most other cities that contract with Humphries Archery do so on a year-to-year renewable contract for three years. The Council could choose to do so as well if they decided to renew the program.

3. **Renew the urban deer program and allow for a trap and euthanize portion**: The Council could renew the program and add the trap and euthanize portion.

   Consequences and Tradeoffs

   Renewing the program could be expected to result in about 50-100 deer killed per year. The trap and euthanize addition would likely lead to a slightly more rapid decrease in the number of urban deer living in Provo. Cook has made it clear that the trapping portion would supplement, not supplant, the current program. Trapping and euthanizing would be undertaken only on an as-needed basis, each time with permission from Provo Animal Control and the property owner. Residents who support the program would be pleased by the increased efforts to control the urban deer population, but residents who opposed it would likely not.

   Each location would cost the City $2,500 plus cameras and bait. The City would also need to pay a portion of the purchase price for a euthanizing bolt gun, which costs approximately $1,500. Humphries Archer would also have a one-time charge of $50 for the initial setup of each trap for a total of $250 if they use all five traps the City owns. Council staff also recommend $300 for the stakes and cables for the traps as well as annual maintenance.

4. **Adopt or encourage the adoption of other methods to control the urban deer population and improve safety**: Separately or in addition to any of the other alternatives, the Council could take other approaches to control the urban deer population.

   Potential options include the following:

   - building walls along roads with high numbers of deer-related accidents
   - promoting the use of netting or deer-repellant sprays for gardens
   - promoting the growth of deer-resistant plants, especially near entrances to yards

- educating residents about safe driving near deer[30]
- changing the city code to permit taller residential fences

Consequences and Tradeoffs

The specific consequences and tradeoffs of other options would depend on the approach taken. Council staff could provide further analysis at the request of the Council.

Conclusion

The urban deer program was created to reduce the population of urban deer in Provo and reduce the number of deer-related auto accidents and property damage. The lethal and nonlethal portions of the program removed a total of 180 deer from the city, most of which were does who would have continued to increase the future population of urban herds. Analysis has found that many different factors contribute to the number of deer-related auto accidents in a year, including the presence of mountain deer not targeted by the urban deer program, and so the metric has proven to be unreliable. Except that the program did not increase the number of deer-related accidents, the exact effect of the program on accidents cannot be determined.

Wes Alexander, who heads the Urban Deer Control Program for the State, suggested that public perception of the program might be one of the most effective ways to gauge success. Residents have had mixed reactions to the program, with some protesting the killing of deer on principle. Almost all of the residents who interacted with the program gave positive reviews. Most of the residents surveyed saw a decrease or no change in the number of deer in their area.

As the Council determines whether to renew the program or let it end on August 1, 2019, it is worth noting that the cost structure for operating the lethal portion of the program will change (see page 10), though the potential fee aligns closely with what the City has paid in years past. A supplemental trap and euthanize portion could also be added (see page 14). If the Council decides to renew the program, the process will require two hearings, a few weeks for the application of the certificate of registration (COR) with the Division of Wildlife Resources, and a few weeks for the processing of the COR before August 1, the standard date to begin urban deer removal. Council staff recommend reaching a decision by the end of May if the Council would like the program to begin operation in August.

[30] The Michigan Deer Crash Coalition produced a pamphlet as part of their "Don't Veer for Deer" program.

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Appendix A

Certificate of Registration issued by the Division of Wildlife Resources

(see next page)

DIVISION OF WILDLIFE RESOURCES . 1594 West North Temple . Salt Lake City, UT 84114-6301. (801) 538-4701

CERTIFICATE OF REGISTRATION

Registrant Name and Address

PROVO CITY
ATTN: ROBERT D. WEST
351 WEST CENTER ST.
PROVO UT 84601

Phone (801)852-6144

RECEIVED
JUN 20 2016
PROVO CITY ATTORNEYS OFFICE

COR Number **4UDCP9844**

Fee Received **$0.00**

Application for new COR due: **8/01/2019**

Effective Dates:

From: **8/01/2016** To: **8/01/2019**

COR Type: **URBAN DEER CONTROL PLAN**

Activities Report Due Date: **BY MARCH 1ST EACH YEAR**

Methods: LETHAL AND NON-LETHAL REMOVAL

Specific Provisions: **THE SEASONAL TIME PERIOD FOR LETHAL TAKE WILL BE ANTLERED ANIMALS FROM AUGUST 1 THROUGH OCTOBER 31 AND ANTLERLESS ANIMALS FROM AUGUST 1 THROUGH DECEMBER 31 EACH YEAR DURING THE 3 YEAR PERIOD.**

PROVO CITY IS AUTHORIZED TO LETHALLY REMOVE 300 DEER DURING THE 3 YEAR PERIOD.

NONLETHAL REMOVAL WILL BE AS PER AGREEMENT WITH THE DIVISION IN TERMS OF SEASON DATES, NUMBER AND GENDER OF ANIMALS REMOVED.

PROVO CITY'S URBAN DEER PLAN WILL BE REVIEWED ANNUALLY AS PER AGREEMENT WITH THE DIVISION BEGINNING JULY 2016 FOR NONLETHAL TAKE.

AUTHORIZED TO LETHAL OR NON-LETHAL TAKE OF DEER WITHIN PROVO CITY BOUNDARIES. THE CITY MAY NOT UNDERTAKE OR AUTHORIZE DEER REMOVAL ACTIVITIES OUTSIDE INCORPORATED CITY BOUNDARIES OR ANY UNICORPORATED AREAS.

AN ANNUAL REPORT LISTING ALL WILDLIFE, NUMBERS LETHALLY REMOVED, NAME OF SHOOTER/PERMIT HOLDER, SEX OF ANIMAL, DATE OF HARVEST, AND DISPOSITION OF CARCASS (I.E., RETAINED BY HUNTER, DONATED, ETC.) MUST BE SUBMITTED TO THE CERTIFICATE OF REGISTRATION OFFICE (SALT LAKE CITY) BY MARCH 1.

COR shall be in possession of registrant when exercising any activity hereunder. This COR is nontransferable.

Change of address/phone number of registrant must be reported immediately to the Certificate of Registration Office, 1594 W N Temple, Suite 2110, Box 146301, Salt Lake City, UT 84114-6301. Amendments to this COR that require additional review by the Division will be subject to an amendment fee. Registrant must receive prior authorization for any use or activity not authorized under this COR or any rule pertaining thereto. This includes, but is not limited to, change in location, species or numbers of animals.

The validity of this COR is dependent upon complying with provisions in R657-65, Title 23, Utah Code, and all applicable foreign, federal, local, or other state law, and specific provisions stipulated herein. Activities authorized herein must be carried out in accordance with and for the purposes described in the application/amendment request submitted. This COR is valid only for the dates indicated herein and gives no rights, either expressed or implied, to registrant for issuance or denial of future applications.

Issued this 15th day of June, 2016, under authority granted by R657-65 and Title 23, Utah Code.

By Tom Smart
COR Specialist

Robert West
Registrant signature

Parent signature if registrant is a minor

Counties	Township, Range, Section	General Location
1. UTAH	1. PROVO CITY	1. WITHIN CITY BOUNDARIES.
Species	**Numbers**	**Disposition**
1. DEER	1. (300) OVER THE 3 YEAR PERIOD	1. NON-LETHALLY REMOVED (TRANSLOCATED) DEER MUST BE TAKEN TO APPROVED RELEASE SITES DETERMINED BY THE DWR. LETHALLY REMOVED BY PERSON AUTHORIZED (HUNTER), CARCASS TAGGED, CARCASSES ARE SALVAGED, VISCERA IS REMOVED FROM KILL SITE AND DISPOSED OF AS PROVIDED BY LAW, ANTLERS ARE PROMPTLY SURRENDERED TO THE DIVISION AND NOT RETAINED BY THE CITY OR THE CITY OR THE PERSON THAT TAKES THE ANIMAL. 2. EMPHASIS ON ANTLERLESS HARVEST FOR POPULATION CONTROL.

Appendix B

The text of the resolution is below. The full resolution can be viewed at this link.

RESOLUTION 2015-37.

A RESOLUTION REQUESTING A CERTIFICATE OF REGISTRATION ("COR") FROM THE UTAH DIVISION OF WILDLIFE RESOURCES, IN ORDER TO BEGIN WORK ON AN URBAN DEER CONTROL PLAN. (15-076)

WHEREAS, the Municipal Council has received public input sufficient to find that deer are collectively causing significant damage to landscaping and vegetation on private property and threatening public safety on roadways within City boundaries; and

WHEREAS, Provo City is interested in the creation of a plan that enables the City to design and administer a control plan for the lethal and/or non-lethal removal of resident deer damaging private property or threatening public safety within the City; and

WHEREAS, such programs are authorized and governed by Utah Code Sections 23-14-3, 23-14-18, and 23-14-19, and administered by the Division of Wildlife Resources under Administrative Rule R657-65; and

WHEREAS, the City meets all of the following requirements necessary to receive a Certificate Of Registration :

(a) the City has established that deer are collectively causing significant damage to private property and threatening public safety within City boundaries,

(b) the City passed Ordinance 2015-23, which prohibits the feeding of wild deer, elk, moose, or turkey within City limits,

(c) the City has General Liability Insurance in the amount of $1 million, and

(d) the City will hold the Division of Wildlife Resources harmless against claims; and

WHEREAS, by being granted a COR, the City will be able to design, create and administer an urban deer control plan to prescribe and employ lethal and non-lethal methods to take control of the deer; and

WHEREAS, the City will hold the Division of Wildlife Resources harmless against claims in the design, creation and administration of the urban deer control plan the City implements; and

WHEREAS, on July 7, 2015, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) the Mayor should be authorized to petition the Utah Division of Wildlife Resources for the COR, and (ii) such action reasonably furthers the health, safety, and welfare of the citizens of Provo City.

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

PART I:

The Mayor is hereby authorized to petition the Utah Division of Wildlife Resources for a COR and begin efforts to develop an Urban Deer Control Plan.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Appendix C

The text of the resolution is below. The full resolution can be viewed at this link.

RESOLUTION 2016-31.

A RESOLUTION AUTHORIZING SUBMISSION OF A FINAL URBAN DEER CONTROL PLAN, AUTHORIZING IMPLEMENTATION OF THE PLAN, AND APPROPRIATING FUNDS FOR THE FIRST YEAR OF THE PLAN. (15-076)

WHEREAS, police calls and citizen reports establish that, during 2013-2015, vehicle-deer collisions in Provo endangered human life, caused an estimated $450,000 in damages to vehicles, and killed about 150 deer annually; and

WHEREAS, residents report that urban deer eat or damage landscape plants, trees, and flower and vegetable gardens, causing damages estimated to exceed $300,000 annually; and live, breed, and defecate in residents' yards, generally impairing the quiet enjoyment of hundreds of citizens' properties; and

WHEREAS, a recent survey by a deer specialist indicates that about 500 deer live within Provo City; and

WHEREAS, on June 2, 2015, the Provo City Municipal Council prohibited the feeding of deer and other designated wildlife within the city limits by Ordinance 2015-023, and stated an intent to pursue and implement a policy of selective harvesting and/or relocation of urban deer; and

WHEREAS, on July 7, 2015, the Provo City Municipal Council unanimously passed Resolution 2015-37 authorizing the Mayor to request a certificate of Registration ("COR") from the Utah Division of Wildlife Resources ("DWR") allowing the City to create and implement an urban deer control plan; and

WHEREAS, compliant with DWR Administrative Rule 657-65, on March 28, 2016 Provo City submitted an application for a COR, and on June 15, 2016, the Utah Division of Wildlife Resources issued a COR to Provo City authorizing the lethal or nonlethal removal of up to 300 deer during the three-year COR period and specifying additional limits on the time and methods for reducing the number of deer within Provo City; and

WHEREAS, on July 5, 2016, the Provo City Municipal Council held a duly noticed public meeting in which deer removal specialist Brian Cook of Humphries Archery, LLC, presented information about urban deer-human interaction generally; how other Utah cities have implemented their respective CORs; and reported to the Council on his survey of the location and movement of deer living within Provo City conducted during December 2015 through March 2016, which facts and comments are found in the meeting record; and

WHEREAS, on July 12, 2016, the Provo City Municipal Council held a widely publicized public Open House to notify the public about the City's proposed urban deer control plan consistent with the COR and to receive information and comments from the public, which information and comments were summarized by Council Staff ; and

WHEREAS, on July 19, 2016, the Provo City Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, and to consider appropriating monies up to $21,000 to fund the first year of implementation of the City's urban deer control plan for lethal removal, and authorizing the Mayor or his designee to enter into an agreement with the Division of Wildlife Resources and a deer specialist for removal of deer by relocation and appropriating monies up to $14,000 to fund the first year of implementation of the City's urban deer control plan for nonlethal removal, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the urban deer control plan and the proposed appropriation were given an opportunity to be heard; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) that deer living within the City are causing significant damage and threatening public safety; (ii) that monies for the services of deer removal specialists, tracking cameras and bait should be appropriated; (iii) that the Mayor, or his designee, should be authorized to submit the final urban deer control plan to the DWR and execute an agreement with Humphries Archery, LLC, and any other documents necessary to implement the plan; and (iv) that said actions reasonably further the health, safety and general welfare of the citizens of Provo.

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

PART I:

1. The Mayor is hereby authorized to appropriate up to $35,000, in the Police Department's Animal Control Division for deer removal services to be performed for Fiscal Year 2016-2017.
2. The Mayor or his designee is authorized to execute an agreement between Provo City and Humphries Archery, LLC, in all its essential terms like the attached Exhibit A, and execute all other documents that may be required by the Division of Wildlife Resources in order to implement Provo's urban deer control plan, which in its essential elements is like the attached Exhibit B; the Mayor is also authorized to make non-substantive amendments to the agreement to achieve proper legal form.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

RESOLUTION 2019- .

A RESOLUTION REQUESTING A CERTIFICATE OF REGISTRATION (COR) FROM THE UTAH DIVISION OF WILDLIFE RESOURCES, IN ORDER TO BEGIN WORK ON AN URBAN DEER CONTROL PLAN FOR JULY 1, 2019 THROUGH JUNE 30, 2022. (19-054)

WHEREAS, Provo City is interested in the continuing a plan that enables the City to design and administer a control plan for the lethal removal of resident deer damaging private property or threatening public safety within the City; and

WHEREAS, such programs are authorized and governed by Utah Code Sections 23-14-3, 23-14-18, and 23-14-19, and administered by the Division of Wildlife Resources under Administrative Rule R657-65; and

WHEREAS, the City meets all of the following requirements necessary to receive a Certificate Of Registration :

(a) the City has established that deer are collectively causing significant damage to private property and threatening public safety within City boundaries,
(b) the City passed Ordinance 2015-23, which prohibits the feeding of wild deer, elk, moose, or turkey within City limits,
(c) the City has General Liability Insurance in the amount of $1 million, and
(d) the City will hold the Division of Wildlife Resources harmless against claims; and

WHEREAS, by being granted a COR, the City will be able to design, create and administer an urban deer control plan to prescribe and employ lethal methods to control the deer population; and

WHEREAS, the City will hold the Division of Wildlife Resources harmless against claims in the design, creation and administration of the urban deer control plan the City implements; and

WHEREAS, on April 23, 2019 and May 7, 2019, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) the Mayor should be authorized to petition the Utah Division of Wildlife Resources for the COR, and (ii) such action reasonably furthers the health, safety, and welfare of the citizens of Provo City.

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

PART I:

The Mayor is hereby authorized to petition the Utah Division of Wildlife Resources for a COR and continue efforts to develop an Urban Deer Control Plan.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Planning Commission Staff Report
Rezone
Hearing Date: April 10, 2019

***ITEM #4** Justin Earl requests a Zone Change from ITOD to Mill Race at Provo Station PRO Zone, located on approximately four acres from 500 S to 600 S and from 100 W to University Ave. Downtown neighborhood. Aaron Ardmore (801) 852-6404 PLRZ20190047

Applicant: Justin Earl
Staff Coordinator: Aaron Ardmore
Property Owner: J&J York Enterprises LLC; York Family Investments, LC; Red Rider Properties, LLC; Redevelopment Agency of Provo City Corporation
Parcel ID#: 04:001:0001; 04:001:0005; 04:001:0003; 04:001:0002
Current Zone: ITOD
Proposed Zone: Mill Race PRO zone
General Plan Des.: TOD
Acreage: 3.7 acres
Number of Properties: 4
Number of Lots: 1
Total Building Sq. Ft.: 2,260 (commercial)

Development Agreement Proffered: No

***Council Action Required:** Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 24, 2019, 5:00 p.m.*

3. **Recommend Denial** of the proposed rezoning. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Current Legal Use: The site currently contains vacant commercial buildings and an advertising agency office.

Relevant History: This block has gone through a number of commercial uses in the past. The applicant acquired purchase and sale agreements for the entire block in anticipation of building a mixed-use project and has met with members of the City Administration and City Council to discuss his plans.

Neighborhood Issues: The Downtown Neighborhood chair chose not to hold a meeting on this item.

Summary of Key Issues:

- Mill Race PRO zone needs to be adopted.
- The proposed zone would allow a higher building height compared to the ITOD zone, and allow the specific project to build as planned with additional regulations.
- Project proposed consists of 84,742 square feet of office space, 438 residential units, and 907 parking stalls.

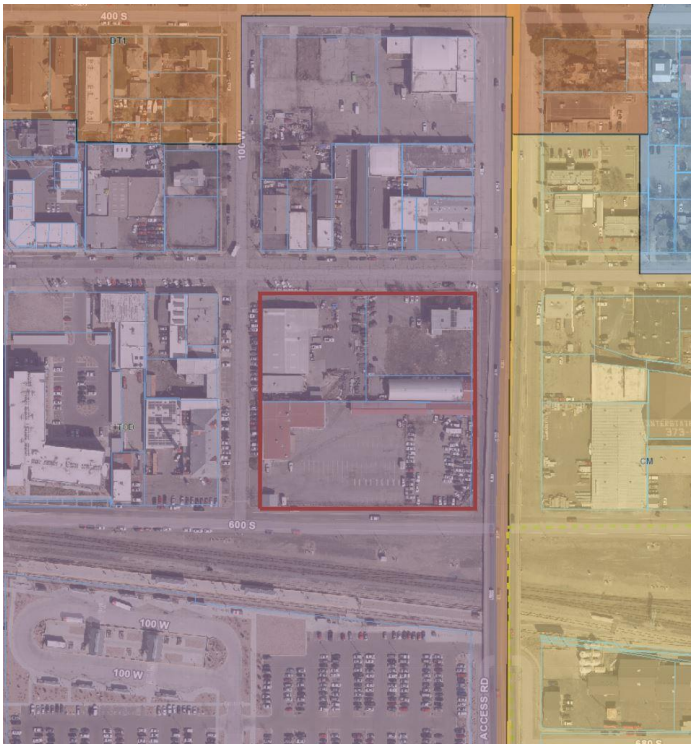
Staff Recommendation: That the Planning Commission recommend approval of the proposed zone change from ITOD to the Mill Race PRO zone.

OVERVIEW

Justin Earl is requesting approval of zone change, along with the adoption of a new PRO zone for the block between 500 South and 600 South, and 100 West and University Avenue. The City Council would need to adopt the proposed Mill Race PRO zone to allow this development to occur.

The applicant would need to have a Project Plan approved by the DRC and Planning Commission after a decision is made on the PRO zone text amendment and zone map amendment for the property. The project consists of a parking podium on the east half of the block, with an eight-story office building at the southeast corner, along 600 south and University Avenue; and a condo building on the northeast corner. The rest of the project will consist of two different five-story residential buildings with amenity space and open spaces in between. The zone will allow for buildings up to 195 feet.

The table below shows current zoning and General Plan designations for the area.

Current Zoning Map	Current General Plan Map
	

FINDINGS OF FACT

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: **(responses in bold)**

(a) Public purpose for the amendment in question.

The zone change would serve the public by providing additional housing choices in the area, and by providing more tax base for the City. It would also help to provide needed pedestrian connections over the railways.

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

The zone change would allow this proposed project to move forward to create the additional housing, tax base, and pedestrian connections for Provo City.

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

The proposed zone does meets the General Plan designation for this area, as it is still based on the ITOD zone and meets the General Plan policies found in chapters 2, 3, and 7. Specifically, this proposal is consistent with Goals 2.4.1.2, to provide direct routes from key locations in the City by promoting the use of alternative methods of transportation; 3.4.4.3, to encourage development patterns that reduce land and development costs; and 7.4.14, to require high-quality commercial development.

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

There are no issues with timing and sequencing with the proposal.

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

The zone change will help to meet several General Plan goals, and should not hinder or obstruct attainment of the policies of the General Plan.

(f) Adverse impacts on adjacent land owners.

Adverse impacts on the adjacent properties could include increased traffic and loss of view corridors. Staff feels that the positive impacts on adjacent land owners with increased connections and improved property will outweigh any adverse impacts associated with this project.

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

The zoning and General Plan for the area are correct.

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

No conflict exists.

STAFF ANALYSIS

Staff has worked with the applicant to refine the concept plan and zone language, which has allowed the applicant to create a plan that can meet City standards and provide for a variety of housing types in a single block. The project will also provide additional office space and amenities for the downtown residents. The proposal would meet the goals of the General Plan.

CONCLUSIONS

The proposed zone change will enable the applicant to provide additional housing choices within downtown Provo and next to the commuter rail station. The plan also would provide important connections to the commuter station and University Avenue bridge, allowing all Provo residents and visitors access across the train tracks. The commercial spaces will help to bring additional tax base to Provo City.

STAFF RECOMMENDATION

That the Planning Commission recommend approval of the proposed zone change from ITOD to the Mill Race PRO zone.

an Introduction

Mill Race at Provo Station



J.B. EARL COMPANY REDSTONE Millstream Partners

Project Team

ARCHITECTS

Architectural Resources





SPONSORS

J.B. EARL COMPANY

REDSTONE





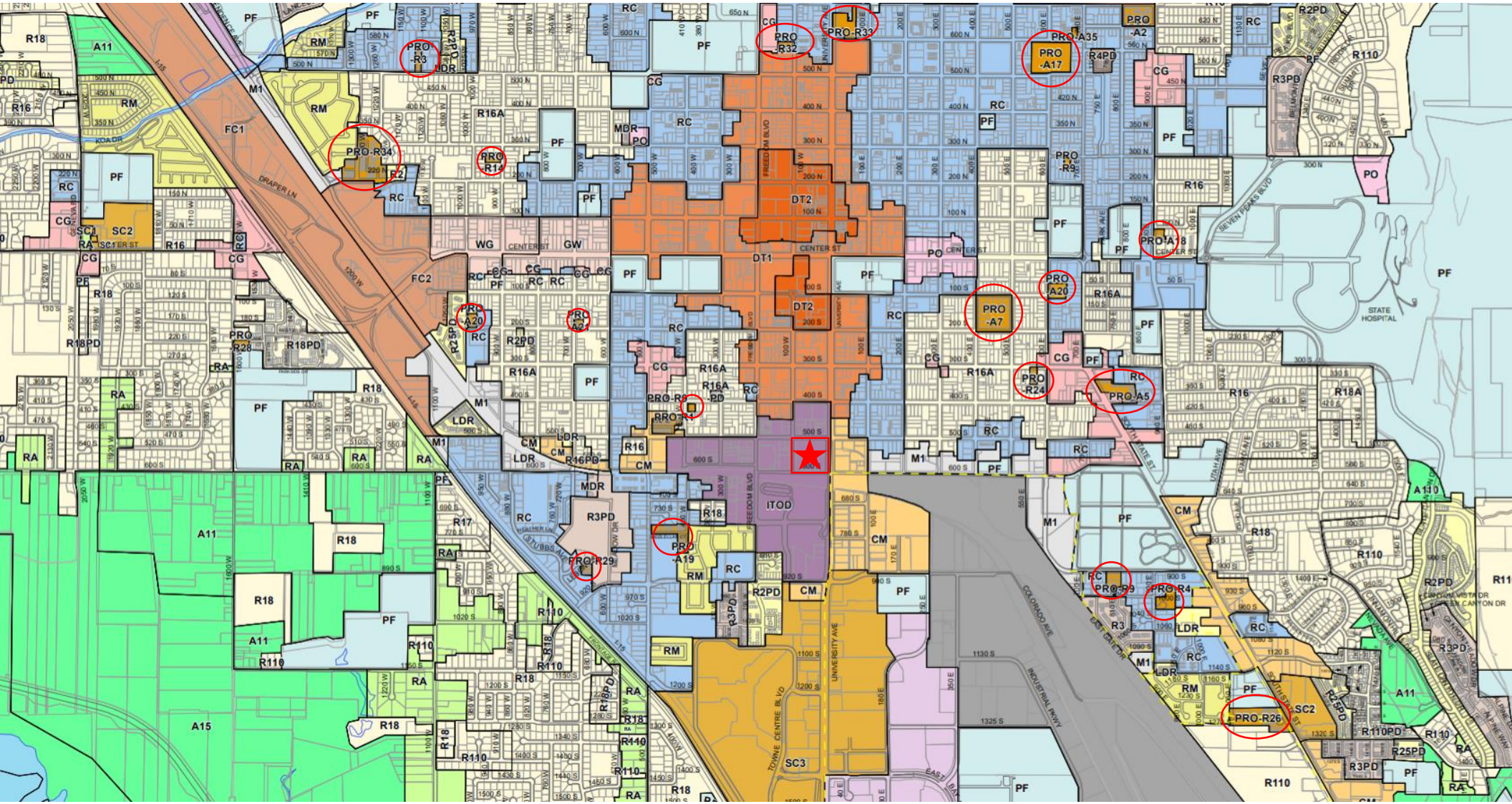
Millstream Partners





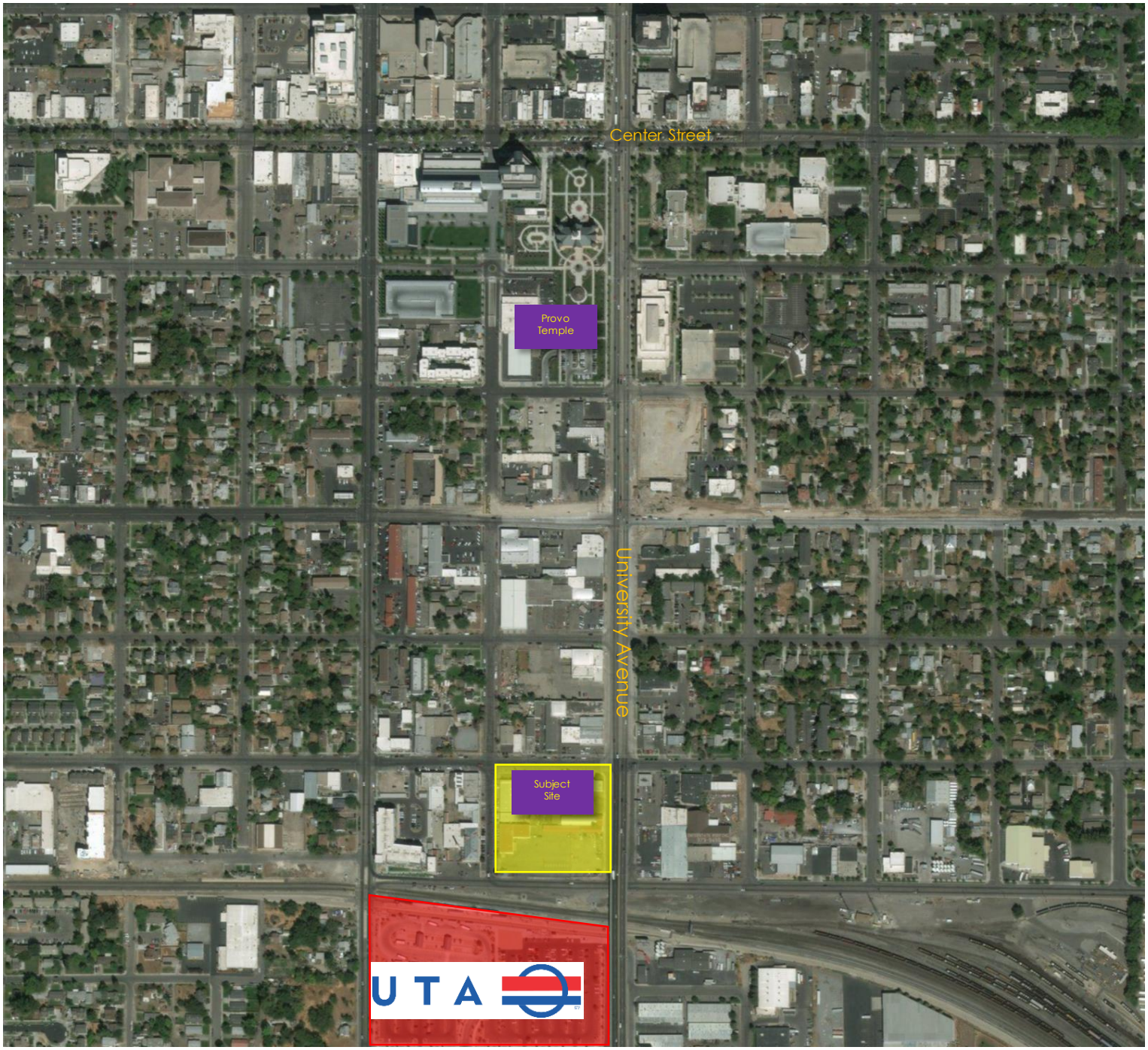
Applications

- ORDINANCE TEXT AMENDMENT
- PRO ZONE APPROVAL
- ZONE CHANGE FROM ITOD TO PRO ZONE



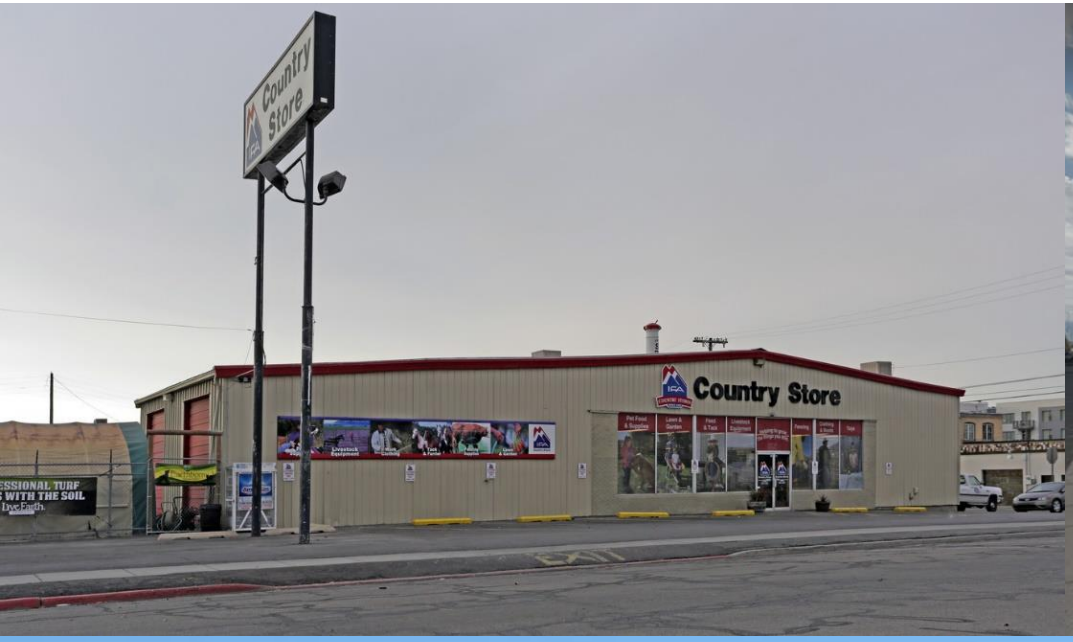
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Location



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Property As-Is







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Location



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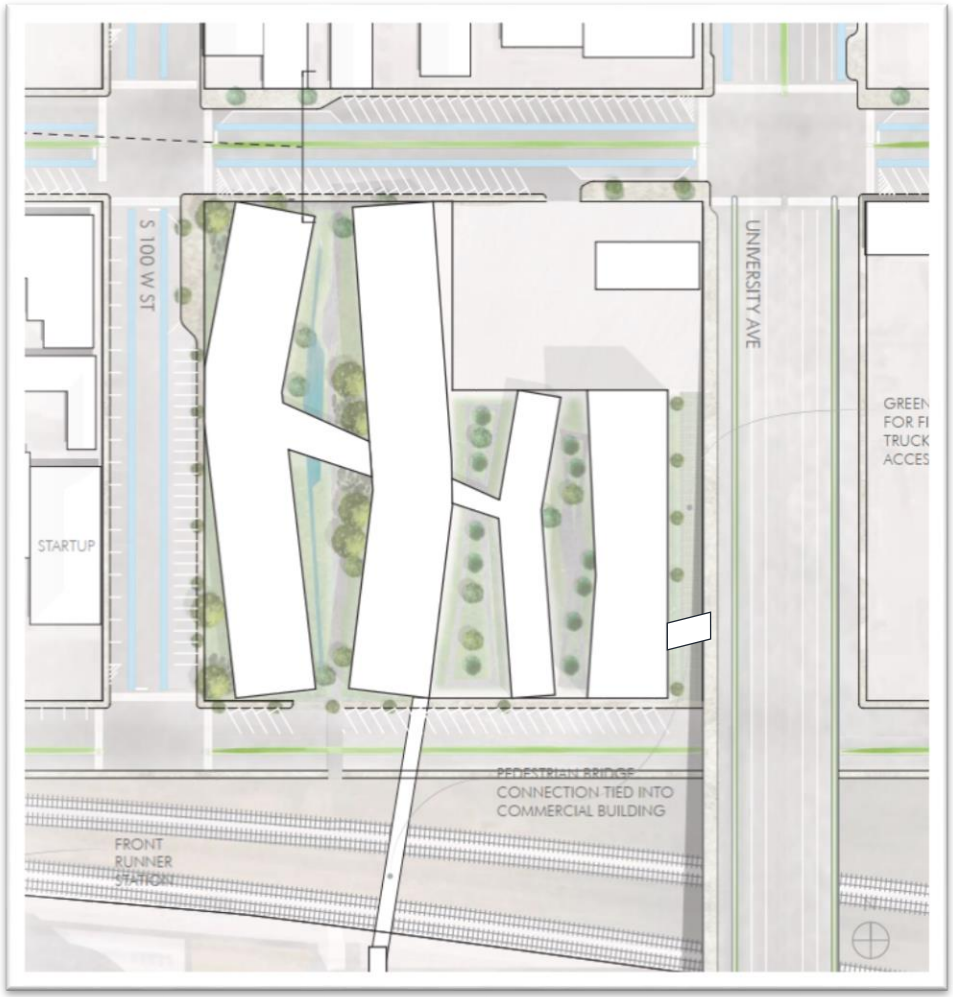
Connectivity – True TOD

Slide from City Council
Closed Session Meeting on
November 13, 2018

Scheme A



Scheme B



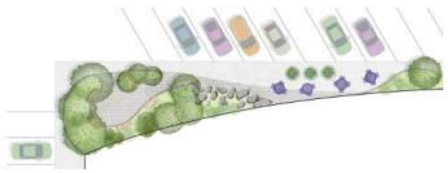
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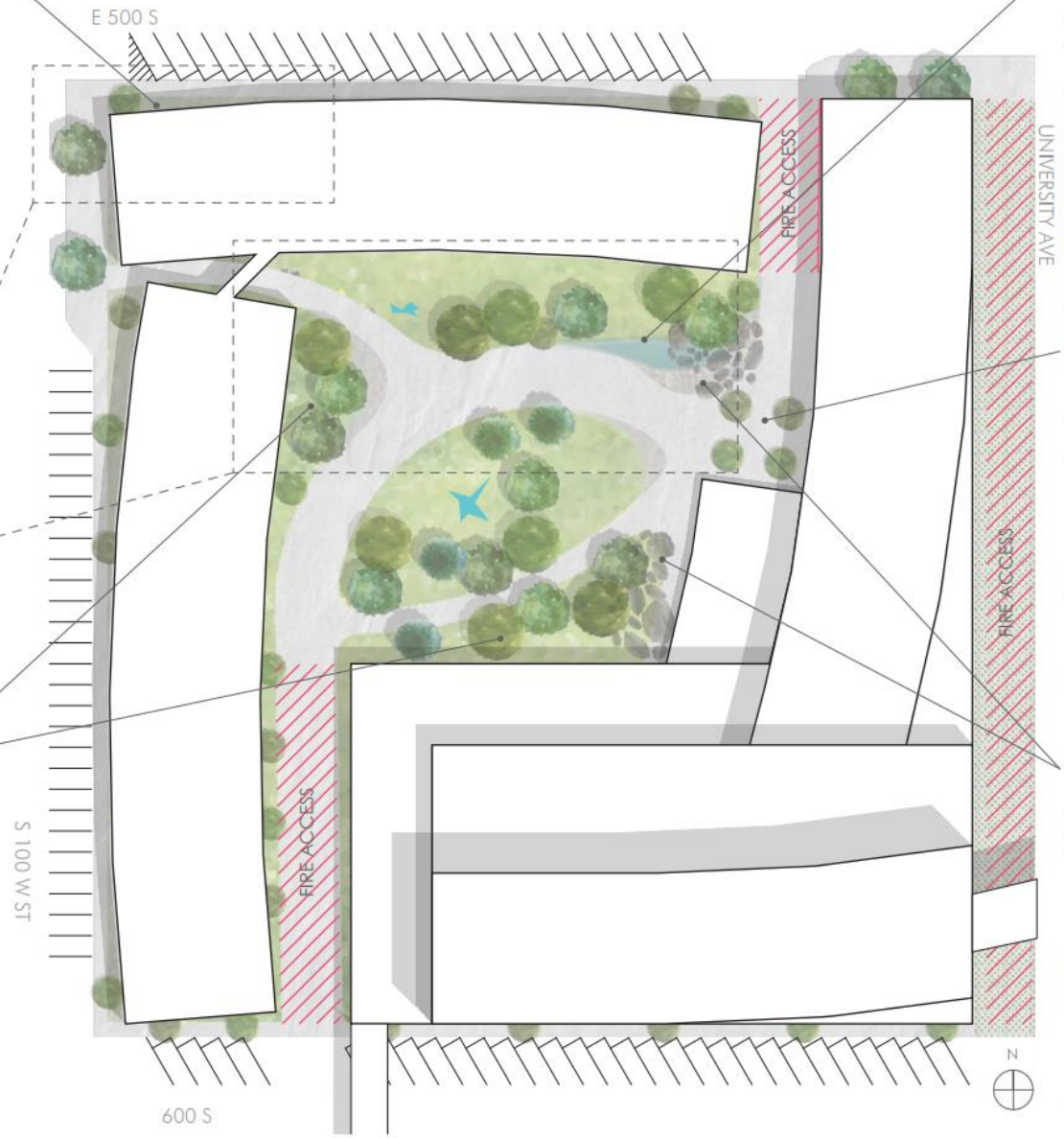
Site Beautification – Scheme A

Slide from City Council Closed Session Meeting on November 13, 2018

POCKET PARKS
- Street scape plantings
- Are for rest and lounge
- Seating area
- Storm-water management
- Engage pedestrian traffic
- Public art / sculpture





BASIN PLANING
- Swaths of native plantings
- Meadow wildflower fields
- Option for firefly lighting





CREEK
- Waterfall and splash pad for play
- Sound and cooling
- Movement of water





ASPEN GROVE
- Autumnal color and beautiful bark
- movable seating and dining
- Courtyard area for gathering





MOUNTAIN BOULDERS
- Embrace geology of site
- Rock outcroppings to area/region
- Bask in the sun, play and climb





Architectural Resources

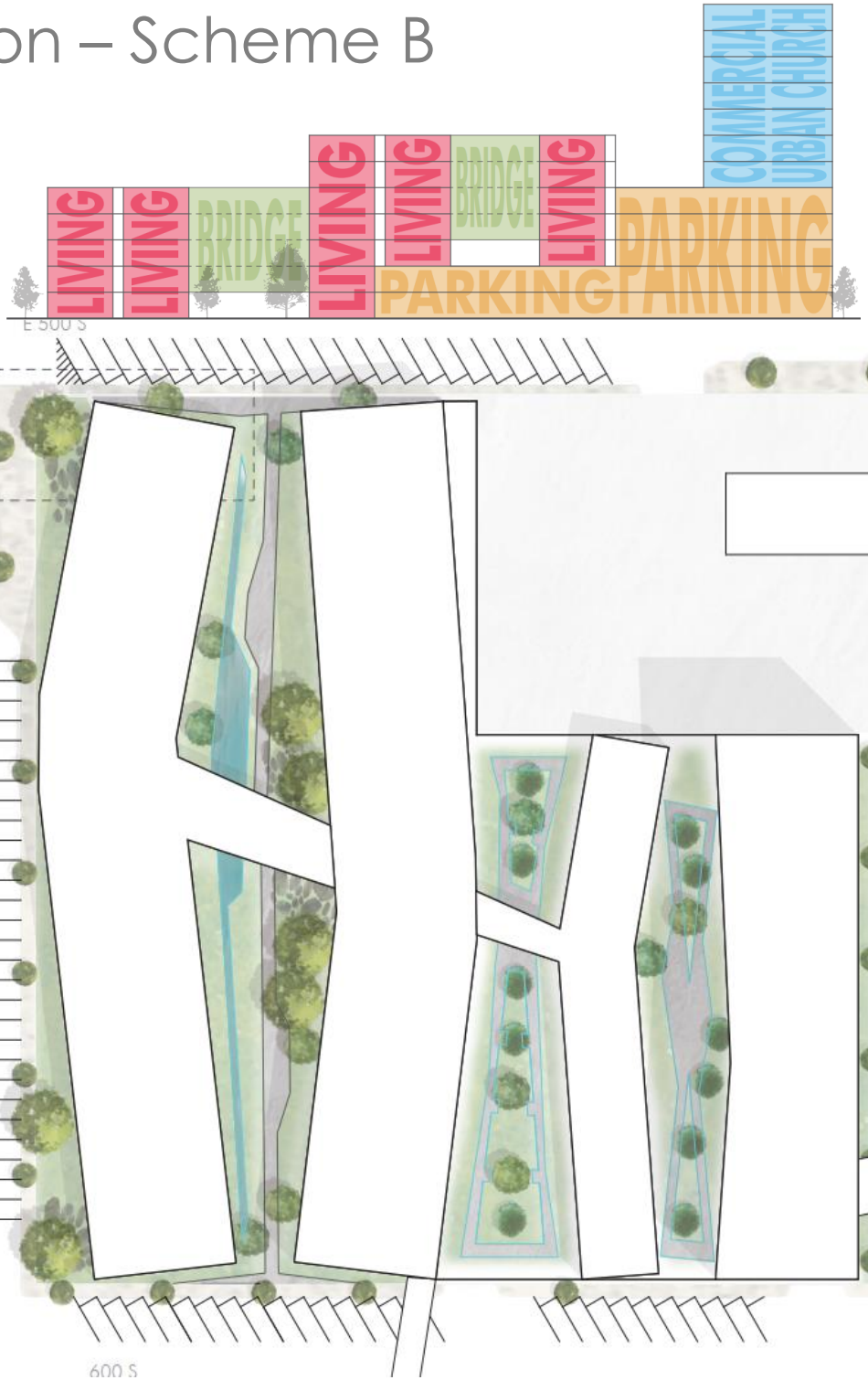
LANDSCAPE DESIGN

J.B. EARL COMPANY

J.B. EARL COMPANY REDSTONE Millstream Partners

Site Beautification – Scheme B

Slide from City Council Closed Session Meeting on November 13, 2018



POCKET PARKS
- Street scape plantings
- Are for rest and lounge
- Seating area
- Storm-water management
- Engage pedestrian traffic
- Public art / sculpture





BASIN PLANING
- Swaths of native plantings
- Meadow wildflower fields
- Option for firefly lighting





CREEK
- Waterfall and splash pad for play
- Sound and cooling
- Movement of water





ASPEN GROVE
- Autumnal color and beautiful bark
- movable seating and dining
- Courtyard area for gathering





MOUNTAIN BOULDERS
- Embrace geology of site
- Rock outcroppings to area/region
- Bask in the sun, play and climb





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Mill Race at Provo Station

POCKET PARKS

- Street scape plantings are for rest and lounge
- Seating areas
- Storm-water managment
- Engage pedestiran traffic
- Public art / sculpture




CANYON MEETS BASIN

- Swaths of native plantings
- Meadow wildflower fields
- Option for firefly lighting
- Areas of manicured lawn
- Play area for children





ASPEN GROVE

- Autumnal color and beautiful bark
- Moveable seating and dining
- Courtyard area for gatheringwith connection to streetscape/pocket parks







WATER FEATURE

- Waterfall and splash pad for play
- Soothing sound and cooling
- Movement through the space




MOUNTAIN BOULDERS

- Scramble of natural boulders
- Referencing geology of area
- Access to bask in the sun, play and climb
- Sand play area




URBAN COURTYARDS

- Angled walkways slow foot traffic
- Create moments of interaction
- Interactive path allows for play at all ages





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Programming



- 3 buildings with 5 stories multi-family for rent (west, middle, wrap)
- 10 stories residential condos on 3 levels of parking structure totaling 13 stories
- 9 stories office above 5 levels of parking structure totaling 14 stories
- 6 separately programmed outdoor amenity spaces (2 canyons, 2 plaza levels, 2 rooftop decks)
- Pedestrian bridges
- Event space
- Urban chapel
- Workforce units

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Programming



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Programming – continued



- Exploring stormwater capture cisterns for use in streams
- Exploring large scale solar
- Monitoring progression of passenger drones for office rooftop
- Office parking structure designed for future change of use
- Package receiving kiosk

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Proposed Project



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Proposed Project



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Location Adjacent to Transit



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Proximity to Multi-Modes of Transit





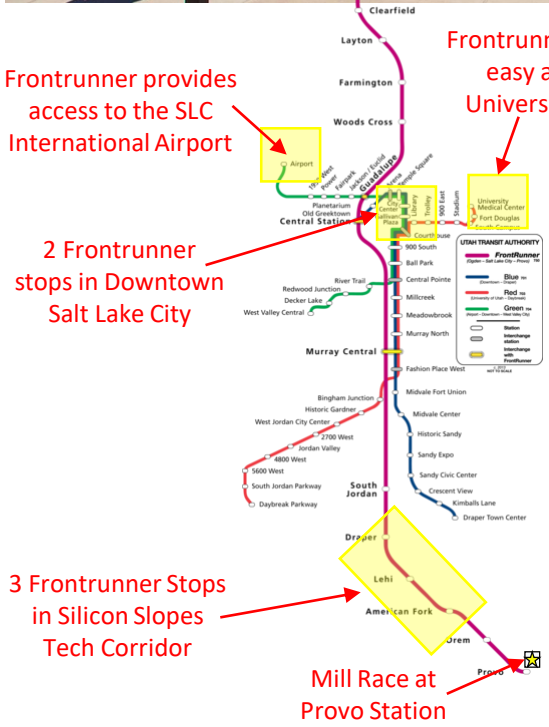
Frontrunner provides access to the SLC International Airport

Frontrunner provides easy access to University of Utah

2 Frontrunner stops in Downtown Salt Lake City

3 Frontrunner Stops in Silicon Slopes Tech Corridor

Mill Race at Provo Station



The property's direct access to both the Frontrunner and UVX transit lines cannot be overstated. Frontrunner connects the site with the entire Wasatch Front including: UVU, Silicon Slopes tech corridor, downtown SLC, the SLC International Airport, and University of Utah.

Access to 2 UVX stops gives the property convenience to 2 malls, 3 BYU stops, a UVU stop and 2 stops in downtown Provo.

UVU Stop

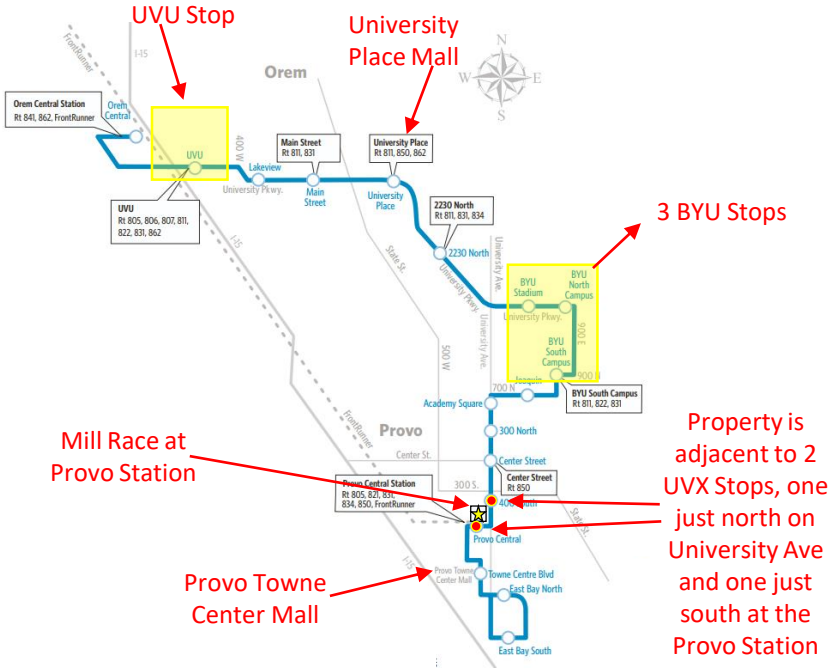
University Place Mall

3 BYU Stops

Mill Race at Provo Station

Provo Towne Center Mall

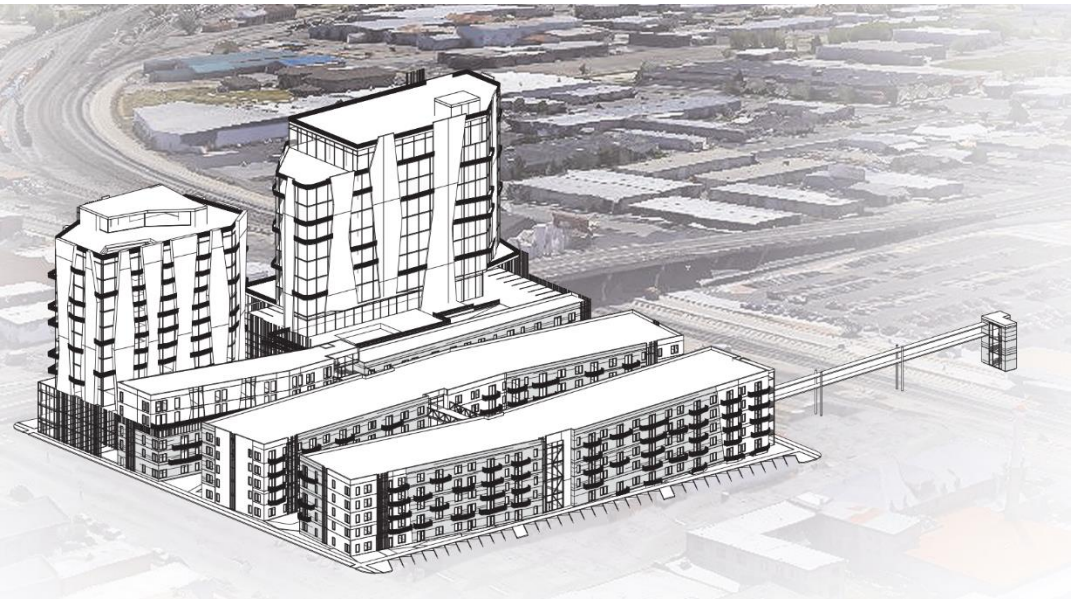
Property is adjacent to 2 UVX Stops, one just north on University Ave and one just south at the Provo Station

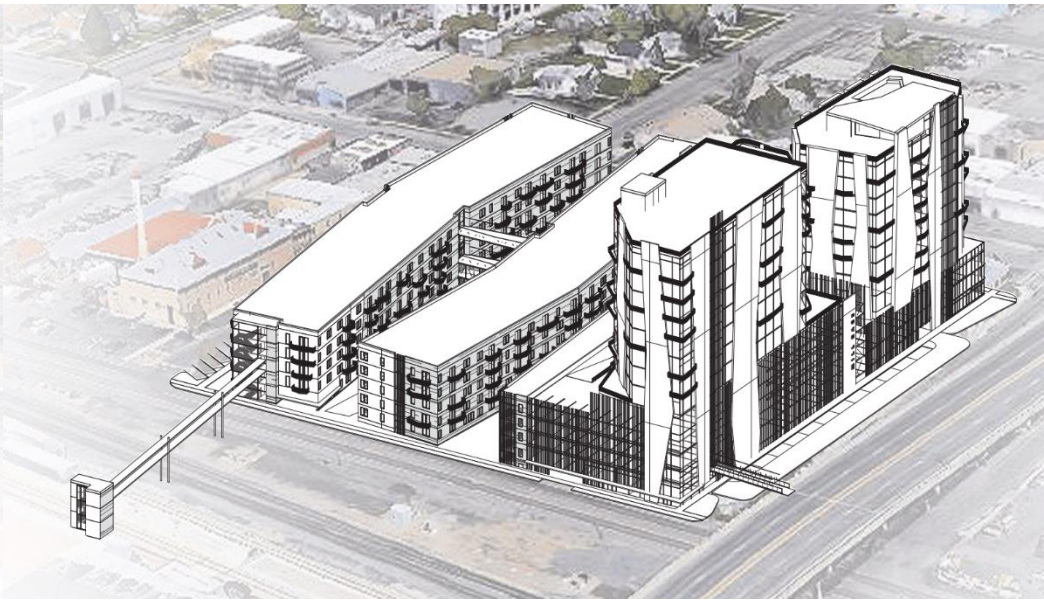


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Pedestrian Bridge Accessing Provo Station

UTA, Provo, UDOT, and MAG have secured Federal TIGER Grant funds to pay for pedestrian bridge from Provo Station and over the rail tracks. We've been working with MAG, Provo, and UTA to bring the bridge across 600 South to land on the proposed site. While not finalized yet, UTA, Provo, and MAG support landing the bridge on the far southwest corner of our site. We intend to contribute a perpetual easement to allow the construction and landing of the bridge north of 600 South.





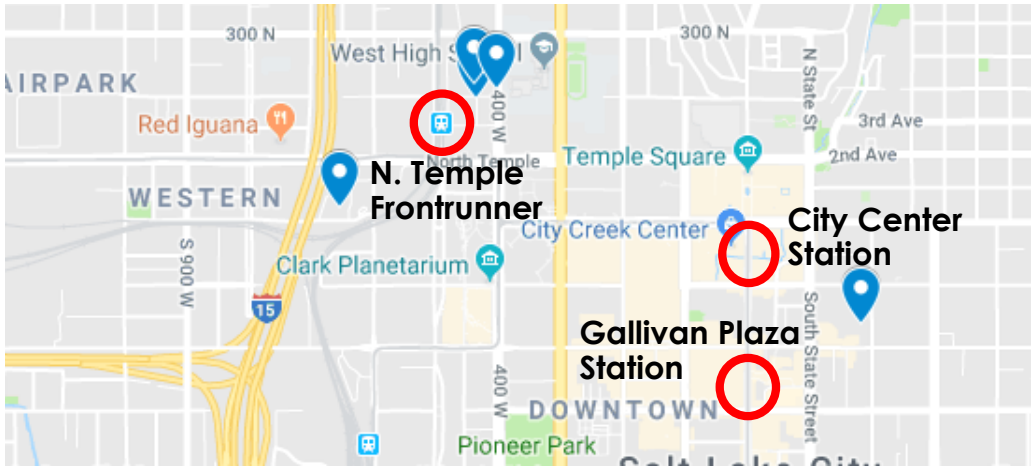


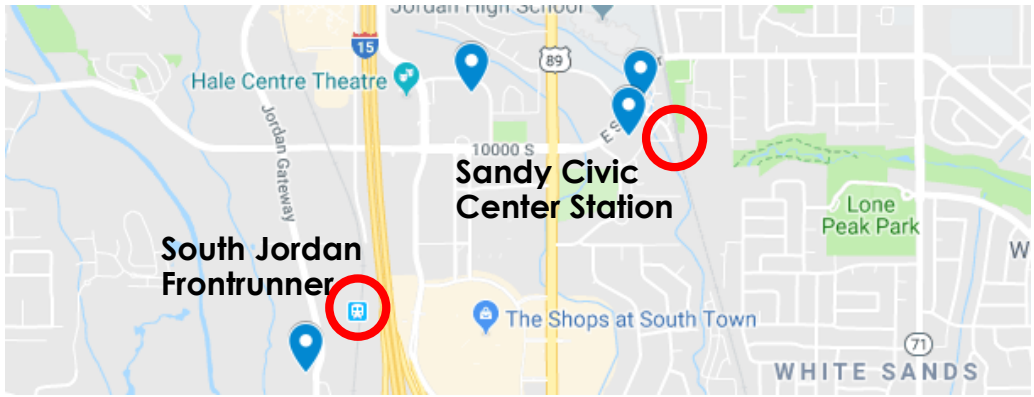


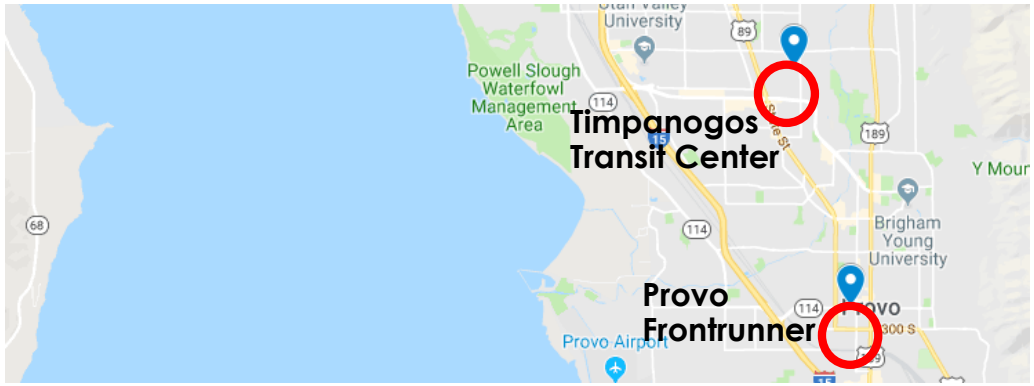
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Comparable Projects

Property	Local Transit	Units	Acreage	Density / Acre	Comments
Hardware Apartments	North Temple Station	453	1.95	232.3	Built in 2018 7 stories
Liberty Crest	City Center/ Gallavin Plaza Station	176	1.24	141.9	Built in 2017 6 stories
Hardware Apts Phase II	North Temple Station	188	1.35	139.3	Built in 2019 7 stories
4th West Apartments	North Temple Station	493	5.89	83.7	Built in 2016 6 stories
Liberty Center Apartments	Provo Front Runner Station	120	1.45	82.8	Built in 2018 4 stories
Hills at Sandy Station	Sandy Civic Center Station	207	2.52	82.1	Built in 2013 4 stories
Park at City Center	Sandy Civic Center Station	330	4.46	74.0	Built in 2017 5 stories
The Aston	Mt. Timpanogos Transit Center	476	8.14	58.5	Built in 2018 5 stories
Green Leaf East Village	Sandy Civic Center Station	351	6.04	58.1	Built in 2016 4 stories
Bridges at Citifront	North Temple Station	295	5.41	54.5	Built in 2009 4 stories
Jordan Station Apartments	South Jordan Station	302	5.72	52.8	Built in 2015 4 stories



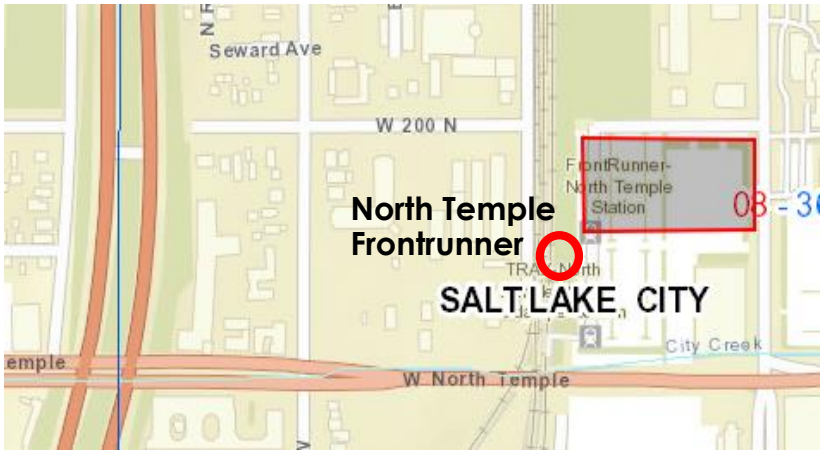




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Hardware Apartments





- 7 stories
- 641 units
- 3.3 acres
- 194.2 units/acre
- N. Temple Frontrunner Station







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Park at City Center







- 5 stories
- 330 units
- 4.46 acres
- 74 units/acre
- Sandy Civic Center Station





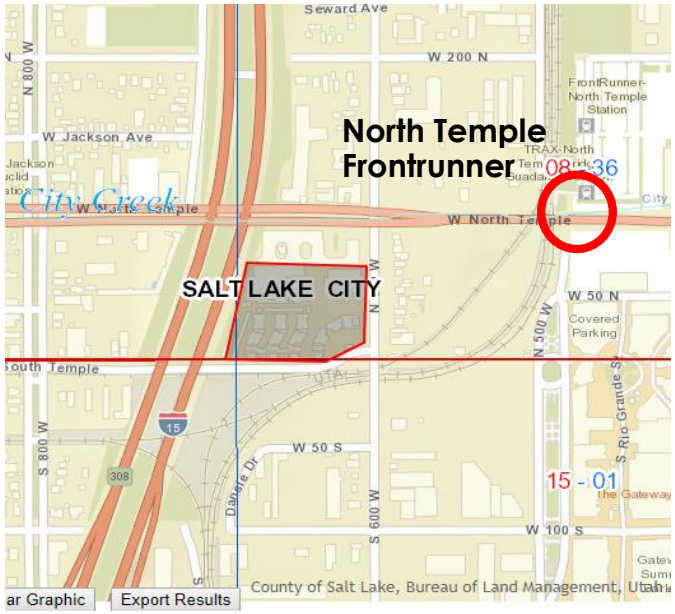


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Bridges at Citifront







- 4 stories
- 295 units
- 5.41 acres
- 54.5 units/acre
- N. Temple Frontrunner Station







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The Aston & Liberty Center Apartments











- 5 stories, 4 stories
- 476 units, 120 units
- 8.14 acres, 1.45 acres
- 58.5 units/acre, 82.8 units/acre
- Timpanogos Transit & Provo Frontrunner Stations





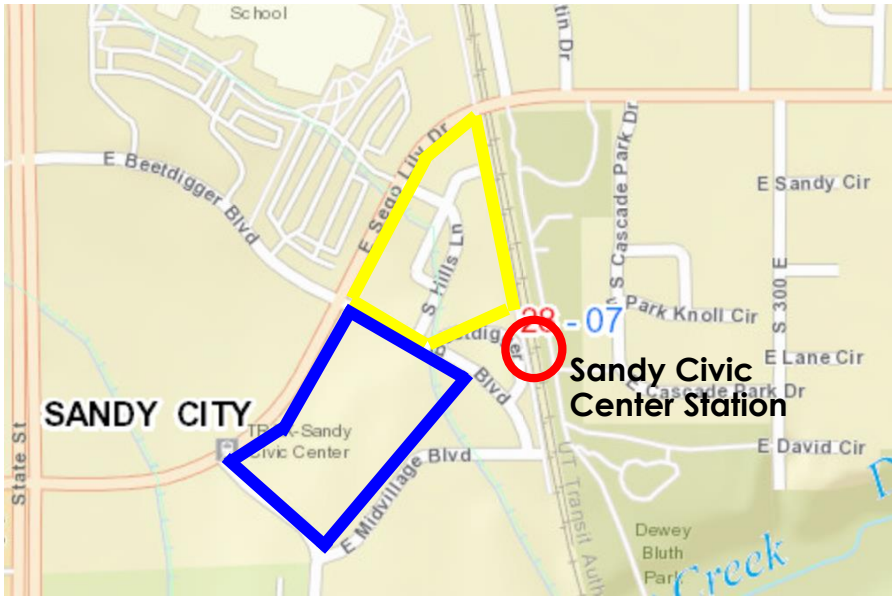


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Hills at Sandy Station & Green Leaf East Village



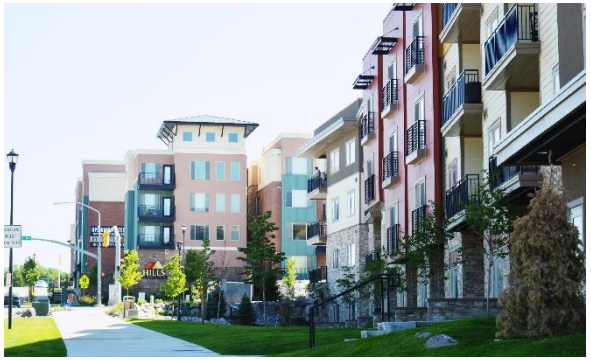




- 4 stories
- 207 units, 351 units
- 2.52 acres, 6.04 acres
- 82.1 units/acre, 58.1 units/acre
- Sandy Civic Center Station



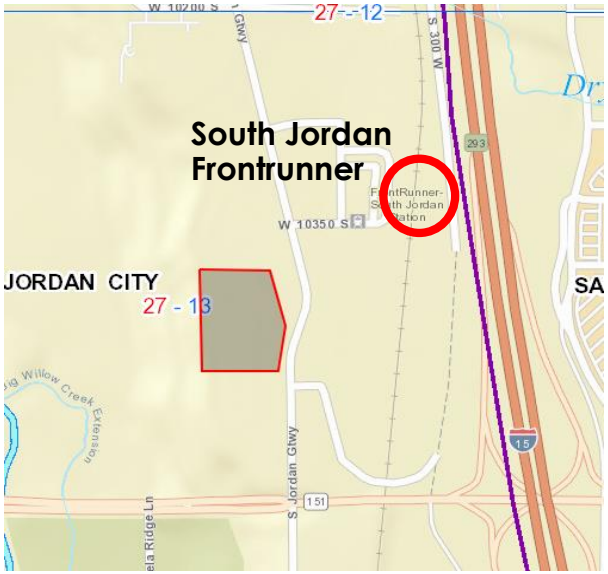




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Jordan Station Apartments





- 4 stories
- 302 units
- 5.72 acres
- 52.8 units/acre
- South Jordan Frontrunner Station







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Location Related to General Plan

Gateways are areas where a strong identity is present, one that provides a visual statement about the character of the downtown area. These entrances into the Downtown should be located along major corridors at or near the border of the defined Downtown area, and establish a sense of arrival.

Provo General Plan pg33

[redacted] Seems it will spark positive development in that whole area. Was not the best view when first coming over the viaduct.

Like · Reply · 2d 6

[redacted] As I enlarged it I could better get a perspective and see that it was the block near the viaduct. That will certainly change the appearance there. And will make for an improved view coming into the Downtown.

Like · Reply · 6d 2

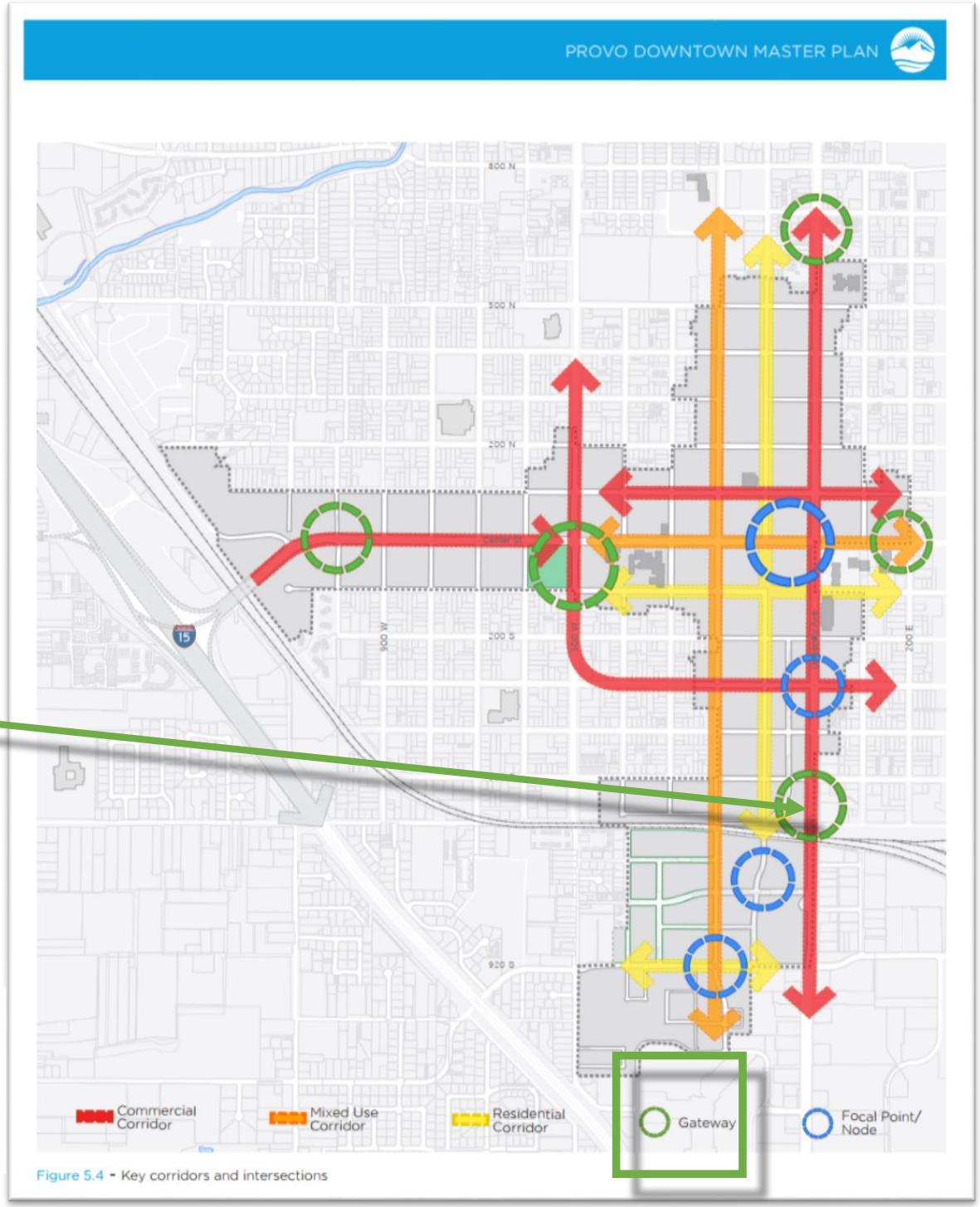


Figure 5.4 - Key corridors and intersections

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Location Related to General Plan

B. STREET DESIGNS

100 NORTH

Downtown is not always the destination for drivers in this area. Some just pass through towards a different destination. These drivers will be better served by avoiding slower speeds on Downtown Center Street when going to or coming from I-15. Using 100 North as the east and west collector, vehicles will be able to travel at a more appropriate speed and avoid a section of road that was not designed as a collector. Diverting the traffic off of Center Street will also help in the efforts in calming and keeping the street pedestrian friendly, while still allowing drivers to reach downtown services.

100 WEST

The closure of 100 West between 100 South and Center Street creates a unique opportunity for the remainder of 100 West. This street, from 100 South to the Intermodal Hub and from 100 North to 500 North, which will be a north-south spine of the downtown pedestrian network, is a prime location for a high density residential corridor. Mixed use developments will complement this corridor as well. This area is permitted for buildings up to six stories, and future demand may call for additional building height in years to come. The design of the street will reflect the character of a pedestrian promenade and will serve as a highly landscaped pedestrian connection between North Downtown, Downtown and Provo Station.



Figure 5.5 - 100 West illustrative and schematic street sections (facing north)

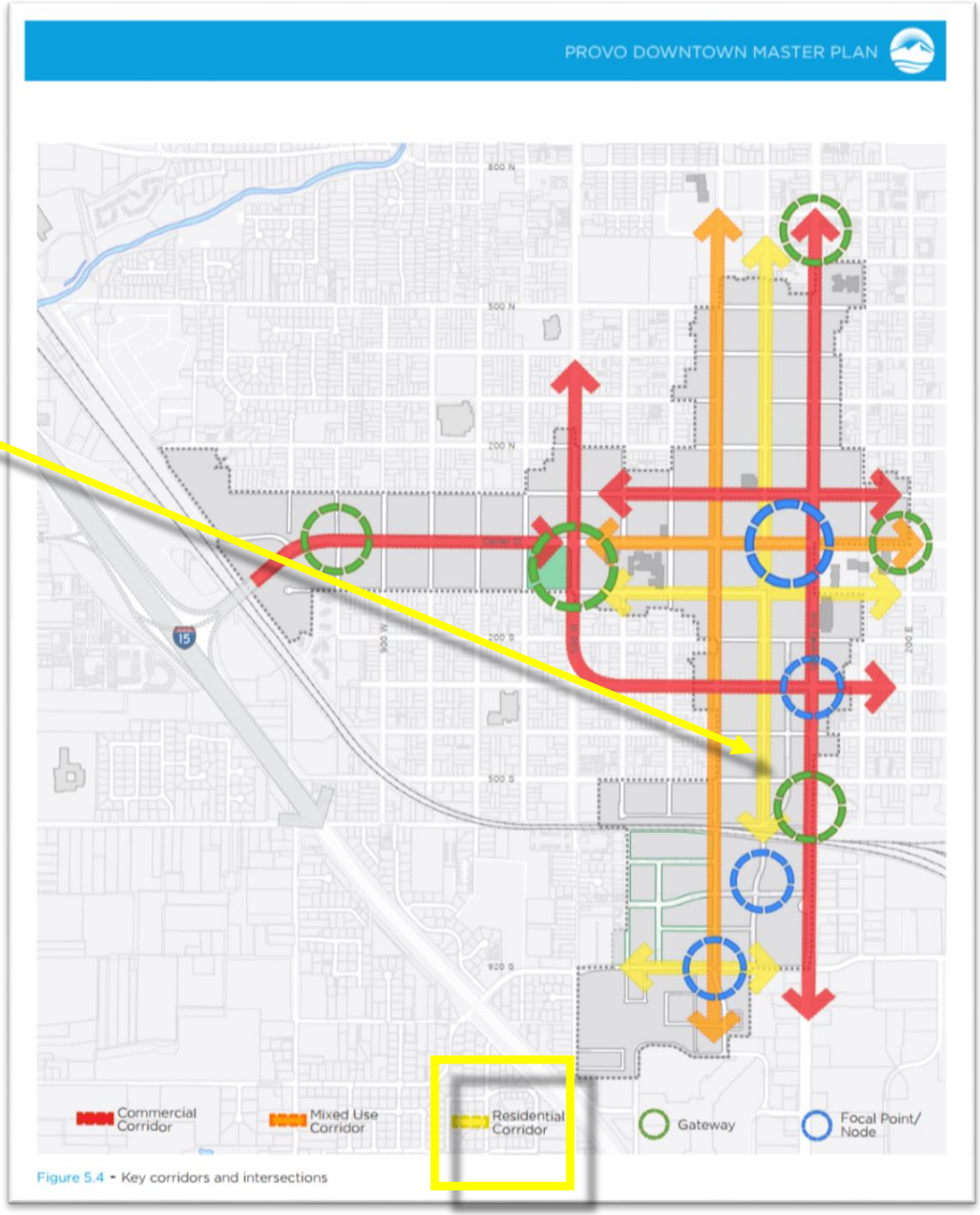


Figure 5.4 - Key corridors and intersections

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Our Approach – 9-Months of Stakeholder Input

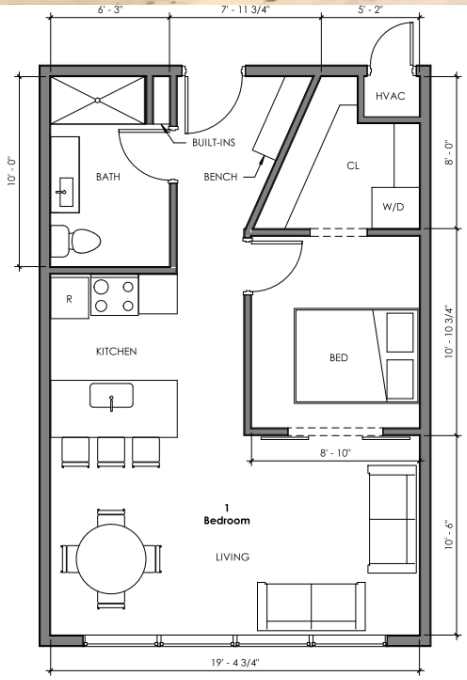
- UTA multiple meetings to coordinate pedestrian bridge
- MAG (Mountainlands Association of Governments) meeting and correspondence regarding pedestrian bridge coordination
- UDOT to coordinate our design with the future University Avenue widening project and potentially providing a pedestrian connection to the bridge
- The Church of Jesus Christ of Latter-day Saints multiple meetings to discuss a potential urban chapel/meetinghouse
- Local religious leader over the area (Stake President) to share concept and get feedback on impacts to local religious community and meetinghouse needs. Helped us decide to proceed with residential condos.
- Neighborhood Chairperson to discuss project
- Neighboring property owners
- Downtown Business Alliance presentation to solicit feedback
- Artist community regarding public art space
- Provo RDA discussions
- Provo Economic Development
- Provo Planning Department
- Provo Fire Department
- Provo Public Works and Engineering
- Provo City Council on 2 different occasions
- Provo Mayor on 2 different occasions

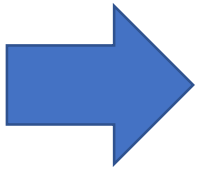
Our Approach – Unit Design Feedback

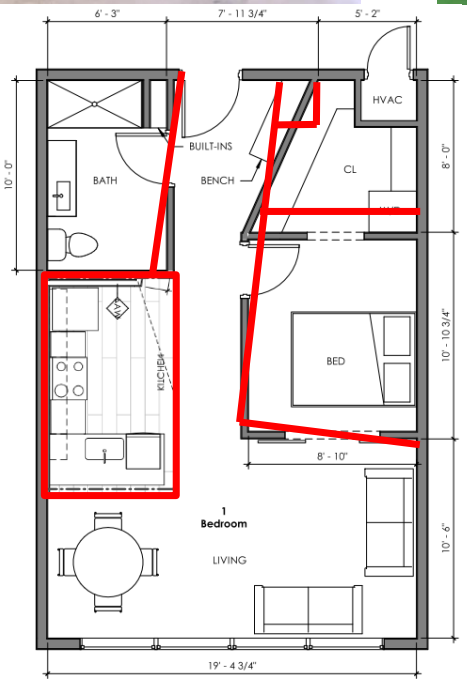
In February, architect team of 5 flew from New York for 10-days to build full-size mock-up units to ensure optimal resident experience.

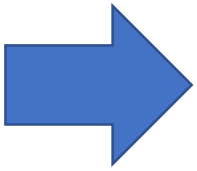


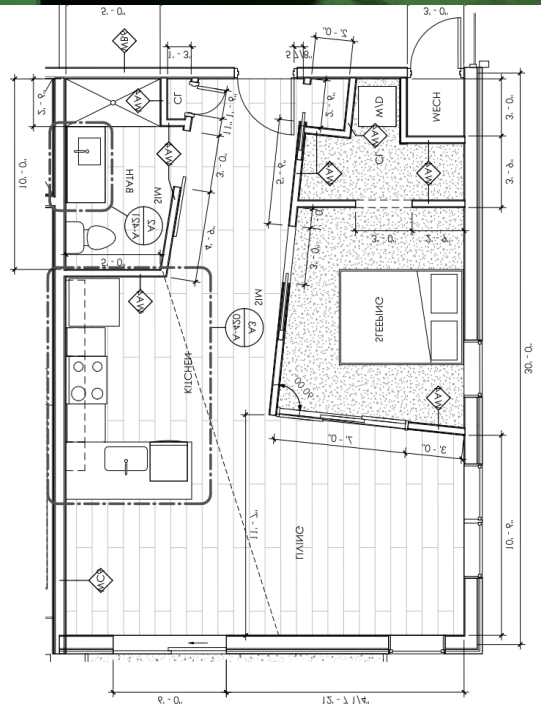












J.B. EARL COMPANY REDSTONE Millstream Partners

Our Approach – Results from Mock-up Exercise



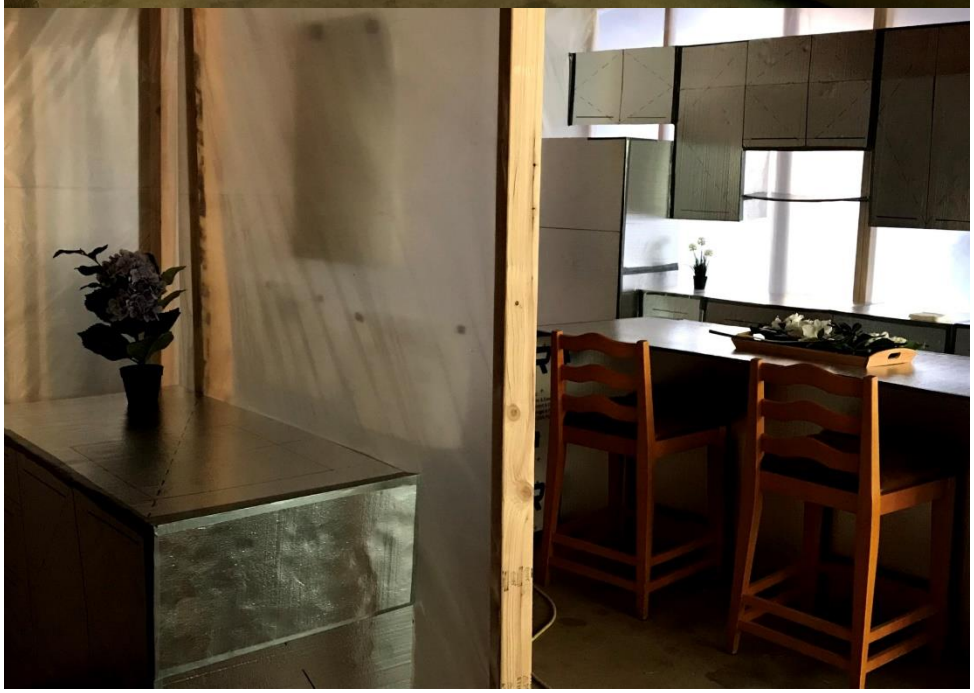


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Our Approach – Results from Mock-up Exercise



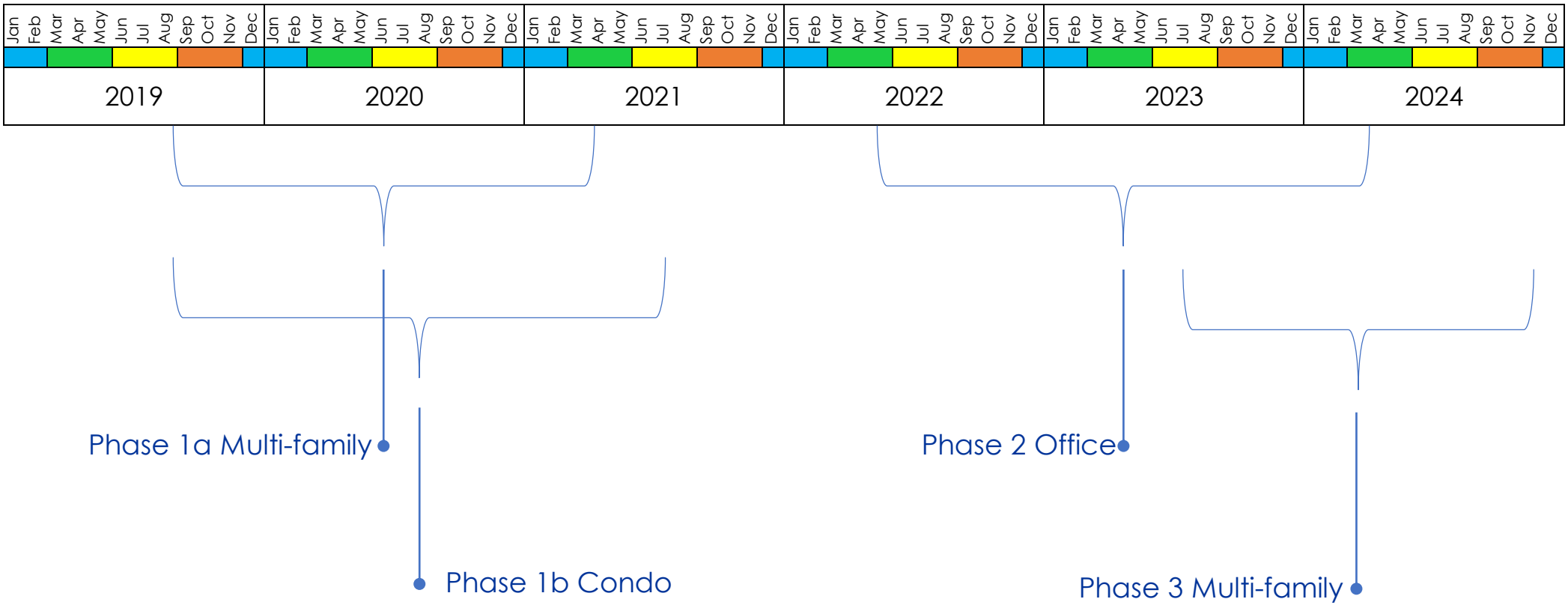




J.B. EARL COMPANY REDSTONE Millstream Partners

Timeline

- Phase 1a (Fall 2019 – Spring 2021) – Multi-family Middle Building and Wrap Building
- Phase 1b (Fall 2019 – Summer 2021) – Residential Condo Tower
- Phase 2 (Spring 2022 – Spring 2024) – Office Tower and Parking Structure
- Phase 3 (Spring 2023 – Fall 2024) – Multi-family West Building

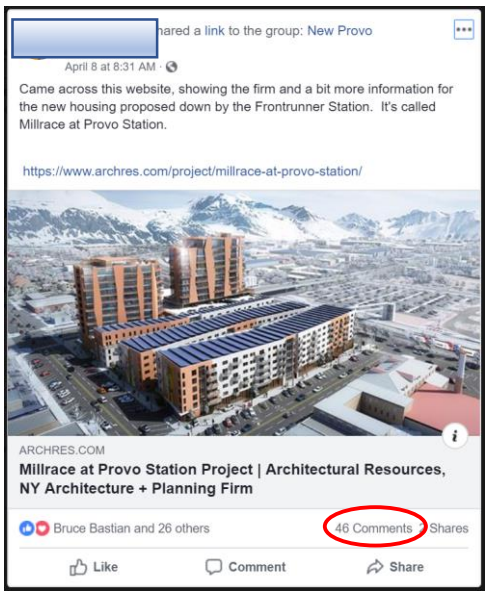


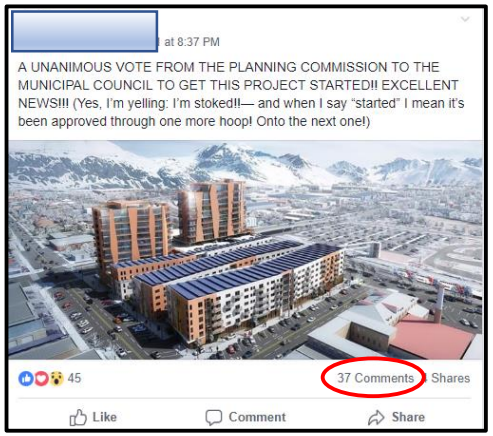
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Other Public Reaction - 177 comments on 5 Posts











[redacted] It is nice to see someone who is passionate about his vision for the project. He makes you believe that he truly cares about the city, his future tenants, and the longterm success of a transit related development. As I said, I believe that this project will be the impetus for even more things to come in a somewhat blighted area. I can see this having a ripple effect spreading in many different directions in the area.

Like · Reply · 1w 1

[redacted] This is pretty tall. It would block some of my view of the lake from my front yard but That block is an eyesore now. I hate high density but if it is anywhere this would be great for the area, and bring life back to Eastbay.

Like · Reply · 2d 4

[redacted] I love this, but as with so many other cool proposed projects in Provo, I'll believe it when I see it. If this is actually built, it may be the necessary catalyst to bring in retail to East Bay.

Like · Reply · 5d · Edited 4

[redacted] I'm not sure what I think about all of the zig-zags in the buildings.

Like · Reply · 5d 1

[redacted] I love the zig zags...think about the perspectives from within the building...more interesting sitelines and exterior spaces than a straight alley way through rectangles. Makes it a much more interesting experience to walk through and live in.

Like · Reply · 5d · Edited 3

[redacted] — me too. It adds more interest. Straight lines would be rather boring...

Like · Reply · 5d 2

[redacted] Definitely different, but agreed I think in a good creative way! So happy this isn't rinse and repeat fin stuff 😛

Like · Reply · 5d 2

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Other Public Reaction – Memorandum with Neighbors

Date: April 23, 2019

MEMORANDUM OF MUTUAL INTEREST
BETWEEN
MILL RACE AT PROVO STATION PROJECT
AND
STARTUP BUILDING AND NEIGHBORING PROPERTY OWNERS

On Friday, April 19, 2019, the developers of the Mill Race at Provo Station project and property owners owning buildings on the same block with the Startup Building met to discuss our mutual and separate interests in the successful redevelopment of the block containing the old IFA and Enigma Event Center buildings into a mixed use project with residential and commercial components.

The Startup block property owners are committed to the long term success of the area and neighborhood. The developers of the Mill Race at Provo Station are also committed to the long term success of the area and to developing a high quality project that brings hundreds of new residents to the neighborhood, and hundreds of workers via the jobs that will be found in the office tower.

While the developers of the Mill Race at Provo Station do not currently have retail space planned along 100 West, they recognize that the Startup block property owners have expressed interest in encouraging new businesses and restaurants to move into the area that will take advantage of and add to the increased walkability of 100 West, the increased flow of pedestrian traffic from the Mill Race project, and the pedestrian bridge over the railroad tracks. The developers of Mill Race agree that a vibrant group of businesses and restaurants could augment the currently planned Mill Race project and are willing to seriously evaluate the feasibility and economics of creating retail space in the first floor of the western most building along the street if approached by enough interested business owners. Mill Race will take into consideration the types of businesses that express interest and determine if the use is one that will enhance the 100 West experience. If it would enhance the experience, Mill Race will then take into consideration such things as the amount of space required for such business, the physical needs such as kitchen or hood/ventilation or ceiling height requirements, the financial strength and credit worthiness of the business, the experience and strength of the operators/ownership, the amount of tenant improvements requested, etc. If in Mill Race's discretion the businesses will enhance the 100 West experience, physically and operationally fits in with the larger Mill Race project, and are determined to be economically viable for the Mill Race Project, the Mill Race developers would welcome such uses into the project and change from first floor residential use along 100 West to all or part first floor commercial uses along 100 West to accommodate these businesses.

Target businesses would include businesses that would serve local residences and people that work in the area, train commuters, and Provo residents, in that order. Ideal businesses would include a corner store, a sandwich shop, coffee shop, a more upscale restaurant, an Ice Cream / Candy Shop, and personal services. There are many businesses that would not add to the neighborhood in a positive way that we would not encourage pawn shows and payday lenders.

Several of the neighboring property owners have extensive networks of business relationships and have already identified some few businesses that would be qualified and are interested in operating a business in the Mill Race project along 100 West. In order to help facilitate this transition to commercial

along 100 West, the neighboring property owners introduce to the Mill Race developers qualified businesses that are interested in operating such businesses in the Mill Race project.

To allow for proper planning with the final phase of the Mill Race project, a simple draft of the spaces which could be made available would be furnished to prospective lessees and local landlords along with the target rental rate. Proposals to lease space will be accepted until the project obtains Project Plan Approval for the Office Building phase of the project. Within 30-days of such time, the Mill Race developers and neighboring property owners (signers of this MOU) plan to meet and review proposals for potential leases to the extent information is not considered confidential by the potential tenant. If the type, quantity and financial strength of the proposals is inadequate, the proposers would have 30 days to amend the proposal. If no reasonable solution is found, Mill Race would proceed with a residential solution.

All parties acknowledge that there are numerous things to consider for both tenants and landlords in lease arrangements and there is no guarantee that the businesses and Mill Race will agree upon terms. However, Mill Race developers are committed to evaluating each potential business in good faith to determine the viability of such business in the Mill Race project, and the neighboring property owners are committed to make a good faith effort to seek out and introduce qualified businesses to the Mill Race project.

Name/Property or Business/Signature: Justin Earl/Mill Race at Provo Station/

Name/Property or Business/Signature: _____

Name/Property or Business/Signature: _____

Name/Property or Business/Signature: _____

Name/Property or Business/Signature: _____

Name/Property or Business/Signature: _____

Name/Property or Business/Signature: _____

Neighbors anticipated to sign:

- Tom Taylor
- Chris Parker
- Adam Harward
- Trent Beasley
- Anders Taylor
- Justin Williams

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Conclusion

B. STREET DESIGNS

100 NORTH

Downtown is not always the destination for drivers in this area. Some just pass through towards a different destination. These drivers will be better served by avoiding slower speeds on Downtown Center Street when going to or coming from I-15. Using 100 North as the east and west collector, vehicles will be able to travel at a more appropriate speed and avoid a section of road that was not designed as a collector. Diverting the traffic off of Center Street will also help in the efforts in calming and keeping the street pedestrian friendly, while still allowing drivers to reach downtown services.

100 WEST

The closure of 100 West between 100 South and Center Street creates a unique opportunity for the remainder of 100 West. This street, from 100 South to the Intermodal Hub and from 100 North to 500 North, which will be a north-south spine of the downtown pedestrian network, is a prime location for a high density residential corridor. Mixed use developments will complement this corridor as well. This area is permitted for buildings up to six stories, and future demand may call for additional building height in years to come. The design of the street will reflect the character of a pedestrian promenade and will serve as a highly landscaped pedestrian connection between North Downtown, Downtown and Provo Station.



Figure 5.5 - 100 West illustrative and schematic street sections (facing north)

Gateways are areas where a strong identity is present, one that provides a visual statement about the character of the downtown area. These entrances into the Downtown should be located along major corridors at or near the border of the defined Downtown area, and establish a sense of arrival.

Site presents a "Unique Opportunity" to provide a "Visual Statement" that "establishes a sense of arrival."

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Conclusion

VISION 2030

The Provo City Vision 2030 Plan calls for planning efforts in the Downtown area to:

- Improve neighborhood inter-connectivity.
- Encourage a pedestrian-friendly environment throughout Provo.
- Create neighborhood gathering places and social spaces that draw people from their homes and encourage interaction, awareness, and interdependence.
- Develop pocket parks and green spaces.
- Encourage neighborhood-oriented retail areas.
- Increase safety by planning for "eyes on the street" by creating mixed-use clusters within neighborhoods to encourage walkability.
- Consider design standards that encourage interaction in new and existing neighborhoods.
- Identify areas in Downtown, the proposed Intermodal Hub, and along transit corridors for higher density housing.
- Provide enhanced opportunities and facilities for the arts, entertainment, and museums.
- Establish a central arts and entertainment district surrounding the Covey Center for the Arts where citizens can congregate to enjoy arts, entertainment, programs, and concerts in a well-designed and landscaped setting.
- Vacate Provo City Offices and re-designate the existing facilities for folk arts, exhibit space, lectures, recitals, performances, dance, story-telling, and other ancillary spaces.
- Provide space for dining, specialty boutiques, and theaters which will move into the central arts district.
- Encourage mixed-use development and well-designed street plans, including complete street design parameters in conjunction with building new developments.
- Implement the goals and objectives related to trails throughout the city in the Parks Master Plan.
- Create attractive sign designs that enhance Provo City and promote easier navigation.
- Provide street connections from the Provo Municipal Airport to the Inter-modal hub and the I-15 freeway.
- Provide direct routes to and from the Airport and alternative methods for public transportation.

Conclusion

https://www.envisionutah.org/demonstration-sites/provo-intermodal-hub

https://www.rideuta... | Pipl - People Search | Google Earth | My Maps | Plex | Utah News, Sports,... | heraldextra.com | Login - myFirstAm

Envision Utah How we grow matters.

ABOUT | TOOLS | NEWS | PROJECTS | SUPPORT ENVISION UTAH

Provo Intermodal Hub

Aa Aa

The area around Provo's Intermodal Hub is currently undergoing substantial changes. Provo is the County Seat and center of Utah County, which is growing rapidly and is projected to nearly double in population and employment by the year 2040.

Key to the current growth and development in the downtown area are new investments in public transportation by way of a new Commuter Rail line and stop just south of the downtown and a new Bus Rapid Transit system that will connect the new Commuter Rail stop with Brigham Young University and Utah Valley University in Orem. These new transportation investments have the potential to attract the development of thousands of new households and jobs in the downtown area and also provide increased access for workers, students and residents.



During the Envisioning Center process several analyses were undertaken to assess the capacity and demand for residential and commercial development in downtown Provo. Some of the key factors that were considered included demographics, market demands and physical capacity criteria such as infrastructure and land constraints.

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Conclusion

Site is more than just another property in the ITOD Zone

- Site is bordered by 100 West which is identified as a unique opportunity for high-density residential and mixed use corridor
- Site sits on THE major North/South arterial street (University Avenue) at the southern entrance to Downtown district causing it to be a unique "Gateway" site
- Site is not only adjacent to Provo Station Intermodal Hub, but will have direct connection via pedestrian bridge
- Provo Station is special with multi-modality in Frontrunner and 2 UVX BRT lines



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ORDINANCE 2019-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 3.7 ACRES OF REAL PROPERTY, GENERALLY LOCATED BETWEEN 500 SOUTH AND 600 SOUTH, AND BETWEEN 100 WEST AND UNIVERSITY AVENUE, FROM INTERIM TRANSIT ORIENTED DEVELOPMENT (ITOD) TO MILL RACE PROJECT REDEVELOPMENT OPTION (PRO-A-37). DOWNTOWN NEIGHBORHOOD. (PLRZ20190047)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 3.7 acres of real property, generally located between 500 South and 600 South, and between 100 West and University Avenue (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from Interim Transit Oriented Development (ITOD) to Mill Race Project Redevelopment Option (PRO-A-37); and

WHEREAS, on April 10, 2018, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended approval to the Municipal Council in a 5:0 vote; and

WHEREAS, the Planning Commission's recommendation was based on the project design presented to the Commission; and

WHEREAS, on April 23, 2019, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah, should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described herein reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

The Mayor is hereby authorized to negotiate and execute a development agreement as proposed by the applicant for this zone change, consistent with those commitments described in the

draft Development Agreement attached hereto as Exhibit B and the representations made by the applicant and the applicant's representatives in the Council Meeting of April 23, 2019 and May 7, 2019 in form substantially similar to the draft attached hereto as Exhibit B, an executed copy of which shall be attached hereto as Exhibit C after execution.

PART II:

The classification on the Zone Map of Provo, Utah is hereby amended from the Interim Transit Oriented Development (ITOD) to Mill Race Project Redevelopment Option (PRO-A-37) for approximately 3.7 acres of real property generally located between 500 South and 600 South, and between 100 West and University Avenue, as described in the attached Exhibit A. The effective date of this zone map change shall be the date of final execution of the development agreement described in Part I.

PART III:

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

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

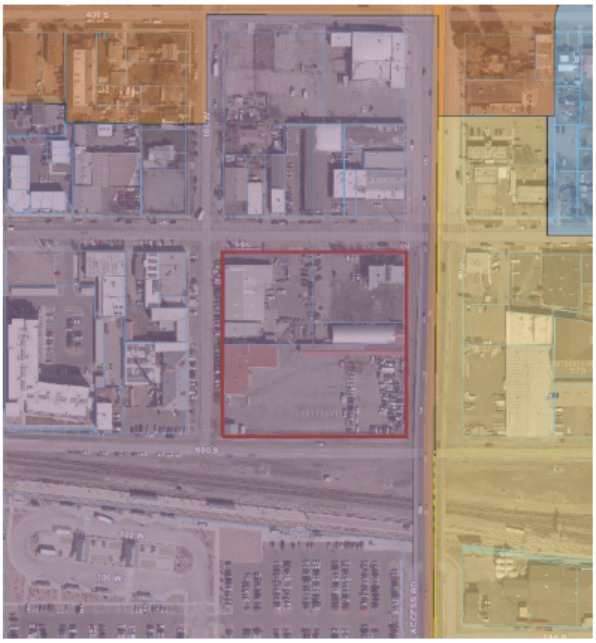
C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

D. Except as otherwise stated in Part II, this ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

E. Notwithstanding any provision or language to the contrary in this ordinance, if the Development Agreement authorized in Part I has not been fully executed by the necessary parties within one year from the date of the Municipal Council's approval of this ordinance, the entire ordinance shall expire, becoming null and void as if it had never been approved. Because the zone classification change contemplated in Part II cannot come into effect if the Development Agreement is not executed, neither the applicant nor any successor(s) in interest shall have any vested rights under this ordinance if it expires.

END OF ORDINANCE

Exhibit A

Current Zoning Map	Current General Plan Map
	

Provo City Planning Commission

Report of Action

April 10, 2019

*ITEM 4 Justin Earl requests a Zone Change from ITOD to Mill Race at Provo Station PRO Zone, located on approximately four acres from 500 S to 600 S and from 100 W to University Ave. Downtown neighborhood. Aaron Ardmore (801) 852-6404 PLRZ20190047

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 10, 2019:

POSITIVE RECOMMENDATION

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jamin Rowan
Second By: Robert Knudsen
Votes in Favor of Motion: Jamin Rowan, Robert Knudsen, Shannon Ellsworth, Deborah Jensen, Maria Winden
Deborah Jensen was present as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED
The property to be rezoned to the [Mill Race at Provo Station PRO] Zone is described in the attached Exhibit A.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following: Staff gave an overview of the proposal.

NEIGHBORHOOD MEETING DATE
- The Neighborhood Chair determined that a neighborhood meeting would not be required.

NEIGHBORHOOD AND PUBLIC COMMENT
- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

- Concerns included building height allowance, architectural treatments, and the treatment of 100 West.

APPLICANT RESPONSE

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

- The applicant reviewed the programming and design of the development and addressed the concerns of the neighbors by showing that the most recent renderings and text language address all concerns.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commission members discussed the commercial options in the development, how the project will be phased, and types of units that will be available.
- Questions were asked of staff and the developer regarding occupancy and parking strategies.



Planning Commission Chair



Director of Community Development

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

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

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A



*ITEM 3

Justin Earl requests an Ordinance Text Amendment for the adoption of the Mill Race at Provo Station PRO Zone located on approximately four acres from 500 S to 600 S and from 100 W to University Ave.

Downtown neighborhood

PLOTA20190046

Chapter 14.50(34) Mill Race Project Redevelopment Option Zone, denominated as "PRO-A-34."

Sections:

- 14.50(34).010 Purpose and Intent.
- 14.50(34).020 Compliance with Titles 14 and 15 Required.
- 14.50(34).030 Permitted Uses.
- 14.50(34).040 Single Ownership and Control.
- 14.50(34).050 Lot Area.
- 14.50(34).060 Minimum Finished Floor Area.
- 14.50(34).070 Lot Depth.
- 14.50(34).080 Lot Frontage.
- 14.50(34).090 Residential Density.
- 14.50(34).100 Yard Requirements.
- 14.50(34).110 Projections into Yards.
- 14.50(34).120 Garbage Collection.
- 14.50(34).130 Trash Storage.
- 14.50(34).140 Building Height.
- 14.5034).150 Distance Between Buildings.
- 14.50(34).160 Permissible Site Coverage.
- 14.50(34).170 Parking, Loading, and Access.
- 14.50(34).180 Notice of Parking and Occupancy Restrictions.
- 14.50(34).190 Project Plan Approval/Design Review.
- 14.50(34).200 Fencing Standards.

14.50(34).010 Purpose and Intent.

The purpose and intent of the Mill Race Project Redevelopment Option (PRO-A-34) zone is to establish a well-planned, high density, mixed-use development zone. The standards set forth herein are intended (1) to capitalize on the close proximity to the UTA Front Runner Station and the Utah Valley Express BRT transit line for commuter arrangements to reduce vehicle usage; (2) to encourage pedestrian movement through convenient access to transportation and well-placed walkways and pedestrian connections; (3) to beautify and improve the block in a way that will benefit current and future residents and neighbors; (4) to incorporate artistic elements from the local artist community, forming a cohesive atmosphere between the new project and current residents.

14.50(34).020 Compliance with Titles 14 and 15 Required.

In addition to the PRO development standards contained in this Chapter, areas zoned to the Mill Race PRO zone shall comply with the development requirements in Titles 14 and 15, Provo City Code, which have not been specifically addressed within this Chapter.

14.50(34).030 Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permit Mill Race PRO zone:

a) Apartments and condominiums;

b) Residential facilities for the elderly or disabled (see Section 14.34. Provo City Code);

c) Public utilities and rights-of-way, including accompanying faciliti

d) Police protection and related activities, branch (office only);

e) Religious activities;

f) Parks;

g) Parking structures or facilities;

h) Professional Office;

i) Variety stores;

j) General retail;

k) Food or grocery stores;

l) Eating places, restaurants;

m) Banks;

n) Postal services;

o) Duplicating services;

p) Pharmacy;

q) Reception centers and other similar uses;

r) Fitness centers and other similar uses;

s) Hotel or nightly rentals;

t) Vending machines or business;

u) Communications;

v) Vertiport/Heliport;

w) Day care; and

x) Personal services (including laundry, barber shop, clothing other similar uses).

(2) *Permitted Accessory Uses.* Accessory uses and structures are permitt Race PRO zone, provided they are incidental to and do not substantially character of the permitted principal use of structure. Such permitted ac and structures include, but are not limited to, the following:

a) Accessory buildings such as garages, carports, greenhouses, g sheds, recreation rooms, and similar structures which are custo conjunction with and incidental to a principal use or structure;

b) Swimming pools and incidental accessory structures subject to of Section 14.34.210, Provo City Code;

c) Vegetable and flower gardens;

d) Home occupations subject to the regulations of Chapter 14.41 Code;

e) Storage of materials used to construct a building, including the temporary office; provided, that such use is on the building site immediately adjacent thereto; and provided further, that such permitted only during the construction period and thirty (30) d

f) Household pets; provided, that no more than two (2) dogs and six (6) months of age or older shall be kept at any residence or establishment at any time. Nothing herein shall be construed a the keeping of any animal capable of inflicting harm or discon endangering the health and safety of any person or property. 04)

(3) *Conditional Uses.* There are no conditional uses in the Mill Race PRO

14.50(34).040 Single Ownership and Control.

Land within the Mill Race PRO zone shall be in control by a single entity or a similar ownership during design and construction to provide for full supervisio of said development, and to insure conformance with these provisions and imposed upon the preliminary and final development plans. Individual units by individuals, partnerships, corporations, and/or other legally recognized e certificate of occupancy has been issued. Common open spaces shall be

management company, and individually owned units will be managed by the same management company or another party selected by the owners association created in conformance with Utah State Law.

14.50(34).050 Lot Area.

Any existing nonconforming lot or structure may remain as to current lot area, width, and depth until the subject property is developed. Development of such property shall conform to the requirements of this Chapter. A single lot shall be a minimum of 1.00 acres in size. Any lot less than 1.00 acres in size not under common ownership with adjacent properties already developed or being developed according to this Chapter shall be developed in accordance with the ITOD zone regulations. Development may proceed in phases so long as each phase meets applicable fire code requirements and has acceptable circulation and access.

14.50(34).060 Minimum Finished Floor Area.

The minimum finished floor area of a dwelling unit in the Mill Race PRO zone shall be four hundred fifty (450) square feet.

14.50(34).070 Lot Depth.

Minimum one hundred (100) feet

14.50(34).080 Lot Frontage.

Minimum one hundred (100) feet

14.50(34).090 Residential Density.

Mill Race PRO zone shall have a minimum of fifty (50) dwelling units per acre of land area.

14.50(34).100 Yard Requirements.

Front yard: no minimum, max 30 feet

Side yard: no minimum, max 30 feet

Rear yard: no minimum, max 30 feet

14.50(34).110 Projections into Yards.

Balconies, canopies, awnings, and bridges may project into Yards.

14.50(34).120 Garbage Collection.

Garbage containers and collection shall be provided by a private company contracted by the property management company. Garbage containers shall be stored inside a trash storage container enclosure designed in accordance with Section 14.34.080, Provo City Code.

14.50(34).130 Building Height.

No lot or parcel of land in the Mill Race PRO zone shall have a building or structure that exceeds a height of one hundred ninety (195) feet. Parapets, chimneys, flagpoles, or similar structures not used for human occupancy shall be excluded in determining height.

14.50(34).140 Distance Between Buildings.

The minimum distance between any buildings on a lot or parcel shall be as allowed by the building code.

14.50(34).150 Permissible Site Coverage.

The total coverage of all buildings and structures shall not exceed ninety percent (90%) of the site area.

14.50(34).160 Parking, Loading, and Access.

(1) Each lot or parcel in the Mill Race PRO zone shall have, on the same lot or parcel or adjacent lot or parcel located in the same zone, automobile parking sufficient to comply with the following requirements:

(a) Multifamily/Condo Residential: Minimum parking in the amount of 1.00 parking space for each studio or one bedroom unit and 2.00 parking spaces for each two bedroom unit.

(b) Retail and Office: 1 space for every four hundred (400) square feet of net usable floor area.

(c) Residential community center: None required, if facility serves residential uses located on the same lot or parcel.

(d) Church: 1 space for every three hundred (300) square feet.

(2) Parking requirements for different uses in a mixed-use project may be joint-use or shared so long as the calculated required parking for each use is provided at the Parking Occupancy Rates shown in the following table:

Uses	M-F	M-F	M-F	Sat. &	Sat. &	Sat. &
	8am-5pm	6pm-12am	12am-6am	Sun. 8am-5pm	Sun. 6pm-12am	
Residential	50%	100%	100%	80%	100	
Office/ Warehouse /Industrial	100%	20%	5%	5%	5	
Commercial	90%	80%	5%	100%	70	
Hotel	70%	100%	100%	70%	100	
Restaurant	70%	100%	10%	70%	100	
Movie Theater	40%	80%	10%	80%	100	
Entertainment	40%	100%	10%	80%	100	
Conference/Convention	100%	100%	5%	100%	100	
Institutional (non-church)	100%	20%	5%	10%	10	
Institutional (church)	10%	5%	5%	100%	50	

(3) The parking of recreational vehicles and boats within the condomin development is prohibited, and such preclusion shall be strictly enforce management.

14.50(34).170 Notice of Parking and Occupancy Restrictions.

(1) Prior to the issuance of a building permit for any multiple residential pro (2) dwelling units, Provo City and the developer shall enter into a contract determined occupancy based on the number of parking spaces provided the parking requirements identified in this Mill Race Project Redevelopmen

(a) Such contract shall be recorded with the Utah County Reco run with the property.

(b) A copy of a recorded deed for the property in question shall submitted prior to the issuance of a building permit which indicates the ma allowable occupancy as a deed restriction.

(i) Attached to the deed shall be a document that se occupancy according to Provo City Code, the foregoing deed any other use restrictions pertaining to parking and occupancy s restrictions of use as noted in condominium documents.

(ii) This document shall be signed, dated, and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

(2) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice shall be placed on the electrical box within each unit indicating the maximum allowable occupancy of the unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice shall be set forth on a six (6) inch by six (6) inch metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

(3) Upon submittal of the foregoing documents, any violation to the restrictions and regulations noted therein shall be a misdemeanor offense subject to criminal action as provided in Section 1.03.010, Provo City Code.

14.50(34).180 General Architectural and Landscaping Standards. See Sections 14.34.295 and 15.20 of the Provo City Code.

1. Outdoor lighting plans shall conform to all regulations set forth in Chapter 15.21, Provo City Code. Landscape and Hardscape associated with development are to be maintained by property owners.
2. Any development phase which follows the initial phase of development within the Mill Race PRO zone shall be harmonious with the design of such initial phase, as determined by the Design Review Committee.
3. Due to the elevated bridge at University Avenue, any design, development, or architectural requirements attributed to frontage on a primary street shall not be applicable to those portions of developments with frontage along University Avenue.

14.50(34).190 Fencing Standards.

Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

(a) Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet.

(b) Solid, sight obscuring fences or walls and non-sight obscuring fences may be built to a maximum height of six (6) feet in a side yard.

14.50(34).200 Inclusionary Housing

In recognition of the Provo City Council Resolution effective February 1, 2019, projects in the Mill Race PRO zone will provide some work-force or affordable housing to be privately operated and managed. For every five thousand square feet of office/commercial space developed, one unit shall be offered to the purchaser/owner of such office/commercial space at 70% AMI rental rates.

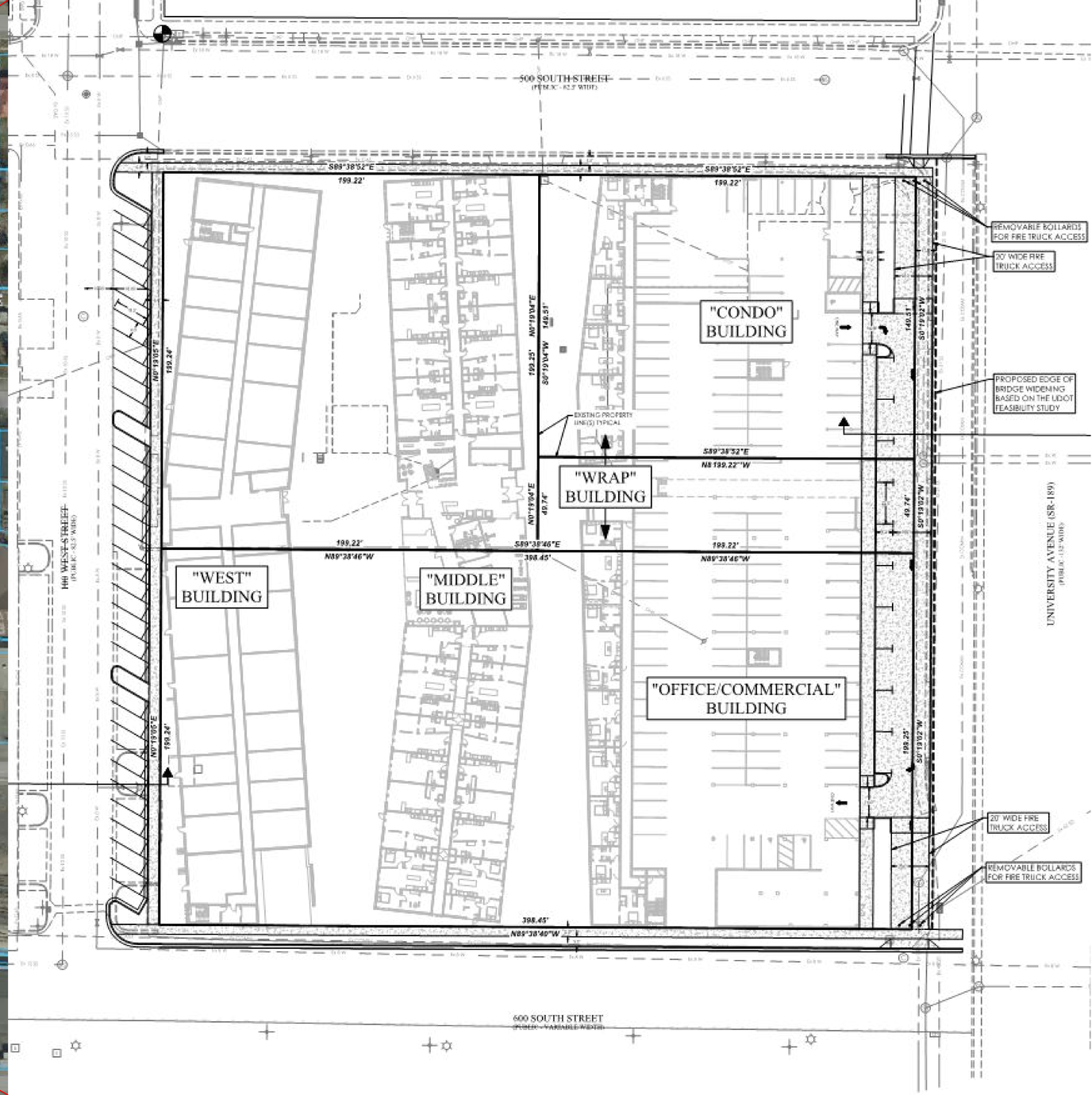
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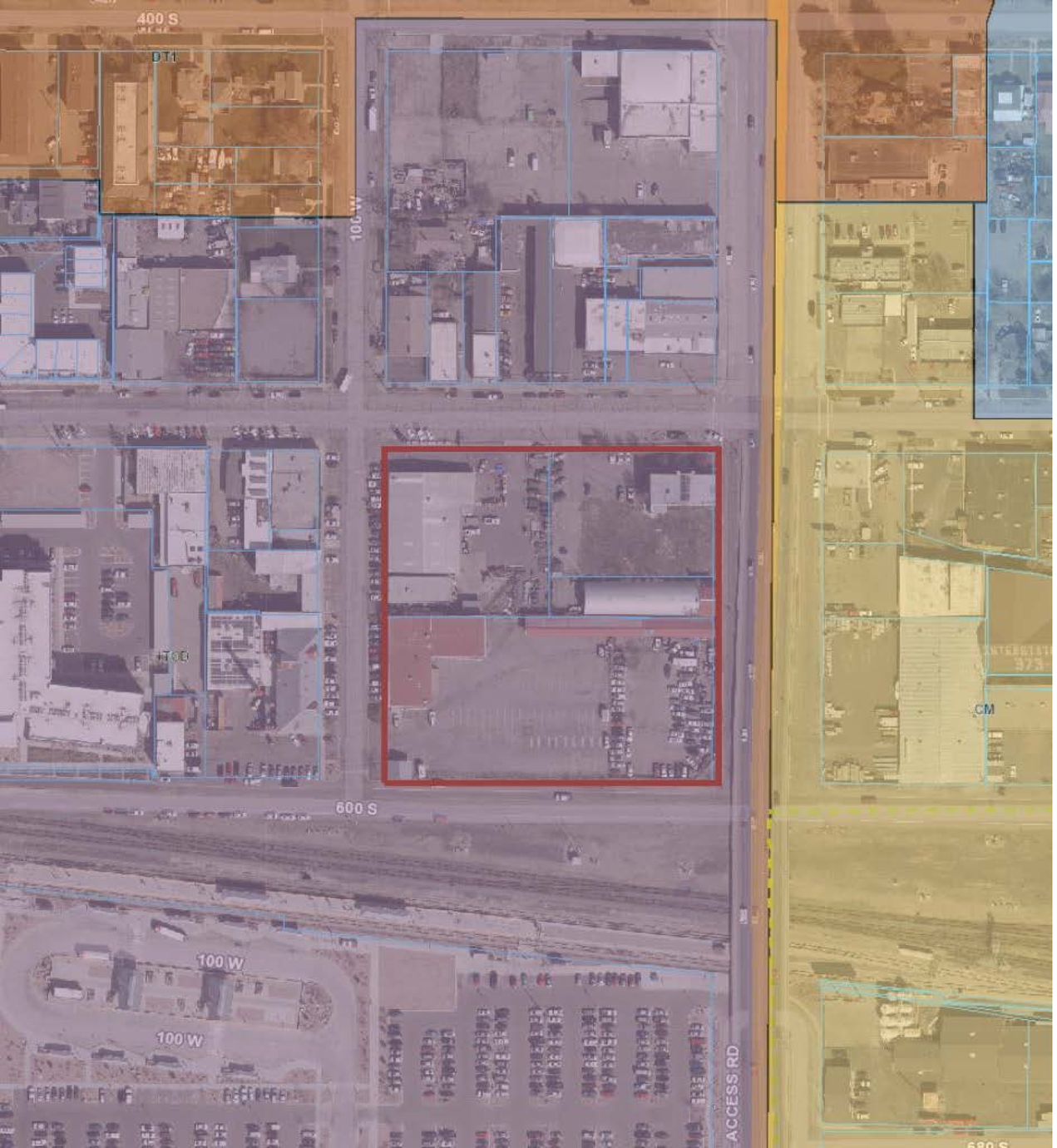
Justin Earl requests a Zone Change from ITOD to Mill Race at Provo Station PRO Zone, located on approximately four acres from 500 S to 600 S and from 100 W to University Ave.

Downtown neighborhood

PLRZ20190047


400 S
100 W
600 S
100 W
100 W
ACCESS RD
680 S


500 SOUTH STREET
(PUBLIC - 82.5' WIDE)
S89°38'52"E
199.22'
"CONDO" BUILDING
"WRAP" BUILDING
"WEST" BUILDING
"MIDDLE" BUILDING
"OFFICE/COMMERCIAL" BUILDING
N89°38'46"W
398.45'
S89°38'46"E
N89°38'40"W
600 SOUTH STREET
(PUBLIC - VARIABLE WIDTH)
HH WEST STREET
(PUBLIC - 82.5' WIDE)
UNIVERSITY AVENUE (SR-189)
(PUBLIC - 132' WIDE)
REMOVABLE BOLLARDS FOR FIRE TRUCK ACCESS
20' WIDE FIRE TRUCK ACCESS
PROPOSED EDGE OF BRIDGE WIDENING BASED ON THE UDOT FEASIBILITY STUDY
EXISTING PROPERTY LINE(S) TYPICAL
20' WIDE FIRE TRUCK ACCESS
REMOVABLE BOLLARDS FOR FIRE TRUCK ACCESS


400 S
DT1
100 W
600 S
100 W
100 W
ACCESS RD
CM


400 S
100 W
600 S
100 W
100 W
ACCESS RD
680 S




MILL TRACT

Planning Commission Staff Report
Rezone
Hearing Date: April 24, 2019

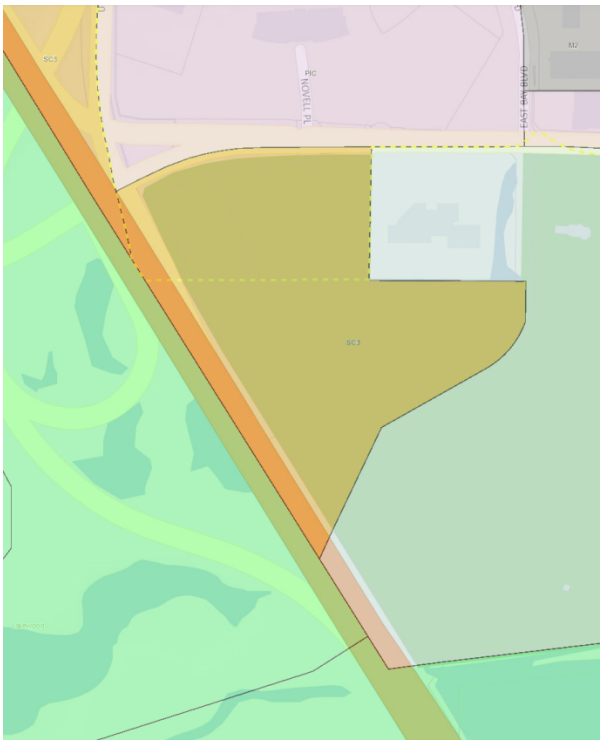
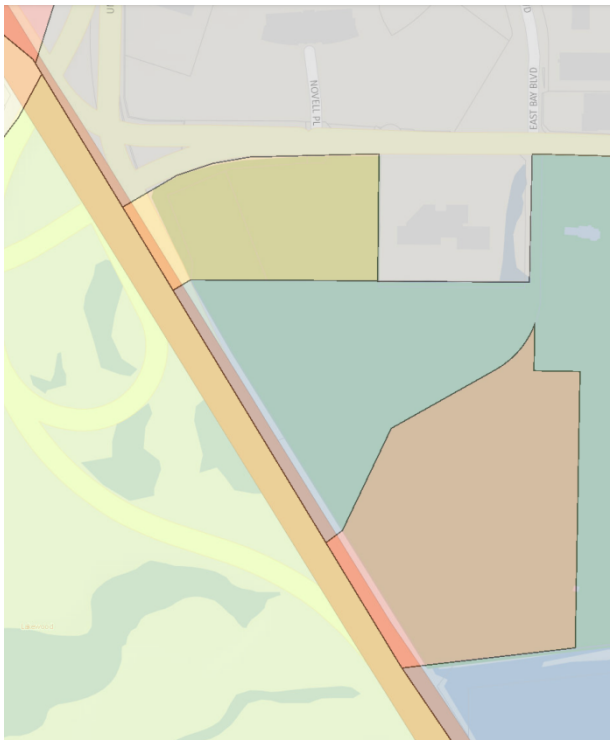
***ITEM 6 Todd Sinks request a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use (CMU) for 8.94 acres, located at 178 E 1860 S. East Bay neighborhood. Josh Yost (801) 852-6408 PLRZ20180321**

Applicant: Todd Sinks Staff Coordinator: Josh Yost Property Owner: TG Development LLC, GT Medical Holdings LLC Parcel ID#: 220500062, 220520051 Current Zone:SC3 Proposed Zone: CMU, HCF General Plan Des.: Mixed Use, Public Facilities Acreage: 8.94, 22.12 Number of Properties: 2 Development Agreement Proffered: No Council Action Required: Yes **ALTERNATIVE ACTIONS** 1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 8, 5:00 p.m.* 2. **Recommend Denial** of the proposed rezoning. *This would be a change from the Staff recommendation; the Planning Commission should state new findings*	Current Legal Use: Vacant Property, Golf Course Relevant History: The 22.12 acre parcel was conveyed to GT Medical Holdings LLC by the City for the development of the Noorda School of Osteopathic Medicine. The 8.94 acre parcel was acquired by TG Development LLC for the development of the associated apartment housing. Neighborhood Issues: None noted. Summary of Key Issues: The primary issues pertaining to the proposed rezone are the provision of utilities to the site and the reconfiguration of on-site storm water facilities. The applicant continues to work through the CRC process to develop acceptable solutions to each of these issues. Staff Recommendation: Staff recommends the Planning Commission recommend approval of the request for a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use (CMU) for 8.94 acres, located at 178 E 1860 S.

OVERVIEW

Provo City has conveyed 22.12 acres of the Reserve at East Bay Golf Course to GT Medical Holdings for the construction of the Noorda College of Osteopathic Medicine. As part of this transaction the developers of the medical school are paying for the redesign and relocation of the affected golf course holes. A 7.82 acre parcel to the north of the medical school parcel and directly west of the US Bureau of Reclamation Office has been purchased for the development of 793 units of apartment housing. The applicant has begun preliminary discussion with Provo City to purchase a portion of the storm water retention facility to the west of the 7.82 acre parcel to include in the apartment development.

Previously the General Plan Designation for the area was changed from Commercial to Mixed Use and Public Facilities.

Current Zoning Map	Current General Plan Map
	

GENERAL PLAN POLICIES

The General Plan does not contain area specific policies related to the proposed zone map amendment. The General Plan previously contained policies contrary to the proposed amendment. These policies were removed in anticipation of this zone map amendment application.

FINDINGS OF FACT

The General Plan Designation for the 22.12 acre parcel is Public Facilities. The proposed Health Care Facility Zone is consistent with the Public Facilities Designation. The 7.82 acre parcel is designated Mixed Use in the General Plan. The proposed Campus Mixed Use Zone is consistent with this designation.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

   Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

   (a) Public purpose for the amendment in question.

   The public purpose for the proposed amendment is to facilitate the development of a medical school and associated housing.

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

   The proposed amendment best serves the public purpose by permitting only the proposed uses on the site, thereby protecting the interest of the city.

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

   The proposed amendment is compatible with the applicable policies, goals, and objectives.

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

No such provisions are articulated for this area.

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

Staff finds no potential for the proposed amendment to hinder or obstruct the attainment of articulated policies.

(f) Adverse impacts on adjacent land owners.

No adverse impacts on adjacent owners have been identified. The proposed development facilitated by this zone map amendment improves opportunities for access to adjacent property.

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

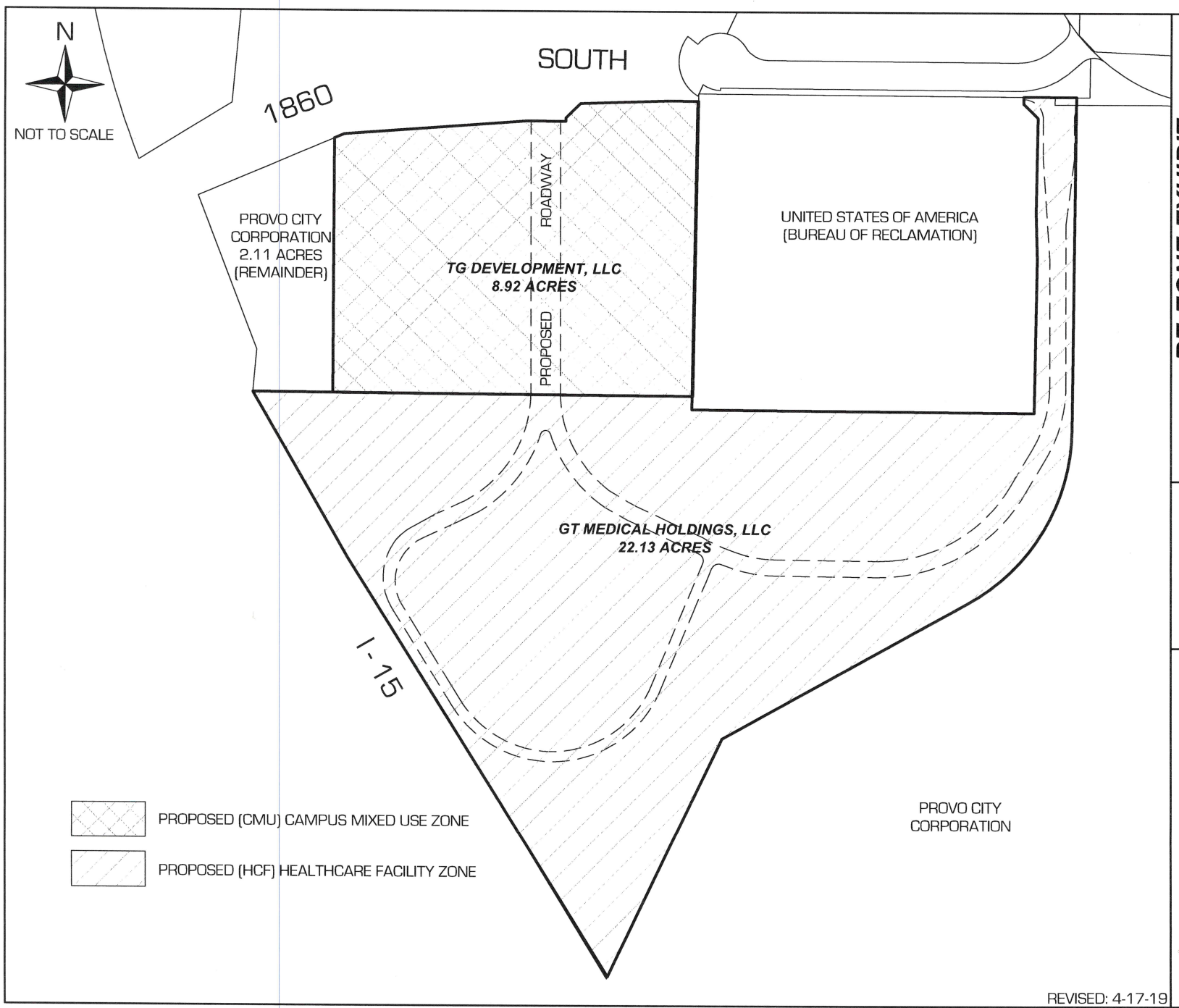
Staff verified the correctness of the existing zoning and General Plan designation for this area.

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

No such conflicts exist.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of the request for a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use (CMU) for 8.94 acres, located at 178 E 1860 S.



REVISED: 4-17-19

RE-ZONE EXHIBIT

SE $\frac{1}{4}$ OF SECTION 13, T7S, R2E & SW $\frac{1}{4}$ OF SECTION 18, T7S, R3E, SLB&M

EAST BAY AREA OF PROVO, UTAH

PROFESSIONAL LAND SURVEYOR
No. 172675
DENNIS P. CARLISLE
4-17-19
STATE OF UTAH

civilsolutionsgroup inc
UTAH VALLEY | P: 801.874.1432
PROVIDENCE | P: 435.213.3762
SALT LAKE CITY | P: 801.216.3192
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

RE-ZONE EXHIBIT

SE ¼ OF SECTION 13, T7S, R2E & SW ¼ OF SECTION 18, T7S, R3E, SLB&M

EAST BAY AREA OF PROVO, UTAH

PROFESSIONAL LAND SURVEYOR
No. 171675
DENNIS P. CARLISLE
4-17-19
STATE OF UTAH

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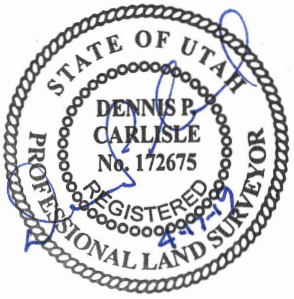
LEGAL DESCRIPTION
PREPARED FOR
EAST BAY MEDICAL SCHOOL
PROVO, UTAH
(April 17, 2019)
Project No. 18-361

PROPOSED CAMPUS MIXED USE (CMU) ZONE

A portion of the SE1/4 of Section 13, Township 7 South, Range 2 East, and the SW1/4 of Section 18, Township 7 South, Range 3 East, Salt Lake Base & Meridian, Provo, Utah, more particularly described as follows:

Beginning at a point on the northerly line of 1860 South Street located N89°22'43"E along the Section line 431.56 feet and South 3,148.20 feet from the Northwest Corner of Section 18, T7S, R3E, S.L.B.& M. (Basis of Bearing: S89°46'54"W along the Section line between said Northwest Corner of Section 18 and the North 1/4 Corner of Section 13, T7S, R2E, S.L.B.& M); thence S1°05'00"W 584.50 feet; thence N89°38'00"W 706.39 feet; thence N0°22'00"E 503.72 feet to the southerly line of said street; thence along said street the following 7 (seven) courses and distances: N66°55'15"E 20.48 feet; thence N85°34'24"E 359.29 feet; thence S89°38'43"E 77.42 feet; thence North 6.92 feet; thence N45°22'51"E 40.64 feet; thence N88°03'40"E 170.93 feet; thence S89°38'43"E 59.96 feet to the point of beginning.

Contains: 8.92+/- acres

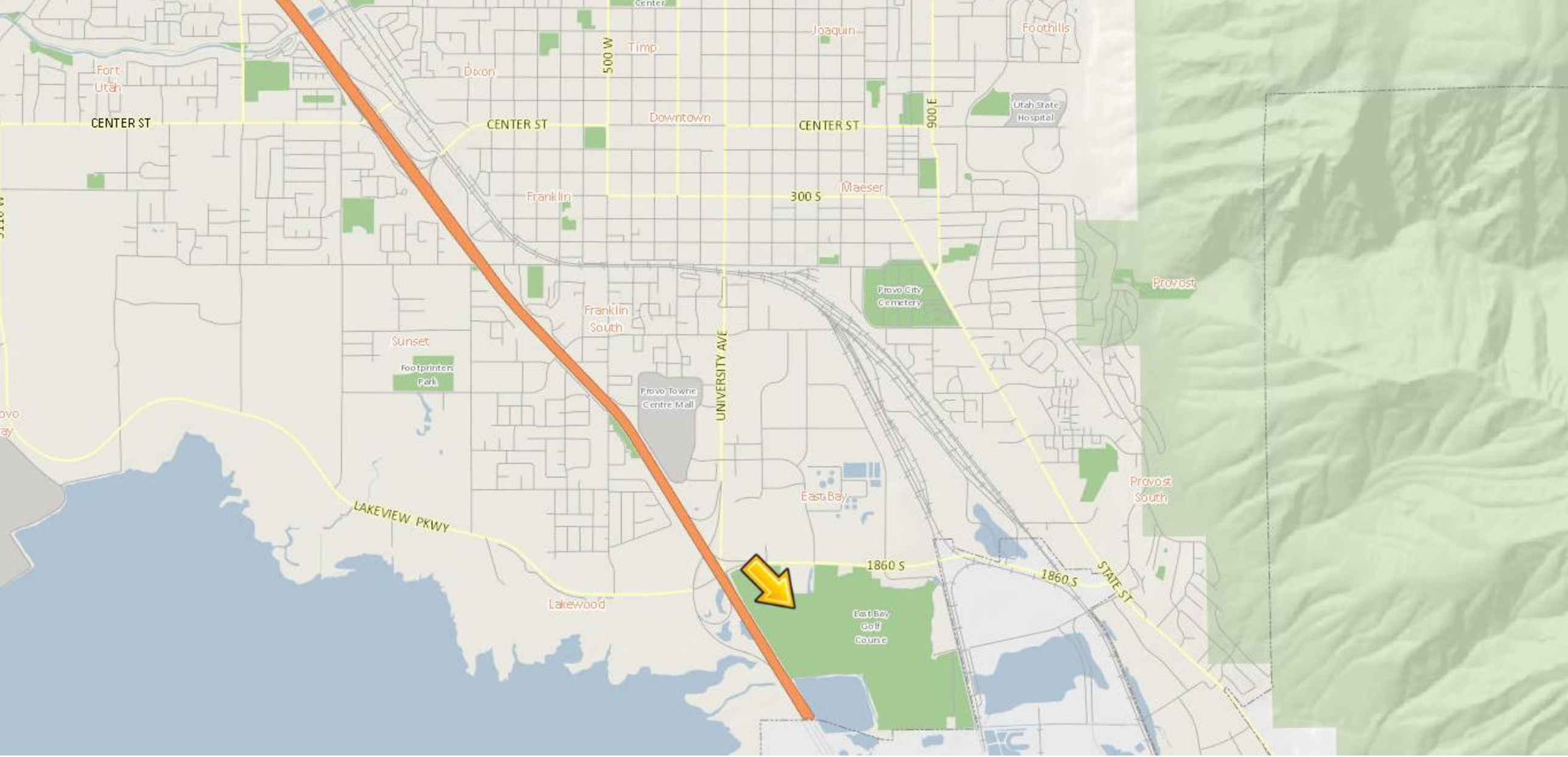


ITEM 6*

Todd Sinks request a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use for 8.94 acres, located at 178 E 1860 S.

East Bay neighborhood

PLRZ20180321


Center
Joaquin
Foothills
Timp
500 W
Fort Utah
Dixon
CENTER ST
CENTER ST
Downtown
CENTER ST
900 E
Utah State Hospital
Maeser
Franklin
300 S
Provo City Cemetery
Provost
Franklin South
Sunset
Footprinters Park
Provo Towne Centre Mall
UNIVERSITY AVE
East Bay
Provost South
LAKEVIEW PKWY
1860 S
1860 S
STATE ST
Lakewood
East Bay Golf Course

RE-ZONE EXHIBIT

SE ¼ OF SECTION 13, T7S, R2E & SW ¼ OF SECTION 18, T7S, R3E, SLB&M

EAST BAY AREA OF PROVO, UTAH

PROFESSIONAL LAND SURVEYOR
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RE-ZONE EXHIBIT

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EAST BAY AREA OF PROVO, UTAH

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Planning Commission Hearing Staff Report Hearing Date: April 24, 2019

***ITEM 5** The Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as other related code sections pertaining to the S and A overlay zones. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190120

Applicant: Community Development

Staff Coordinator: Brian Maxfield

Property Owner: N/A
Parcel ID#: City-Wide
Acreage: N/A
Number of Properties: N/A

Current Zoning: NA

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 8, 2019 at 6:00 P.M.*

2. **Recommend denial**. *This action would not be consistent with the recommendation of the Staff Report. The Planning Commission should state new findings.*

Relevant History: None

Neighborhood Issues: This is a City-Wide issue. Several Neighborhood Chairs have inquired about the proposed amendment, but no issues have been raised to date.

Summary of Key Issues: Appropriateness of new allowances regarding detached units.

Related Items: None

Staff Recommendation:
Recommend Approval of the proposed Ordinance Amendment to consolidate the two current sections of the Zoning Ordinance, as well as the related amendments, as contained in Exhibit "A."`

This action would be consistent with the recommendations of the Staff Report.

OVERVIEW

This item is an Ordinance Text Amendment to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as adopt related amendments. The proposed text amendments with indicated changes are attached as Exhibit "A." Although these related amendments generally include technical adjustments to create consistency with other sections of the ordinance, perhaps the most significant change is a new allowance for detached accessory units, with Section 14.30.030, proposed to read as follows:

14.30.030. Permitted Uses.

...

(2) Accessory Apartment Development Standards. Accessory apartments shall be ~~allowed only in one-family dwellings,~~ subject to the following development standards:

(a) Number. No more than one (1) accessory apartment shall be permitted in conjunction with each one-family dwelling.~~;~~

(b) Location. ~~The a~~Accessory apartments may be located only: ~~in a basement or in a second level above ground level if there is a usable interior connection between the accessory apartment and the principal part of the dwelling unit;~~

(i) Over an attached garage, provided the parking within the garage is not eliminated or converted to living space or stairs, or otherwise disrupts required covered parking;

(ii) Inside the home through an internal conversion of the housing unit maintaining an internal connection between living areas;

(iii) In an addition to the house that has an internal connection between the accessory apartment and the principal part of the dwelling unit; provided that the addition will not alter the one-family character of the building; or

(iv) As a detached accessory structure located in the rear yard in accordance with the following requirements:

(1) The accessory structure shall be permitted only on lots that contain a one-family detached dwelling with a minimum lot size of 6,000 sq. ft.;

(2) The accessory structure shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be taller than twenty (20) feet and no less than 200 square feet;

(3) The accessory structure shall be setback from any property line a minimum of 10 feet;

(4) The accessory structure shall be architecturally compatible with the main dwelling;

(5) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(6) The accessory structure must be approved for, and permanently connected to, all required utilities; and

(7) Shipping containers shall not be permitted for use as an accessory apartment.

…

Besides the rewriting of Chapter 14.30 "Supplementary Residential and Accessory Overlay Zones" as a consolidation of Chapters 14.30 and 14.46, the remaining changes involve:

- Sections 6.02.010, 6.26.010, and 14.06.020 regarding Definitions;
- Sections 14.10.020(5), 14.11.020(5), 14.12.020(5), 14.12A.020(5), 14.13.020(5), 14.14.020(5), and 14.32.020(5) regarding Permitted Accessory Uses in the R1 - One-Family Zone, the R2 – Two-Family Zone, the R2.5 - Low Multiple Residential Zone, the R3 – Medium Multiple Residential Zone, the R4 – High Multiple Residential Zone, the R5 – Very High Multiple Residential Zone, and the RC – Residential Conservation Zone;
- Section 14.32.050 regarding Lot Area Per Dwelling Unit in the RC Zone;
- Section 14.34.220 regarding Caretaker Dwellings as an Accessory Use;
- Table 14.34.310-1 regarding Minimum Floor Area for One-family Detached Dwellings;
- Section 14.34.440 regarding a Second Kitchen in One-family Dwellings;
- Section 14.37.060 regarding Parking Spaces Required;
- Section 14.37.080 regarding General Provisions for parking;
- Section 14.37.100 regarding Parking Design Standards; and
- Section 15.04.050 regarding Density and Open Space Determination.

CONCLUSIONS

Staff believes the proposed amendment, especially in regards to an allowance for detached accessory dwelling units, will work to provide additional and needed affordable housing opportunities within the City, without creating an extensive impact on the adjoining residential areas.

RECOMMENDATION

Recommend Approval of the proposed Ordinance Amendment to consolidate the two current sections of the Zoning Ordinance, as well as the related amendments, as contained in Exhibit "A."`

EXHIBIT "A"

Zoning Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as related amendments to Chapters 6.01 or 6.02; Chapter 14.06; Sections 14.10.020(5), 14.11.020(5), 14.12.020(5),14.12A.020(5), 14.13.020(5), 14.14.020(5), 14.32.020(5) regarding Permitted Accessory Uses; 14.32.050. Lot Area Per Dwelling Unit; 14.32.220(5) Caretaker Dwellings as an Accessory Use; 14.34.310-1 Minimum Floor Area; 14.34.440 Second Kitchen in One-family Dwellings; 14.37.060 Parking Spaces Required; 14.37.080 General Provisions; 14.37.100 Parking Design Standards; and 15.04.050 Density and Open Space Determination.

Chapter 14.30
~~S~~ Supplementary Residential and Accessory Overlay Zones.

14.30.010. Purpose and Objectives.
14.30.020. Use in Combination.
14.30.030. Permitted Uses.
14.30.040. Development Standards.
14.30.050. Area of Zone.
14.30.060. Petition for Zone Adoption.
14.30.070. Parking Requirements.
14.30.080. Nonconforming Uses.
14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

14.30.010. Purpose and Objectives.

(1) The purpose of the Supplementary Residential (S) overlay zone is to recognize the unique character of Provo City as a "university community" and to accommodate supplementary living accommodations in some appropriate one-family residential areas of the community. These provisions are intended to meet community demands for residential accommodations for semi-transient residents in areas of the community adjacent to major educational and institutional uses. This overlay zone is designed to provide an alternative living environment for said semi-transient residents to that normally found within the higher density multiple residential zones. The (S) overlay zone will therefore protect and enhance the desirable aesthetic characteristics of the underlying one-family residential zone. An R1 zone with a Supplementary Residential (S) overlay as described in this Chapter is intended to continue the very low density of an R1 zone. The sole function of the overlay is to permit alternate methods of housing the occupancy otherwise permitted in an R1 zone.

(2) The Accessory Apartment (A) overlay zone is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of accessory apartment in conjunction with one-family detached dwellings on individual lots. The Accessory Apartment overlay zone is hereby established to promote the use of accessory apartments; to provide flexibility for the

changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age.

14.30.020. Use in Combination.

(1) The ~~Supplementary Residential (S)~~ overlay zones described in this Chapter may be used only in combination with other zones as follows:

(a) the Supplementary Residential (S) overlay zone may be used only in combination with the ~~R1 (~~One-~~f~~Family Residential~~)~~ (R1) zone; and ~~as designated herein~~

(b) the Accessory Apartment (A) overlay zone may be used only in combination with the Agricultural (A1), Residential Agricultural (RA), or One-Family Residential (R1) zones.

(2) The provisions of the ~~(S)~~ overlay zones shall be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the ~~(S)~~ overlay zones and the provisions of the R1 zone with which it is combined, the provisions of the ~~(S)~~ overlay zones shall be deemed controlling. The ~~(S)~~ overlay zones shall not be applied to any land area as an independent zone.

14.30.030. Permitted Uses.

(1) Permitted Principal Uses. Principal ~~U~~uses permitted in the ~~Supplementary Residential (S)~~ overlay zones described in this Chapter shall be limited to the following:

(a) Those uses listed as permitted principal uses in the underlying ~~R1~~ zone with which the overlay zone has been combined in accordance with Section 14.30.020; and

(b) Accessory apartments which meet the development standards of Subsection (2) of this Section, with a valid Rental Dwelling License.

(2) Accessory Apartment Development Standards. Accessory apartments shall be ~~allowed only in one-family dwellings,~~ subject to the following development standards:

(a) Number. No more than one (1) accessory apartment shall be permitted in conjunction with each one-family dwelling.~~;~~

(b) Location. ~~The a~~Accessory apartments may be located only: ~~in a basement or in a second level above ground level if there is a usable interior connection between the accessory apartment and the principal part of the dwelling unit;~~

(i) Over an attached garage, provided the parking within the garage is not eliminated or converted to living space or stairs, or otherwise disrupts required covered parking;

(ii) Inside the home through an internal conversion of the housing unit maintaining an internal connection between living areas;

(iii) In an addition to the house that has an internal connection between the accessory apartment and the principal part of the dwelling unit; provided that the addition will not alter the one-family character of the building; or

(iv) As a detached accessory structure located in the rear yard in accordance with the following requirements:

(1) The accessory structure shall be permitted only on lots that contain a one-family detached dwelling with a minimum lot size of 6,000 sq. ft.;

(2) The accessory structure shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be taller than twenty (20) feet and no less than 200 square feet;

(3) The accessory structure shall be setback from any property line a minimum of 10 feet;

(4) The accessory structure shall be architecturally compatible with the main dwelling;

(5) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(6) The accessory structure must be approved for, and permanently connected to, all required utilities; and

(7) Shipping containers shall not be permitted for use as an accessory apartment.

(c) Appearance. The accessory apartment shall not alter the appearance of the structure as a one-family dwelling, and does not cause the dwelling unit within which the accessory apartment is located to resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence of occupancy by more than one (1) family, such as two (2) front doors. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations.; and

(d) Occupancy. A one-family dwelling with an accessory apartment, which is authorized by and conforms to the requirements set forth in this section, shall, for purposes of this subsection, consist of two component parts: the one-family dwelling and the accessory apartment. Those two parts shall be occupied as follows:

(i) Except as otherwise provided in subsection (iv), either Tthe one-family dwelling or the accessory apartment shall be the owner's primary residence as defined in Provo City Code Chapter 14.06, Provo City Code. If this requirement is not met, no accessory apartment shall be permitted. The dwelling must be owner-occupied by:

~~(A) One (1) person living alone; or~~

~~(B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild.~~

~~For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling as their primary residence.~~

(ii) The occupancy of the one-family dwelling shall be limited to one "family" as that term is defined in Provo City Code Chapter 14.06, except that if the accessory apartment is also occupied, the occupancy of the one-family dwelling shall not include the ~~(C) T~~two additional related or unrelated individuals described in Provo City Code Section 14.06.020(b)(i)(B)~~are not permitted under Subsection (2)(d)(i)(A) or (B) of this Section~~.

(iii) Except as permitted by subsection (4)(a) of this Section, t~~T~~he accessory apartment ~~within the structure~~ shall not~~may~~ be occupied by ~~no~~ more than two~~four~~ (2~~4~~) related or unrelated adults, with or without minor children.

(iv~~ii~~) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

(A) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(B) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(C) Owner occupancy shall have the meaning set forth in Section 14.06.020, Provo City Code.

(D) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(e) Parking. A one-family dwelling with an accessory apartment shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

(f) Utility Meters. A one-family dwelling with an accessory apartment shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.

(g) Addresses. The accessory apartment shall have its own address.

(h) Outside Entrances. Outside entrances to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(i) Building Codes. All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed accessory apartment shall meet current building codes.

(j) Kitchens. A one-family dwelling with an accessory apartment is permitted two (2) kitchens; one (1) for the principal part of the dwelling and one (1) for the accessory apartment. No other kitchens, wet bars or other food preparation areas are permitted. Refer to Chapter 14.06, Provo City Code, Interpretation and Definitions, "Kitchen," for the definition of what constitutes a kitchen per the Provo City Code.

(k) Rental Dwelling License~~Accessory Apartment Permit~~. In accordance with Provo City Code Chapter 6.26, ~~A~~any person operating~~constructing or causing the construction of a one-family dwelling that has~~ an accessory apartment under this Chapter~~or any person remodeling or causing the remodeling of a one-family dwelling for an accessory apartment, or any person desiring an accessory apartment~~, shall obtain a~~n accessory apartment permit~~ Rental Dwelling License ~~from the Community Development Department~~. Such license~~permit~~ shall be in addition to any building permits that may be necessary. Before a~~n~~ Rental Dwelling License for an accessory apartment ~~permit~~ is issued, the applicant shall:

(i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(iii) Pay an inspection~~application~~ fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(iv) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a~~n~~ Rental Dwelling License for an accessory apartment ~~permit~~. Revocation shall be in accordance with the license regulations in ~~decided based upon the findings of fact at an administrative hearing before a hearing officer, per Chapter 3.06,~~ Provo City Code Chapters 6.01 and 6.26.

(v) Notwithstanding, Provo City Code Section 6.01.090, ~~T~~the approval of a ~~permit~~Rental Dwelling License for an accessory apartment shall automatically expire one~~three~~ (1~~3~~) year~~s~~ after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such Rental Dwelling License~~accessory apartment permit~~.

(vi) The owner shall cooperate with Community Development in recording a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in an~~the (S)~~ overlay zone described in this Chapter, or otherwise contains an accessory apartment as provided in this Chapter.

~~(l) Prior Uses. The Community Development Department shall issue a permit for any accessory apartment existing at the time of the adoption of this Chapter if the following conditions are met:~~

~~(i) The accessory apartment complies with this Title; and~~

~~(ii) A building permit was issued when the accessory apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official ("CBO") or his designee shall inspect the accessory apartment for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued.~~ (l) Minimum unit size. An accessory apartment is only permitted if the one-family dwelling unit, not including the accessory apartment, is no smaller than 1200 square feet.

(m) Bedrooms. An accessory apartment shall not have more than two bedrooms, except that an accessory apartment for which a Conditional Use Permit has been granted under subsection (4) of this Section to allow occupancy by no more than four (4) related or unrelated adults may have no more than four bedrooms.

(3) Permitted Accessory Uses. Accessory uses permitted in the overlay zones shall be limited to those uses listed as permitted accessory uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020.

(4) Conditional Uses. Except as provided in this subsection (4), conditional uses permitted in the overlay zones shall be limited to those uses listed as permitted conditional uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020. In addition, the following uses and structures are permitted in the Supplementary Residential (S) overlay zone, but only after a Conditional Use Permit has been approved and subject to the terms and conditions thereof:

(a) In the Supplementary Residential (S) overlay zone only, accessory apartments that are occupied by no more than four (4) related or unrelated adults, with or without minor children, if, and only if, such use:

(i) meets the parking requirements of Subsection (2)(e), including particularly the requirement that the number of off-street parking spaces may not be less than the number of vehicles being maintained on the premises at any time; and

(ii) meets all other development standards of Subsection (2), other than the occupancy limit in Subsection (2)(d)(ii).

14.30.040. Development Standards.

Each one-family dwelling with an accessory apartment shall conform to the development standards required by the provisions of the underlying zone with which the overlay zone is combined.~~All development standards required in the Supplementary Residential (S) overlay zone shall be the same as those required by the provisions of the underlying zone with which the (S) zone is combined.~~

14.30.050. Area of Zone.

An overlay zone described in this Chapter may only be applied to a contiguous ~~The Supplementary Residential (S) overlay zone shall be applied to a~~ land area of at least ~~ten (10)~~ four (4) acres ~~or more~~ that~~which~~ contains at least ~~forty (40)~~sixteen (16) existing dwelling structures~~,~~ and ~~which~~that is at least fifty percent (50%) developed. The land area to which any overlay zone described in this Chapter is applied shall be free from islands or peninsulas or any other unreasonable boundary line configurations. Additions to an existing ~~(S)~~ overlay zone are allowed so long as the resulting contiguous land area of an overlay~~shall be by petition which~~ conforms to all provisions of this Section~~Chapter except acreage, and number of dwellings~~.

14.30.060. Petition for Zone Adoption.
(Rep 2007-32)

14.30.070. Parking Requirements.
(Am 1990-31, Rep 2013-49)

14.30.080. Nonconforming Uses.
(Am 2000-15, Rep 2013-49)

14.30.090. Termination of Nonconforming Uses - Recovery of Investment.
(Enacted 2000-15, Rep 2013-49)

Related Amendments

6.02.010. Definitions.

The following terms as used in this Title shall have the meanings indicated:

. . .

"**Rental dwelling**" means~~, except as provided in Subsection (c) of this definition,~~ a building or portion of a building used or designated for use as a residence by one (1) or more persons that is:

(a) Available to be rented, loaned, leased, or hired out for a period of one (1) month or longer; or

(b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one (1) month or longer.

~~(c) An accessory apartment in an owner-occupied one-family dwelling shall not be deemed a rental dwelling.~~

"**Short-term rental dwelling**" means a building or portion of a building, or a mobile or a manufactured home used, designated or designed for use as a residence by one (1) or more persons that is:

(a) Available to be rented, loaned, leased, or hired out for a period of less than one (1) month; or

(b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of less than one (1) month.

6.26.010. Definitions.

Words and phrases contained herein which are defined in Chapters 6.01 or 6.02 of this Title, or Chapter 14.06 of Title 14, as amended, shall have the meanings set forth in such chapters. If there is a conflict between definitions contained in Title 14 and definitions contained in this Title, the definitions in this Title shall govern for the purposes of interpreting this Title.

14.06.020. Definitions.

For the purposes of this Title, certain words and phrases have the following meanings:

"**Accessory Apartment**" means a subordinate residential living area created ~~with~~in conjunction with a one family dwelling which:

(a) meets the requirements of the applicable zone where the accessory apartment is located; and

(b) ~~has an interior connection between the one family dwelling and accessory apartment~~meets the requirements of Provo City Code Chapter 14.30.

. . .

"**Family,**" unless otherwise expressly provided in this Title, means:

(a) One (1) individual living alone; or

(b) One (1), but not more than one (1) at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) A head of household and:

(A) All persons related to the head of household as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) Not more than two (2) additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or

(ii) Three (3) related or unrelated individuals and any children of either individual, if any.

(c) In applying this definition the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling.

(d) "Family" does not include:

(i) Baching singles, as defined in this Section, even if related as set forth in Subsection (b)(i)(A) of this definition;

(ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) Any number of individuals whose association is temporary or seasonal in nature; or

(iv) Any number of individuals who are in a group living arrangement as a result of criminal offenses.

. . .

14.10.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30.030.

. . .

14.11.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(h) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30~~46~~.030~~, Provo City Code~~.

. . .

14.12.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2.5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30~~46~~.030~~, Provo City Code~~.

. . .

14.12A.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R3 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30~~46~~.030~~, Provo City Code~~.

. . .

14.13.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R4 zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14. 30~~46~~.030~~, Provo City Code~~.

. . .

14.14.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(f) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30~~46~~.030~~, Provo City Code~~.

. . .

Provo City Planning Commission

Report of Action

April 24, 2019

*Item 5 The Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as other related code sections pertaining to the S and A overlay zones. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190120

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 24, 2019:

CONTINUE TO THE MAY 22, 2019

On a vote of 7:0, the Planning Commission moved to continue the above noted application to allow further review and input.

Motion By: Deborah Jensen
Second By: Andrew Howard
Votes in Favor of Motion: Deborah Jensen; Andrew Howard; Russell Phillips; Jamin Rowan; Robert Knudsen; David Anderson; Shannon Ellsworth.
Votes Opposed: None
Deborah Jensen was present as Chair.

RELATED ACTIONS
None

STAFF PRESENTATION
Staff summarized the proposed consolidation of the S and A overlay zones, emphasizing that the two main changes involve an allowance for detached accessory dwelling units, and the requirement of licenses and inspections for accessory units. Staff also stated that because of the many questions regarding the implementation and enforcement of the changes to the ordinance, a continuance of the item would be appropriate as it would allow further understanding, input, and refinement of the proposed amendments.

CITY DEPARTMENTAL ISSUES
Requirements related to implementation and enforcement of the proposed ordinance.

NEIGHBORHOOD MEETING DATE
City-wide application.

NEIGHBORHOOD AND PUBLIC COMMENT
Paul Evans, chair of the Pleasant View Neighborhood, submitted comments to staff and voiced several concerns to the Planning Commission that need to be further examined and addressed, especially relating to the enforcement of the ordinance. Beth Alligood, chair of the Lakeview North Neighborhood, discussed parking issues and the changes that occur to the dynamics of neighborhoods when accessory units and the resulting parking needs are allowed in certain sections of the City. She also expressed her desire that variable lot sizes could be allowed that would allow a broader

mix of unit sizes and types, especially in the Southwest Area, that might also address some of the City's affordable housing needs.

PLANNING COMMISSION DISCUSSION

Several of the Planning Commissioners expressed their belief the ordinance actually requires too much parking for accessory dwelling units, which when the parking is located on-site, detracts from the look and feel of the single-family nature of many of the neighborhoods allowing the accessory units. They also believe there needs to be a change in perception where on-street parking is considered negatively. Discussion also included design standards for detached units, with the general premise being that the architecture of detached accessory units should relate to the architecture of the main dwelling.



Planning Commission Chair



Director of Community Development

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

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

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

ITEM 5*

The Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as other related code sections pertaining to the S and A Overlay Zones.

City-wide application

PLOTA20190120

6.02.010. Definitions.

The following terms as used in this Title shall have the meanings indicated:

. . .

"**Rental dwelling**" means~~, except as provided in Subsection (c) of this definition,~~ a building or portion of a building used or designated for use as a residence by one (1) or more persons that is:

(a) Available to be rented, loaned, leased, or hired out for a period of one (1) month or longer; or

(b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one (1) month or longer.

~~(c) An accessory apartment in an owner-occupied one-family dwelling shall not be deemed a rental dwelling.~~

"**Short-term rental dwelling**" means a building or portion of a building, or a mobile or a manufactured home used, designated or designed for use as a residence by one (1) or more persons that is:

(a) Available to be rented, loaned, leased, or hired out for a period of less than one (1) month; or

(b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of less than one (1) month.

6.26.010. Definitions.

Words and phrases contained herein which are defined in Chapters 6.01 or 6.02 of this Title, or Chapter 14.06 of Title 14, as amended, shall have the meanings set forth in such chapters. If there is a conflict between definitions contained in Title 14 and definitions contained in this Title, the definitions in this Title shall govern for the purposes of interpreting this Title.

14.06.020. Definitions.

For the purposes of this Title, certain words and phrases have the following meanings:

"**Accessory Apartment**" means a subordinate residential living area created ~~with~~in conjunction with a one family dwelling which:

(a) meets the requirements of the applicable zone where the accessory apartment is located; and

(b) ~~has an interior connection between the one family dwelling and accessory apartment~~meets the requirements of Provo City Code Chapter 14.30.

. . .

"**Family,**" unless otherwise expressly provided in this Title, means:

(a) One (1) individual living alone; or

(b) One (1), but not more than one (1) at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) A head of household and:

(A) All persons related to the head of household as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) Not more than two (2) additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or

(ii) Three (3) related or unrelated individuals and any children of either individual, if any.

(c) In applying this definition the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling.

(d) "Family" does not include:

(i) Baching singles, as defined in this Section, even if related as set forth in Subsection (b)(i)(A) of this definition;

(ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) Any number of individuals whose association is temporary or seasonal in nature; or

(iv) Any number of individuals who are in a group living arrangement as a result of criminal offenses.

. . .

14.10.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30.030.

. . .

14.11.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(h) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.3046.030~~, Provo City Code~~.

. . .

14.12.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2.5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.3046.030~~, Provo City Code~~.

. . .

14.12A.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R3 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.3046.030~~, Provo City Code~~.

. . .

14.13.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R4 zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41~~, Provo City Code~~;

. . .

(g) Accessory dwelling unit in an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14. 30~~46~~.030~~, Provo City Code~~.

. . .

14.14.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210~~, Provo City Code~~;

. . .

(f) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30~~46~~.030~~, Provo City Code~~.

. . .

Chapter 14.30
~~S -~~ Supplementary Residential and Accessory Overlay Zones.

14.30.010. Purpose and Objectives.
14.30.020. Use in Combination.
14.30.030. Permitted Uses.
14.30.040. Development Standards.
14.30.050. Area of Zone.
14.30.060. Petition for Zone Adoption.
14.30.070. Parking Requirements.
14.30.080. Nonconforming Uses.
14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

14.30.010. Purpose and Objectives.

(1) The purpose of the Supplementary Residential (S) overlay zone is to recognize the unique character of Provo City as a "university community" and to accommodate supplementary living accommodations in some appropriate one-family residential areas of the community. These provisions are intended to meet community demands for residential accommodations for semi-transient residents in areas of the community adjacent to major educational and institutional uses. This overlay zone is designed to provide an alternative living environment for said semi-transient residents to that normally found within the higher density multiple residential zones. The (S) overlay zone will therefore protect and enhance the desirable aesthetic characteristics of the underlying one-family residential zone. An R1 zone with a Supplementary Residential (S) overlay as described in this Chapter is intended to continue the very low density of an R1 zone. The sole function of the overlay is to permit alternate methods of housing the occupancy otherwise permitted in an R1 zone.

(2) The Accessory Apartment (A) overlay zone is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of accessory apartment in conjunction with one-family detached dwellings on individual lots. The Accessory Apartment overlay zone is hereby established to promote the use of accessory apartments; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age.

14.30.020. Use in Combination.

(1) The ~~Supplementary Residential (S)~~ overlay zones described in this Chapter may be used only in combination with other zones as follows:

(a) the Supplementary Residential (S) overlay zone may be used only in combination with the ~~R1 (~~One-~~f~~Family Residential~~)~~ (R1) zone; and ~~as designated herein~~

(b) the Accessory Apartment (A) overlay zone may be used only in combination with the Agricultural (A1), Residential Agricultural (RA), or One-Family Residential (R1) zones.

(2) The provisions of the ~~(S)~~ overlay zones shall be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the ~~(S)~~ overlay zones and the provisions of the R1 zone with which it is combined, the provisions of the ~~(S)~~ overlay zones shall be deemed controlling. The ~~(S)~~ overlay zones shall not be applied to any land area as an independent zone.

14.30.030. Permitted Uses.

(1) Permitted Principal Uses. Principal ~~U~~uses permitted in the ~~Supplementary Residential (S)~~ overlay zones described in this Chapter shall be limited to the following:

(a) Those uses listed as permitted principal uses in the underlying ~~R1~~ zone with which the overlay zone has been combined in accordance with Section 14.30.020; and

(b) Accessory apartments which meet the development standards of Subsection (2) of this Section, with a valid Rental Dwelling License.

(2) Accessory Apartment Development Standards. Accessory apartments shall be ~~allowed only in one-family dwellings,~~ subject to the following development standards:

(a) Number. No more than one (1) accessory apartment shall be permitted in conjunction with each one-family dwelling.~~;~~

(b) Location. ~~The a~~Accessory apartments may be located only: ~~in a basement or in a second level above ground level if there is a usable interior connection between the accessory apartment and the principal part of the dwelling unit;~~

(i) Over an attached garage, provided the parking within the garage is not eliminated or converted to living space or stairs, or otherwise disrupts required covered parking;

(ii) Inside the home through an internal conversion of the housing unit maintaining an internal connection between living areas;

(iii) In an addition to the house that has an internal connection between the accessory apartment and the principal part of the dwelling unit; provided that the addition will not alter the one-family character of the building; or

(iv) As a detached accessory structure located in the rear yard in accordance with the following requirements:

(1) The accessory structure shall be permitted only on lots that contain a one-family detached dwelling with a minimum lot size of 6,000 sq. ft.;

(2) The accessory structure shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be taller than twenty (20) feet and no less than 200 square feet;

(3) The accessory structure shall be setback from any property line a minimum of 10 feet;

(4) The accessory structure shall be architecturally compatible with the main dwelling;

(5) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(6) The accessory structure must be approved for, and permanently connected to, all required utilities; and

(7) Shipping containers shall not be permitted for use as an accessory apartment.

(c) Appearance. The accessory apartment shall not alter the appearance of the structure as a one-family dwelling, and does not cause the dwelling unit within which the accessory apartment is located to resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence of occupancy by more than one (1) family, such as two (2) front doors. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations.~~; and~~

(d) Occupancy. A one-family dwelling with an accessory apartment, which is authorized by and conforms to the requirements set forth in this section, shall, for purposes of this subsection, consist of two component parts: the one-family dwelling and the accessory apartment. Those two parts shall be occupied as follows:

(i) Except as otherwise provided in subsection (iv), either ~~T~~the one-family dwelling or the accessory apartment shall be the owner's primary residence as defined in Provo City Code Chapter 14.06~~, Provo City Code~~. If this requirement is not met, no accessory apartment shall be permitted. ~~The dwelling must be owner-occupied by:~~

~~(A) One (1) person living alone; or~~

~~(B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild.~~

~~For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling as their primary residence.~~

(ii) The occupancy of the one-family dwelling shall be limited to one "family" as that term is defined in Provo City Code Chapter 14.06, except that if the accessory apartment is also occupied, the occupancy of the one-family dwelling shall not include the ~~(C) T~~two additional related or unrelated individuals described in Provo City Code Section 14.06.020(b)(i)(B)~~are not permitted under Subsection (2)(d)(i)(A) or (B) of this Section~~.

(iii) Except as permitted by subsection (4)(a) of this Section, t~~T~~he accessory apartment ~~within the structure~~ shall not~~may~~ be occupied by ~~no~~ more than two~~four~~ (2~~4~~) related or unrelated adults, with or without minor children.

(iv~~ii~~) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

(A) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(B) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(C) Owner occupancy shall have the meaning set forth in Section 14.06.020, Provo City Code.

(D) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(e) Parking. A one-family dwelling with an accessory apartment shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

(f) Utility Meters. A one-family dwelling with an accessory apartment shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.

(g) Addresses. The accessory apartment shall have its own address.

(h) Outside Entrances. Outside entrances to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(i) Building Codes. All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed accessory apartment shall meet current building codes.

(j) Kitchens. A one-family dwelling with an accessory apartment is permitted two (2) kitchens; one (1) for the principal part of the dwelling and one (1) for the accessory apartment. No other kitchens, wet bars or other food preparation areas are permitted. Refer to Chapter 14.06, Provo City Code, Interpretation and Definitions, "Kitchen," for the definition of what constitutes a kitchen per the Provo City Code.

(k) Rental Dwelling License~~Accessory Apartment Permit~~. In accordance with Provo City Code Chapter 6.26, ~~A~~any person operating~~constructing or causing the construction of a one-family dwelling that has~~ an accessory apartment under this Chapter~~or any person remodeling or causing the remodeling of a one-family dwelling for an accessory apartment, or any person desiring an accessory apartment~~, shall obtain a~~n accessory apartment permit~~ Rental Dwelling License from the Community Development Department~~. Such license~~permit~~ shall be in addition to any building permits that may be necessary. Before a~~n~~ Rental Dwelling License for an accessory apartment ~~permit~~ is issued, the applicant shall:

(i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(iii) Pay an inspection~~application~~ fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(iv) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a~~n~~ Rental Dwelling License for an accessory apartment ~~permit~~. Revocation shall be in accordance with the license regulations in ~~decided based upon the findings of fact at an administrative hearing before a hearing officer, per Chapter 3.06,~~ Provo City Code Chapters 6.01 and 6.26.

(v) Notwithstanding, Provo City Code Section 6.01.090, ~~T~~the approval of a ~~permit~~Rental Dwelling License for an accessory apartment shall automatically expire one~~three~~ (1~~3~~) year~~s~~ after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such Rental Dwelling License~~accessory apartment permit~~.

(vi) The owner shall cooperate with Community Development in recording a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in an~~the (S)~~ overlay zone described in this Chapter, or otherwise contains an accessory apartment as provided in this Chapter.

~~(l) Prior Uses. The Community Development Department shall issue a permit for any accessory apartment existing at the time of the adoption of this Chapter if the following conditions are met:~~

~~(i) The accessory apartment complies with this Title; and~~

~~(ii) A building permit was issued when the accessory apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, violations. All violations identified by the CBO shall be corrected before a permit is issued.~~ (l) Minimum unit size. An accessory apartment is only permitted if the one-family dwelling unit, not including the accessory apartment, is no smaller than 1200 square feet.

(m) Bedrooms. An accessory apartment shall not have more than two bedrooms, except that an accessory apartment for which a Conditional Use Permit has been granted under subsection (4) of this Section to allow occupancy by no more than four (4) related or unrelated adults may have no more than four bedrooms.

(3) Permitted Accessory Uses. Accessory uses permitted in the overlay zones shall be limited to those uses listed as permitted accessory uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020.

(4) Conditional Uses. Except as provided in this subsection (4), conditional uses permitted in the overlay zones shall be limited to those uses listed as permitted conditional uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020. In addition, the following uses and structures are permitted in the Supplementary Residential (S) overlay zone, but only after a Conditional Use Permit has been approved and subject to the terms and conditions thereof:

(a) In the Supplementary Residential (S) overlay zone only, accessory apartments that are occupied by no more than four (4) related or unrelated adults, with or without minor children, if, and only if, such use:

(i) meets the parking requirements of Subsection (2)(e), including particularly the requirement that the number of off-street parking spaces may not be less than the number of vehicles being maintained on the premises at any time; and

(ii) meets all other development standards of Subsection (2), other than the occupancy limit in Subsection (2)(d)(ii).

14.30.040. Development Standards.

Each one-family dwelling with an accessory apartment shall conform to the development standards required by the provisions of the underlying zone with which the overlay zone is combined.~~All development standards required in the Supplementary Residential (S) overlay zone shall be the same as those required by the provisions of the underlying zone with which the (S) zone is combined.~~

14.30.050. Area of Zone.

An overlay zone described in this Chapter may only be applied to a contiguous ~~The Supplementary Residential (S) overlay zone shall be applied to a~~ land area of at least ~~ten (10)~~ four (4) acres ~~or more~~ that~~which~~ contains at least ~~forty (40)~~sixteen (16) existing dwelling structures~~,~~ and ~~which~~that is at least fifty percent (50%) developed. The land area to which any overlay zone described in this Chapter is applied shall be free from islands or peninsulas or any other unreasonable boundary line

land area of an overlay~~shall be by petition which~~ conforms to all provisions of this Section~~Chapter except acreage, and number of dwellings~~.

14.30.060. Petition for Zone Adoption.
(Rep 2007-32)

14.30.070. Parking Requirements.
(Am 1990-31, Rep 2013-49)

14.30.080. Nonconforming Uses.
(Am 2000-15, Rep 2013-49)

14.30.090. Termination of Nonconforming Uses - Recovery of Investment.
(Enacted 2000-15, Rep 2013-49)