PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, May 21, 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

1. Provology Graduation. (19-067)
2. A presentation by America's Freedom Festival. (19-068)

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.

Approval of Minutes

March 19, 2019 Council Meeting Minutes

Action Agenda

3. A resolution consenting to the appointment of George Stewart to the Library Board. (19-003)

4. An ordinance enacting a free expression ordinance in accordance with the Utah Code Title 11, Chapter 61. (19-058)

5. A resolution approving the Municipal Wastewater Planning Program Report for 2018 in accordance with the Utah Pollutant Discharge Elimination System Report. (19-064)

6. A resolution appropriating $119,238 in the Airport Fund and $775,000 in the Water Resources Fund, applying to fiscal year ending June 30, 2019. (19-061)

7. An ordinance amending the Consolidated Fee Schedule relative to an Impact Fee charge. (18-099)

8. A resolution tentatively adopting the proposed budget for Provo City Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-004)

Redevelopment Agency of Provo

9. A resolution tentatively adopting a proposed budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-005)

Stormwater Service District

10. A resolution tentatively adopting a proposed budget for the Provo City Stormwater Service District for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-006)

11. A resolution appropriating $100,000 in the Stormwater Service District for principal payments on Storm Drain Revenue Bonds, applying to fiscal year ending June 30, 2019. (19-062)

Action Agenda

12. 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)

13. An ordinance amending the Zone Map Classification to adopt a Supplemental Residential (S) overlay zone in a One-Family Res. (R1.8) zone generally located between 2320 N, approx 2100 N, 350 E and approx 250 E. Pleasant View Neighborhood.(PLRZ20190094)

14. An ordinance amending the General Plan to add the Utah Transit Authority Station Area Plan to the Downtown Master Plan as an appendix. City-wide impact. (PLGPA20190059)

15. An ordinance amending the Zone Map Classification of approximately 31.06 acres of real property, generally located at 178 E 1860 S, from Regional Shopping (SC3) to Health Care Facilities (HCF) and Campus (CMU). East Bay Neighborhood. (PLRZ20180321)

16. An ordinance amending the Zone Map Classification of approximately 7.71 acres of real property, generally located at 1060 East 1320 South from One-Family Residential (R1.10) to Light Manufacturing (M1). Provo Bay Neighborhood. (PLRZ20190117)

17. An ordinance amending the Provo City Code regarding Election Code to better align with Utah State Code and streamline and clarify portions of the code. (19-002)

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
Council meetings are broadcast live and available later on demand at youtube.com/user/ProvoCityCouncil
To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next scheduled Council Meeting will be held on 5/28/2019 5:30:00 PM at 5/28/2019 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*

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: HSALZL
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: Provology Graduation. (19-067)

RECOMMENDATION: Presentation only.

BACKGROUND: This presentation celebrates those who have completed the most recent Provology course.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Administration

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-067

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: A presentation by America's Freedom Festival. (19-068)

RECOMMENDATION: Presentation only.

BACKGROUND: Each year, America's Freedom Festival comes before the Council to inform them of the festivities that surround the July 4th holiday.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Paul Warner

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-068

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 19, 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 Member Gary Winterton (5:41 p.m.)	Council Executive Director Cliff Strachan
Council Attorney Brian Jones	Mayor Michelle Kaufusi (5:45 p.m.)

Conducting: Council Chair David Harding
Excused: CAO Wayne Parker

Prayer
Aaron Jaussi

Pledge of Allegiance
Dave Rosen

Public Comment (0:14:20)

Brian Jones, Council Attorney, described the process for public comment. Chair Harding opened public comment. There was no response.

Action Agenda

1. Ordinance 2019-11 to amend Downtown Streetscape standards to clarify right-of-way improvements for 100 West. City-wide Impact. (PLOTA20190007) (0:15:55)

Motion: An implied motion to adopt Ordinance 2019-11 as currently constituted, has been made by council rule.

Javin Weaver, Planner, presented. This amendment would provide clarification to the Downtown Master Plan, specially the pedestrian corridor on 100 West. Mr. Weaver showed design plans for 100 West from 100 South to 600 South. The plans included one lane for traffic in each direction, two bike lanes, planters, sidewalks, and 45 degree back-in parking. Like Center Street there would also be midblock crosswalks. The street name would been embedded into the sidewalks. Street lighting would be similar to the lighting on State Street and 300 South. Pedestrian activity nodes would be created to encourage pedestrian activity. The blue color on the City's flag would be used for seating, trash receptacles, bike

racks, drinking fountains, etc. There were no concerns from the public that had been brought to the attention of Community Development Staff.

Mr. Winterton asked Mr. Weaver to explain why angled parking was selected as opposed to parallel parking. Mr. Weaver said angled parking was safer to use in conjunction with the bike lanes. It was also safer for pedestrians and loading children in and out of the vehicle. Because this would be back-in parking, the front of the car would be pointed into the street making it easier to see bicyclists and pedestrians. Mr. Harding was aware of this type of parking being used in other cities. He admitted it was different but using it on this corridor would allow the City to try it in a less busy area before rolling it out to other areas of the City.

Chair Harding opened public comment.

Becky Bogdin, Provo Resident, was supportive of a pedestrian walkway to the hub but said there should always be traffic lanes, especially between 500 South and 600 South. She said 100 West was a great way to get to 500 South. She also had concerns about the angled parking due to the number of people in the area for the food truck roundup.

There were no other comments from the public.

Chair Harding called for a vote on the implied motion.

Roll Call Vote: Ordinance 2019-11 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

2. Resolution 2019-15 appropriating $162,200 from wildfire response revenues in the Fire Department General Fund for expenses related to equipment and facility improvements applying to the fiscal year ending June 30, 2019. (19-034) (0:26:46)

Motion: An implied motion to adopt Resolution 2019-15 as currently constituted, has been made by council rule.

Provo City Fire Chief James Miguel presented the item to Council. He began with a report on the fire season. Provo Fire and Rescue was deployed 31 times to 21 major fires in five different states. The season completed with the fires in southern Utah County in the Woodland Hills and Elk Ridge areas. When the City responds to State and Federal fires they are reimbursed for time, equipment, and other expenses. Often, the City receives back more money than is actually spent.

Total Reimbursement	$561,000
Total Expenditures	$366,000
Remainder	$192,000

Chief Miguel asked Council for an allocation of some of these funds for critical needs in the department. There were numerous studies about the cancer rates amongst firefighters; the cancer occurrence rate was 2-4 times that of the general population. Because of this he requested the following to aid in carcinogen exposure reduction:

Protective Clothing Extractors	$22,000

Protective Hoods	$19,200
Protective Clothing Storage	$23,000

In addition to the carcinogen exposure reduction needs, the Fire Department had other needs:

Station 4 Kitchen and Dorm Repairs	$45,000
Breathing Apparatus Flow Tester	$12,000
Water Rescue Dry Suits, Floatation	$21,000
Fire Engine Hose (Station 2)	$20,000

The total request was for $162,200.

Councilor Winterton has spoken to a church leader in Elk Ridge who was very appreciative of the help received. He thanked Chief Miguel and his department for their efforts. Mr. Winterton also wanted to make sure all expenditures had been covered. Chief Miguel was certain all expenditures were covered. He said it was hard work and fire seasons were getting longer. He hoped to use the revenue to benefit the people who are providing this service. The department was grateful to have the ability to help other communities and recognized that if Provo ever faced a wildfire, the city would receive the same help and support from others.

Mr. Harding understood the immediate expenditures were being reimbursed but he wondered about the long-term wear and tear on the equipment being used and how this was being funded. Chief Miguel said in fiscal year 2019 they asked for $107,000 to meet capital equipment needs, not all of which was related to wild land firefighting. When the budget was approved it included $40,000; later, an additional $45,000 from the reimbursement was added to the fund for a total fund balance of $85,000.

Mr. Knecht recognized the sacrifice being made when helping in other communities. It often meant lack of sleep and missing out on family time. He was glad to know the department was getting something back to help make their lives safer. He thanked the Chief and his department for their sacrifice. Chair Harding echoed the appreciation.

Public comment was opened and there was no response.

Chair Harding called for a vote on the implied motion.

Roll Call Vote: Resolution 2019-15 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

3. Ordinance 2019-12 amending the official Neighborhood Map. North Timpview and Riverbottoms Neighborhoods. (19-039) (0:43:12)

Motion: An implied motion to adopt Ordinance 2019-12 as currently constituted, has been made by council rule.

Karen Tapahe, Community Relations Coordinator, presented. She explained that Mike Roan proposed this change to the Neighborhood Advisory Board. A map was displayed that showed the Riverbottoms and North Timpview Neighborhoods. There was an area on the east side of Canyon Road near the mouth of Provo Canyon that had previously been considered part of the Riverbottoms Neighborhood,

this proposal would to move it the North Timpview Neighborhood. Both neighborhood chairs, Dave Rosen and Bonnie Marrow were available to answer further questions.

Chair Harding opened public comment.

Dave Rosen, Riverbottoms Neighborhood Chair, explained why this change was being proposed. He said there were issues with a gravel pit last summer that concerned the neighbors in the North Timpview Neighborhood, but the land was included in the Riverbottoms Neighborhood. There were also inquiries about development of property in this area and incorporation of land that is not currently part of the City. These decisions would affect North Timpview more than Riverbottoms.

Mr. Winterton asked how the Neighborhood Chairs would work with the County to get notices to the owners who had land that was not incorporated into the City. Mr. Rosen said that had always been and would continue to be an issue for as long as the land was not part of the City. It would make no difference which neighborhood the land was in. He thought there would be future proposals for the land to be incorporated into the City.

Bonnie Marrow, North Timpview Neighborhood Chair, also responded to Mr. Winterton's question. At times she had been providing notice to the owners in the unincorporated areas by driving to their homes and speaking with them. Ms. Marrow had just received word of a development proposal for 187 acres to be incorporated into the City and developed into high density residential. Most of the neighborhoods in the unincorporated areas already assumed they were part of North Timpview.

Mr. Knecht asked what concerns Ms. Marrow had about the way this land might be developed in the future. She was most concerned about the threat of a fire. Many of the development proposals she had seen only include one road for egress, this was concerning to her. She also worried about an increase of traffic on Canyon Road and how this would impact the schools and bike lanes in the area.

There were no other comments from the public.

Mr. Harding asked Ms. Tapahe if the boundaries included any unincorporated land. She said the unincorporated areas were not included in the boundaries, but they anticipated this happening in the future. Passing this ordinance would make it easier to add it to the existing North Timpview Neighborhood.

Mr. Harding recognized the high quality of services received by Provo residents, including the neighborhood program. The taxes in Provo were higher than those in the County, but it came with the benefit of better services. When the time came to annex the unincorporated areas into the City he would welcome this with open arms, but until then, it was not the responsibility of the neighborhood chairs to provide them with notices. He thanked Ms. Marrow for her willingness to do so anyway.

Chair Harding called for a vote on the implied motion.

Vote: The motion to pass Ordinance 2019-12 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

4. An ordinance amendment Provo City Code regarding the sale of dogs, cats, and rabbits at

commercial animal establishments. (19-030) (0:56:06)

Clifford Strachan, Executive Council Director, presented. This ordinance would make it unlawful for a person to sale a dog, cat, or rabbit in any commercial establishment in Provo, unless it came from a shelter or rescue. It would require a certificate of source for each animal. An exception would be made for breeders for animals sold from the premises on which they were bred. A violation would constitute a class c misdemeanor.

Mr. Strachan explained some of the reasons why Council might consider passing this ordinance. Certain types of breeders, sometimes referred to as puppy mills, had a reputation for the poor treatment of animals, making them more prone to disease. Some of these diseases were fast moving and hard to contain. Another reason to consider this ordinance was to promote the adoption of animals dropped off at rescues and shelters.

There was one pet store in Provo, Jay's Jungle, that occasionally sold rabbits, they were not concerned by the ordinance. Goo Goo Dogs, a local grooming business, was supportive of the ordinance. IFA sold chicks and rabbits, they sold 128 rabbits last year for a total of $3800, plus the sale of supplies. The manager said 4H participants often use these rabbits for starter pets. He was opposed to the rabbits aspect of this ordinance. South Utah Valley Animal Shelter was the local shelter for cities located from Provo to Santaquin. Provo City Animal Control had instructed them not to accept any stray rabbits from Provo, as the City did not want to pay for their care.

Mr. Strachan spoke briefly about breeders and said they were not licensed by Provo City. There were limits to the number of dogs or cats a person could have, but there were exceptions for licensed kennels, etc. The US Department of Agriculture (USDA) was responsible for overseeing the breeding industry; breeders with five or more breeding females had to be licensed with the USDA. Utah did not have additional laws regulating breeding.

Various Utah cities handled this issue differently, Mr. Strachan provided several examples. Sandy City regulates dog breeding under a dog hobby permit program. Midvale City requires a kennel license that grants responsible breeders a five-year license. Salt Lake City also had a licensing program for breeding. This ordinance would not create a licensing program, but it would create an exception for breeders.

To address a question asked prior to the meeting, the definition of commercial animal establishment had been added to the draft ordinance. It was intended to cover commercial entities, not home breeders. It would not address the issue of litters being sold to pet stores.

Chair Harding opened public comment.

Beth Alligood, Provo Resident, spoke to the Council. There was a dog breeder in her neighborhood who was concerned with this ordinance. Ms. Alligood asked how this ordinance would prevent the spread of disease. Some people had preferences for specific types of animals and would prefer to go to a breeder over a shelter or rescue. She added that commercial entities buying the animals could choose not to buy from bad breeders and this would self-regulate. Ms. Alligood recognized this was also intended to prevent the mistreatment of animals but said there were already laws in place to prevent the mistreatment of animals. Mr. Harding explained they had been contemplating what it meant to be a breeder. He asked how many dogs the breeder in Ms. Alligood's neighborhood had. There was one breeding animal that would have a litter of four or five dogs that would be raised for several months

before being sold privately from her home. It concerned this breeder that in the event she was ever unable to sell all of the puppies, this would prevent her from selling them to a commercial establishment.

Aaron Juassi, Payson Resident, was the branch manager of the Provo IFA store. Mr. Jaussi began by stating his appreciation of Provo Fire for the help in fighting the fires in south Utah County last fall. Mr. Juassi said the Provo IFA was over 95 years old and had opened as one of the first agricultural cooperatives in the state. As an agricultural cooperative they were concerned about losing the ability to sell rabbits. Half of their sales were to members of their co-op and all of their profits go back to the members. They take pride in maintaining a rural feel and supporting local agriculture. They sold 128 rabbits last year for approximately $3,800. They were opposed to the draft ordinance, particularly the rabbit aspect. Being able to sell rabbits was important to IFA in maintaining their identity as an agricultural cooperative.

Motion: Councilor Stewart moved to remove rabbits from the title and ordinance. The motion was seconded by Councilor Knecht.

Mr. Sewell did not believe there were enough benefits to justify additional regulation and interference with the free market system. Mr. Winterton agreed and was also concerned about the cost of enforcement. Mr. Jones said he anticipated this would be enforced on a complaint basis only. Mr. Stewart and Mr. Harding did not see enforcement as a large issue.

Mr. Van Buren supported eliminating rabbits but had a problem with the ordinance itself. He did not think reduction of animal overpopulation was a Council objective. The draft said there were many adoptable pets through shelters, but if someone was looking for a specific type of animal they may not be able to find it at a shelter or rescue. Mr. Van Buren was opposed.

Mr. Knecht asked how this would help to reduce overpopulation. Mr. Strachan explained this ordinance could influence market forces by showing pets from "puppy mills" were not desired. The intent of the ordinance was not meant to prohibit responsible breeders.

Mr. Handley could understand why this would be helpful in preventing the spread of illness but said there was no data to support the prevention of overpopulation. He was inclined to believe that rabbits were more likely to escape or not be properly cared for. Without any regulation there was the risk of a more serious problem. He wanted more data before he was willing to remove rabbits from the ordinance. Mr. Stewart pointed out that rabbits could always be added back in at a later point if it did become a problem later.

Mr. Harding believed there was likely data to support overpopulation. Pets were sometimes impulse purchases and eventually the owner loses interest in the pet later on. Mr. Harding thanked Mr. Strachan for his efforts to research this. Mr. Harding agreed with Mr. Sewell, he did not think it was a big enough problem in Provo to justify adding more regulation. It could always be fixed in the future if it became a problem. He planned to vote against the ordinance.

Mr. Handley preferred to get more information before voting against the ordinance. Mr. Sewell agreed with Mr. Handley, he said there was not enough data to support removing rabbits from the ordinance.

Substitute Councilor Van Buren made a substitute motion to table the ordinance. The

Motion: motion was seconded by Councilor Winterton.

Chair Harding called for a vote on the substitute motion.

Vote: The substitute motion to table the ordinance passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

5. Ordinance 2019-13 amending Provo City Code to repeal and remove references to the Student of Higher Education and Young Adult Advisory Board. (19-033) (1:33:25)

Motion: An implied motion to adopt Ordinance 2019-13 as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented. One chapter in Provo City Code referred to the Student of Higher Education and Young Adult Advisory Board which had not been in effect for some time. This ordinance would repeal and remove references to the board. Mayor Kaufusi agreed it would be good to have these references removed from the code because a new committee, the Young Professionals Committee, had been implemented in 2018.

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

Vote: The motion to approve Ordinance 2019-13 passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

6. **CONTINUED An ordinance correcting deficiencies in the Campus Mixed Use Zone pertaining to design regulation identified by Community Development. (PLOTA20190025)**

7. **CONTINUEDAn ordinance amending the Zone Map classification for approx. 3.724 acres of real property generally located at 2400 N 650 E to include a PD Performance Development Overlay Zone in the R1.10 Zone. Rock Canyon Neighborhood. (PLRZ20190029)**

Items 8 and 9 were ready into the record together because they were related. Mr. Decker would address the items together.

8. Resolution 2019-16 of the Provo City Municipal Council regarding site and process selection for a new water reclamation facility. (19-037) (1:35:51)

Motion: An implied motion to adopt Resolution 2019-16 as currently constituted, has been made by council rule.

Dave Decker, Public Works Director, presented. The first part of this resolution was direction from the Council to staff to continue with the design and construction of a new treatment plant. The second part of the resolution indicates a budget for the project. There were two numbers provided, approximately $98 million for construction and approximately $57 million for collection systems and second phases. This resolution was part of the state requirements relative to the variance request sent to the state about 18 months earlier. There were two deadlines approaching, one being May 1 which would be

satisfied by this resolution. The second deadline was in December for a capital facilities plan, Mr. Decker thought this would be ready for approval in August. Mr. Decker asked for aerial views of the plant to be displayed. He provided a quick overview of how the existing site would be leveraged (1:38:38).

Chair Harding called for a vote on the implied motion.

Vote: The motion to approve Resolution 2019-16 passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

9. Resolution 2019-17 of the Provo City Municipal Council regarding loan authorization for the first phase of a new water reclamation facility. (19-038) (1:35:51)

Motion: An implied motion to adopt Resolution 2019-17 as currently constituted, has been made by council rule.

This resolution would authorize Mayor Kaufusi to sign the documents associated with the state loan needed for the first phase of a new water reclamation facility. Under Council's direction, staff pursued a loan from the Division of Environmental Quality (DEQ) Board. The application was for $120 million, they were not able to authorize the entire amount but $77.8 million was authorized. Of the total loan amount, $2 million was loan forgiveness at a very low interest rate of 0.5 percent. This resolution was the first step in indicating to the DEQ Board that the City intended to pursue this.

Chair Harding opened public comment for items 8 and 9.

Beth Alligood, Provo resident, thanked the City for finding a quality solution at a lesser cost to the residents.

Mr. Harding clarified that this option would cost more over the life of the project, but it delayed some of the capital expenses until later in the project.

Mr. Winterton recalled from previous meetings that the state loan would require the use of certain contractors that would cause the cost of labor to increase. Mr. Decker said this was correct, but the benefits of the loan outweighed this.

Vote: The motion to approve Resolution 2019-16 passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:15 p.m.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: HSALZL
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution consenting to the appointment of George Stewart to the Library Board. (19-003)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: Mayor Kaufusi has submitted a recommendation for George Stewart to serve on the Library Board.

FISCAL IMPACT: none

PRESENTER'S NAME: Administration

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-003

RESOLUTION 2018-

A RESOLUTION CONSENTING TO THE APPOINTMENT OF GEORGE STEWART TO THE LIBRARY BOARD. (19-003)

WHEREAS, the Mayor, acting pursuant to her statutory authority, has recommended that George Stewart be appointed to serve on the Library Board as detailed below; and,

WHEREAS, on May 21, 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 Mayor's recommendation and facts presented to the Municipal Council, the Council (i) consents to the board appointment set forth below and (ii) finds such appointment will 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, Utah, as follows:

PART I:

1. Pursuant to Provo City Code Section 2.20.020, the Municipal Council consents to the appointment of the individual listed below to serve on the listed board or commission for the prescribed term:

Appointee's Name	Board	Term Expiration Date
George Stewart	Library Board	December 31, 2019

PART II:

This resolution and the board and commission appointment indicated herein shall take effect immediately.

END OF RESOLUTION

provo
WELCOME HOME

MAYOR'S OFFICE
TEL 801 852 6100
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

May 14, 2019

Members of the Municipal Council
351 West Center Street
Provo, UT 84601

Dear Council Members:

I am recommending the following appointments to City boards and commissions as indicated below and submit them herewith for Council's advice and consent.

Library Board

George Stewart, 4174 N. Dover Lane in Provo. I am recommending George be appointed to a seven-month term on the Library Board ending December 31, 2019.

Sincerely,

Michelle Kaufusi
Mayor

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: An ordinance enacting a free expression ordinance in accordance with the Utah Code Title 11, Chapter 61. (19-058)

RECOMMENDATION: Adopt the ordinance.

BACKGROUND: This item is an ordinance which provides guidelines for Provo City to regulate expressive activities on (1) public property which is a traditional public forum and also on (2) public property which is not a public forum. It also authorizes the Mayor to establish policies and practices consistent with this Section for City property and may delegate such authority to Department Directors with regards to the City property they manage.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Camille Williams

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-058

ORDINANCE 2019-.

AN ORDINANCE ENACTING A FREE EXPRESSION ORDINANCE IN ACCORDANCE WITH THE UTAH CODE TITLE 11, CHAPTER 61. (19-058)

WHEREAS, it is proposed that Provo City Code Chapter 6.20 (Public Assemblies and Special Events) be amended to address the provisions of Utah Code Title 11, Chapter 61;

WHEREAS, Utah Code Title 11, Chapter 61 requires that political subdivisions ensure that time, place, or manner restrictions on expressive activity on public grounds comply with certain requirements set forth in Chapter 61;

WHEREAS, it is proposed that Provo City Code Section 6.20.090 (Free Expression Regulation) be enacted to comply with Chapter 61;

WHEREAS, according to the United States Supreme Court "traditional public forum" refers to: a public park or street, *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983), or a public sidewalk, as defined by *United States v. Grace*, 461 U.S. 171, 179 (1983); and *United States v. Kokinda*, 497 U.S. 720, 727-29, 110 S. Ct. 3115, 3120-21 (1990);

WHEREAS, in those decisions the Supreme Court clarified that not all sidewalks are "public sidewalks" or traditional public forums;

WHEREAS, some have engaged in activities on public property that is not a public forum according to these Supreme Court decisions and have hampered patrons' access to City buildings and services in ways that resulted in harassment or intimidation of patrons seeking such access;

WHEREAS, on May 7, 2019 and May 21, 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 presented to the Municipal Council, the Council finds (i) the proposed Provo City Code Section 6.20.090 should be enacted as set forth below; and (ii) such 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 Section 6.20.090 is hereby enacted as follows:

6.20.090. Free Expression Regulation.

(1) It is the policy of Provo City that persons and groups have a right to organize and participate in peaceful expressive activities including demonstrations, rallies, parades, signature gathering, marches, picketing or other similar actions conducted for the purpose of exercising their constitutional rights on those public grounds of the City, as defined herein, subject to reasonable time, place and manner restrictions designed to protect public safety, persons, and property and to accommodate the interests of persons not participating in the assemblies, including their interests in using the streets and sidewalks to travel to their intended destinations, and to use the parks and park facilities for recreational purposes. In accordance with Utah Code Section 11-61-104, Provo City may impose a generally applicable time, place, and manner restriction on expressive activity on public grounds:

(a) by ordinance; or

(b) by policy or practice that comports with this Section.

(2) For purposes of this Section:

(a) "public grounds" means the area outside a public building, as that term is defined in Utah Code Section 11-61-102(5), that is a traditional public forum where members of the public may safely gather to engage in expressive activity;

(b) "traditional public forum" refers to: a public park or street, or a public sidewalk, , as defined by the United States Supreme Court, or as that Court may later define it;

(c) "public grounds" do not include:

(i) the interior of a public building; or

(ii) any public property that is not a traditional public forum, such as, but not limited to, sidewalks constructed primarily to assist patrons to negotiate the space between a parking lot and the entrance of a Provo City facility as defined in accordance with the rulings of the United States Supreme Court.

(3) In accordance with Utah Code Section 11-61-103, this Section does not apply to:

(a) a restriction on expressive activity on public grounds that is imposed in order to comply with Utah Code Title 20A Election Code;

(b) property that Provo owns or leases:

(i) that is closed to public access; or

(ii) where state or federal law restricts expressive activity; or

(c) a limited or nonpublic forum governed by other applicable City or state law.

(4) A generally applicable or individually applicable time, place, and manner restriction on expressive activity on public grounds imposed by City ordinance, policy, or practice shall comport with state law, constitutional law, and case law, and, in accordance with Utah Code Section 11-61-104, shall be:

(a) narrowly tailored to serve an important governmental interest, including public access to the public building, public safety, and protection of public property;

(b) unrelated to the suppression of a particular message or the content of the expressive activity that the restriction addresses; and

(c) leave open reasonable alternative means for the expressive activity.

(5) The Mayor is authorized to establish policies and practices consistent with this Section for City property, and may delegate such authority to Department Directors with regard to the City property they manage.

(6) This ordinance is not intended to infringe on the rights individuals have to use public forums in accordance with state law.

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 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 Section 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

END OF ORDINANCE

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution approving the Municipal Wastewater Planning Program Report for 2018 in accordance with the Utah Pollutant Discharge Elimination System Report. (19-064)

RECOMMENDATION: Approve the resolution as written, which approves the submission of the Sewer Annual Report to the State of Utah

BACKGROUND: Each year, the City must update a self-assessment regarding the sewer collection and treatment system for submission to the State as part of our sewer discharge permit.

FISCAL IMPACT: None

PRESENTER'S NAME: Rebecca Andrus

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: State requirement

CITYVIEW OR ISSUE FILE NUMBER: 19-064

RESOLUTION 2019-

A RESOLUTION APPROVING THE MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR 2018 IN ACCORDANCE WITH THE UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. (19-064)

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

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

WHEREAS, the Municipal Wastewater Planning Program (MWPP) Report is required to be reviewed by the City Council to ensure that all appropriate actions have been taken to comply with the Utah Pollutant Discharge Elimination System permits; and

WHEREAS, on May 21, 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 the 2018 MWPP Report, attached hereto as Exhibit A, is hereby approved, and 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 inform the Utah Water Quality Board of the following actions:

1. The Municipal Council has reviewed the 2018 MWPP Report, as attached in Exhibit A.
2. The City has taken all appropriate actions necessary to maintain effluent requirements contained in the Utah Pollutant Discharge Elimination System permit.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution appropriating $119,238 in the Airport Fund and $775,000 in the Water Resources Fund, applying to fiscal year ending June 30, 2019. (19-061)

RECOMMENDATION: Approve the resolution as written and appropriate $119,238 in the Airport fund for airport security fencing and interest on sales tax revenue bonds and $775,000 in the Water Resources fund for water reuse studies, contract services, and well development.

BACKGROUND: This resolution corrects an omission in the Airport revenue bond interest budget funded from fund balance in the amount of $98,238. It also increases the budget for $21,000 in airport security fencing, also from fund balance in the Airport fund. The resolution also increases funding in the water fund by $500,000 for water reuse studies, $75,000 for airport contract services, and $200,000 for well development, which is funded from higher-than-anticipated utility rate revenue.

FISCAL IMPACT: $119,238 in the Airport Fund, $775,000 in the Water Fund

PRESENTER'S NAME: Jimmy McKnight

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-061

RESOLUTION 2019-.

A RESOLUTION APPROPRIATING $119,238 IN THE AIRPORT FUND AND $775,000 IN THE WATER RESOURCES FUND, APPLYING TO FISCAL YEAR ENDING JUNE 30, 2019. (19-061)

WHEREAS, the Municipal Council of Provo City Corporation has received a recommendation from the Provo City Mayor that $119,238 be appropriated in the Airport Fund for an omission in the budget related to revenue bond interest payments and $21,000 for airport security fencing; and

WHEREAS, the Municipal Council of Provo City Corporation has received a recommendation from the Provo City Mayor that $$775,000 be appropriated in the Water Fund for water reuse studies ($500,000), airport contract services ($75,000), and ~~$200,000~~ for well development ($200,000); and

WHEREAS, the $119,238 appropriation will be funded from the Airport Fund Balance, and the $775,000 appropriation will be funded from the higher than anticipated Water Utility Revenue; and

WHEREAS, on May 21, 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, all persons for and against the proposed appropriations were given an opportunity to be heard; and

WHEREAS, after considering the Mayor's recommendation, and facts and comments presented to the Municipal Council, the Municipal Council finds the proposed appropriations 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 appropriate $119,238 in the Airport Fund applying to the fiscal year ending June 30, 2019.

PART II:

The Mayor is hereby authorized to appropriate $775,000 in the Water Fund applying to the fiscal year ending June 30, 2019.

PART III:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: An ordinance amending the Consolidated Fee Schedule relative to an Impact Fee charge. (18-099)

RECOMMENDATION: Approve the ordinance as written.

BACKGROUND: At the December 11, 2018 Council Meeting, the Municipal Council adopted the new Impact Fees with the intention of having the fees take effect on July 1, 2019. During the interim between that meeting and the date they go active, there have been reviews of the Impact Fee Analysis and there have been questions posed from developers that they felt were inconsistent. Our Provo City Finance Department has worked with our consultant, Zions Public Finance, to address those questions. The determination was made regarding the Police Facilities Plan that a few changes need to be made to that Impact Fee to make sure it aligns with the expected Facilities Plans. The consultant could address a few other concerns that were brought up but not intended to change.

FISCAL IMPACT: Yes

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 18-099

ORDINANCE 2019-.

AN ORDINANCE AMENDING THE CONSOLIDATED FEE SCHEDULE RELATIVE TO AN IMPACT FEE CHARGE. (18-099)

WHEREAS, Provo City (the "City") is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the "Act") as set forth in Utah Code Section 11-36a-101 et seq.; and

WHEREAS, Zion's Public Finance, Inc. has prepared an Impact Fee Analysis and Impact Fee Facilities Plan (the "IFFP") for water, wastewater (sewer), stormwater, transportation (roads), power, public safety facilities (police and fire), and parks public facilities (collectively, the "Public Facilities") and presented these items to the Council and the public; and

WHEREAS, the IFFP (i) considers a service level for each of the areas that were reviewed and made decisions relative to these areas based on that established service level and sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

WHEREAS, after the adoption of Ordinance 2018-35 which set forth the amendments to the Impact Fees and amended the Consolidated Fee Schedule to incorporate the changes, the City received a letter disputing some of the findings in the IFFP and IFA; and

WHEREAS, after reviewing the concerns that were discussed in the letter, Provo City believes that the Consolidated Fee Schedule should be amended; and

WHEREAS, on May 21, 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 recommendation from the Administration to decrease the impact fee for police is a fair recommendation and (ii) amending Consolidated Fee Schedule reasonably furthers the health, safety and general welfare of current and future residents of Provo City.

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

PART I:

The Consolidated Fee Schedule of the Provo City Code is hereby amended as follows:

. . .

IMPACT FEES

. . .

Police Impact Fees	
Residential	Impact Fee per Unit
Single-Family Residential	~~$425.00~~373.18
Multi-Family Residential	~~$203.25~~178.47
Non-Residential	Impact Fee per Unit
General Commercial (per 1,000 SF)	~~$428.90~~376.61
Institutional (per 1,000 SF)	~~$225.45~~197.96

. . .

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 90 days after its enactment is approved by the Municipal Council.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution tentatively adopting the proposed budget for Provo City Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-004)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: This is a step in the budget process as required by Section10-6-111(3) of the Uniform Fiscal Procedures Act for Utah Cities. Upon completion of this step, the Council will then have public hearings on June 4, 2019 and June 18, 2019 where they will formally adopt the budget, unless the Council opts for a Truth-in-Taxation meeting. In that case, the timeline would be extended by a few weeks.

The expected amount for the Provo City Budget adoption is $254, 958,760, with the General Fund expected to be $59,678,744.

FISCAL IMPACT: $59,678,744 in the General Fund and $254,958,760 for all Provo City Funds for the FY2019-2020 budget.

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-004

RESOLUTION 2019-.

A RESOLUTION TENTATIVELY ADOPTING A PROPOSED BUDGET FOR PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020. (19-004)

WHEREAS, the Mayor has prepared a proposed budget (the "Proposed Budget") for Provo City Corporation as required by Utah state law; and

WHEREAS, the Proposed Budget, together with supporting schedules and data, will be available for public inspection in the office of the City Recorder as required by law; and

WHEREAS, the Municipal Council will consider formal adoption of the Proposed Budget in public hearings to be held on June 4, 2019 and June 18, 2019; and

WHEREAS, the Municipal Council finds the Proposed Budget for Provo City Corporation for the fiscal year beginning on July 1, 2019 and ending June 30, 2020, as set forth in the attached Exhibit A, should be tentatively adopted as required by Section 10-6-111(3) of the Uniform Fiscal Procedures Act for Utah Cities.

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

PART I:

1. The Proposed Budget for Provo City Corporation in the amount of $254,958,760 is hereby tentatively adopted for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as set forth in the attached Exhibit A.

2. The Municipal Council directs that public hearings to consider the Proposed Budget shall be held on June 4, 2019 and June 18, 2019 and that notice thereof shall be published at least seven days prior to each hearing in at least one newspaper of general circulation published in Utah County.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution tentatively adopting a proposed budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-005)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: Each year, the Redevelopment Agency submits a budget for the upcoming fiscal year. The expected Redevelopment Agency budget is $2,429,132.

FISCAL IMPACT: The expected Redevelopment Agency budget is $2,429,132.

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-005

RESOLUTION 2019-.

A RESOLUTION TENTATIVELY ADOPTING A PROPOSED BUDGET FOR THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020. (19-005)

WHEREAS, the Chief Executive Officer has prepared a proposed budget (the "Proposed Budget") for the Redevelopment Agency of Provo City Corporation (the "RDA") as required by Utah state law; and

WHEREAS, the Proposed Budget, together with supporting schedules and data, will be available for public inspection in the office of the City Recorder as required by law; and

WHEREAS, the Governing Board of the RDA will consider formal adoption of the Proposed Budget in public hearings to be held on June 4, 2018 and June 18, 2019; and

WHEREAS, the Governing Board finds the Proposed Budget for the RDA for the fiscal year beginning on July 1, 2019 and ending June 30, 2020, as set forth in the attached Exhibit A, should be tentatively adopted.

NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment Agency of Provo City Corporation as follows:

PART I:

1. The Proposed Budget for the Redevelopment Agency of Provo City Corporation in the amount of $2,429,132 is hereby tentatively adopted for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as set forth in the attached Exhibit A.

2. The Governing Board directs that public hearings to consider the Proposed Budget shall be held on June 4, 2019 and June 18, 2019 and that notice of the hearings shall be published at least seven days prior to each hearing in at least one newspaper of general circulation published in Utah County.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution tentatively adopting a proposed budget for the Provo City Stormwater Service District for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-006)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: Each year, the Stormwater Special Service District submits a budget for the upcoming fiscal year. This year, the expected FY2020 budget for the Stormwater Service District is $5,123,278.

FISCAL IMPACT: This year, the expected FY2020 budget for the Stormwater Service District is $5,123,278.

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-006

RESOLUTION 2019-.

A RESOLUTION TENTATIVELY ADOPTING A PROPOSED BUDGET FOR THE PROVO CITY STORMWATER SERVICE DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020. (19-006)

WHEREAS, the Mayor has prepared a proposed budget (the "Proposed Budget") for the Provo City Stormwater Service District as required by Utah state law; and

WHEREAS, the Proposed Budget, together with supporting schedules and data, will be available for public inspection in the office of the City Recorder as required by law; and

WHEREAS, the Governing Board of the Provo City Stormwater Service District will consider formal adoption of the Proposed Budget in public hearings to be held on June 4, 2019 and June 18, 2019; and

WHEREAS, the Governing Board finds the Proposed Budget for the fiscal year beginning on July 1, 2019 and ending June 30, 2020, as set forth in the attached Exhibit A, should be tentatively adopted.

NOW, THEREFORE, be it resolved by the Governing Board of the Provo City Stormwater Service District, as follows:

PART I:

1. The Proposed Budget for the Provo City Stormwater Service District in the amount of $5,123,278 is hereby tentatively adopted for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as set forth in the attached Exhibit A.

2. The Governing Board directs that public hearings to consider the Proposed Budget shall be held on June 4, 2019 and June 18, 2019 and that notice of the hearings shall be published at least seven days prior to each hearing in at least one newspaper of general circulation published in Utah County.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 05-21-2019

SUBJECT: A resolution appropriating $100,000 in the Stormwater Service District for principal payments on Storm Drain Revenue Bonds, applying to fiscal year ending June 30, 2019. (19-062)

RECOMMENDATION: Approve the resolution appropriating $100,000 for scheduled principal payments on existing Stormwater debt.

BACKGROUND: This resolution corrects an error in the budget that left insufficient funding for the principal on debt line item. The funding source is fund balance in the Storm Drain fund.

FISCAL IMPACT: $100,000

PRESENTER'S NAME: Jimmy McKnight

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-062

RESOLUTION 2019-.

A RESOLUTION APPROPRIATING $100,000 IN THE STORMWATER SERVICE DISTRICT FOR PRINCIPAL PAYMENTS ON STORM DRAIN REVENUE BONDS, APPLYING TO FISCAL YEAR ENDING JUNE 30, 2019. (19-062)

WHEREAS, the Governing Board of the Provo City Stormwater Service District has received a recommendation that $100,000 be appropriated in the Stormwater Service District for the principal payments on the Storm Drain Revenue Bonds applying to the fiscal year ending June 30, 2019; and

WHEREAS, the appropriation will be funded by $100,000 from the fund balance in the Storm Drain fund; and

WHEREAS, on March 21, 2019, the Governing Board met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Board's consideration; and

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

WHEREAS, after considering the recommendation, and facts and comments presented to the Board, the Governing Board finds the proposed appropriation reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it resolved by the Governing Board of the Provo City Stormwater Service District as follows:

PART I:

The Chief Executive Officer is hereby authorized to appropriate $100,000 in the Stormwater Service District applying to the fiscal year ending June 30, 2019.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

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.

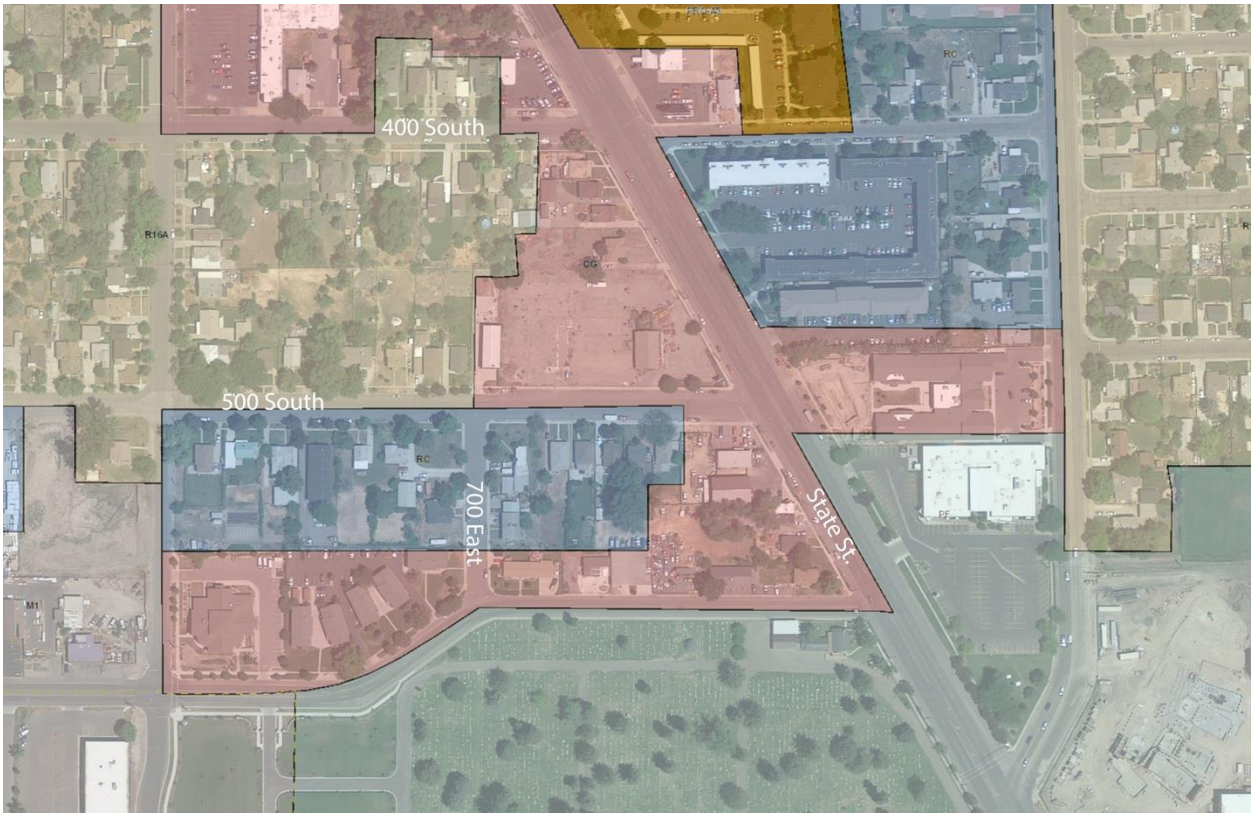
ATTACHMENTS

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

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) AND AUHTHORIZING A RELATED DEVELOPMENT AGREEMENT. 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 (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 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; 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 Mayor is hereby authorized to negotiate and execute a development agreement as proposed by the applicant for this zone change, in form substantially similar to the draft attached hereto as Exhibit C, an executed copy of which shall be attached hereto as Exhibit D after execution.

PART II:

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 herein. 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

Site Location



Zoning Map

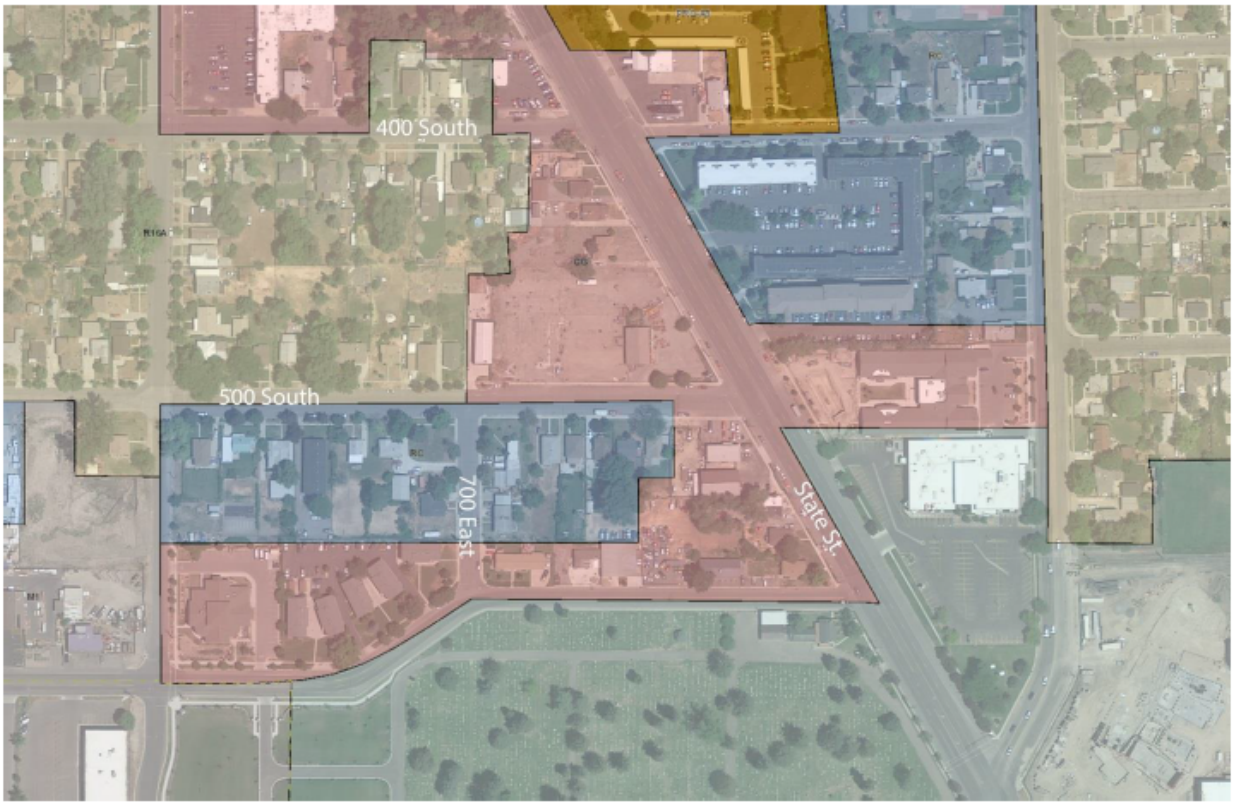


Exhibit B

Legal Description

Exhibit C

Draft Development Agreement

Exhibit D

Executed Development Agreement

DEVELOPMENT AGREEMENT
FOR
Tanaraq on Fifth

(490 South State Street)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2019 (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and South Village LLC, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

RECITALS

A. Developer is the owner of approximately 1.92 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the "Property").

B. On _____, the City Council approved Ordinance _____, vesting zoning (the "Vesting Ordinance"), based on the Site Plan set forth on EXHIBIT B ("Site Plan"), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the "Project").

C. Developer is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long range policies, goals, and objectives of the City's general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Developer's proffer to enter into this Agreement to memorialize the intent of Developer and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City's General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Zoning. The Property shall be developed in accordance with (i) the requirements of the High Density Residential Zone, (ii) all other features as generally shown on the Site Plan, and (iii) this Agreement. The Developer shall not seek to develop the Property in a manner that deviates materially from the Site Plan as permitted by the aforementioned zoning designations for the Property.

3. Governing Standards. The Site Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the use, maximum density, intensity and general configuration for the Project. The Project shall be developed by the Developer in accordance with the Site Plan, the Vesting Ordinance and this Agreement. All Developer submittals must comply generally with the Site Plan, the Vesting Ordinance and this Agreement. Non-material variations to the Site Plan, as defined and approved by the City's Community Development Director, such as exact building locations, exact locations of open space and parking may be varied by the Developer without official City Council or Planning Commission approval. Such variations however shall in no way change the maximum density, use and intensity of the development of the Project.

4. Additional Specific Developer Obligations. As an integral part of the consideration for this agreement, the Developer voluntarily agrees as follows:

a. Development on the site will be limited to:

i. 60 total units;

ii. one 3-story building located on the north side;

iii. four 2-story units located on the south side; and

iv. one 4-story building located on the east side that will not exceed 44 feet in height.

b. The subject property will be developed in a manner consistent with the Site Plan attached as Exhibit B.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Site Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-9a-509.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:

1. Developer Agreement. Future laws that Developer agrees in writing to the application thereof to the Project;

2. Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

3. Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are

generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.

5. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

6. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-9a-509 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

7. Default. An "Event of Default" shall occur under this Agreement if any party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within sixty (60) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a party shall not be in default so long as that party commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

a. Remedies. Upon the occurrence of an Event of Default, the non-defaulting party shall have the right to exercise all of the following rights and remedies against the defaulting party:

1. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination, but not including damages or attorney's fees.

2. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or development activity pertaining to the defaulting party as described in this Agreement until such default has been cured.

3. The right to draw upon any security posted or provided in connection with the Property or Project by the defaulting party.

The rights and remedies set forth herein shall be cumulative.

8. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: South Village LLC
Attn: Bart Coon
125 E. Main Street Ste. #121
American Fork, UT 84003
Phone: 801-420-0076

To the City: City of Provo
Attention: City Attorney
351 W Center
Provo, UT 84601
Phone: (801) 852-6140

9. General Term and Conditions.

a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

g. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Utah County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

h. Performance. Each party, person and/or entity governed by this Agreement shall perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

l. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and

authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

m. Termination.

i. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Utah County Recorder within ten (10) years from the date of this Agreement (the "Term"), or upon the occurrence of an event of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this Agreement as to the defaulting party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties.

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

10. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer with the consent of the City as provided herein.

a. Notice. Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

b. Partial Assignment. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's reasonable financial ability to perform the obligations of Developer proposed to be assigned.

d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

11. Sale or Conveyance. If Developer sells or conveys parcels of land, the lands so sold and conveyed shall bear the same rights, privileges, intended uses, configurations, and

density as applicable to such parcel and be subject to the same limitations and rights of the City as when owned by Developer and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein.

12. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

CITY:

CITY OF PROVO

ATTEST:

By: _____
City Recorder

By:_____
Mayor Michelle Kaufusi

DEVELOPER:

South Village LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On the ____ day of _____, 2019, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of _____, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

_____
Notary Public
Residing at:

Exhibit A

Legal Description of the Property

Exhibit B

Site Plan

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 (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 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; for the east building to four stories, with a maximum building height of 44 feet; and for 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, and May 21, 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 herein.

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

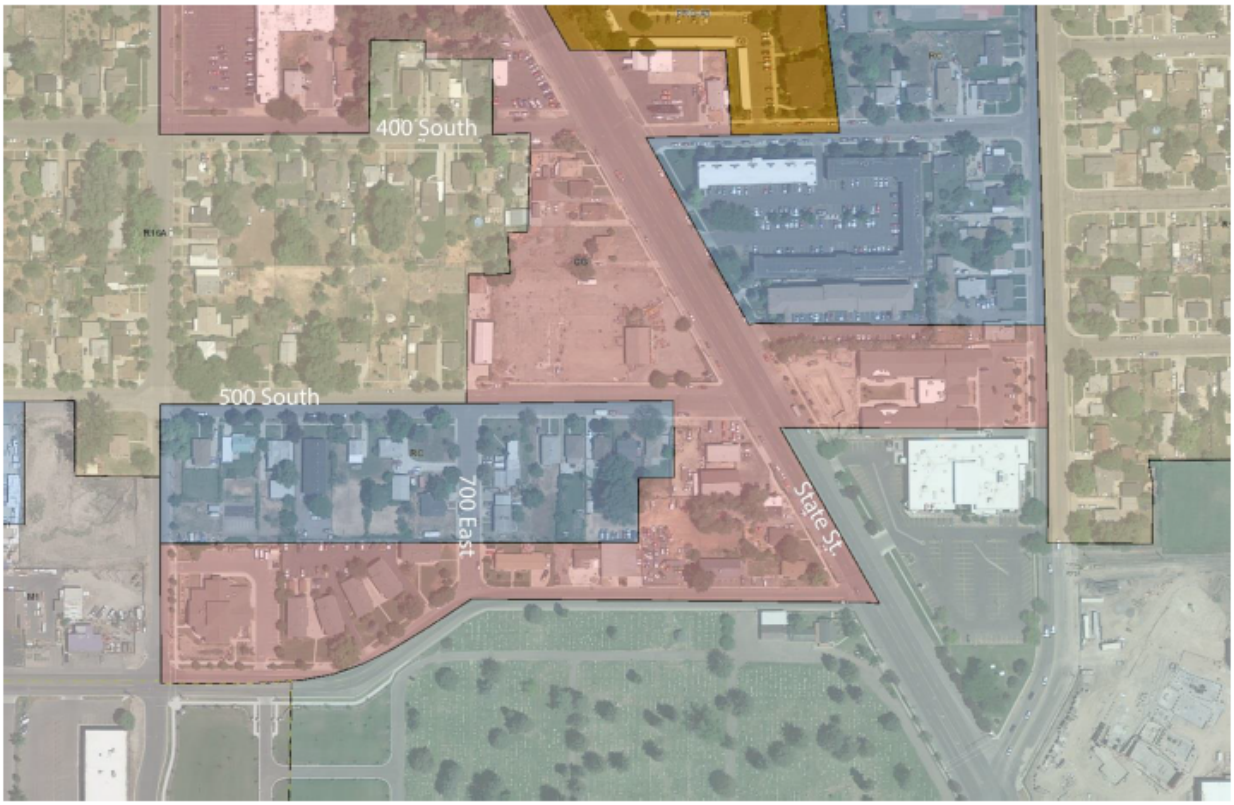


Exhibit B

Legal Description

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

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



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

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

Planning Commission Hearing
Staff Report
Hearing Date: May 8, 2019

***Item 3 Kyle Wright requests the adoption of a S Overlay Zone in a R1.8 Zone located at approximately 244 E 2100 N. Pleasant View neighborhood. PLRZ20190094**

Applicant: Kyle R Wright

Staff Coordinator: Dustin Wright

Property Owner: Various

Parcel ID#: 490580019, 490580020, 490580021, 490580022, 490580023, 490580024, 490580025, 490580026, 490580027, 490580028, 490580029, 490580030, 490580031, 490580032, 490580033, 490580018, 490580017, 490580016, 490580015, 490580014, 490580012, 490580013, 490580010, 490580011, 490580009, 490580008, 490580007, 490580006, 490580005, 490580004, 490580002, 490580001

Number of Properties: 32

Number of Lots: 32
Council Action Required?: Yes

ALTERNATIVE ACTIONS

1. Recommend **denial** to the Municipal Council. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 22, 2019 6:00 P.M.*

Current Legal Use:
32 residential single-family homes.

Relevant History:

Neighborhood Issues:
A neighborhood meeting was held on April 18, 2019 and discussed concerns about parking in the area, could increase the cost of homes, and enforcement issues.

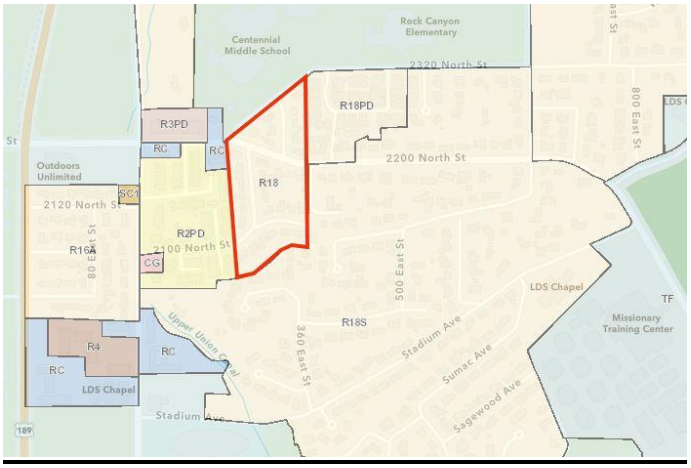
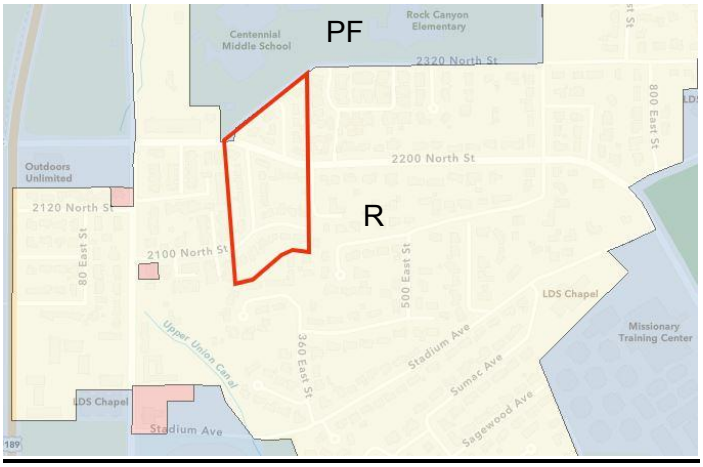
Summary of Key Issues:

- Area boundary to apply S Overlay and surrounding zones.
- Support received from the majority of the homeowners in the proposed rezone area.
- Pleasant View Neighborhood General Plan Policies.

Staff Recommendation:
That the Planning Commission recommend approval to the Municipal Council for the requested adoption of the S Overlay Zone for 32 parcels located at approximately 244 E 2100 N.

OVERVIEW

The applicant is requesting the adoption of the Supplementary Residential Overlay to the existing R1.8 zone. The S Overlay would allow accessory apartments if the home is owner occupied. The applicant has received support from the majority of the residents in the proposed rezone area. The majority of homes in the Pleasant View neighborhood already have an “S” or “A” Overlay applied to them.

Current Zoning Map	Current General Plan Map
	

GENERAL PLAN POLICIES

1.2.9 Key Land Use Policies (by Area and Neighborhood) – Pleasant View Neighborhood

1. *Single-Family Homes*

… Promote owner occupancy throughout the single-family home areas of the neighborhood. Restrict the Supplementary Residential and Accessory overlay zones from expanding beyond the current boundaries. Continue enforcement of zoning laws to ensure public safety and the quality of residential properties...

Part of the stated policy is to promote owner occupancy while the other part is to restrict the Supplementary Residential and Accessory overlay zones from expanding beyond the current

boundaries. The Overlay zone would help to increase owner occupancy because that is the requirement to have the accessory apartment.

Should the City Council approve the requested overlay zone, staff would suggest that the second sentence, “Restrict the Supplementary Residential and Accessory overlay zones from expanding beyond the current boundaries” should be deleted from the General Plan.

FINDINGS OF FACT

1. All 32 properties are currently zoned R1.8;
2. The area is designated as Residential on the General Plan Map;
3. A neighborhood meeting was held on April 18, 2019 to discuss this item;
4. Current amendments are being made to the Supplementary Overlay Zone;
5. The applicant has received some signatures from homeowners to support the Overlay for their properties.

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: ***(Staff responses in bolded)***

   (a) Public purpose for the amendment in question. ***The amendment in zoning would allow this area of the Pleasant View Neighborhood to be compatible with the majority of the neighborhood and help increase owner occupancy in the area.***

   (b) Confirmation that the public purpose is best served by the amendment in question. ***The applicant has stated that this will help simplify the boundary lines of the zones, encourage owner occupied dwellings, help young professionals overcome the high barriers to home ownership, and help provide options to solve the housing needs in Provo.***

   (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives. ***The stated policy in the General Plan under 1.2.9 would be in***

conflict with the proposed amendment as it states that the Overlay zones should not be expanded in the neighborhood.

(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. ***The General Plan specifies that the Overlay zone should not be expanded, but it would help in attaining an increase in owner occupancy.***

(f) Adverse impacts on adjacent land owners. ***The proposed change would allow for an increase in individuals that could reside on a parcel of land. This would have increased traffic to the area.***

(g) Verification of correctness in the original zoning or General Plan for the area in question. ***The zoning is 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 between the Map and Policies.***

CONCLUSIONS

Staff finds that this proposal has support from many of the residents in the area and the Neighborhood Chair. The City may feel that an exception would be appropriate to the stated General Plan Policy to restrict future expansion of the Overlay zones in the neighborhood based on support received by neighbors and to help increase owner occupancy in the Pleasant View Neighborhood.

STAFF RECOMMENDATION

Recommend approval to the Municipal Council for the requested adoption of the S Overlay Zone for 32 parcels located at approximately 244 E 2100 N.

ATTACHMENTS

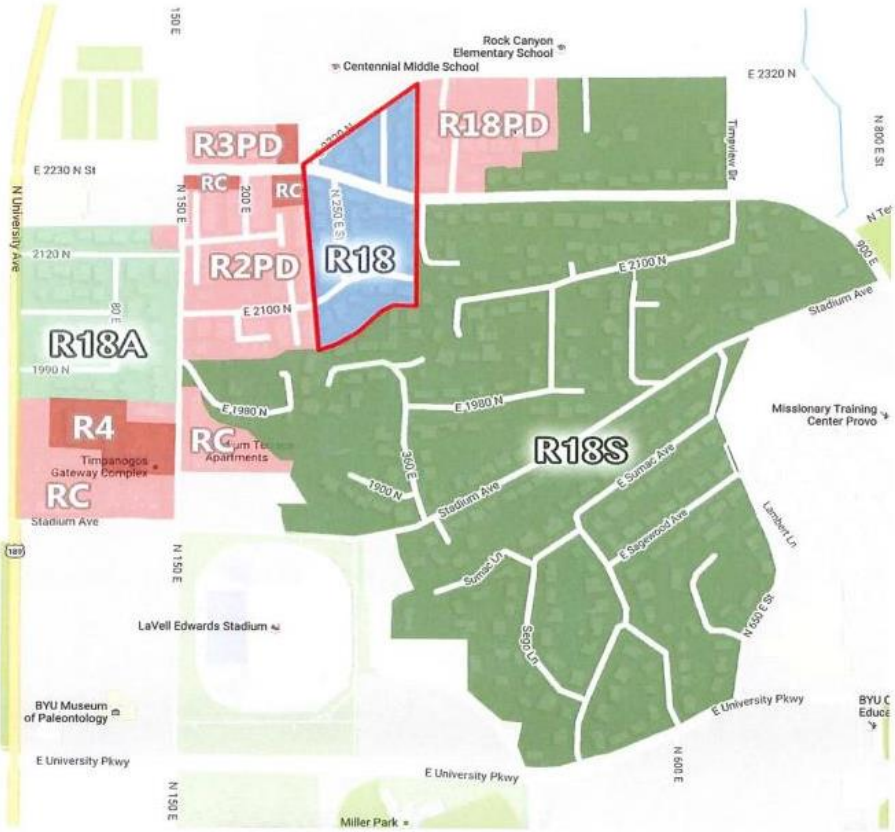
1. Applicant's Supporting Documents

I, Kyle Wright, along with 53% of the home owners in the R18 zone present to you a signed petition sheet desiring to have our R18 zone adopt the neighboring R18S "S overlay" allowing for accessory apartments. I expect additional homeowners that are currently renting their homes will also join in this effort as I continue to gather more support. As a part of the Pleasant View Neighborhood our R18 zone, consisting of 32 homes, is an island in a complex sea of zoning classifications that include apartment buildings, condos, townhomes and homes. Speaking on behalf of the majority of the R18 zone homeowners, we feel that our property values have been throttled. We also believe that by having the R18 zone adopt the neighboring "S overlay" it will,

- Simplify boundary lines
- Encourage owner occupied dwellings
- Help young professionals overcome the high barriers to home ownership
- Will also help with the massive need for housing in Provo.

Boundary Lines

In the Pleasant View Neighborhood the R18 zone is surrounded by zones R18S, R18PD, RC and R2PD. Due to the complexity of the zones surrounding us, the boundary lines are confusing and have been an issue to prospective homeowners. By adopting the "S overlay" into the R18 zone, these confusing boundary lines will no longer divide the Pleasant View Neighborhood into small confusing zones.



2.

Owner Occupied

In the R18 zone, renters occupy approximately 50% of the households. Studies have shown that areas with a high percentage of non-owner occupied properties, the property values are lower and the area is not as stable in comparison to areas where the majority of homes are owner occupied. By adopting the neighboring "S overlay", owners would be encouraged to live in the home and offset some of the cost by renting an accessory apartment or to take advantage of the increased value and sell the home to someone who would be willing to occupy the home and rent an accessory apartment. Another benefit to having owners living in the zone is that the homeowner typically will maintain the property better than a renter, therefore increasing the property values and helping to keep Provo a truly beautiful city.

Overcoming High Barriers to Homeownership

Along with the growth in the student body of the local universities, more out of state students are coming to live in Provo and Orem. Many of these students fall in love with this area and will stay and raise their families here. Young professionals are looking to move their small families out of apartments and into homes. By allowing the R18 zone to adopt the "S overlay", these professionals are more likely to overcome the difficulties of buying a home because they can offset the debt service by having an accessory apartment, therefore allowing them to plant roots in Provo and revitalize some of the older areas of Provo.

Need For Housing in Provo

There is an increasing need for more housing in Provo. Provo residents continue to grow every year and the housing market will have to grow with it. Our single family R18 zone can be part of the solution by providing additional housing capacity.

Currently, I have contacted and secured the support of the majority of the zone, and they strongly support this change. I am confident that many of the owners I have not been able to contact will also support this change.

I respectfully request that you review this proposal and consider the advantages. I would gladly walk you through the area, introduce you to my neighbors and provide you with firsthand insights about how this change will strengthen my neighborhood.

Pleasant Village Subdivision

32 homes are zoned single family residential use with minimum 8000 sq. ft. lots (R18)
Properties marked in yellow are NOT owner occupied (18 out of 32 homes)
See map below for map number locations
Version January 31, 2019

Map	Address	Owner	Last owner	Occupants/Notes
1	319 E 2200 NORTH	Mildred Roberta Ledford Deceased 2008	1981	Richard Ledford
2	2240 N 300 EAST	Shizuko N. Ariizumi c/o JOSHUA ARIIZUMI 1428 CREEKSIDE CT NEWBERG, OR 97132	1999	
3	2256 N 300 EAST	Krista Thornock	2012	Lives in China
4	2270 N 300 EAST	Merlee May Larsen	1993	
5	348 E 2320 NORTH	Sadikin Budiman PO BOX 67189 SCOTTS VALLEY, CA 95067	2013	
6	290 E 2320 NORTH	Thomas E. and Kathleen B. Carter 1496 CARLOS WAY UPLAND, CA 91786-2464	2002	
7	2243 N 300 EAST	Sharon Jean Black	1983	
8	285 E 2200 NORTH	Norman M. and Hinemoa Soakai	1999	
9	245 E 2200 NORTH	Chew Lian and Jane C. Liau	2013	
10	244 E 2200 NORTH	Richard and Marilyn Brinton 536 11TH AV SALT LAKE CITY, UT 84103	2003	Michael
11	2175 N 250 EAST	Kerry L. Bock 1251 E ENCANTO ST MESA, AZ 85203-5705	2006	
12	2159 N 250 EAST	Wilma P. Christensen Deceased 2011	1986	Paul and Doralice Christensen Family (Paul is son of Wilma) Kacey and Kimberly Larsen Curtis and Kathy Adams (Kathy is daughter of Wilma)
13	2143 N 250 EAST	Joseph M. and Amy B. Pyrah	2005	
14	2139 N 250 EAST	Duran A. and Elizabeth H. Lucas 68 HILLSIDE AV SALT LAKE CITY, UT 84103-4610	2001	
15	2127 N 250 EAST	MRB Provo LLC c/o DEBORAH LAVIN, 7896 SITIO MIRTO CARLSBAD, CA 92009	2012	2016 Notice of violation
16	226 E 2100 NORTH	C. Marcel and Monika S. Bowman	2016	
17	244 E 2100 NORTH	Kyle and Elizabeth Wright	1998	
18	260 E 2100 NORTH	Joseph Grant and Marilynn K. Stevenson	1999	
19	278 E 2100 NORTH	Mountainside Legacy Properties LLC 1575 ALDERWOOD CIR CORONA, CA 92881	2016	Chad Willardson purchased the property in 2014 and quit claimed the property to Moutainside Legacy Properties LLC in 2016. This kind of transaction (quit claim) is interpreted as Chad moving the property from his name to an LLC; Chad is most likely the owner of the LLC. The registered agent for the LLC is United States Corporation Agents with an address of 299 S MAIN ST STE 1300, Salt Lake City, UT 84111. The local address of the LLC is listed as 983 W 1055 N #801 Orem, UT 84057
20	296 E 2100 NORTH	Florence J. Hall, TEE	1985	
21	320 E 2100 NORTH	Mark M. and Deborah M. Andrus 450 E 1980 N PROVO, UT	2004	Shari
22	325 E 2100 NORTH	Jacques C. and Julee E. Du Plessis 5642 N ARGYLE AV GLENDALE, WI 53209	1995	
23	305 E 2100 NORTH	David B. and Jeanne L. Burnett	1999	
24	285 E 2100 NORTH	Larsens	1987	
25	269 E 2100 NORTH	Lynn Alder	1985	

26	2150 N 250 EAST	Benjamin Joseph Jensen and Natasha Martin	2016	
27	2160 N 250 EAST	Katia and Edgar Duarte	2010	
28	2174 N 250 EAST	Clifton P. and Elaine J. Conner	2016	Seth and Libby Bybee
29	280 E 2200 NORTH	Spencer Smith	2001	
30	306 E 2200 NORTH	Douglas K. and LaVon R. Nuttal, TEE	1982	
31	310 E 2200 NORTH	Michael D. and Rebekah Sellers	2002	
32	330 E 2200 NORTH	Spencer N. and Rachel Elizabeth Twelmyer	2016	



Provo City Planning Commission

Report of Action

May 08, 2019

*Item 3 Kyle Wright requests the adoption of a S Overlay Zone in a R1.8 Zone located at approximately 244 E 2100 N. Pleasant View neighborhood. PLRZ20190094

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 08, 2019:

RECOMMEND APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew Howard
Second By: Russ Philips
Votes in Favor of Motion: Andrew Howard, Russ Philips, Debora Jensen, 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 R1.8S Overlay 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.

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on 04/18/2019.
- No information was received from the Neighborhood Chair.

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:

- The neighborhood chair described that the General Plan had a limit on expanding the area of the S and A Overlay within the neighborhood due to the area in the neighborhood that is zoned R110 in the northeast corner of the neighborhood. That area will not be affected by this proposed change. This area that is proposed to change has higher density zoning all around it.
- There is not a need to delete the text from the General Plan, just to allow a general exception in this case.
- BYU housing does not allow singles to live in residential homes.
- This provides an opportunity for alternative housing options.
- Some residents went door-to-door to gather signatures and found a lot of support for the rezone.
- In the past there have been issues with these becoming duplexes as new owners take over.
- There are a lot of smaller homes on smaller lots where it would be impossible to provide the requisite parking.
- This can become an enforcement issue and enforcement would need to increase.
- 2200 N is congested, especially on BYU football game days.
- This creates a burden on neighbors.
- Smaller homes will not promote long-term residency for home owner's family to grow.
- This can becomes a burden on schools, because the renters are not paying additional property tax.
- There is not a congestion issue in the area at this point.
- Out of the 32 homes, not all will even be able to qualify for the accessory apartment.
- Not BYU approved, so there will be more young couples moving into the area.

APPLICANT RESPONSE

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

- The proposed change will help clean up the boundary line of various zones in the area.
- It will help college students have more affordable options to live in.
- It will improve the amount of owner-occupied homes in this area.
- Home owners will be able to cover the debt service more easily with the ability to charge rent.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- This would help bring consistency to this portion of the neighborhood with the rest of the neighborhood that already allows it.
- The City is working revamp regulations and enforcement, so the issues related to enforcements should see improvements soon.
- To get a permit for an apartment, you need to have sufficient off-street parking to meet the requirements.
- The cost to convert an existing home to have an apartment can be somewhat costly and would prevent many property owners from converting for an apartment.
- No need to amend the plan because the comments from the neighborhood chair.



Planning Commission Chair



Director of Community Development

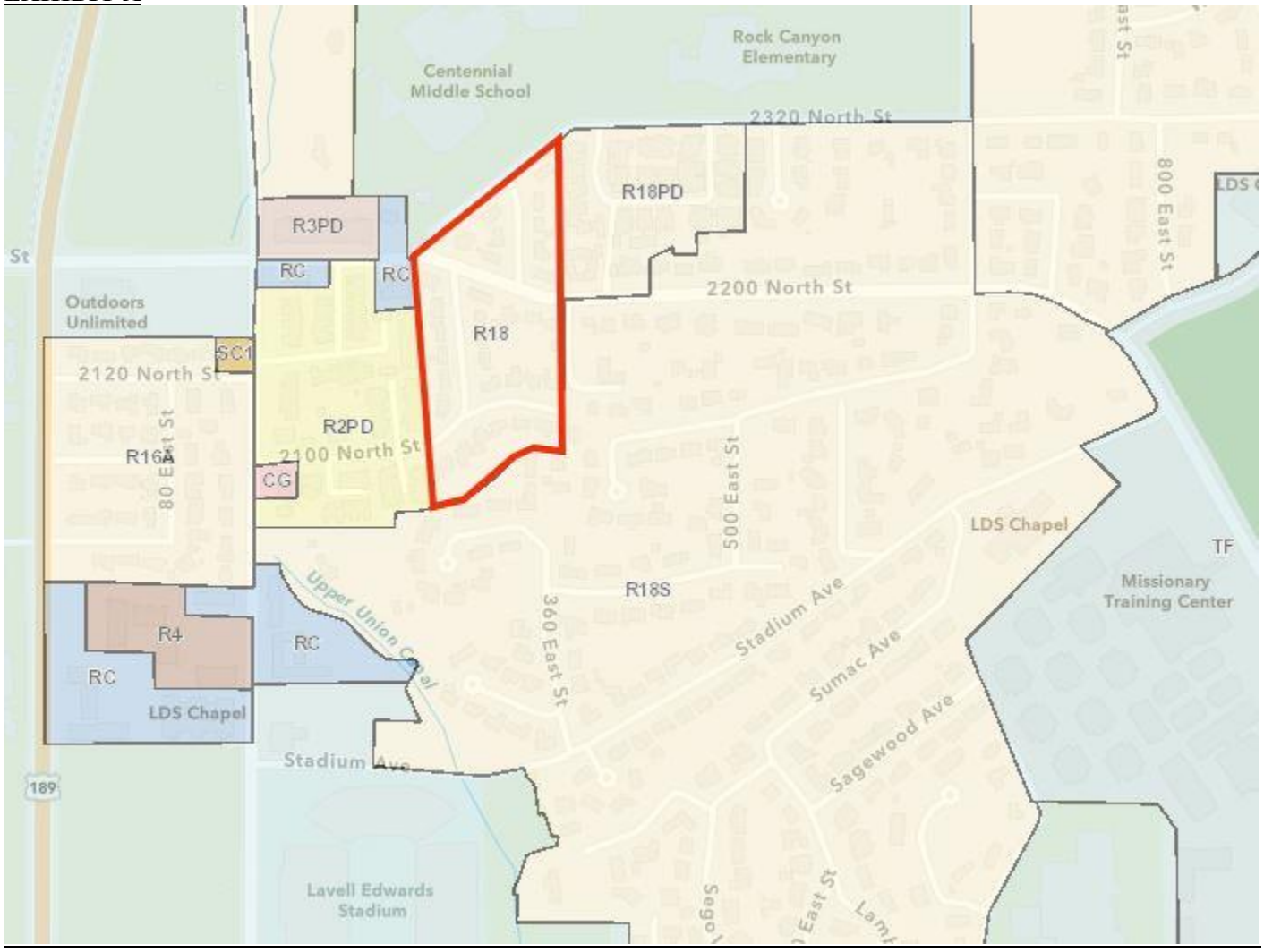
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ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


Rock Canyon Elementary
Centennial Middle School
2320 North St
R18PD
R3PD
RC
RC
R18
2200 North St
800 East St
Outdoors Unlimited
SC1
2120 North St
R16A
80 East St
R2PD
2100 North St
CG
500 East St
LDS Chapel
TF
Missionary Training Center
R18S
Upper Union Canal
360 East St
Stadium Ave
Sumac Ave
Sagewood Ave
R4
RC
RC
LDS Chapel
Stadium Ave
189
Lavell Edwards Stadium

ORDINANCE 2018-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION TO APPLY THE SUPPLEMENTAL RESIDENTIAL (S) OVERLAY TO THE ONE-FAMILY RESIDENTIAL (R1.8) ZONE FOR REAL PROPERTY GENERALLY LOCATED BETWEEN 2320 NORTH AND APPROXIMATELY 2100 NORTH, AND BETWEEN 350 EAST AND APPROXIMATELY 250 EAST. PLEASANT VIEW NEIGHBORHOOD. (PLRZ20190094)

WHEREAS, it is proposed that the classification on the Zone Map of Provo be amended to apply the Supplementary Residential (S) Overlay to the One-Family Residential (R1.8) Zone for the properties generally located between 2320 North and approximately 2100 North, and between 350 East and approximately 250 East (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); and

WHEREAS, on May 8, 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 4:0 vote; and

WHEREAS, on May 21, 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 to apply the Supplemental Residential (S) Overlay Zone to the One-Family Residential (R1.8) Zone for the properties generally located at _____, as described herein.

PART II:

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

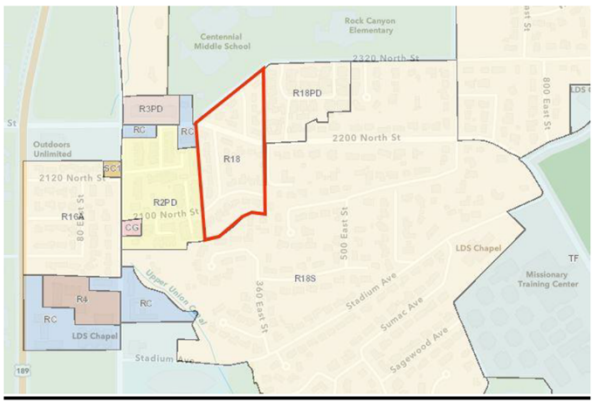
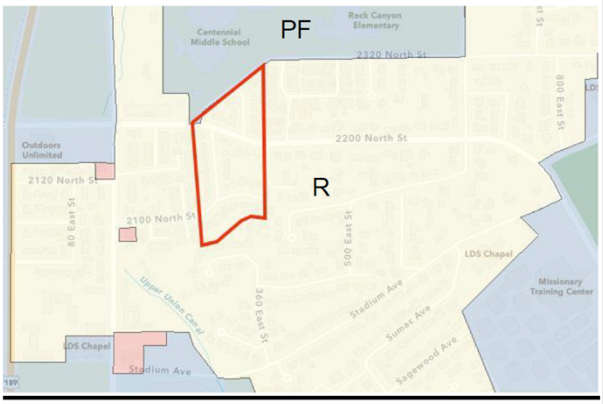
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

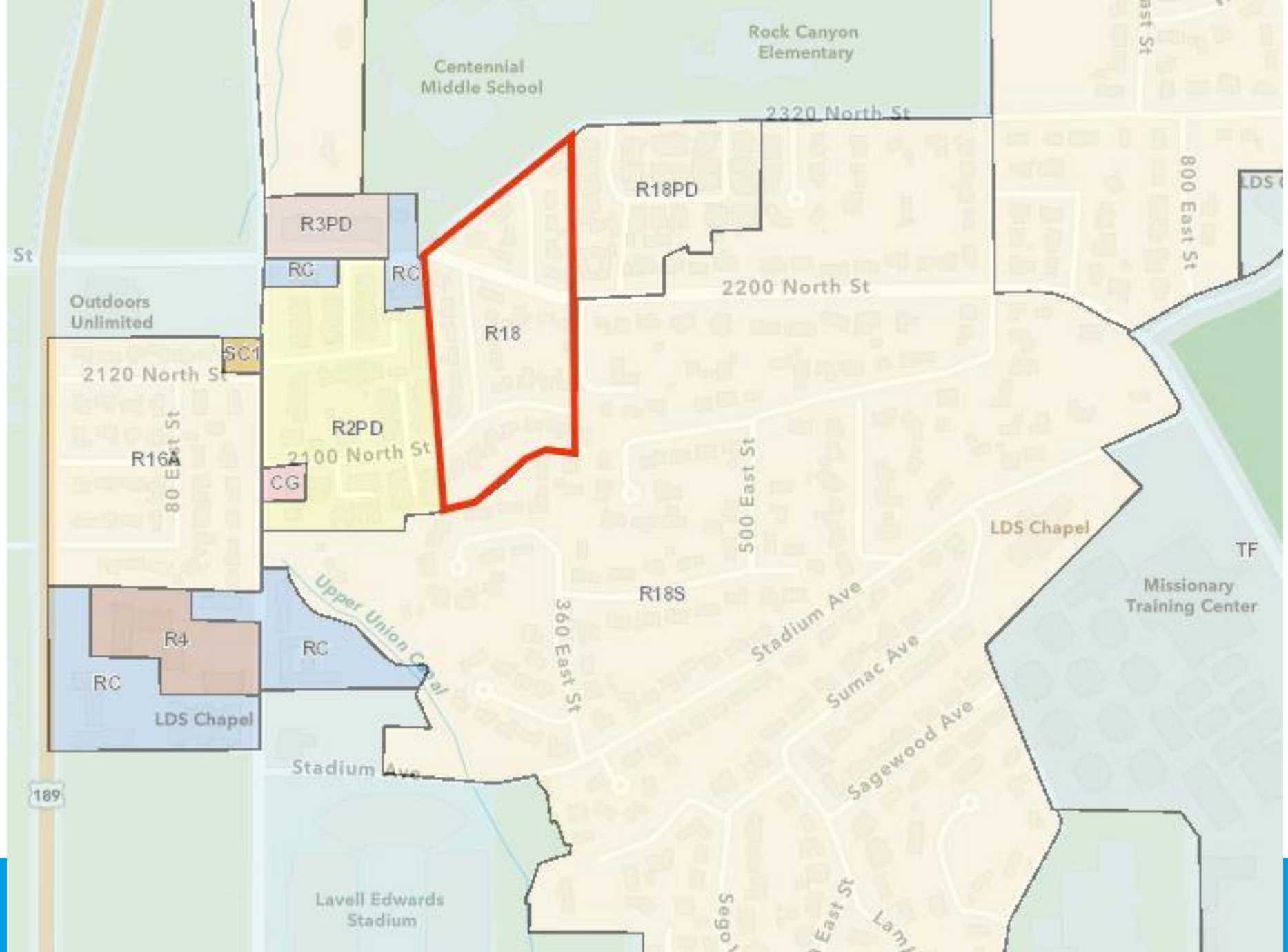
Current Zoning Map	Current General Plan Map
	

ITEM 3*

Kyle Wright requests the adoption of a S Overlay Zone in a R1.8 Zone located at approximately 244 E 2100 N.

Pleasant View neighborhood

PLRZ20190094


Rock Canyon Elementary
Centennial Middle School
2320 North St
R18PD
800 East St
R3PD
RC
RC
2200 North St
Outdoors Unlimited
R18
SC1
2120 North St
R2PD
2100 North St
R16A
80 East St
CG
500 East St
LDS Chapel
TF
Missionary Training Center
R18S
Upper Union Canal
Stadium Ave
360 East St
Sumac Ave
Sagewood Ave
R4
RC
RC
LDS Chapel
Stadium Ave
189
Lavell Edwards Stadium

Provo City Planning Commission

Report of Action

May 8, 2019

*ITEM 4 The Community Development Department requests a General Plan amendment to add the Utah Transit Authority Station Area Plan to the Downtown Master Plan as an appendix. City-wide impact. Javin Weaver (801) 852-6413 PLGPA20190059

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 8, 2019:

POSITIVE RECOMMENDATION

On a vote of 4:0, the Planning Commission approved the above noted application.

Motion By: Andrew Howard
Second By: Dave Anderson
Votes in Favor of Motion: Andrew Howard, Dave Anderson, Deborah Jensen, and Russ Phillips
Deborah Jensen was present as Chair.

PLANNING COMMISSION RECOMMENDATION GENERAL PLAN AMENDMENT
The text of the proposed general plan amendment is attached as Exhibit A.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The Provo Station Area Plan is a proposed general plan amendment to accompany as an appendix to the Downtown Master Plan.
- The Downtown Master Plan provides some guidelines for the Transit District and the Provo Station Area Plan provides further direction to the area surrounding the train station develops occurs.
- What is being proposed is just conceptual, however, it is allowed by the right of Interim Transit Oriented Zone.

NEIGHBORHOOD MEETING DATE
A neighborhood meeting was conducted in May 2019.

NEIGHBORHOOD AND PUBLIC COMMENT
No comment from any neighborhood chair or the public.

CONCERNS RAISED BY PUBLIC
No comments were made by the public.

PLANNING COMMISSION DISCUSSION
Key points discussed by the Planning Commission included the following:

- Deborah Jensen inquired about the street design as shown on the plan. Public Works was able to answer saying that the street network and utilities are already in place.
- Andrew Howard praised staff for drafting this area plan for an area ripe for development.

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.

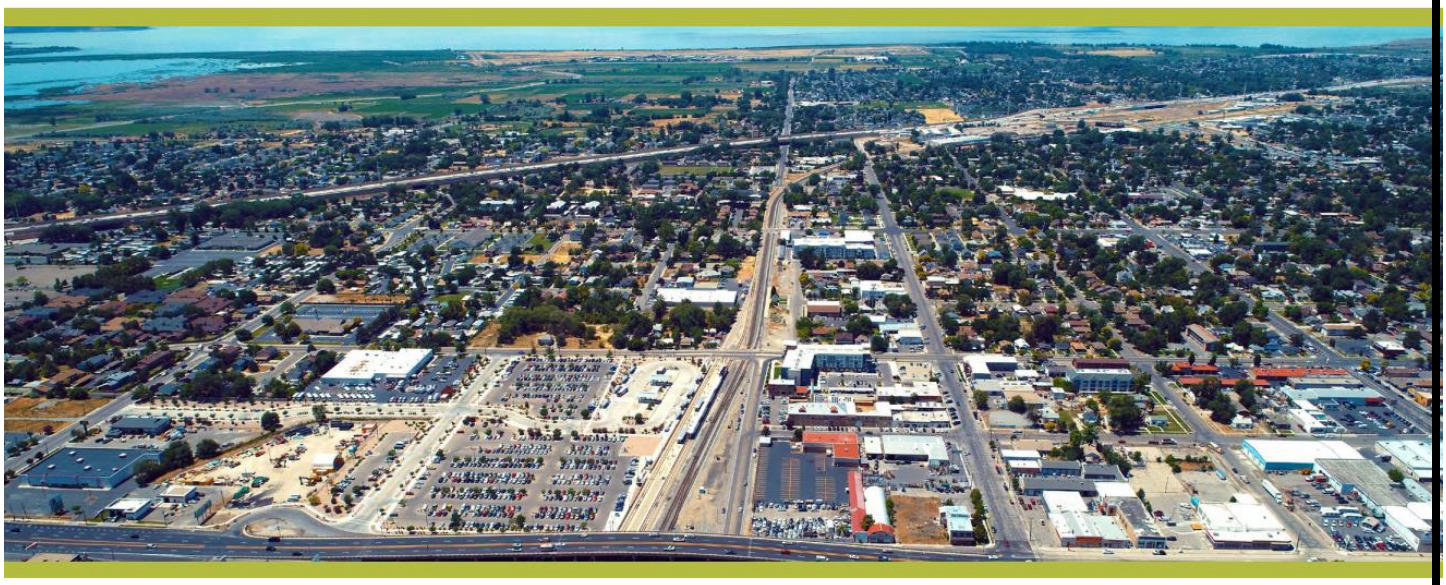
Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) 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

STATION AREA PLAN
PROVO STATION

July 2018



provo WELCOME HOME

UTA

Contents

Introduction 3

Community/Station Area Profile 4

Planning & Outreach Process 7

Planning Concepts/Preferred Model 9

Key Initiatives & Strategies 10

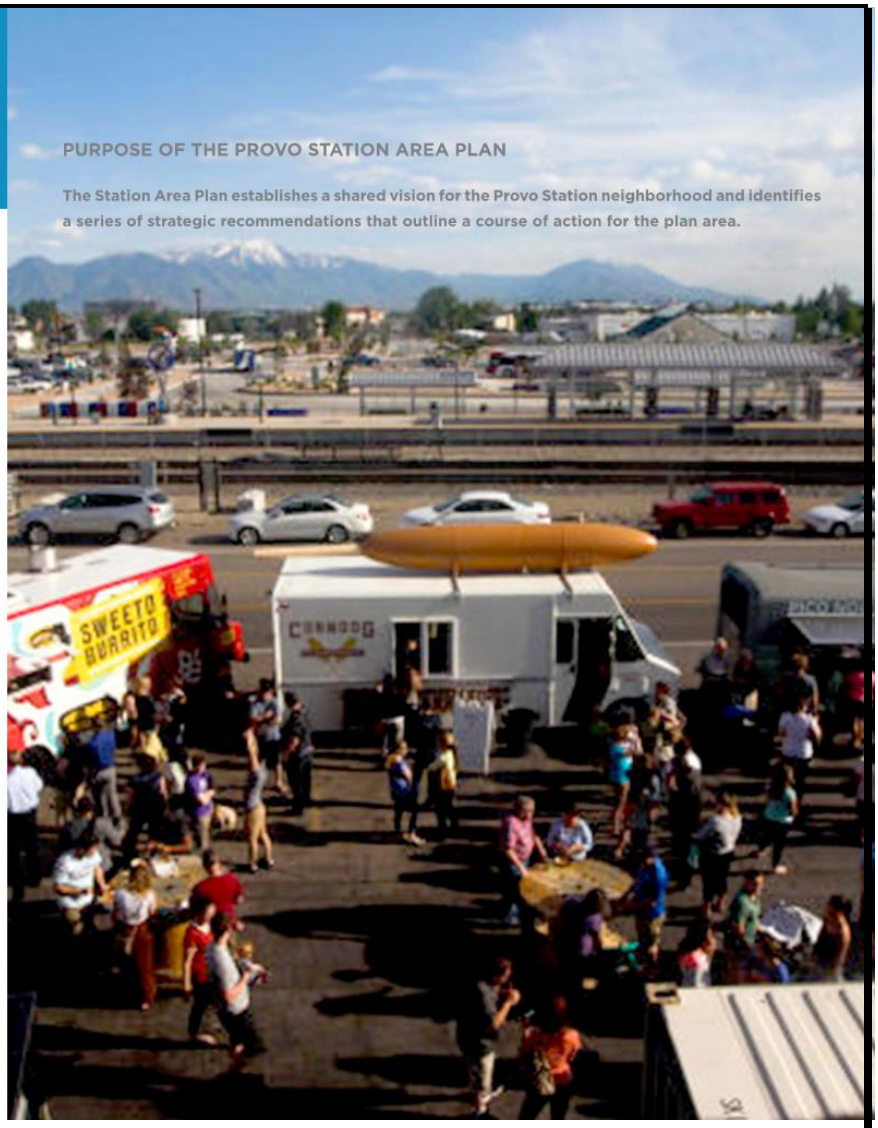
Station Area Illustrative Concept Plan 15

Station Area Components 18

Acknowledgments 27

PURPOSE OF THE PROVO STATION AREA PLAN

The Station Area Plan establishes a shared vision for the Provo Station neighborhood and identifies a series of strategic recommendations that outline a course of action for the plan area.



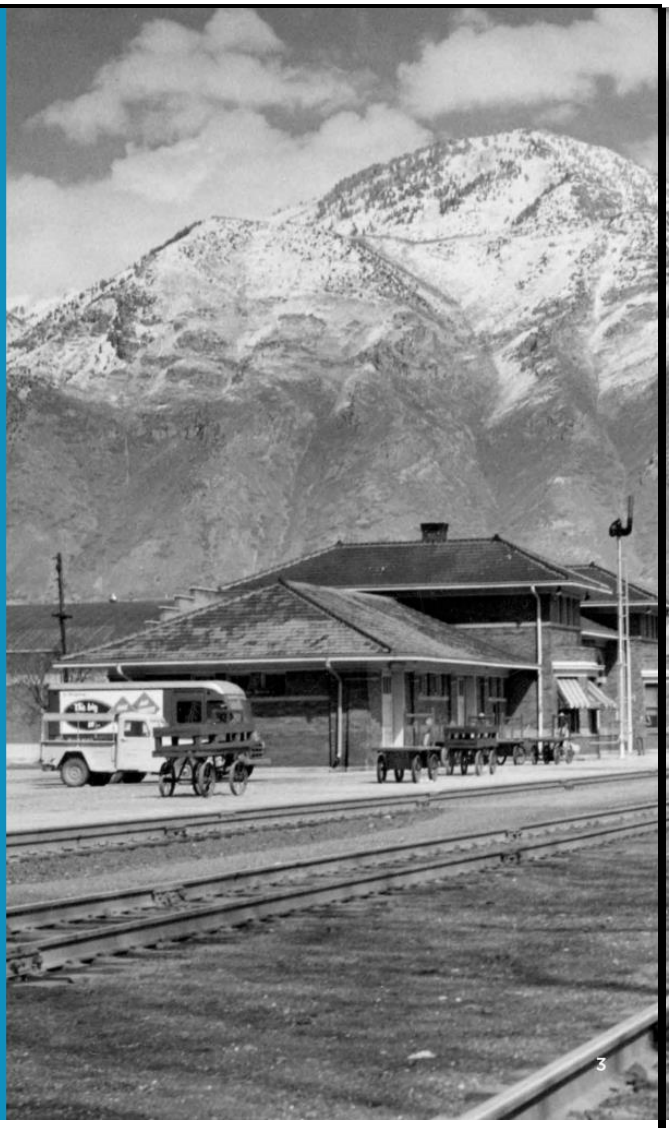
Introduction

Great neighborhoods, especially those served by transit, result from a thoughtful planning process. **The Provo Station vicinity is a great neighborhood waiting to happen.** The Station Area Plan is one step in a coordinated and sustained effort to plan and manage the transition of the area around Provo Station into a transit-oriented neighborhood. The plan reflects integrative thinking regarding land use, transportation, economic development, and the social and cultural well-being of the Provo Station community.

The Station Area Plan provides a strategic framework for how development of the core station area and surrounding context can occur over the next 20 years and beyond. Community stakeholders, including area residents, property owners, and developers, collaborated with UTA, Provo City staff, and regional partners such as Mountainland Association of Governments (MAG) to capture a vision and direction for the plan. The primary objectives of the Station Area Plan include:

1. Crafting a cohesive & flexible framework for station area development;
2. Making informed decisions & addressing multiple perspectives;
3. Ensuring effective & efficient utilization of land and infrastructure as the area transforms;
4. Developing a distinct environment that reflects the evolution of the station area into a transit-oriented community while respecting established existing neighborhoods and historic resources; and
5. Enhancing the experience of station area users – residents, employees, & visitors.

The plan provides Provo City and UTA the flexibility to strategically manage physical growth, incentivize holistic and opportunistic development, and optimize opportunities for partnerships in the station area vicinity. This cohesive vision framework with supporting initiatives and strategies is a tool to continue an informed and proactive transformation of the station area environment over the next 20 years. If implemented similar to as envisioned, the plan concept for the core station area has the potential to include nearly 900,000 square feet of new development at build out. The illustrative concept in this plan includes approximately 325,000 square feet of residential, 475,000 square feet of office, and 100,000 square feet of small-scale retail in a mixed use context.

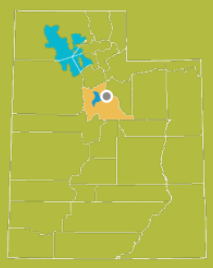


Community/Station Area Profile

Home to Brigham Young University and the county seat of Utah County, Provo prides itself on a high quality of life, innovation, and exceptional people. Over 21 percent of the households in Utah County call Provo their home. Access to trails, rivers, mountains, and lakes, along with healthy eating options, bike lanes, and abundant green spaces are all factors contributing to the Provo community's well-being. In 2014, Provo was ranked #2 by ***Outside*** magazine in their Best Town Ever feature.

Situated on the southern end of Downtown Provo, the station area is located just west of University Avenue at approximately 690 South. The station area has easy access and visibility via University Avenue and Freedom Boulevard and serves as an intermodal hub, with Amtrak and Greyhound Bus service in the vicinity, as well as several UTA bus routes that connect riders to points beyond. With the newly launched Provo-Orem Bus Rapid Transit (BRT) project, the station will expand its intermodal center status. Utah Valley Express (UVX) is a 10.5 mile BRT line connecting the East Bay in Provo to the Orem FrontRunner station. UVX will stop at 18 stations along the route, with approximately 51% of the line traveling in exclusive bus lanes. The Provo Station Area is a great neighborhood, with both new development and revitalization projects helping spark change in the area.

✓ Provo Station Area Stats



791 Park & Ride Lot Spaces

Established in 2012

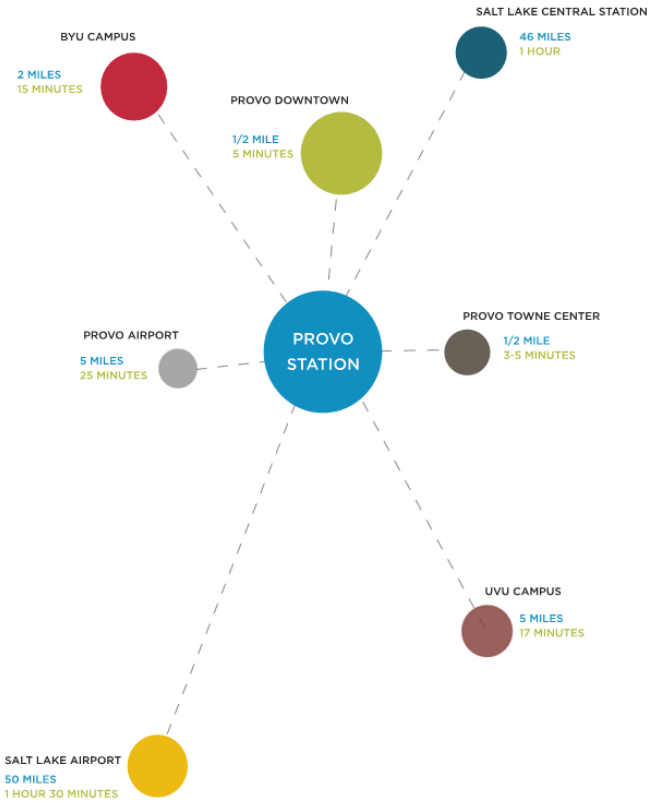
Pedestrian bridge over rail lines planned w/ First Mile/Last Mile TIGER grant funding

Planned local street connections (750 South)

Served by UVX and 6 bus routes [805, 821, 831, 833, 834, and 850] with 15-30 min. headways

UVX line (Bus Rapid Transit) increases intermodal connections

context & connections



*DISTANCE IN MILES
*TRANSIT/WALK TRAVEL TIME IN MINUTES

The City of Provo and Utah County are major growth hubs for the state of Utah. By 2040, the population of Utah County is projected to exceed 1 million residents. Provo will be home to 152,000 of these residents, and is expected to remain the highest populated city in the county. With a 2017 population estimate of 117,335, this means housing, jobs, and services will need to be provided for approximately 35,000 additional residents. This translates to about 10,700 dwelling units based on the average household size of 3.27 persons per household. With good planning and foresight, some of these can be integrated into the Provo Station neighborhood, connecting both existing and new residents to transportation options.

Established neighborhoods to the north and west provide the station area with a good supporting base of low and medium density residential uses. Retail and office uses are intermingled in these residential neighborhoods in a mixed use pattern consistent with older, central city neighborhoods. The historic grid of 4-acre blocks from Provo's original plat is intact north of the tracks. While some streets extend south of the tracks, the grid of small 4-acre blocks does not and the urban form is less consistent and cohesive. **Residential buildings are a mixture of historic and contemporary, single-family and multi-family. The majority are considered to be of average or great condition, indicating they can provide a solid base for strategic infill and redevelopment in the station focus area.**

To the south and east the urban form and use pattern shifts to a retail and manufacturing focus situated on larger lots and with lower street intersection density and connectivity. Approximately 20 percent of the land in the broader station area is currently occupied by tax exempt entities, such as religious, civic, or non-profit institutions.

The station area vicinity has an estimated daytime population of 3,081 employees, along with 1,124 households and 3,427 residents. The average household size of 3.05 for the station area is lower than Provo City's average, which is lower than the average for Utah County.




arollín

Planning & Outreach Process

OVERVIEW

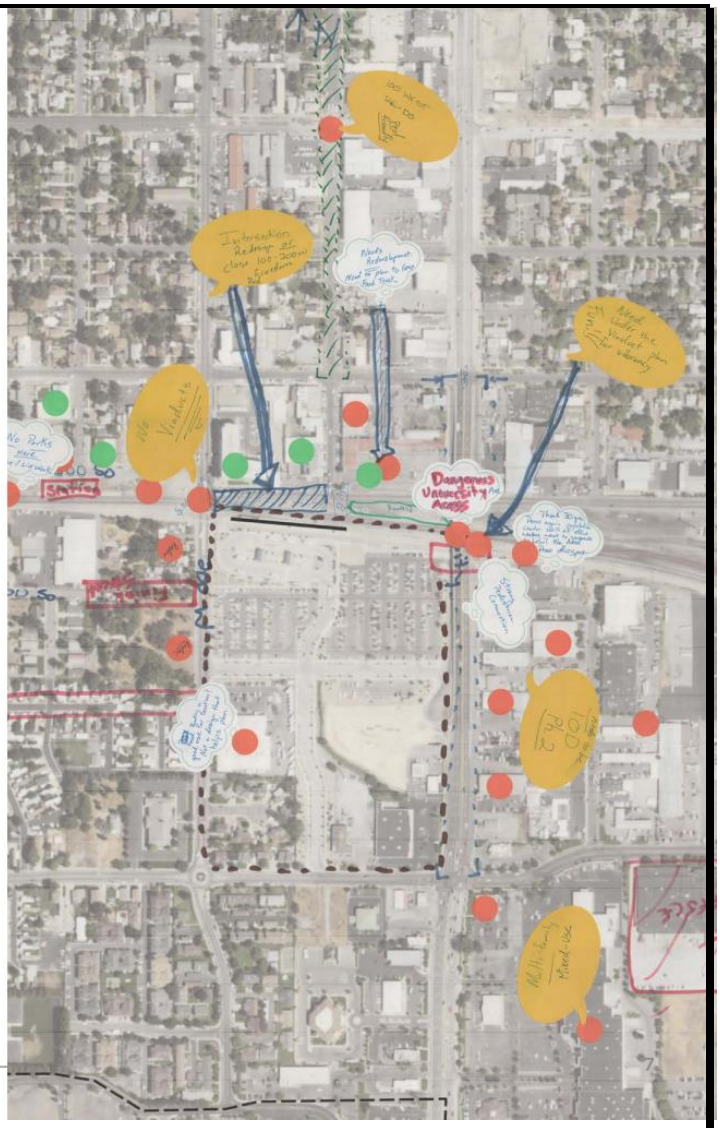
The planning and outreach process for the Provo Station area helped capture past and current understandings of the ideas and concepts for the neighborhood's future. This plan will be used as a policy guide for decision-making regarding the type and intensity of development, infill, and redevelopment in the station neighborhood. It provides a basis for making decisions now and implementing regulatory tools in the future, such as a form-based code, to guide Provo and its partners, such as UTA, toward the long-range vision.

ANALYSIS

Notable construction in the neighborhood has primarily been north of the station, including a mix of multi-family dwelling types and the renovation of the historic Startup Candy Building into an event space and co-working venue. The station area contains a mix of a few vacant parcels, vacant spaces with re-use potential, and underutilized buildings and parcels likely to redevelop due to age and condition. An analysis of the highest and best use for key sites suggests the station area can become an employment hub for Provo, with mid-scale office and additional multi-family housing feasible in the short-term. As both the daytime population of employees and nighttime population of residents increases, retail uses will become more feasible. The Provo Station area provides some good opportunities for development along the BRT route as well, with overall values per acre in the mid-range compared to other stops.

OUTREACH

To gain an informed perspective on the community's vision for the station area, UTA's Transit-Oriented Development team facilitated a community dialogue regarding the future potential for the station area in conjunction with the Provo/Orem Bus Rapid Transit (BRT) study. In 2017, a Community Engagement Committee (CEC) of key stakeholders participated in a series of workshop meetings to understand the market findings regarding the station area, share ideas, and generate conceptual alternatives for the future development pattern in the Provo Station Area. The final concept plan reflects these discussions.



Provo Station Area Plan



PROVO STATION PLANNING CONCEPTS

SHORT-TERM: STATION AREA OFFICE & RESIDENTIAL

- Focus on establishing office uses at key locations adjacent to the station with easy access and good visibility
- Retail will be modest and likely incorporated as small eateries or support services that share ground floor space with office developments
- Continued development of a blend of residential types, including townhomes and individual mid-scale multi-family buildings



MID TO LONG-TERM: STATION NEIGHBORHOOD

- Link the station area to surrounding neighborhoods via uses and urban form patterns
- Highlight and retain the character and culture of historic neighborhoods
- Look to expand the transit-oriented look, feel, and function to the south and east as the area evolves and changes
- Facilitate a mixture of uses to provide both daytime and nighttime populations, which will increase the feasibility of desired services and amenities in the vicinity



The short-term focus on office, followed by residential, will result in the long-term development of the preferred scenario for the area to become an established transit-oriented neighborhood.

PREFERRED PLANNING MODEL

Conversations about future planning begin around combinations of different functions and uses, called Planning Concept Models/Scenarios. Based on the market analysis, key findings, and a review of previous visioning and current planning documents, a direction for how development in the core station area might occur was established, with office, residential, and mixed use identified for key opportunity locations. Key stakeholders, including city staff and the community engagement committee (CEC) consisting of local residents, evaluated the draft concept plan and provided feedback and insight that led to a preferred planning approach and illustrative concept plan. The concepts evaluated both the short-term and long-term perspectives for the station area.

Short-term: Development projects will focus on establishing office uses at key locations adjacent to the station that offer easy access and good visibility. Residential development will continue incorporating a mix of dwelling types into the station vicinity, including attached single-family and mid-scale multi-family dwelling units.

Mid to Long-term: Short-term projects will catalyze the station area and expand the mixture of uses as well as the extent of the transit-oriented influence area. Increased densities of daytime population from office developments, coupled with the established and expanding residential base, will expand the appeal of the area and increase opportunities for retail and commercial uses in a mixed-use setting.

Four Key Initiatives & Strategies

The Station Area Plan's over-arching objective is to create a framework for how development can occur in the core station area. This development framework will facilitate the integration of existing neighborhoods and transform the surrounding context into an active, amenity-rich, transit neighborhood. The following ideas and strategies reflect current recommendations for achieving the preferred planning concept created for the Provo Station Area Plan. The strategic recommendations included describe a course of action for the concept plan area and station vicinity. To achieve this strategic framework, the planning team conducted a comprehensive analysis of past planning efforts and current trends, gathered feedback and knowledge from key stakeholders, and identified key planning issues and desired goals from the community. These strategies are organized under four main focus areas for the station area:

1 

Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented district

2 

Facilitate the creation of an urban office & employment center geared toward multi-modal transportation

3 

Transform the urban fabric to support social and cultural interactions

4 

Establish a consistent network of physical and visual connections



1 Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented district

The Provo Station area will function as a link between the historic, central downtown of Provo and the larger-scaled commercial area to the south, providing a framework for expanding the transit-oriented development to the south and transforming the auto-oriented urban form into a more livable, mixed-use neighborhood. **Build off the character and identity of surrounding historic neighborhoods like Franklin; revitalize and enhance these areas as part of the station planning process.** Avoid large-scale redevelopment of these foundation neighborhoods, which contribute to the unique character of downtown Provo and the station area. Target the right partners and prioritize prospects that will most benefit the holistic development of the station area.

STRATEGIES

A **Support the extension of transit-supportive urban form patterns beyond the core station area.** The departure from the street grid of original Provo plat can be seen as opportunity to distinguish the station area neighborhood's urban form while providing connectivity.

B **Recognize and celebrate the distinct neighborhoods within the station area** – identify the unique characteristics of each and ensure future development respects and builds from this foundation rather than ignoring and eclipsing it with non-compatible development.

C Continue evaluating the implementation of a form-based code or hybrid code to **ensure predictability in form and outcome of development types.** Uses may change, but the station area needs to evolve into and remain human oriented in its style and form to be successful and adaptable and support more people without excessive parking.

D **Capitalize on historic properties as landmarks to enhance the identities of distinct districts/areas in the station area.** Recognize the contributing nature of collections of vernacular buildings as well as individual landmarks. These historic properties can be development catalysts and function as unique focal points as the area revitalizes and transforms.



2 Facilitate the creation of an urban office & employment center geared toward multi-modal transportation

The Provo Station area is a potential employment hub for Provo and a key connection for growth in the south Provo and Springville area. The core station area, as well as the surrounding neighborhood, offers significant potential for redevelopment, infill, and revitalization of existing uses. Development for the BRT corridor will be focused on multi-use stations, such as the Provo Station, meaning a greater context of opportunity exists in the Provo station vicinity. With prime accessibility and visibility, key sites near the station and along the BRT route in the station vicinity should be targeted and preserved for office development. Three locations offer great opportunities: the 500 South Block between University Avenue and 100 West; along 750 South adjacent to the station; and the key intersection of University Avenue and 920 South. Some may develop in the short-term, while others may be longer-term opportunities. These office developments will in turn serve to attract and support auxiliary uses nearby and along the gateway road into the station.

UTA as a strategic partner can help establish a positive precedent for a more transit-oriented atmosphere in the station area. **The market conditions are ripe for converting some of UTA's property into office now, and live/work or residential/retail in the future.** Existing UTA surface parking stalls will be integrated into future station area developments through strategic partnerships to maintain current levels of service for park and ride transit users. Provo City and UTA should conduct a targeted parking study to evaluate the right balance of parking needed for the park and ride and future development.

STRATEGIES

A Leverage innovative zoning and strategic public investments to steer optimal office development in key locations. **Capitalize on sites with prime accessibility and visibility to establish anchor employment nodes.** Re-evaluate the 2,500 square feet cap for retail and commercial uses as a permitted use; be more specific and strategic about where/how to allow retail to ensure opportunities exist for small businesses and unique entities that will serve a daytime office population and area residents.

B Engage and blend future office development along University Avenue with the development surrounding the station to **facilitate a more urban, active, and pleasant office/employee experience.** The Provo Station area is well-positioned to catalyze the transformation of the surrounding context into a transit-oriented office/employment setting that will have appeal to a range of employers. Orient development south of the station and along University Ave to ensure it captures both FrontRunner and BRT ridership and does not overlook potential opportunities for connections and enhancements to southern Downtown/Provo East Bay.

C Encourage public-private partnerships for developing key sites near the station area and prime visibility/accessibility locations. **Facilitate partnerships between Provo City, UTA, BYU, and private developers for developing innovative spaces f**or larger employers, as well as business incubation and start-up entities that desire a more urban, multi-modal setting served by transit.

D Meet current parking demands for office without compromising the overall urban form for livability & walkability. **Ensure parking requirements are not driving an excessive amount of parking and are right-sized for transit-oriented locations.** Consider re-use potential in regard to the design of structured parking on lower levels of buildings. Front streetscapes with active uses that line the buildings, locating parking areas behind. Incorporate on-street parking into streetscape designs.

E **Frame development into a cohesive, walkable setting** with clustered retail and support services that will support the growing residential population and daytime population of office workers. Incorporate office and live/work developments in the station area to provide closer options for people to live/work in Provo.

STRATEGIES

A Proactively **identify green spaces and public plazas for community gathering places.** Provide opportunities in these open spaces that support the needs of future residents in a higher density context - e.g. dog parklets so people that live in apartments have a shared public place to walk their dog and engage with neighbors; community gardens for residents that don't have their own yard to grow a garden, etc.

B **Ensure regulations promote the creation of smaller, separated parking areas and avoid combining parking into fewer larger lots that are a void in the social fabric of the urban form.** Incorporate on-street parking into streetscape designs and include these spaces in parking ratio calculations. Wrap parking structures with active uses, such as small scale retail or office space and ensure the design of structured parking considers the re-use potential of space as demand decreases over time.

C **Create a climate and built environment oriented to the human scale and activity, with spaces and uses focused on people and social interactions** - sidewalk dining, indoor/outdoor permeability for stores, etc.; Ensure regulations are in place to efficiently and effectively offer these opportunities.

D Provide a **dedicated space/plaza for food trucks to gather** as existing parking lots are redeveloped. Options include the 600 South block north of the station and the back of curb right-of-way along the west side of 100 West (owned by UTA and too shallow for development) as it enters the station area from 920 South.

E Use canal easements and other rights-of-way as opportunities to **formalize organic, mid-block walkways and linear parks.**

F Increase the prominence of historic properties – landmarks and vernacular – through **enhanced public way design, wayfinding,** and integration into neighborhood district identities.



3 Transform the urban fabric to support social and cultural interactions

Establishing and maintaining a strong social fabric can help communities thrive. To facilitate the success of this in the Provo Station Area, it is critical that care and attention is given to how the urban fabric of buildings and streetscape develops. Strong connections and visual permeability with surrounding residential areas will help create a safe, inviting station area environment enhanced with landscaping, streetscape design, and future uses that are oriented to the street and other pathways.

A lively, engaged, and active station environment can be supported by ensuring a comprehensive and hierarchical street network is in place to allow for the closure of certain street segments for special events, such as street festivals, and regular weekly events like the popular food truck round up. Prioritize these events on streets where current or future rights of way may be dedicated for permanent public plazas and gathering spaces, such as the 600 South block north of the station and/or the southbound lane of 100 West between 750 South and 920 South.

Include green space, public plazas as community gathering spots that will enhance the livability and viability of the area. Providing a comfortable setting supports and facilitates use throughout the day by a variety of user types. A focus should be placed on providing opportunities in these shared public open spaces that support the needs of future residents in higher density housing as opposed to each individual development providing private, separated amenities.

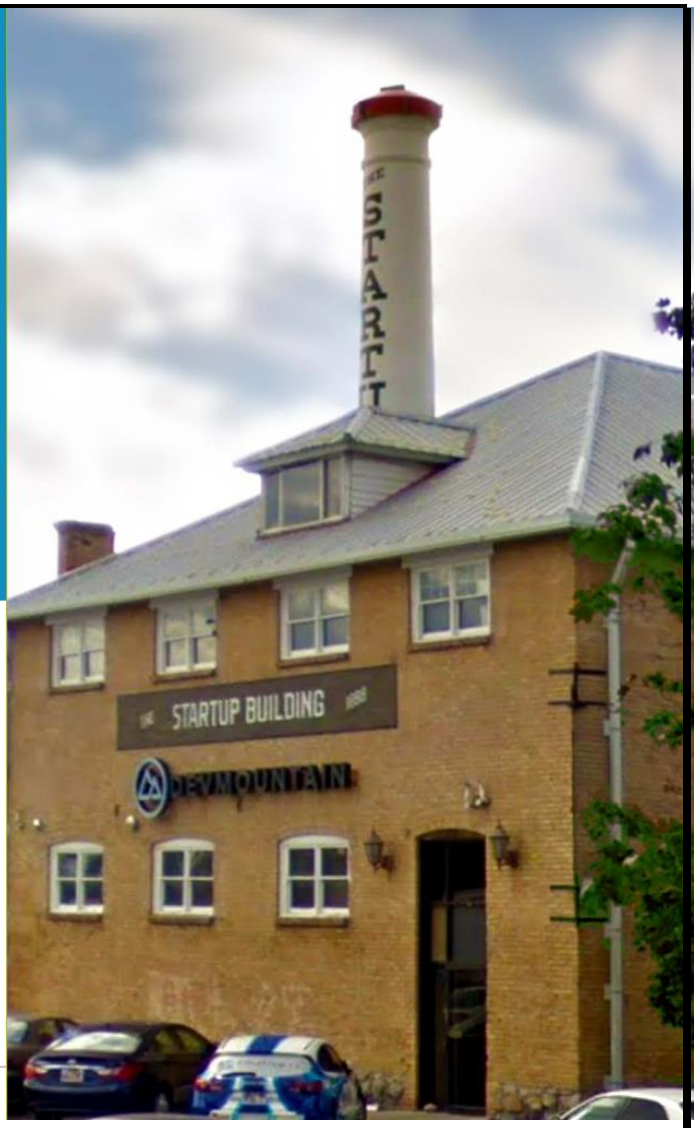
STRATEGIES

A Use landscaping and streetscape treatments to **place focus on key gateways into the station area** in the short-term and the placement and orientation of development in the long-term. A tactical urbanism approach can pilot projects and explore options that work best for the mix of uses and pattern of travel. Expand and build projects that have the most impact.

B Develop a Complete Streets policy for the station area to **proactively design new streets to safely accommodate multiple modes of transportation** and redesign existing streets as the area redevelops. Include street sections that are right-sized for a multi-modal, human-oriented environment

C **Establish a finer-grained street grid** to the areas south of the tracks as the area redevelops to facilitate walkability and provide more street frontage for transit-oriented uses.

D Utilize CDA funds to help **enhance streetscapes and add open space and public art in the station area neighborhood.** Cities generally see a return on investment for improvements that create a place where companies want to be.

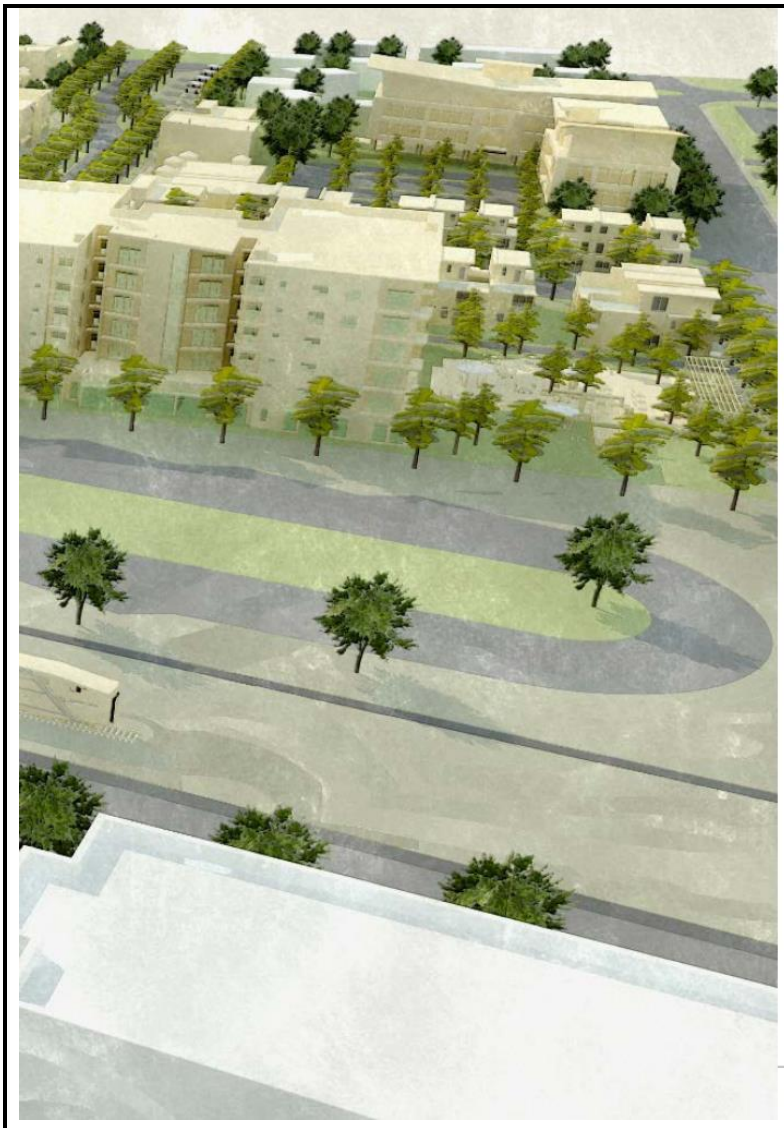


4 Establish a consistent network of physical and visual connections



Clear connections between the station and the origins and destinations that utilize transit are a top priority for creating a functional station area. Connect major points of origin/destination within the station area through view corridors and safe, friendly connections. Ensure the planned pedestrian crossing over the tracks is located and designed to be of the best benefit possible for new development on both the north and south ends of the bridge.





Station Area Illustrative Concept Plan

OVERVIEW

The station area is comprised of multiple property owners, with parcels ranging from less than one-tenth of an acre to over 9 acres in size. For illustrative purposes, this concept plan demonstrates a potential layout with uses that are considered to be both feasible and desirable for the core station area and outlines a 20 year build-out scenario for creating a cohesive urban form for the Provo Station area. Provo City residents place a high value on retaining the character of their downtown historic residential neighborhoods. At the same time, the community recognizes that additional population and employment growth will need to be accommodated. Doing so in the Station Area Neighborhood allows for a compact development pattern that can access multiple modes of transit to commute to work, school, and nearby services. The plan is illustrative in nature and the building types and their location are based on the analysis and findings from the planning process, as well as ideas and input provided by key stakeholders during the outreach process. The mix and range of density scales reflect the desire for transitions and respect for surrounding neighborhoods' context and history. The concept plan provides a foundation for decision-making, but is intended to be somewhat flexible to allow for the city, UTA, and developers to leverage market feasibility and incentives as development occurs over time.

RIDERSHIP PROJECTIONS

In 2012, FrontRunner South was launched, establishing the anchor for the revitalization of the Provo Station area as a transit-oriented neighborhood. Ridership on FrontRunner is increasing, with 20,000 more riders in April 2018 than one year prior as well as higher average weekday ridership. **Ridership for the Provo Station Area is projected to increase about 20 percent - from 920 total boardings (existing) to 1,095 boardings.** This projected increase is based on active transportation boardings (riders that walk or bike to access the station), which result from the residential and office development outlined in this plan. Ridership projections are calculated using a regression model that estimates boardings based on residential square feet and employment within 1/2 mile of the station and peak bus trips per hour within 1/4 mile of the station.


RESIDENTIAL
OFFICE
RETAIL
MIXED OFFICE/RETAIL
MIXED RESIDENTIAL/RETAIL
LIVE/WORK
PARKING STRUCTURE
EXISTING USES



Station Area Illustrative Concept Plan Site Diagram: Potential 20 Year Build Out

RESIDENTIAL
total # of buildings: **12**
estimated total square feet: **303,400**
estimated # of dwelling units: **139**

OFFICE
total # of buildings: **6**
estimated total square feet: **385,760**

RETAIL
total # of buildings: **8**
estimated total square feet: **47,000**

MIXED OFFICE/RETAIL
total # of buildings: **3 (plus parking structure frontage)**
estimated total square feet: **114,800**

MIXED RESIDENTIAL/RETAIL
total # of buildings: **1**
estimated total square feet: **25,200**
estimated # of dwelling units: **6**

LIVE/WORK
total # of buildings: **1**
estimated total square feet: **25,200**
estimated # of dwelling units: **6**

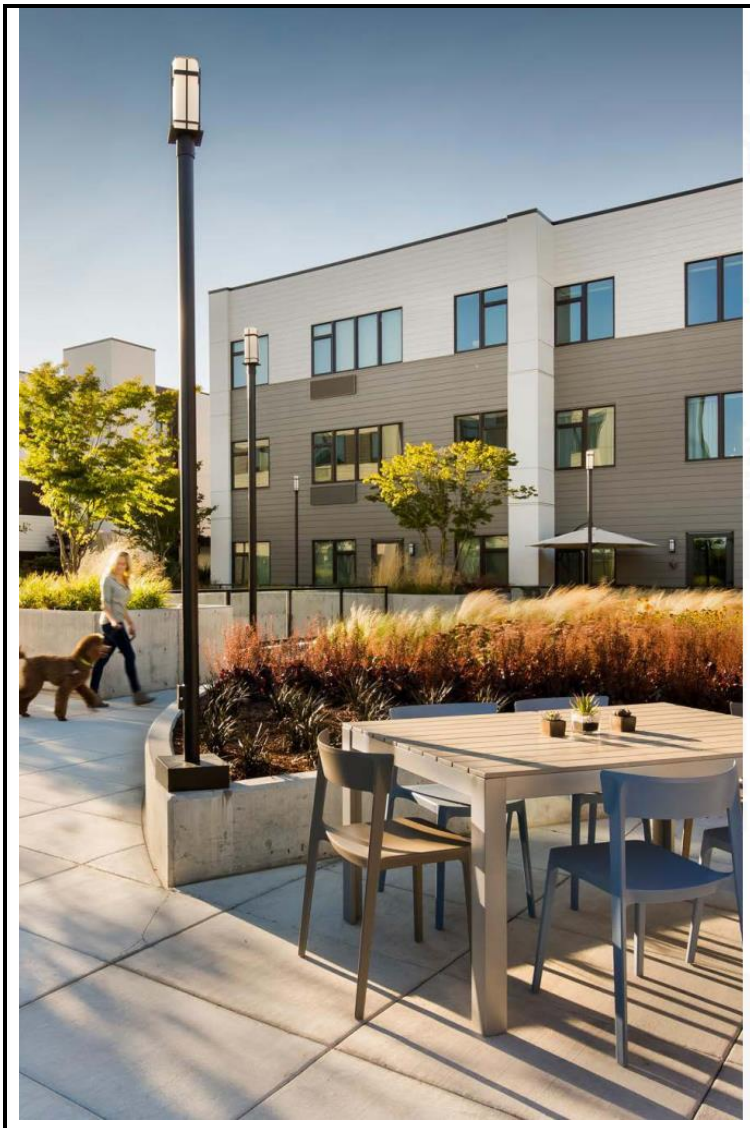
NORTH



STATION AREA COMPONENT: **RESIDENTIAL TOWNHOUSES**

A range of residential types, including townhomes, will provide transitions between different densities of residential development and offer affordable home ownership options beyond the traditional detached single-family dwelling.

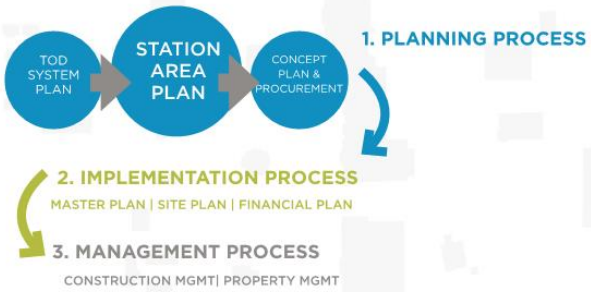


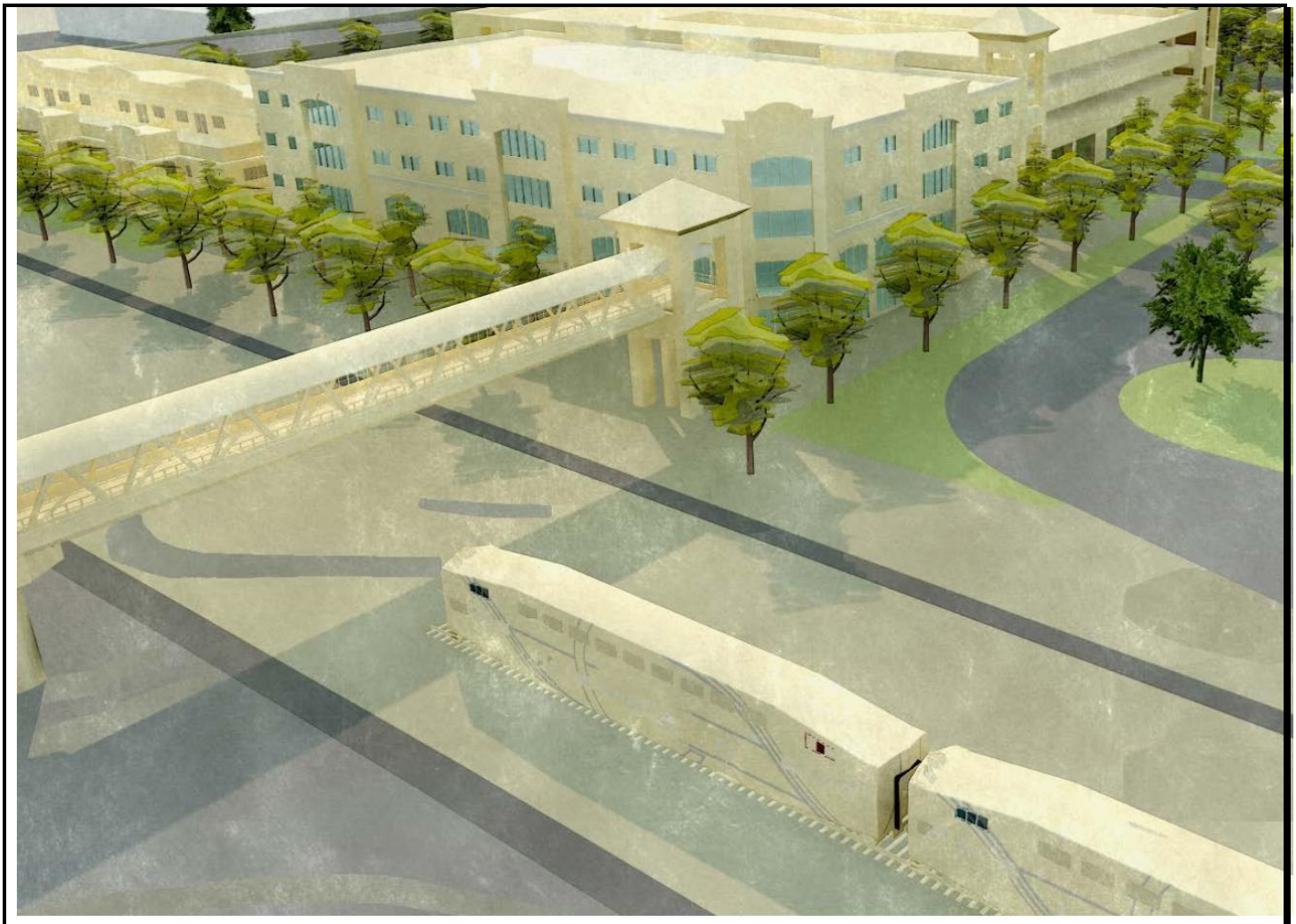


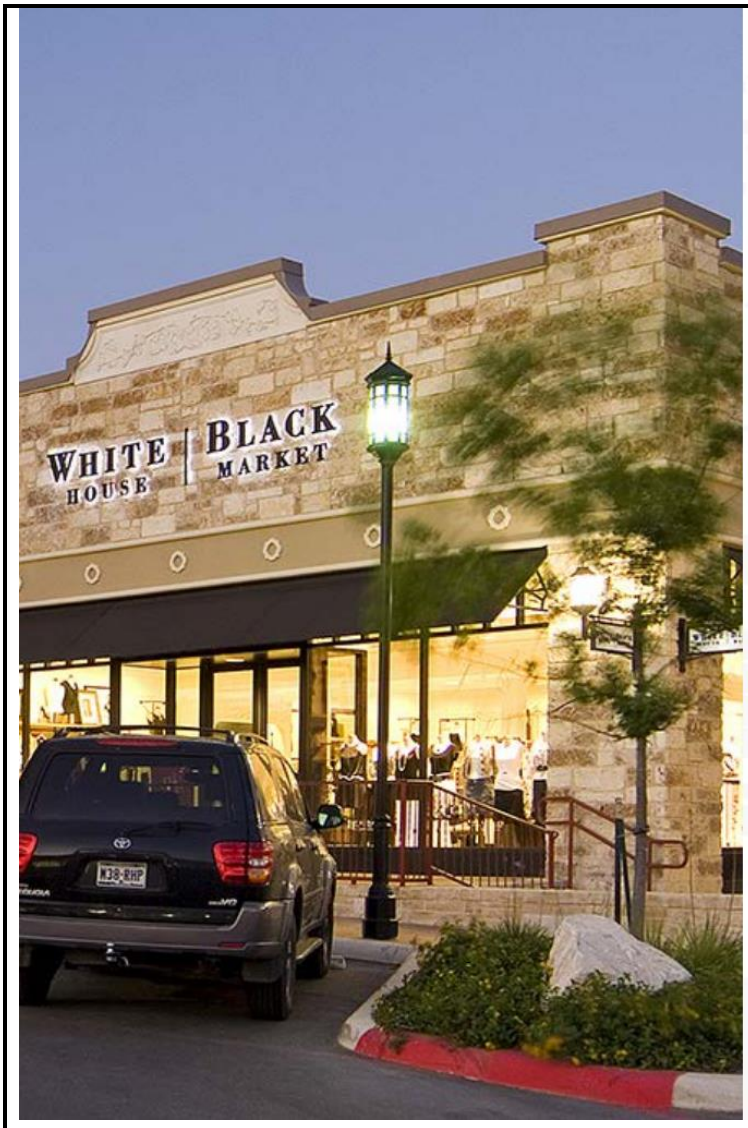
STATION AREA COMPONENT: **OFFICE & LIVE/WORK**

The current park and ride lot offers opportunities to catalyze development in the Provo Station Area by master planning a larger parcel that considers the long-term transformation of the surrounding context as it relates to the transit station.

This Station Area Plan is part of the Planning stage in UTA's development framework (see below diagram). With the preferred planning scenario in place for Provo Station, UTA can take next steps in considering the development of their property. Due to the smaller size of the property directly adjacent to the station - 2 parcels totaling 13.65 acres - UTA will likely work with a strategic partner to develop the site. As part of the development process, UTA and their partner would incorporate the current park and ride stalls into the office mixed-use project in a structured parking configuration.



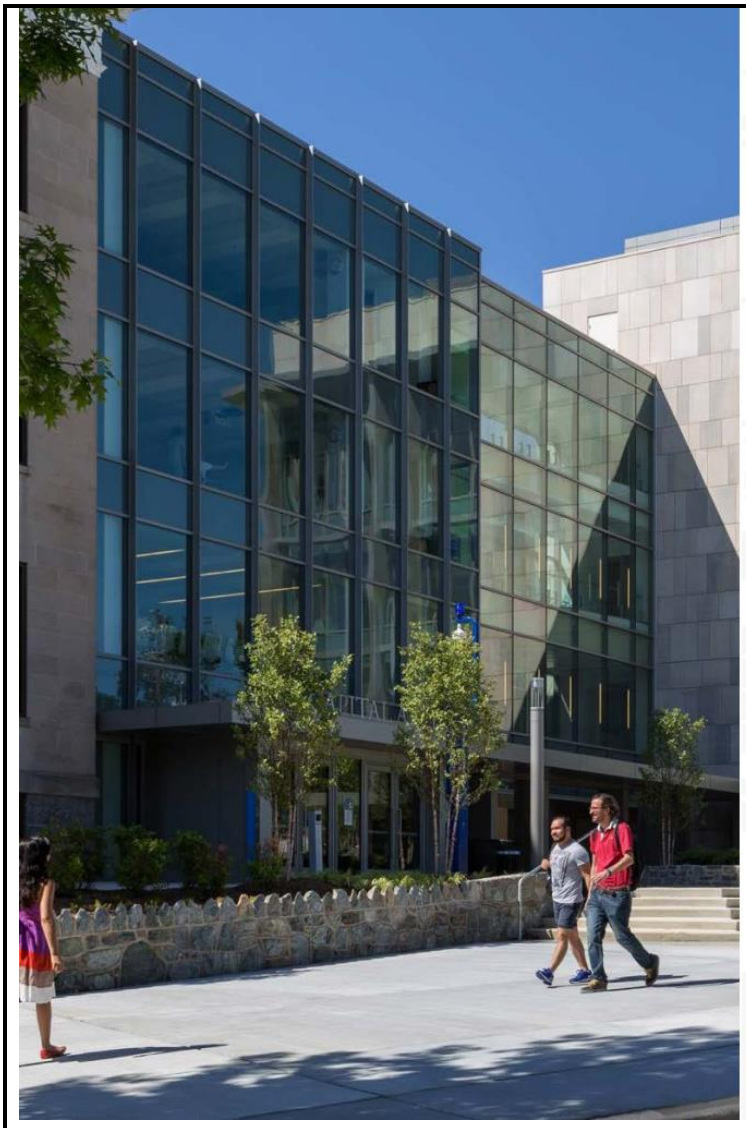




STATION AREA COMPONENT: **RETAIL/RESTAURANT ROW**

The row of retail shops with an enhanced plaza on the west side provide a visual and use gateway into the station area. The shops and plaza, surrounded by residential units to the west and office buildings to the east will take on "village-like" attributes and blend easily into adjacent uses such as the single-family areas to the west. Facilitate the use of the plaza for existing and future community events, such as the food truck roundup.





STATION AREA COMPONENT: **MIXED OFFICE/RETAIL**

Office is the highest and best use for several key locations in the station area. The first office nodes in the immediate station area will serve as an anchor for the future development of small scale support services and additional office to the south and east along University Avenue.

Office and retail at the south end of the station area can help catalyze the broader station context into becoming a transit-oriented neighborhood by integrating a mixture of uses near the station and expanding the urban office pattern southward as the area evolves beyond its current auto-oriented urban form.




CAMP 4
PROVO
HIDE & FUR BUILDING

Acknowledgments

A special thanks to all those who participated and made the creation of this Station Area Plan possible:

Provo City Leadership
Provo City Planning & Zoning
Citizens of Provo
Key Stakeholders & the Community Engagement Committee

Project Management Team:

Jordan Swain, *UTA (former)*
Kevin Leo, *UTA*
Levi Roberts, *UTA*
Bill Peperone, *Provo City*
Chad Eccels, *MAG*

Consultant Team:

CRSA
ZPFI





Planning Commission Hearing Staff Report
Hearing Date: May 8, 2019

***ITEM #4** The Community Development Department requests a General Plan amendment to add the Utah Transit Authority Station Area Plan to the Downtown Master Plan as an appendix. City-wide impact. Javin Weaver (801) 852-6413 PLGPA20190059

Applicant: Community Development Department

Staff Coordinator: Javin Weaver

Parcel ID#: City Wide

***Council Action Required:** Yes

Related Applications(s):
14-0002GPA

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 22, 2019.*

3. **Deny** the requested Project Plan. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use: The area is a mixture of commercial properties, residential properties and vacant parcels.

Relevant History: The Downtown Master Plan was adopted on February 17, 2015.

Neighborhood Issues: No neighborhood issues have been brought to staff's attention.

Summary of Key Issues:

- Promotion of various types of transportation from key areas of the city.
- The proposed text amendment will further the development of the UTA Provo Station area.

Staff Recommendation: Staff suggests that the Planning Commission recommend to the Municipal Council approval of the requested General Plan Amendment.

OVERVIEW

Three years ago the Downtown Master Plan was adopted. Since then, community stakeholders including area residents, property owners, and developers have collaborated with the Utah Transit Authority, Provo City staff and Mountainland Association of Governments to create a vision and direction for the Provo Station. The Provo Station area is projected to have 900,000 sf of new development (325,000 sq. residential, 475,000 sf. office and 100,000 sf. small-scale retail in a mixed use context).

The proposed Station Area Plan – Provo Station will be an appendix to the Downtown Master Plan. The appendix is focused plan for a smaller geographical area than the Downtown Master Plan. What is being proposed in the plan is already allowed by the Interim Transit Oriented Development zone (ITOD) by right.

Four key initiatives and strategies have been identified in executing the vision:

- Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented development
- Facilitate the creation of an urban office and employment center geared toward multi-modal transportation
- Transform the urban fabric to support social and cultural interactions
- Establish a consistent network of physical and visual connections

FINDINGS OF FACT

1. The Downtown Master Plan was adopted February 17, 2015.
2. Surrounding land uses around the Provo Station is identified on the General Plan Map designations include: TOD – Transit Oriented Development C – Commercial and R – Residential.
3. Goal 3.4.1.2 listed in the General Plan - Maintain and encourage good quality, sustainable housing and infill development.
4. Goal 3.4.1.7 listed in the General Plan - Offer a range of housing types within neighborhoods that meets the changing needs of an aging population and facilitate long-term residency.
5. Goal 3.4.5.7 listed in the General Plan – Require moderate and high-density housing development to be functional, desirable, and connected.
6. Goal 7.4.15.3 listed in the General Plan - Support East Bay for additional business locations to accommodate both small and large business.

ANALYSIS

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

> *"Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest*

errors."

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

(a) Public purpose for the amendment in question.

The addition of the Provo Station as an appendix to the Downtown Master Plan will help facilitate growth around the station. The ITOD zone already allows for such development mentioned in the Provo Station plan. The document provides additional guidelines to the Downtown Master Plan for an area that is ripe for development.

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

The public purpose is served by the proposed general plan amendment for Provo Station appendix addition because it will foster development to a localized area of the City that is consistent with the established zone for the property.

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

As noted above, the proposed general plan amendment does help to implement the overall goals of housing creation, encourage business development and encourage infill development from the General Plan. Additionally, the General Plan items specific to the Provo Station appendix to consider include the following:

1. Goal 3.4.1.2 listed in the General Plan - Maintain and encourage good quality, sustainable housing and infill development.

   The proposed general plan amendment does not conflict with the goal to maintain and encourage housing development and infill. The proposed general plan amendment helps execute this General Plan goal.

2. Goal 3.4.1.7 listed in the General Plan - Offer a range of housing types within neighborhoods that meets the changing needs of an aging population and facilitate long-term residency.

   The proposed general plan amendment helps facilitate creating a variety of housing types in an area that is adjacent to multi-modes of transportation. This would allow further the live-play-work-shop ideals of urban areas.

3. Goal 3.4.5.7 listed in the General Plan – Require moderate and high-density housing development to be functional, desirable, and connected.

   The proposed general plan amendment has executed this goal as the Provo City Code requires new buildings to meet architectural standards, maintain requirements to ensure the development is desirable, and is reviewed by a Design Review Committee so the aesthetics of the

building are pleasing.

Goal 7.4.15.3 listed in the General Plan - Support East Bay for additional business locations to accommodate both small and large business.

The plan anticipates 575,000 sf. of commercial space at the Provo Station area. This would be a mixture of office and small-scale retail shops. The addition of commercial properties in the East Bay neighborhood allows for the influx of a range of business tenants in the area. This Provo Station area plan accomplishes this.

(d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.*

The proposed general plan amendment should not negatively affect the "timing and sequencing" of any General Plan provision.

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

It seems unlikely that the proposed general plan amendment would hinder or obstruct attainment of the articulated policies because it is fulfilling the goals from the General Plan to create additional housing, encourage business development and promote infill development.

(f) *Adverse impacts on adjacent land owners.*

Land owners on the adjacent west side of 200 West would be impacted due to the type of development in the area is more dense than what is currently existing, however, the development that is to occur on the property is allowed by right of the ITOD zone. Parking would potentially be a problem; however, each development will satisfy the City Code. There would be an emphasis on the developer to include amenities such as bicycle lockers at the residential properties to encourage other modes of transportation from their residence.

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

The General Plan designations of and Transportation Oriented Development are fit for the parcels where the Provo Station Area plan applies.

(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 conflict is anticipated as a result of the proposed general plan amendment.

RECOMMENDATION

Based on the Findings of Fact and Analysis, staff suggests that the Planning

Commission recommend to the Municipal Council approval of the requested General Plan Amendment

ATTACHMENTS

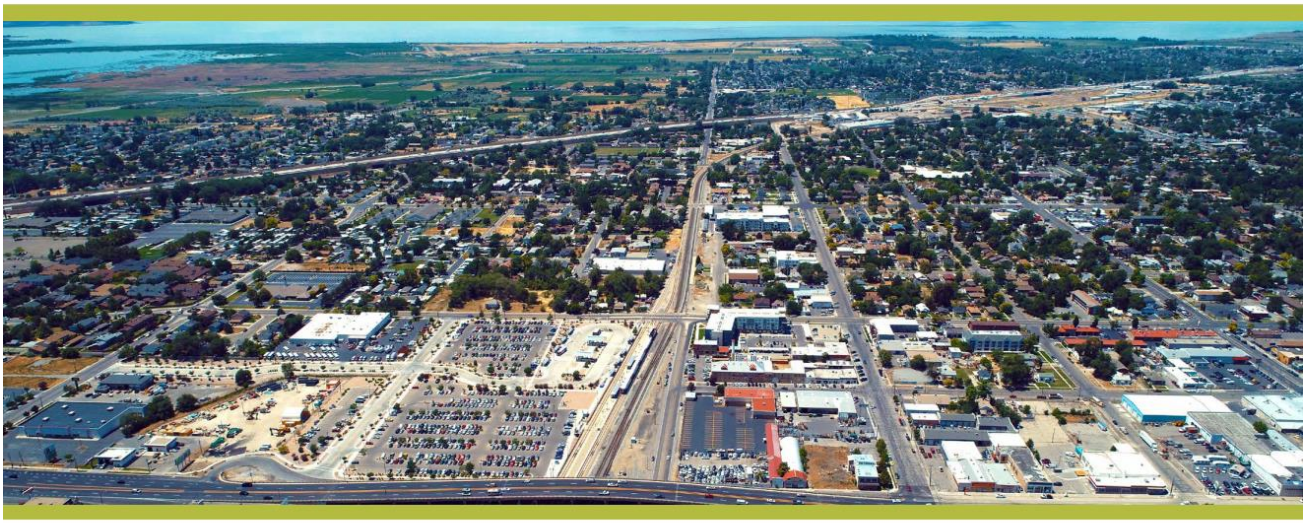
1. Proposed Ordinance Text

Attachment 1 – Proposed Ordinance Text

STATION AREA PLAN

PROVO STATION

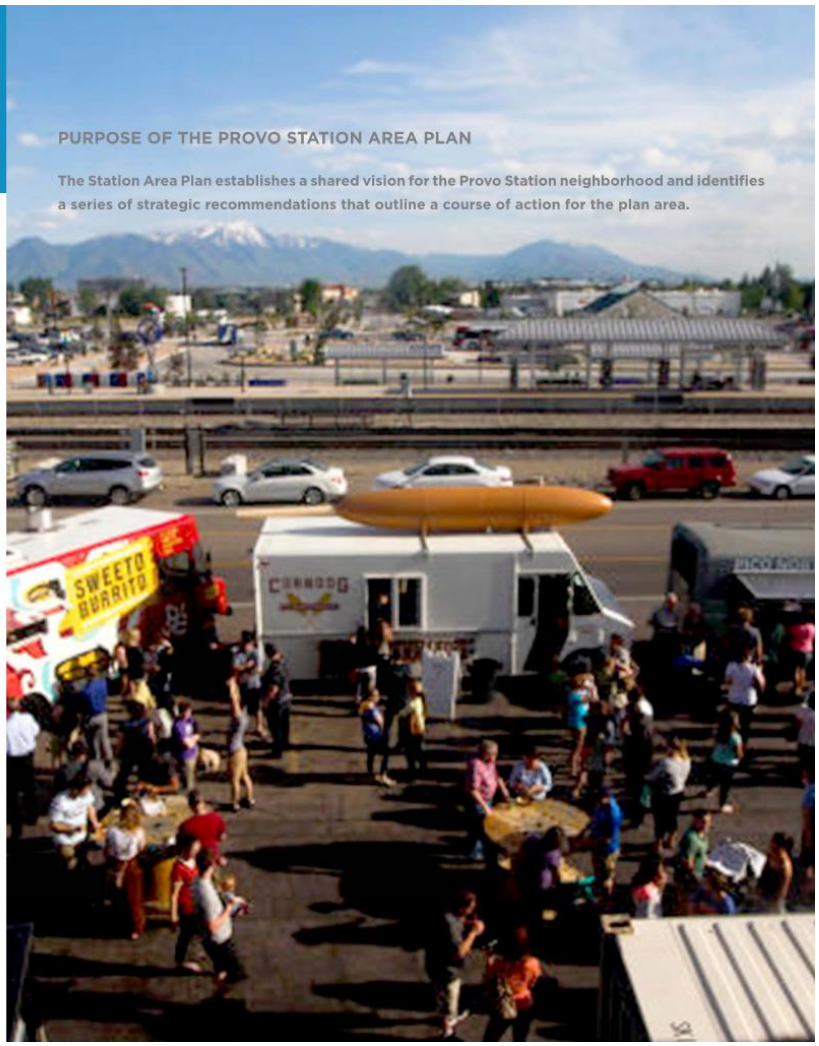
July 2018



provo WELCOME HOME UTA

Contents

Introduction 3
Community/Station Area Profile 4
Planning & Outreach Process 7
Planning Concepts/Preferred Model 9
Key Initiatives & Strategies 10
Station Area Illustrative Concept Plan 15
Station Area Components 18
Acknowledgments 27



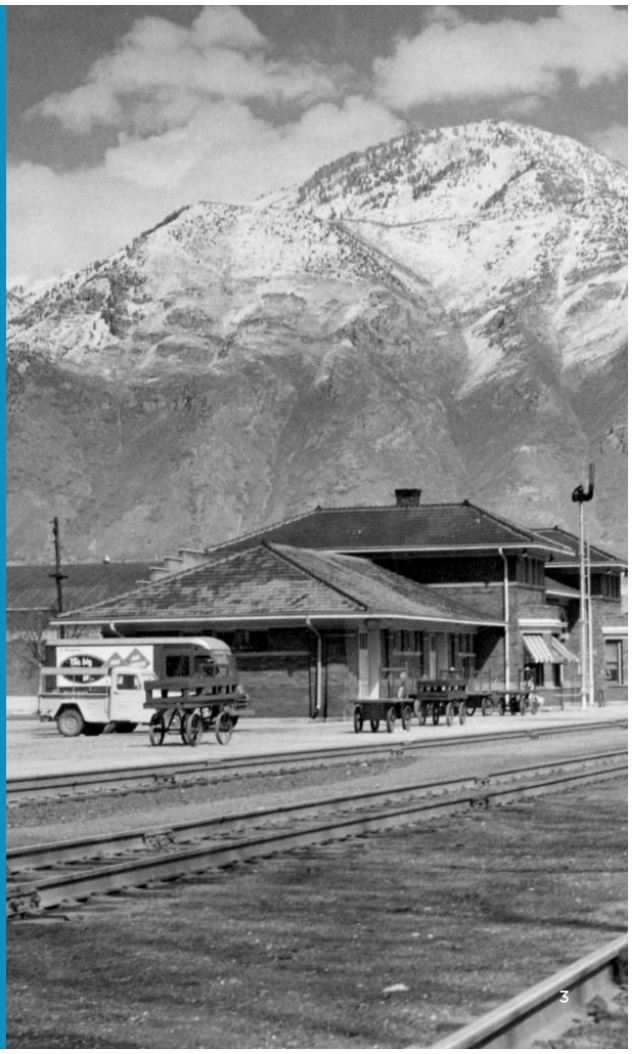
Introduction

Great neighborhoods, especially those served by transit, result from a thoughtful planning process. **The Provo Station vicinity is a great neighborhood waiting to happen.** The Station Area Plan is one step in a coordinated and sustained effort to plan and manage the transition of the area around Provo Station into a transit-oriented neighborhood. The plan reflects integrative thinking regarding land use, transportation, economic development, and the social and cultural well-being of the Provo Station community.

The Station Area Plan provides a strategic framework for how development of the core station area and surrounding context can occur over the next 20 years and beyond. Community stakeholders, including area residents, property owners, and developers, collaborated with UTA, Provo City staff, and regional partners such as Mountainland Association of Governments (MAG) to capture a vision and direction for the plan. The primary objectives of the Station Area Plan include:

1. Crafting a cohesive & flexible framework for station area development;
2. Making informed decisions & addressing multiple perspectives;
3. Ensuring effective & efficient utilization of land and infrastructure as the area transforms;
4. Developing a distinct environment that reflects the evolution of the station area into a transit-oriented community while respecting established existing neighborhoods and historic resources; and
5. Enhancing the experience of station area users – residents, employees, & visitors.

The plan provides Provo City and UTA the flexibility to strategically manage physical growth, incentivize holistic and opportunistic development, and optimize opportunities for partnerships in the station area vicinity. This cohesive vision framework with supporting initiatives and strategies is a tool to continue an informed and proactive transformation of the station area environment over the next 20 years. If implemented similar to as envisioned, the plan concept for the core station area has the potential to include nearly 900,000 square feet of new development at build out. The illustrative concept in this plan includes approximately 325,000 square feet of residential, 475,000 square feet of office, and 100,000 square feet of small-scale retail in a mixed use context.

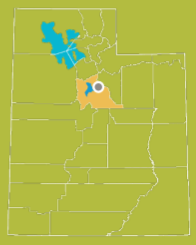


Community/Station Area Profile

Home to Brigham Young University and the county seat of Utah County, Provo prides itself on a high quality of life, innovation, and exceptional people. Over 21 percent of the households in Utah County call Provo their home. Access to trails, rivers, mountains, and lakes, along with healthy eating options, bike lanes, and abundant green spaces are all factors contributing to the Provo community's well-being. In 2014, Provo was ranked #2 by ***Outside*** magazine in their Best Town Ever feature.

Situated on the southern end of Downtown Provo, the station area is located just west of University Avenue at approximately 690 South. The station area has easy access and visibility via University Avenue and Freedom Boulevard and serves as an intermodal hub, with Amtrak and Greyhound Bus service in the vicinity, as well as several UTA bus routes that connect riders to points beyond. With the newly launched Provo-Orem Bus Rapid Transit (BRT) project, the station will expand its intermodal center status. Utah Valley Express (UVX) is a 10.5 mile BRT line connecting the East Bay in Provo to the Orem FrontRunner station. UVX will stop at 18 stations along the route, with approximately 51% of the line traveling in exclusive bus lanes. The Provo Station Area is a great neighborhood, with both new development and revitalization projects helping spark change in the area.

✓ Provo Station Area Stats



791 Park & Ride Lot Spaces

Established in 2012

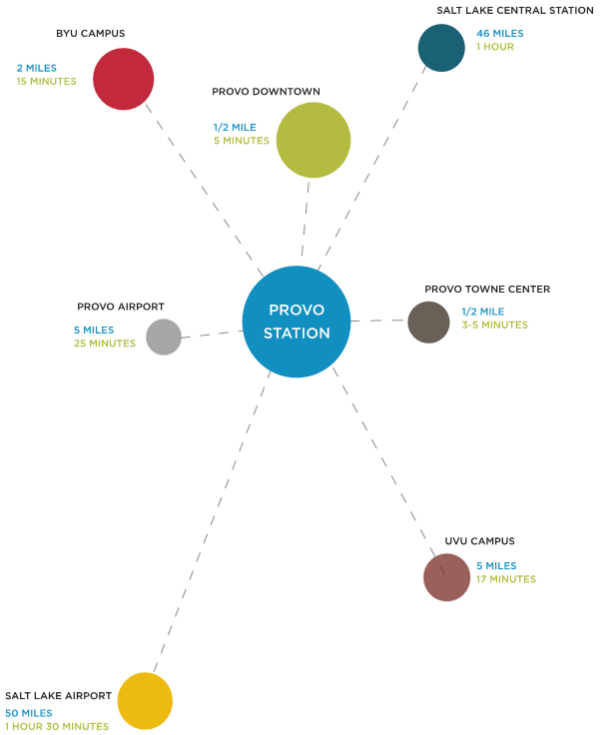
Pedestrian bridge over rail lines planned w/ First Mile/Last Mile TIGER grant funding

Planned local street connections (750 South)

Served by UVX and 6 bus routes [805, 821, 831, 833, 834, and 850] with 15-30 min. headways

UVX line (Bus Rapid Transit) increases intermodal connections

context & connections



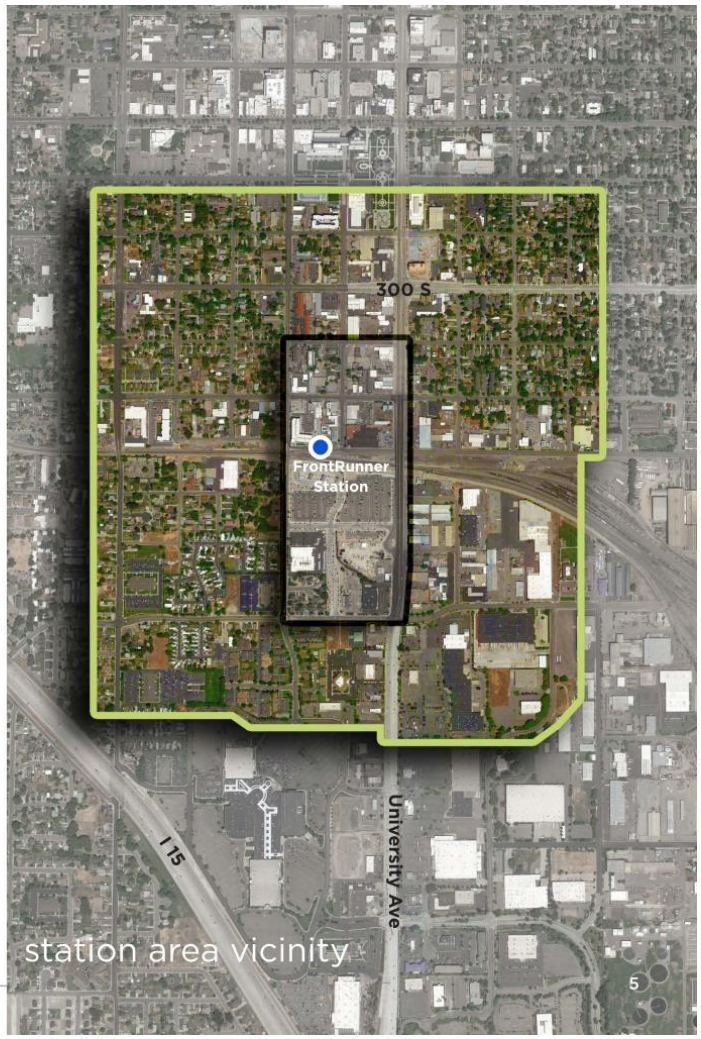
*DISTANCE IN MILES
*TRANSIT/WALK TRAVEL TIME IN MINUTES

The City of Provo and Utah County are major growth hubs for the state of Utah. By 2040, the population of Utah County is projected to exceed 1 million residents. Provo will be home to 152,000 of these residents, and is expected to remain the highest populated city in the county. With a 2017 population estimate of 117,335, this means housing, jobs, and services will need to be provided for approximately 35,000 additional residents. This translates to about 10,700 dwelling units based on the average household size of 3.27 persons per household. With good planning and foresight, some of these can be integrated into the Provo Station neighborhood, connecting both existing and new residents to transportation options.

Established neighborhoods to the north and west provide the station area with a good supporting base of low and medium density residential uses. Retail and office uses are intermingled in these residential neighborhoods in a mixed use pattern consistent with older, central city neighborhoods. The historic grid of 4-acre blocks from Provo's original plat is intact north of the tracks. While some streets extend south of the tracks, the grid of small 4-acre blocks does not and the urban form is less consistent and cohesive. **Residential buildings are a mixture of historic and contemporary, single-family and multi-family. The majority are considered to be of average or great condition, indicating they can provide a solid base for strategic infill and redevelopment in the station focus area.**

To the south and east the urban form and use pattern shifts to a retail and manufacturing focus situated on larger lots and with lower street intersection density and connectivity. Approximately 20 percent of the land in the broader station area is currently occupied by tax exempt entities, such as religious, civic, or non-profit institutions.

The station area vicinity has an estimated daytime population of 3,081 employees, along with 1,124 households and 3,427 residents. The average household size of 3.05 for the station area is lower than Provo City's average, which is lower than the average for Utah County.




arollín

Planning & Outreach Process

OVERVIEW

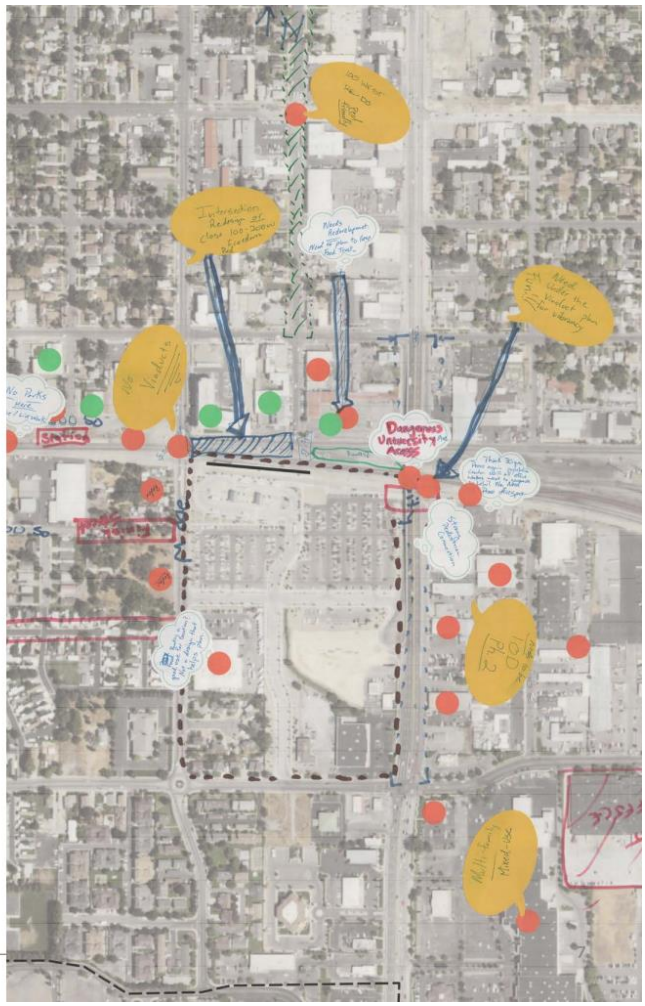
The planning and outreach process for the Provo Station area helped capture past and current understandings of the ideas and concepts for the neighborhood's future. This plan will be used as a policy guide for decision-making regarding the type and intensity of development, infill, and redevelopment in the station neighborhood. It provides a basis for making decisions now and implementing regulatory tools in the future, such as a form-based code, to guide Provo and its partners, such as UTA, toward the long-range vision.

ANALYSIS

Notable construction in the neighborhood has primarily been north of the station, including a mix of multi-family dwelling types and the renovation of the historic Startup Candy Building into an event space and co-working venue. The station area contains a mix of a few vacant parcels, vacant spaces with re-use potential, and underutilized buildings and parcels likely to redevelop due to age and condition. An analysis of the highest and best use for key sites suggests the station area can become an employment hub for Provo, with mid-scale office and additional multi-family housing feasible in the short-term. As both the daytime population of employees and nighttime population of residents increases, retail uses will become more feasible. The Provo Station area provides some good opportunities for development along the BRT route as well, with overall values per acre in the mid-range compared to other stops.

OUTREACH

To gain an informed perspective on the community's vision for the station area, UTA's Transit-Oriented Development team facilitated a community dialogue regarding the future potential for the station area in conjunction with the Provo/Orem Bus Rapid Transit (BRT) study. In 2017, a Community Engagement Committee (CEC) of key stakeholders participated in a series of workshop meetings to understand the market findings regarding the station area, share ideas, and generate conceptual alternatives for the future development pattern in the Provo Station Area. The final concept plan reflects these discussions.



Provo Station Area Plan



PROVO STATION PLANNING CONCEPTS

SHORT-TERM: STATION AREA OFFICE & RESIDENTIAL

- Focus on establishing office uses at key locations adjacent to the station with easy access and good visibility
- Retail will be modest and likely incorporated as small eateries or support services that share ground floor space with office developments
- Continued development of a blend of residential types, including townhomes and individual mid-scale multi-family buildings



MID TO LONG-TERM: STATION NEIGHBORHOOD

- Link the station area to surrounding neighborhoods via uses and urban form patterns
- Highlight and retain the character and culture of historic neighborhoods
- Look to expand the transit-oriented look, feel, and function to the south and east as the area evolves and changes
- Facilitate a mixture of uses to provide both daytime and nighttime populations, which will increase the feasibility of desired services and amenities in the vicinity



The short-term focus on office, followed by residential, will result in the long-term development of the preferred scenario for the area to become an established transit-oriented neighborhood.

PREFERRED PLANNING MODEL

Conversations about future planning begin around combinations of different functions and uses, called Planning Concept Models/Scenarios. Based on the market analysis, key findings, and a review of previous visioning and current planning documents, a direction for how development in the core station area might occur was established, with office, residential, and mixed use identified for key opportunity locations. Key stakeholders, including city staff and the community engagement committee (CEC) consisting of local residents, evaluated the draft concept plan and provided feedback and insight that led to a preferred planning approach and illustrative concept plan. The concepts evaluated both the short-term and long-term perspectives for the station area.

Short-term: Development projects will focus on establishing office uses at key locations adjacent to the station that offer easy access and good visibility. Residential development will continue incorporating a mix of dwelling types into the station vicinity, including attached single-family and mid-scale multi-family dwelling units.

Mid to Long-term: Short-term projects will catalyze the station area and expand the mixture of uses as well as the extent of the transit-oriented influence area. Increased densities of daytime population from office developments, coupled with the established and expanding residential base, will expand the appeal of the area and increase opportunities for retail and commercial uses in a mixed-use setting.

Four Key Initiatives & Strategies

The Station Area Plan's over-arching objective is to create a framework for how development can occur in the core station area. This development framework will facilitate the integration of existing neighborhoods and transform the surrounding context into an active, amenity-rich, transit neighborhood. The following ideas and strategies reflect current recommendations for achieving the preferred planning concept created for the Provo Station Area Plan. The strategic recommendations included describe a course of action for the concept plan area and station vicinity. To achieve this strategic framework, the planning team conducted a comprehensive analysis of past planning efforts and current trends, gathered feedback and knowledge from key stakeholders, and identified key planning issues and desired goals from the community. These strategies are organized under four main focus areas for the station area:

1  **Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented district**

2  **Facilitate the creation of an urban office & employment center geared toward multi-modal transportation**

3  **Transform the urban fabric to support social and cultural interactions**

4  **Establish a consistent network of physical and visual connections**

10



1 Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented district

The Provo Station area will function as a link between the historic, central downtown of Provo and the larger-scaled commercial area to the south, providing a framework for expanding the transit-oriented development to the south and transforming the auto-oriented urban form into a more livable, mixed-use neighborhood. **Build off the character and identity of surrounding historic neighborhoods like Franklin; revitalize and enhance these areas as part of the station planning process.** Avoid large-scale redevelopment of these foundation neighborhoods, which contribute to the unique character of downtown Provo and the station area. Target the right partners and prioritize prospects that will most benefit the holistic development of the station area.

STRATEGIES

A **Support the extension of transit-supportive urban form patterns beyond the core station area.** The departure from the street grid of original Provo plat can be seen as opportunity to distinguish the station area neighborhood's urban form while providing connectivity.

B **Recognize and celebrate the distinct neighborhoods within the station area** – identify the unique characteristics of each and ensure future development respects and builds from this foundation rather than ignoring and eclipsing it with non-compatible development.

C Continue evaluating the implementation of a form-based code or hybrid code to **ensure predictability in form and outcome of development types.** Uses may change, but the station area needs to evolve into and remain human oriented in its style and form to be successful and adaptable and support more people without excessive parking.

D **Capitalize on historic properties as landmarks to enhance the identities of distinct districts/areas in the station area.** Recognize the contributing nature of collections of vernacular buildings as well as individual landmarks. These historic properties can be development catalysts and function as unique focal points as the area revitalizes and transforms.



2 Facilitate the creation of an urban office & employment center geared toward multi-modal transportation

The Provo Station area is a potential employment hub for Provo and a key connection for growth in the south Provo and Springville area. The core station area, as well as the surrounding neighborhood, offers significant potential for redevelopment, infill, and revitalization of existing uses. Development for the BRT corridor will be focused on multi-use stations, such as the Provo Station, meaning a greater context of opportunity exists in the Provo station vicinity. With prime accessibility and visibility, key sites near the station and along the BRT route in the station vicinity should be targeted and preserved for office development. Three locations offer great opportunities: the 500 South Block between University Avenue and 100 West; along 750 South adjacent to the station; and the key intersection of University Avenue and 920 South. Some may develop in the short-term, while others may be longer-term opportunities. These office developments will in turn serve to attract and support auxiliary uses nearby and along the gateway road into the station.

UTA as a strategic partner can help establish a positive precedent for a more transit-oriented atmosphere in the station area. **The market conditions are ripe for converting some of UTA's property into office now, and live/work or residential/retail in the future.** Existing UTA surface parking stalls will be integrated into future station area developments through strategic partnerships to maintain current levels of service for park and ride transit users. Provo City and UTA should conduct a targeted parking study to evaluate the right balance of parking needed for the park and ride and future development.

STRATEGIES

A Leverage innovative zoning and strategic public investments to steer optimal office development in key locations. **Capitalize on sites with prime accessibility and visibility to establish anchor employment nodes.** Re-evaluate the 2,500 square feet cap for retail and commercial uses as a permitted use; be more specific and strategic about where/how to allow retail to ensure opportunities exist for small businesses and unique entities that will serve a daytime office population and area residents.

B Engage and blend future office development along University Avenue with the development surrounding the station to **facilitate a more urban, active, and pleasant office/employee experience.** The Provo Station area is well-positioned to catalyze the transformation of the surrounding context into a transit-oriented office/employment setting that will have appeal to a range of employers. Orient development south of the station and along University Ave to ensure it captures both FrontRunner and BRT ridership and does not overlook potential opportunities for connections and enhancements to southern Downtown/Provo East Bay.

C Encourage public-private partnerships for developing key sites near the station area and prime visibility/accessibility locations. **Facilitate partnerships between Provo City, UTA, BYU, and private developers for developing innovative spaces f**or larger employers, as well as business incubation and start-up entities that desire a more urban, multi-modal setting served by transit.

D Meet current parking demands for office without compromising the overall urban form for livability & walkability. **Ensure parking requirements are not driving an excessive amount of parking and are right-sized for transit-oriented locations.** Consider re-use potential in regard to the design of structured parking on lower levels of buildings. Front streetscapes with active uses that line the buildings, locating parking areas behind. Incorporate on-street parking into streetscape designs.

E **Frame development into a cohesive, walkable setting** with clustered retail and support services that will support the growing residential population and daytime population of office workers. Incorporate office and live/work developments in the station area to provide closer options for people to live/work in Provo.

STRATEGIES

A Proactively **identify green spaces and public plazas for community gathering places.** Provide opportunities in these open spaces that support the needs of future residents in a higher density context - e.g. dog parklets so people that live in apartments have a shared public place to walk their dog and engage with neighbors; community gardens for residents that don't have their own yard to grow a garden, etc.

B **Ensure regulations promote the creation of smaller, separated parking areas and avoid combining parking into fewer larger lots that are a void in the social fabric of the urban form.** Incorporate on-street parking into streetscape designs and include these spaces in parking ratio calculations. Wrap parking structures with active uses, such as small scale retail or office space and ensure the design of structured parking considers the re-use potential of space as demand decreases over time.

C **Create a climate and built environment oriented to the human scale and activity, with spaces and uses focused on people and social interactions** - sidewalk dining, indoor/outdoor permeability for stores, etc.; Ensure regulations are in place to efficiently and effectively offer these opportunities.

D Provide a **dedicated space/plaza for food trucks to gather** as existing parking lots are redeveloped. Options include the 600 South block north of the station and the back of curb right-of-way along the west side of 100 West (owned by UTA and too shallow for development) as it enters the station area from 920 South.

E Use canal easements and other rights-of-way as opportunities to **formalize organic, mid-block walkways and linear parks.**

F Increase the prominence of historic properties – landmarks and vernacular – through **enhanced public way design, wayfinding,** and integration into neighborhood district identities.



3 Transform the urban fabric to support social and cultural interactions

Establishing and maintaining a strong social fabric can help communities thrive. To facilitate the success of this in the Provo Station Area, it is critical that care and attention is given to how the urban fabric of buildings and streetscape develops. Strong connections and visual permeability with surrounding residential areas will help create a safe, inviting station area environment enhanced with landscaping, streetscape design, and future uses that are oriented to the street and other pathways.

A lively, engaged, and active station environment can be supported by ensuring a comprehensive and hierarchical street network is in place to allow for the closure of certain street segments for special events, such as street festivals, and regular weekly events like the popular food truck round up. Prioritize these events on streets where current or future rights of way may be dedicated for permanent public plazas and gathering spaces, such as the 600 South block north of the station and/or the southbound lane of 100 West between 750 South and 920 South.

Include green space, public plazas as community gathering spots that will enhance the livability and viability of the area. Providing a comfortable setting supports and facilitates use throughout the day by a variety of user types. A focus should be placed on providing opportunities in these shared public open spaces that support the needs of future residents in higher density housing as opposed to each individual development providing private, separated amenities.

STRATEGIES

A Use landscaping and streetscape treatments to **place focus on key gateways into the station area** in the short-term and the placement and orientation of development in the long-term. A tactical urbanism approach can pilot projects and explore options that work best for the mix of uses and pattern of travel. Expand and build projects that have the most impact.

B Develop a Complete Streets policy for the station area to **proactively design new streets to safely accommodate multiple modes of transportation** and redesign existing streets as the area redevelops. Include street sections that are right-sized for a multi-modal, human-oriented environment

C **Establish a finer-grained street grid** to the areas south of the tracks as the area redevelops to facilitate walkability and provide more street frontage for transit-oriented uses.

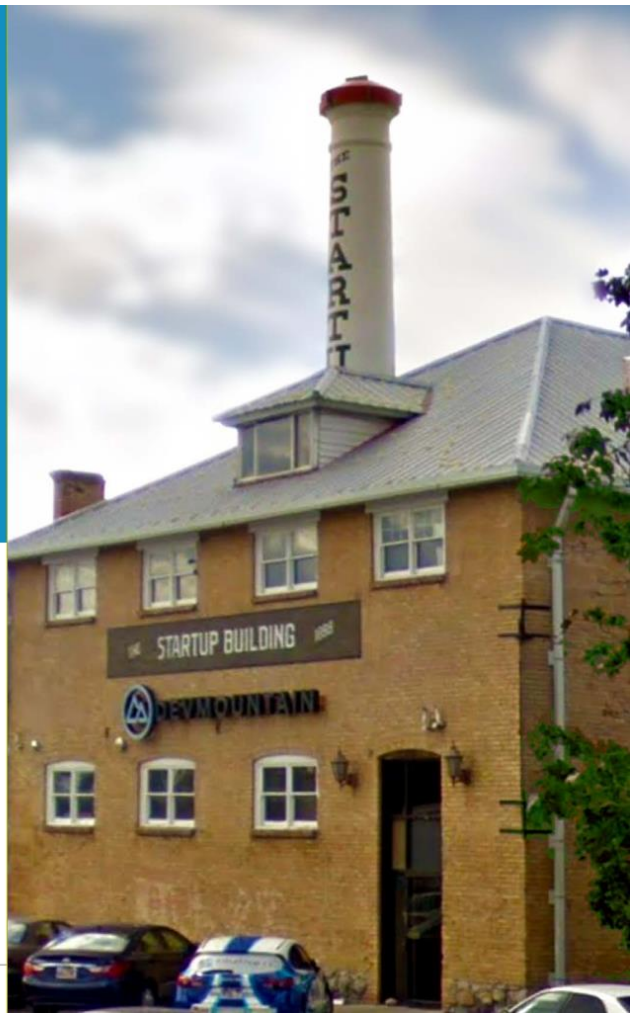
D Utilize CDA funds to help **enhance streetscapes and add open space and public art in the station area neighborhood.** Cities generally see a return on investment for improvements that create a place where companies want to be.

4 Establish a consistent network of physical and visual connections



Clear connections between the station and the origins and destinations that utilize transit are a top priority for creating a functional station area. Connect major points of origin/destination within the station area through view corridors and safe, friendly connections. Ensure the planned pedestrian crossing over the tracks is located and designed to be of the best benefit possible for new development on both the north and south ends of the bridge.

Provo Station Area Plan







Station Area Illustrative Concept Plan

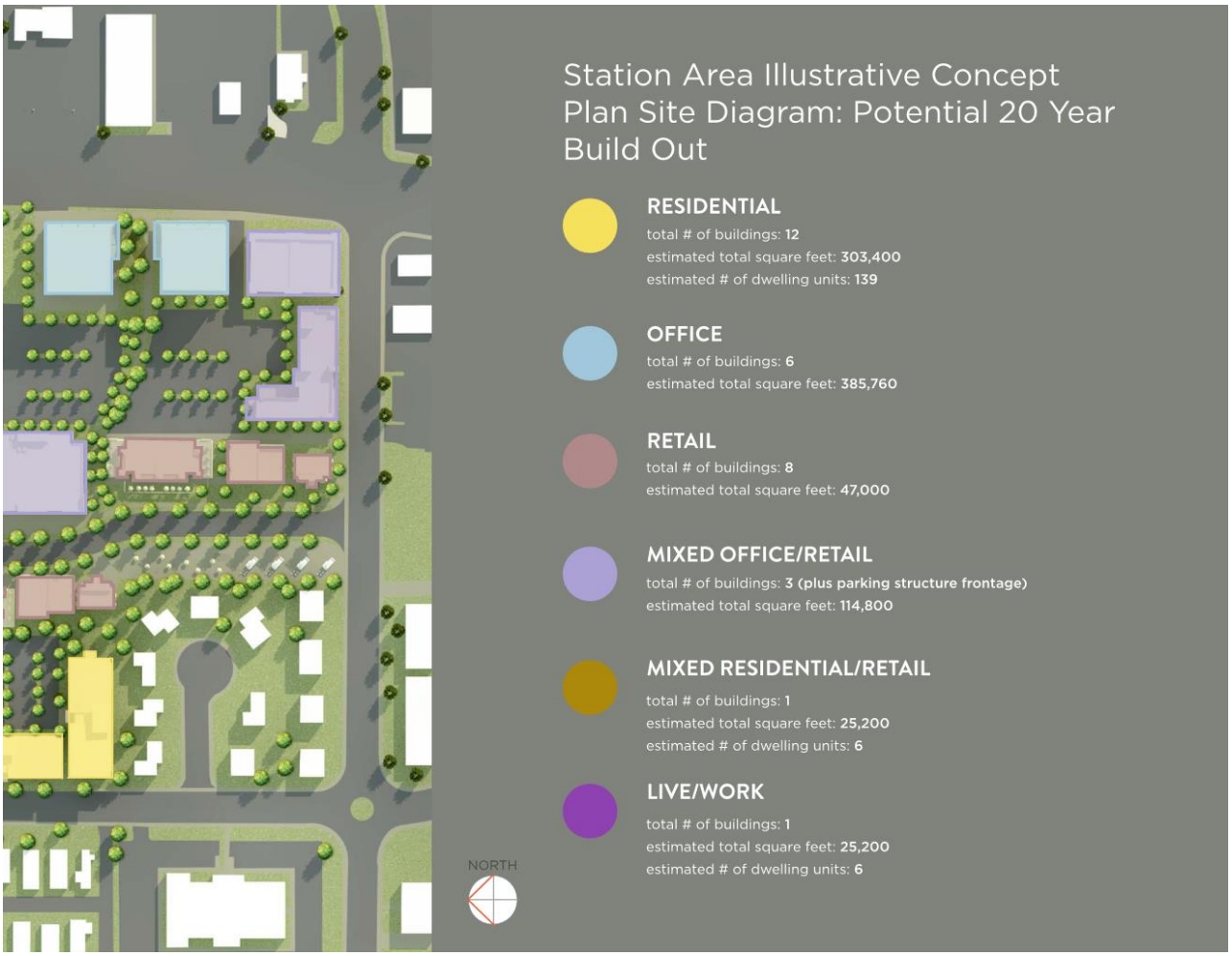
OVERVIEW

The station area is comprised of multiple property owners, with parcels ranging from less than one-tenth of an acre to over 9 acres in size. For illustrative purposes, this concept plan demonstrates a potential layout with uses that are considered to be both feasible and desirable for the core station area and outlines a 20 year build-out scenario for creating a cohesive urban form for the Provo Station area. Provo City residents place a high value on retaining the character of their downtown historic residential neighborhoods. At the same time, the community recognizes that additional population and employment growth will need to be accommodated. Doing so in the Station Area Neighborhood allows for a compact development pattern that can access multiple modes of transit to commute to work, school, and nearby services. The plan is illustrative in nature and the building types and their location are based on the analysis and findings from the planning process, as well as ideas and input provided by key stakeholders during the outreach process. The mix and range of density scales reflect the desire for transitions and respect for surrounding neighborhoods' context and history. The concept plan provides a foundation for decision-making, but is intended to be somewhat flexible to allow for the city, UTA, and developers to leverage market feasibility and incentives as development occurs over time.

RIDERSHIP PROJECTIONS

In 2012, FrontRunner South was launched, establishing the anchor for the revitalization of the Provo Station area as a transit-oriented neighborhood. Ridership on FrontRunner is increasing, with 20,000 more riders in April 2018 than one year prior as well as higher average weekday ridership. **Ridership for the Provo Station Area is projected to increase about 20 percent - from 920 total boardings (existing) to 1,095 boardings.** This projected increase is based on active transportation boardings (riders that walk or bike to access the station), which result from the residential and office development outlined in this plan. Ridership projections are calculated using a regression model that estimates boardings based on residential square feet and employment within 1/2 mile of the station and peak bus trips per hour within 1/4 mile of the station.


RESIDENTIAL
OFFICE
RETAIL
MIXED OFFICE/RETAIL
MIXED RESIDENTIAL/RETAIL
LIVE/WORK
PARKING STRUCTURE
EXISTING USES


Station Area Illustrative Concept Plan Site Diagram: Potential 20 Year Build Out
RESIDENTIAL
total # of buildings: 12
estimated total square feet: 303,400
estimated # of dwelling units: 139
OFFICE
total # of buildings: 6
estimated total square feet: 385,760
RETAIL
total # of buildings: 8
estimated total square feet: 47,000
MIXED OFFICE/RETAIL
total # of buildings: 3 (plus parking structure frontage)
estimated total square feet: 114,800
MIXED RESIDENTIAL/RETAIL
total # of buildings: 1
estimated total square feet: 25,200
estimated # of dwelling units: 6
LIVE/WORK
total # of buildings: 1
estimated total square feet: 25,200
estimated # of dwelling units: 6
NORTH



STATION AREA COMPONENT:
RESIDENTIAL TOWNHOUSES

A range of residential types, including townhomes, will provide transitions between different densities of residential development and offer affordable home ownership options beyond the traditional detached single-family dwelling.

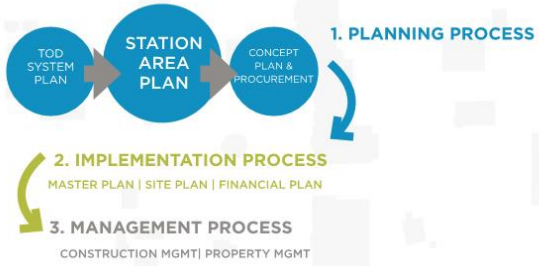


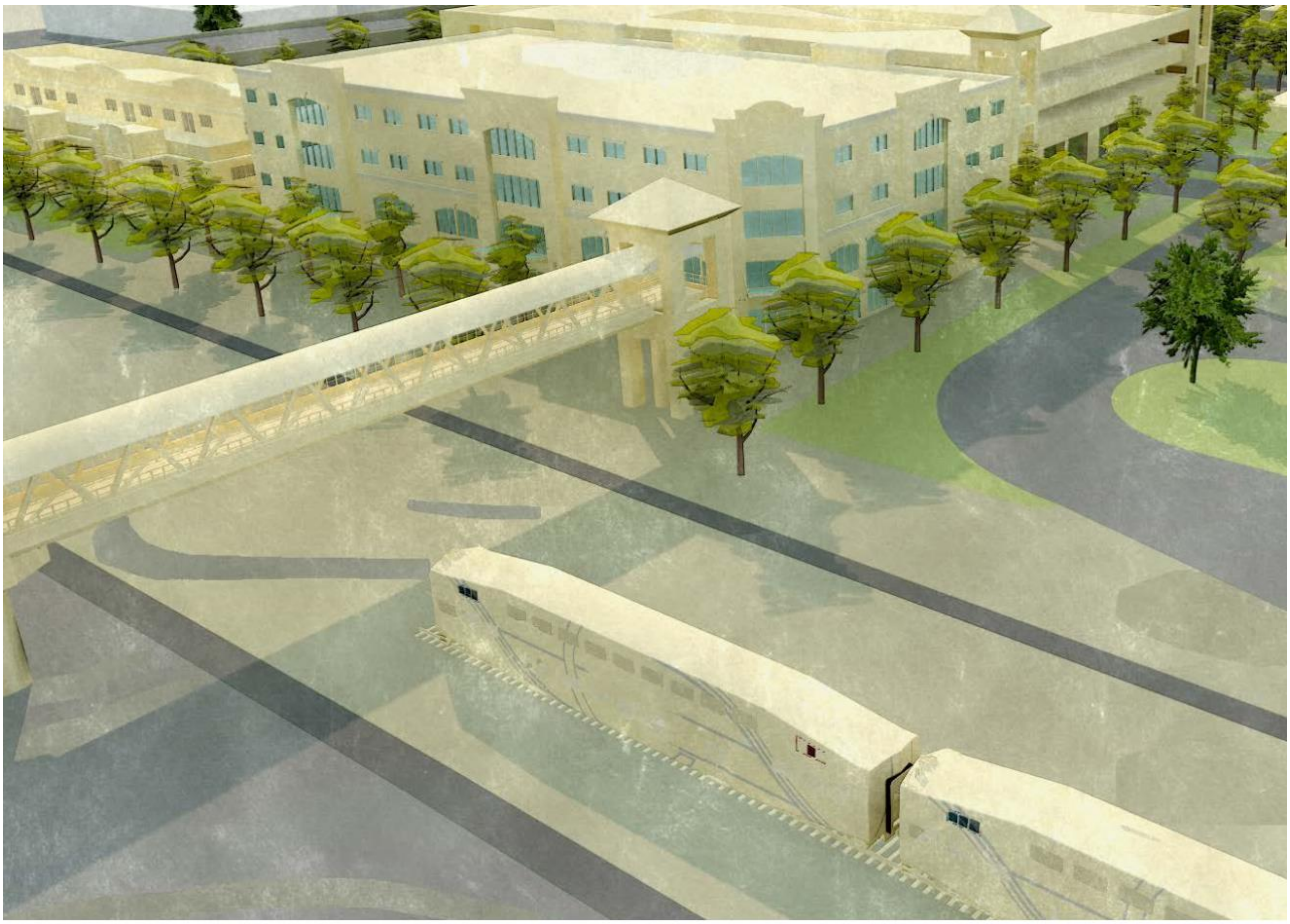


STATION AREA COMPONENT: OFFICE & LIVE/WORK

The current park and ride lot offers opportunities to catalyze development in the Provo Station Area by master planning a larger parcel that considers the long-term transformation of the surrounding context as it relates to the transit station.

This Station Area Plan is part of the Planning stage in UTA's development framework (see below diagram). With the preferred planning scenario in place for Provo Station, UTA can take next steps in considering the development of their property. Due to the smaller size of the property directly adjacent to the station - 2 parcels totaling 13.65 acres - UTA will likely work with a strategic partner to develop the site. As part of the development process, UTA and their partner would incorporate the current park and ride stalls into the office mixed-use project in a structured parking configuration.







STATION AREA COMPONENT: **RETAIL/RESTAURANT ROW**

The row of retail shops with an enhanced plaza on the west side provide a visual and use gateway into the station area. The shops and plaza, surrounded by residential units to the west and office buildings to the east will take on "village-like" attributes and blend easily into adjacent uses such as the single-family areas to the west. Facilitate the use of the plaza for existing and future community events, such as the food truck roundup.





STATION AREA COMPONENT: **MIXED OFFICE/RETAIL**

Office is the highest and best use for several key locations in the station area. The first office nodes in the immediate station area will serve as an anchor for the future development of small scale support services and additional office to the south and east along University Avenue.

Office and retail at the south end of the station area can help catalyze the broader station context into becoming a transit-oriented neighborhood by integrating a mixture of uses near the station and expanding the urban office pattern southward as the area evolves beyond its current auto-oriented urban form.




CAMP 4
PROVO
HIDE & FUR BUILDING

Acknowledgments

A special thanks to all those who participated and made the creation of this Station Area Plan possible:

Provo City Leadership
Provo City Planning & Zoning
Citizens of Provo
Key Stakeholders & the Community Engagement Committee

Project Management Team:

Jordan Swain, *UTA (former)*
Kevin Leo, *UTA*
Levi Roberts, *UTA*
Bill Peperone, *Provo City*
Chad Eccels, *MAG*

Consultant Team:

CRSA
ZPFI

CRSA ZIONS PUBLIC FINANCE, INC.





ORDINANCE 2018-.

AN ORDINANCE AMENDING THE GENERAL PLAN TO ADD THE UTAH TRANSIT AUTHORITY STATION AREA PLAN TO THE DOWNTOWN MASTER PLAN AS AN APPENDIX. CITY-WIDE IMPACT. (PLOTA20190059)

WHEREAS, it is proposed to amend the General Plan to add the Utah Transit Authority Station Area Plan to the Downtown Master Plan as an appendix of that Master Plan; and

WHEREAS, the Downtown Master Plan was adopted three years ago; and,

WHEREAS, since then, community stakeholders have collaborated with the Utah Transit Authority, Mountainland Association of Governments, and Provo City staff to create a vision and direction for the Provo Station; and

WHEREAS, the Station Area Plan will be an appendix to the Downtown Master Plan because the Station Area Plan is focused on a smaller geographical area than the Downtown Master Plan; and

WHEREAS, on May 8, 2019, the Planning Commission held a duly noticed public hearing to consider the proposed amendment adding the Utah Transit Authority Station Area Plan of Provo City to the Downtown Master Plan as an appendix and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 4:0 and

WHEREAS, on May 21, 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 Downtown Master Plan located within the General Plan should be amended as proposed to add the Utah Transit Authority Station Area Plan as an appendix, and (ii) the proposed amendment 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 Provo City Downtown Master Plan is hereby amended as set forth in 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.

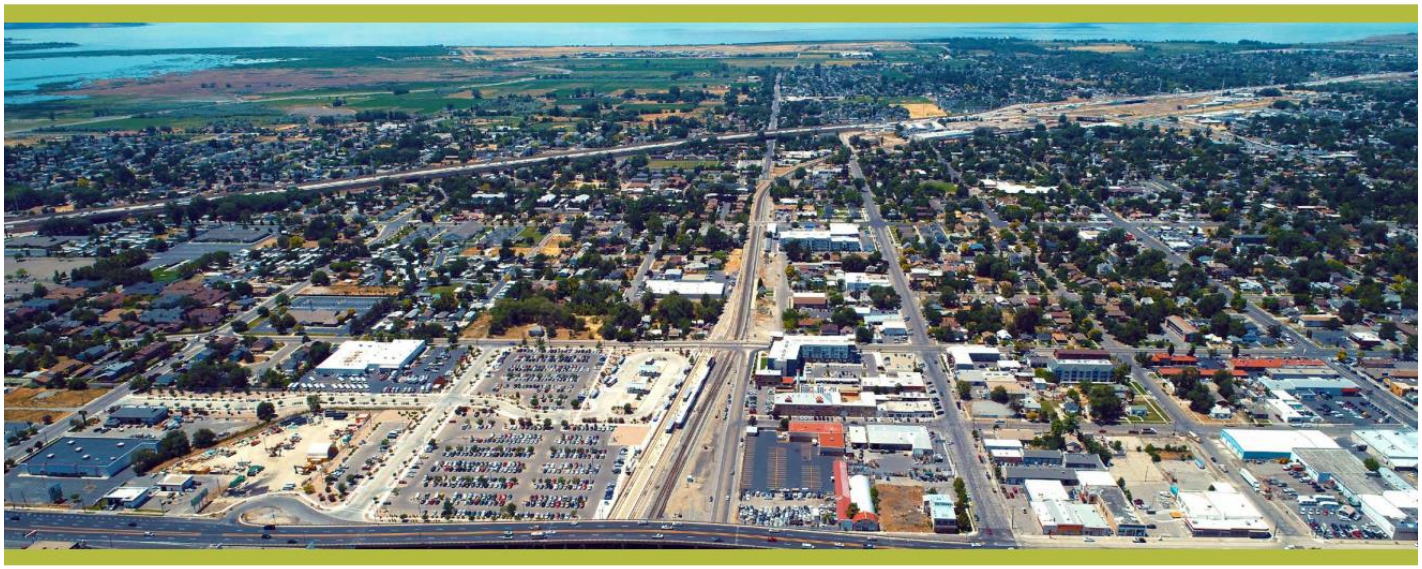
EXHIBIT A

1. UTA Station Area Plan

STATION AREA PLAN

PROVO STATION

July 2018



provo WELCOME HOME

UTA

Contents

Introduction 3

Community/Station Area Profile 4

Planning & Outreach Process 7

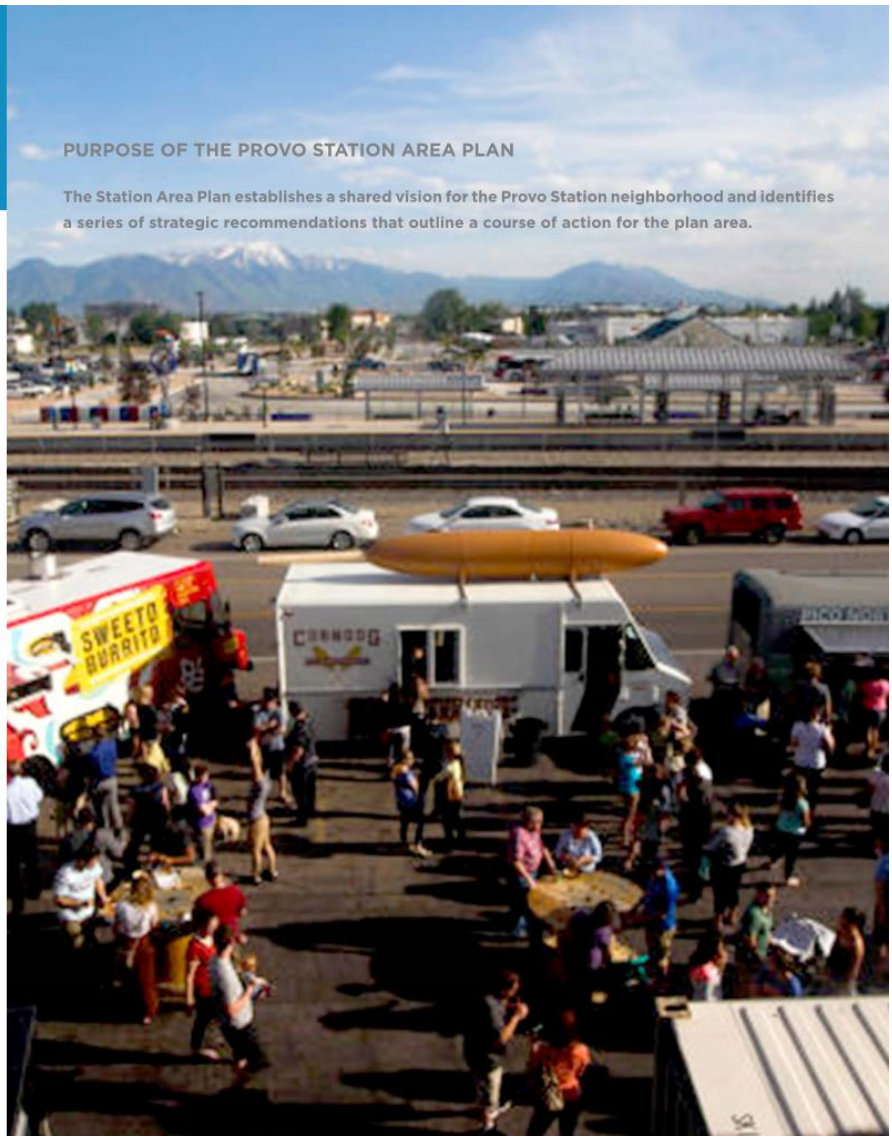
Planning Concepts/Preferred Model 9

Key Initiatives & Strategies 10

Station Area Illustrative Concept Plan 15

Station Area Components 18

Acknowledgments 27



PURPOSE OF THE PROVO STATION AREA PLAN

The Station Area Plan establishes a shared vision for the Provo Station neighborhood and identifies a series of strategic recommendations that outline a course of action for the plan area.

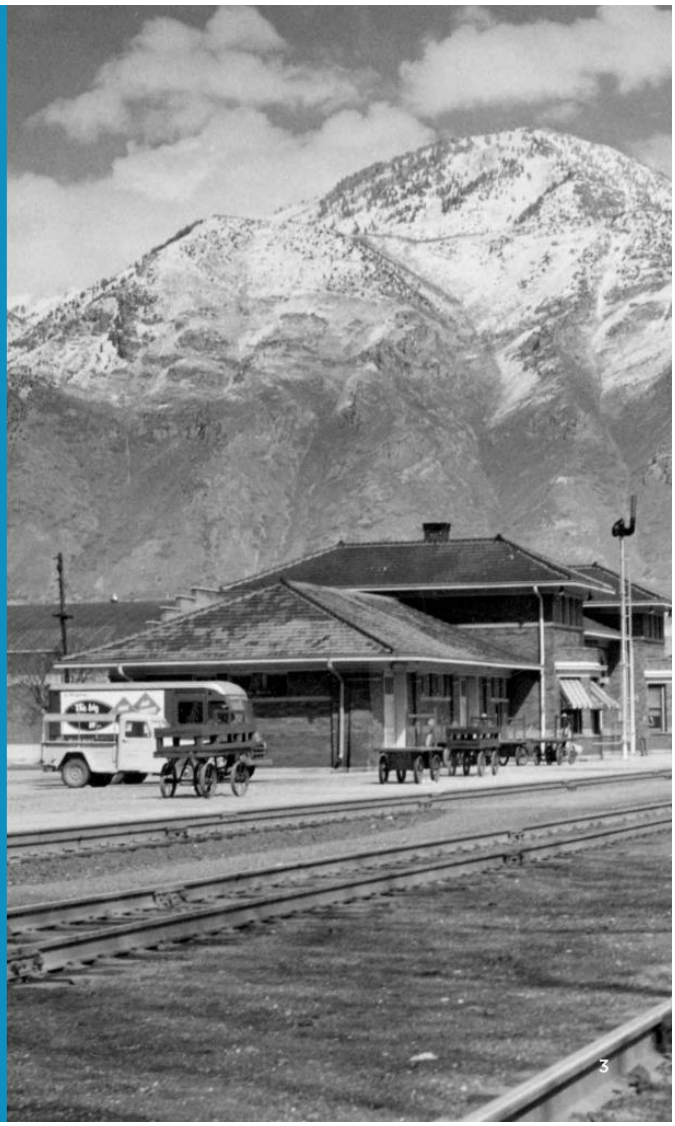
Introduction

Great neighborhoods, especially those served by transit, result from a thoughtful planning process. **The Provo Station vicinity is a great neighborhood waiting to happen.** The Station Area Plan is one step in a coordinated and sustained effort to plan and manage the transition of the area around Provo Station into a transit-oriented neighborhood. The plan reflects integrative thinking regarding land use, transportation, economic development, and the social and cultural well-being of the Provo Station community.

The Station Area Plan provides a strategic framework for how development of the core station area and surrounding context can occur over the next 20 years and beyond. Community stakeholders, including area residents, property owners, and developers, collaborated with UTA, Provo City staff, and regional partners such as Mountainland Association of Governments (MAG) to capture a vision and direction for the plan. The primary objectives of the Station Area Plan include:

1. Crafting a cohesive & flexible framework for station area development;
2. Making informed decisions & addressing multiple perspectives;
3. Ensuring effective & efficient utilization of land and infrastructure as the area transforms;
4. Developing a distinct environment that reflects the evolution of the station area into a transit-oriented community while respecting established existing neighborhoods and historic resources; and
5. Enhancing the experience of station area users – residents, employees, & visitors.

The plan provides Provo City and UTA the flexibility to strategically manage physical growth, incentivize holistic and opportunistic development, and optimize opportunities for partnerships in the station area vicinity. This cohesive vision framework with supporting initiatives and strategies is a tool to continue an informed and proactive transformation of the station area environment over the next 20 years. If implemented similar to as envisioned, the plan concept for the core station area has the potential to include nearly 900,000 square feet of new development at build out. The illustrative concept in this plan includes approximately 325,000 square feet of residential, 475,000 square feet of office, and 100,000 square feet of small-scale retail in a mixed use context.

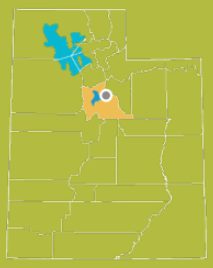


Community/Station Area Profile

Home to Brigham Young University and the county seat of Utah County, Provo prides itself on a high quality of life, innovation, and exceptional people. Over 21 percent of the households in Utah County call Provo their home. Access to trails, rivers, mountains, and lakes, along with healthy eating options, bike lanes, and abundant green spaces are all factors contributing to the Provo community's well-being. In 2014, Provo was ranked #2 by ***Outside*** magazine in their Best Town Ever feature.

Situated on the southern end of Downtown Provo, the station area is located just west of University Avenue at approximately 690 South. The station area has easy access and visibility via University Avenue and Freedom Boulevard and serves as an intermodal hub, with Amtrak and Greyhound Bus service in the vicinity, as well as several UTA bus routes that connect riders to points beyond. With the newly launched Provo-Orem Bus Rapid Transit (BRT) project, the station will expand its intermodal center status. Utah Valley Express (UVX) is a 10.5 mile BRT line connecting the East Bay in Provo to the Orem FrontRunner station. UVX will stop at 18 stations along the route, with approximately 51% of the line traveling in exclusive bus lanes. The Provo Station Area is a great neighborhood, with both new development and revitalization projects helping spark change in the area.

✓ Provo Station Area Stats



791 Park & Ride Lot Spaces

Established in 2012

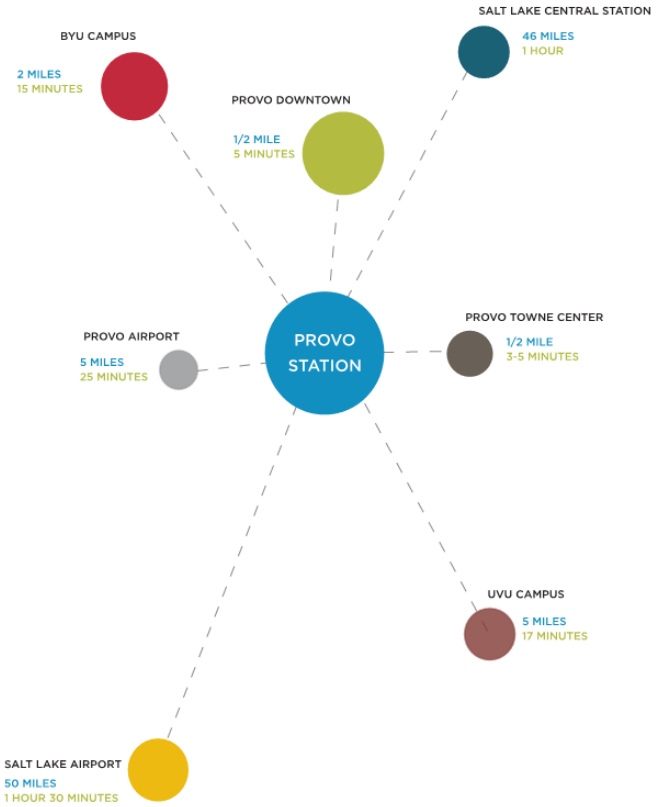
Pedestrian bridge over rail lines planned w/ First Mile/Last Mile TIGER grant funding

Planned local street connections (750 South)

Served by UVX and 6 bus routes [805, 821, 831, 833, 834, and 850] with 15-30 min. headways

UVX line (Bus Rapid Transit) increases intermodal connections

context & connections



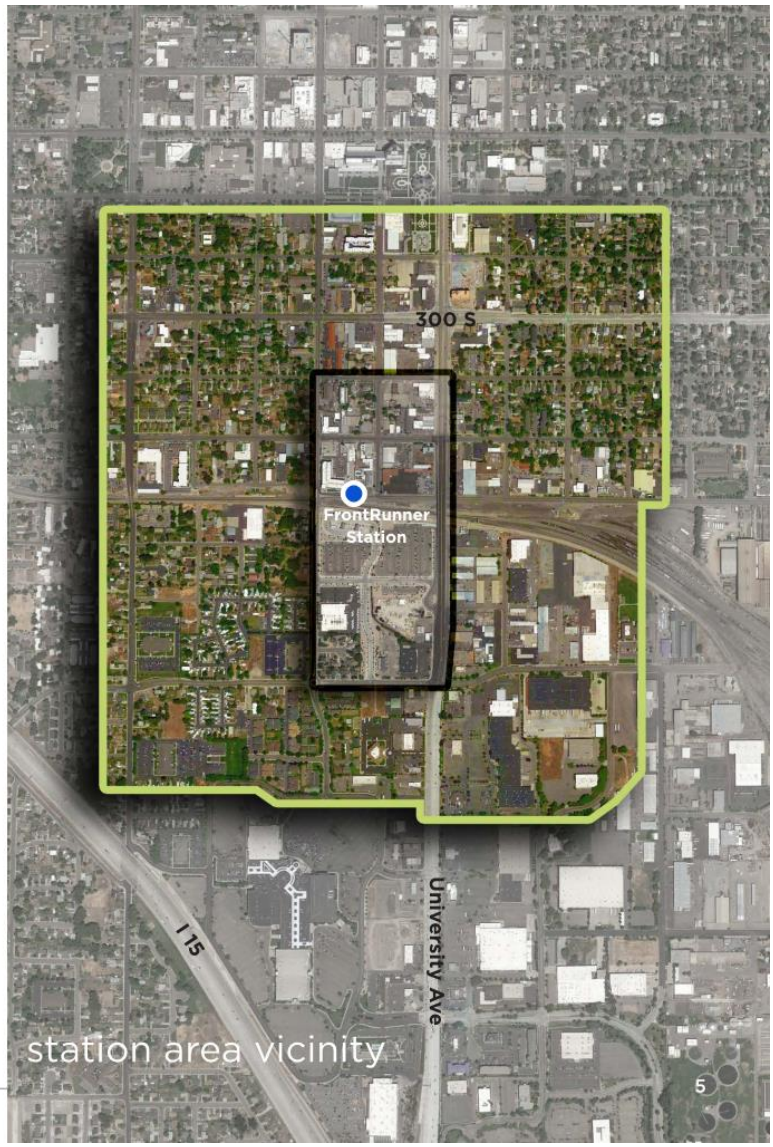
*DISTANCE IN MILES
*TRANSIT/WALK TRAVEL TIME IN MINUTES

The City of Provo and Utah County are major growth hubs for the state of Utah. By 2040, the population of Utah County is projected to exceed 1 million residents. Provo will be home to 152,000 of these residents, and is expected to remain the highest populated city in the county. With a 2017 population estimate of 117,335, this means housing, jobs, and services will need to be provided for approximately 35,000 additional residents. This translates to about 10,700 dwelling units based on the average household size of 3.27 persons per household. With good planning and foresight, some of these can be integrated into the Provo Station neighborhood, connecting both existing and new residents to transportation options.

Established neighborhoods to the north and west provide the station area with a good supporting base of low and medium density residential uses. Retail and office uses are intermingled in these residential neighborhoods in a mixed use pattern consistent with older, central city neighborhoods. The historic grid of 4-acre blocks from Provo's original plat is intact north of the tracks. While some streets extend south of the tracks, the grid of small 4-acre blocks does not and the urban form is less consistent and cohesive. **Residential buildings are a mixture of historic and contemporary, single-family and multi-family. The majority are considered to be of average or great condition, indicating they can provide a solid base for strategic infill and redevelopment in the station focus area.**

To the south and east the urban form and use pattern shifts to a retail and manufacturing focus situated on larger lots and with lower street intersection density and connectivity. Approximately 20 percent of the land in the broader station area is currently occupied by tax exempt entities, such as religious, civic, or non-profit institutions.

The station area vicinity has an estimated daytime population of 3,081 employees, along with 1,124 households and 3,427 residents. The average household size of 3.05 for the station area is lower than Provo City's average, which is lower than the average for Utah County.




arollín

Planning & Outreach Process

OVERVIEW

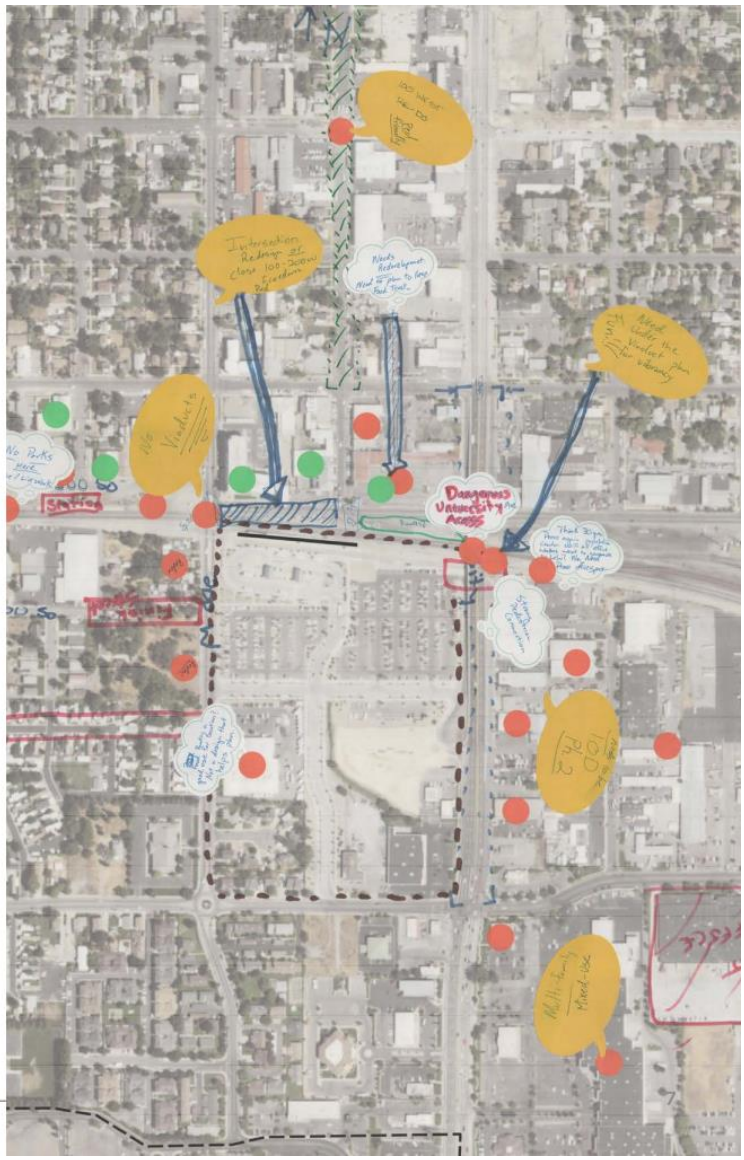
The planning and outreach process for the Provo Station area helped capture past and current understandings of the ideas and concepts for the neighborhood's future. This plan will be used as a policy guide for decision-making regarding the type and intensity of development, infill, and redevelopment in the station neighborhood. It provides a basis for making decisions now and implementing regulatory tools in the future, such as a form-based code, to guide Provo and its partners, such as UTA, toward the long-range vision.

ANALYSIS

Notable construction in the neighborhood has primarily been north of the station, including a mix of multi-family dwelling types and the renovation of the historic Startup Candy Building into an event space and co-working venue. The station area contains a mix of a few vacant parcels, vacant spaces with re-use potential, and underutilized buildings and parcels likely to redevelop due to age and condition. An analysis of the highest and best use for key sites suggests the station area can become an employment hub for Provo, with mid-scale office and additional multi-family housing feasible in the short-term. As both the daytime population of employees and nighttime population of residents increases, retail uses will become more feasible. The Provo Station area provides some good opportunities for development along the BRT route as well, with overall values per acre in the mid-range compared to other stops.

OUTREACH

To gain an informed perspective on the community's vision for the station area, UTA's Transit-Oriented Development team facilitated a community dialogue regarding the future potential for the station area in conjunction with the Provo/Orem Bus Rapid Transit (BRT) study. In 2017, a Community Engagement Committee (CEC) of key stakeholders participated in a series of workshop meetings to understand the market findings regarding the station area, share ideas, and generate conceptual alternatives for the future development pattern in the Provo Station Area. The final concept plan reflects these discussions.



Provo Station Area Plan



PROVO STATION PLANNING CONCEPTS

SHORT-TERM: STATION AREA OFFICE & RESIDENTIAL

- Focus on establishing office uses at key locations adjacent to the station with easy access and good visibility
- Retail will be modest and likely incorporated as small eateries or support services that share ground floor space with office developments
- Continued development of a blend of residential types, including townhomes and individual mid-scale multi-family buildings



MID TO LONG-TERM: STATION NEIGHBORHOOD

- Link the station area to surrounding neighborhoods via uses and urban form patterns
- Highlight and retain the character and culture of historic neighborhoods
- Look to expand the transit-oriented look, feel, and function to the south and east as the area evolves and changes
- Facilitate a mixture of uses to provide both daytime and nighttime populations, which will increase the feasibility of desired services and amenities in the vicinity



The short-term focus on office, followed by residential, will result in the long-term development of the preferred scenario for the area to become an established transit-oriented neighborhood.

PREFERRED PLANNING MODEL

Conversations about future planning begin around combinations of different functions and uses, called Planning Concept Models/Scenarios. Based on the market analysis, key findings, and a review of previous visioning and current planning documents, a direction for how development in the core station area might occur was established, with office, residential, and mixed use identified for key opportunity locations. Key stakeholders, including city staff and the community engagement committee (CEC) consisting of local residents, evaluated the draft concept plan and provided feedback and insight that led to a preferred planning approach and illustrative concept plan. The concepts evaluated both the short-term and long-term perspectives for the station area.

Short-term: Development projects will focus on establishing office uses at key locations adjacent to the station that offer easy access and good visibility. Residential development will continue incorporating a mix of dwelling types into the station vicinity, including attached single-family and mid-scale multi-family dwelling units.

Mid to Long-term: Short-term projects will catalyze the station area and expand the mixture of uses as well as the extent of the transit-oriented influence area. Increased densities of daytime population from office developments, coupled with the established and expanding residential base, will expand the appeal of the area and increase opportunities for retail and commercial uses in a mixed-use setting.

Four Key Initiatives & Strategies

The Station Area Plan's over-arching objective is to create a framework for how development can occur in the core station area. This development framework will facilitate the integration of existing neighborhoods and transform the surrounding context into an active, amenity-rich, transit neighborhood. The following ideas and strategies reflect current recommendations for achieving the preferred planning concept created for the Provo Station Area Plan. The strategic recommendations included describe a course of action for the concept plan area and station vicinity. To achieve this strategic framework, the planning team conducted a comprehensive analysis of past planning efforts and current trends, gathered feedback and knowledge from key stakeholders, and identified key planning issues and desired goals from the community. These strategies are organized under four main focus areas for the station area:

1  **Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented district**

2  **Facilitate the creation of an urban office & employment center geared toward multi-modal transportation**

3  **Transform the urban fabric to support social and cultural interactions**

4  **Establish a consistent network of physical and visual connections**

10



1 Link the station area and surrounding neighborhoods to create a distinct and diverse transit-oriented district

The Provo Station area will function as a link between the historic, central downtown of Provo and the larger-scaled commercial area to the south, providing a framework for expanding the transit-oriented development to the south and transforming the auto-oriented urban form into a more livable, mixed-use neighborhood. **Build off the character and identity of surrounding historic neighborhoods like Franklin; revitalize and enhance these areas as part of the station planning process.** Avoid large-scale redevelopment of these foundation neighborhoods, which contribute to the unique character of downtown Provo and the station area. Target the right partners and prioritize prospects that will most benefit the holistic development of the station area.

STRATEGIES

A **Support the extension of transit-supportive urban form patterns beyond the core station area.** The departure from the street grid of original Provo plat can be seen as opportunity to distinguish the station area neighborhood's urban form while providing connectivity.

B **Recognize and celebrate the distinct neighborhoods within the station area** – identify the unique characteristics of each and ensure future development respects and builds from this foundation rather than ignoring and eclipsing it with non-compatible development.

C Continue evaluating the implementation of a form-based code or hybrid code to **ensure predictability in form and outcome of development types.** Uses may change, but the station area needs to evolve into and remain human oriented in its style and form to be successful and adaptable and support more people without excessive parking.

D **Capitalize on historic properties as landmarks to enhance the identities of distinct districts/areas in the station area.** Recognize the contributing nature of collections of vernacular buildings as well as individual landmarks. These historic properties can be development catalysts and function as unique focal points as the area revitalizes and transforms.



2 Facilitate the creation of an urban office & employment center geared toward multi-modal transportation

The Provo Station area is a potential employment hub for Provo and a key connection for growth in the south Provo and Springville area. The core station area, as well as the surrounding neighborhood, offers significant potential for redevelopment, infill, and revitalization of existing uses. Development for the BRT corridor will be focused on multi-use stations, such as the Provo Station, meaning a greater context of opportunity exists in the Provo station vicinity. With prime accessibility and visibility, key sites near the station and along the BRT route in the station vicinity should be targeted and preserved for office development. Three locations offer great opportunities: the 500 South Block between University Avenue and 100 West; along 750 South adjacent to the station; and the key intersection of University Avenue and 920 South. Some may develop in the short-term, while others may be longer-term opportunities. These office developments will in turn serve to attract and support auxiliary uses nearby and along the gateway road into the station.

UTA as a strategic partner can help establish a positive precedent for a more transit-oriented atmosphere in the station area. **The market conditions are ripe for converting some of UTA's property into office now, and live/work or residential/retail in the future.** Existing UTA surface parking stalls will be integrated into future station area developments through strategic partnerships to maintain current levels of service for park and ride transit users. Provo City and UTA should conduct a targeted parking study to evaluate the right balance of parking needed for the park and ride and future development.

STRATEGIES

A Leverage innovative zoning and strategic public investments to steer optimal office development in key locations. **Capitalize on sites with prime accessibility and visibility to establish anchor employment nodes.** Re-evaluate the 2,500 square feet cap for retail and commercial uses as a permitted use; be more specific and strategic about where/how to allow retail to ensure opportunities exist for small businesses and unique entities that will serve a daytime office population and area residents.

B Engage and blend future office development along University Avenue with the development surrounding the station to **facilitate a more urban, active, and pleasant office/employee experience.** The Provo Station area is well-positioned to catalyze the transformation of the surrounding context into a transit-oriented office/employment setting that will have appeal to a range of employers. Orient development south of the station and along University Ave to ensure it captures both FrontRunner and BRT ridership and does not overlook potential opportunities for connections and enhancements to southern Downtown/Provo East Bay.

C Encourage public-private partnerships for developing key sites near the station area and prime visibility/accessibility locations. **Facilitate partnerships between Provo City, UTA, BYU, and private developers for developing innovative spaces f**or larger employers, as well as business incubation and start-up entities that desire a more urban, multi-modal setting served by transit.

D Meet current parking demands for office without compromising the overall urban form for livability & walkability. **Ensure parking requirements are not driving an excessive amount of parking and are right-sized for transit-oriented locations.** Consider re-use potential in regard to the design of structured parking on lower levels of buildings. Front streetscapes with active uses that line the buildings, locating parking areas behind. Incorporate on-street parking into streetscape designs.

E **Frame development into a cohesive, walkable setting** with clustered retail and support services that will support the growing residential population and daytime population of office workers. Incorporate office and live/work developments in the station area to provide closer options for people to live/work in Provo.

STRATEGIES

A Proactively **identify green spaces and public plazas for community gathering places.** Provide opportunities in these open spaces that support the needs of future residents in a higher density context - e.g. dog parklets so people that live in apartments have a shared public place to walk their dog and engage with neighbors; community gardens for residents that don't have their own yard to grow a garden, etc.

B **Ensure regulations promote the creation of smaller, separated parking areas and avoid combining parking into fewer larger lots that are a void in the social fabric of the urban form.** Incorporate on-street parking into streetscape designs and include these spaces in parking ratio calculations. Wrap parking structures with active uses, such as small scale retail or office space and ensure the design of structured parking considers the re-use potential of space as demand decreases over time.

C **Create a climate and built environment oriented to the human scale and activity, with spaces and uses focused on people and social interactions** - sidewalk dining, indoor/outdoor permeability for stores, etc.; Ensure regulations are in place to efficiently and effectively offer these opportunities.

D Provide a **dedicated space/plaza for food trucks to gather** as existing parking lots are redeveloped. Options include the 600 South block north of the station and the back of curb right-of-way along the west side of 100 West (owned by UTA and too shallow for development) as it enters the station area from 920 South.

E Use canal easements and other rights-of-way as opportunities to **formalize organic, mid-block walkways and linear parks.**

F Increase the prominence of historic properties – landmarks and vernacular – through **enhanced public way design, wayfinding,** and integration into neighborhood district identities.



3 Transform the urban fabric to support social and cultural interactions

Establishing and maintaining a strong social fabric can help communities thrive. To facilitate the success of this in the Provo Station Area, it is critical that care and attention is given to how the urban fabric of buildings and streetscape develops. Strong connections and visual permeability with surrounding residential areas will help create a safe, inviting station area environment enhanced with landscaping, streetscape design, and future uses that are oriented to the street and other pathways.

A lively, engaged, and active station environment can be supported by ensuring a comprehensive and hierarchical street network is in place to allow for the closure of certain street segments for special events, such as street festivals, and regular weekly events like the popular food truck round up. Prioritize these events on streets where current or future rights of way may be dedicated for permanent public plazas and gathering spaces, such as the 600 South block north of the station and/or the southbound lane of 100 West between 750 South and 920 South.

Include green space, public plazas as community gathering spots that will enhance the livability and viability of the area. Providing a comfortable setting supports and facilitates use throughout the day by a variety of user types. A focus should be placed on providing opportunities in these shared public open spaces that support the needs of future residents in higher density housing as opposed to each individual development providing private, separated amenities.

STRATEGIES

A Use landscaping and streetscape treatments to **place focus on key gateways into the station area** in the short-term and the placement and orientation of development in the long-term. A tactical urbanism approach can pilot projects and explore options that work best for the mix of uses and pattern of travel. Expand and build projects that have the most impact.

B Develop a Complete Streets policy for the station area to **proactively design new streets to safely accommodate multiple modes of transportation** and redesign existing streets as the area redevelops. Include street sections that are right-sized for a multi-modal, human-oriented environment

C **Establish a finer-grained street grid** to the areas south of the tracks as the area redevelops to facilitate walkability and provide more street frontage for transit-oriented uses.

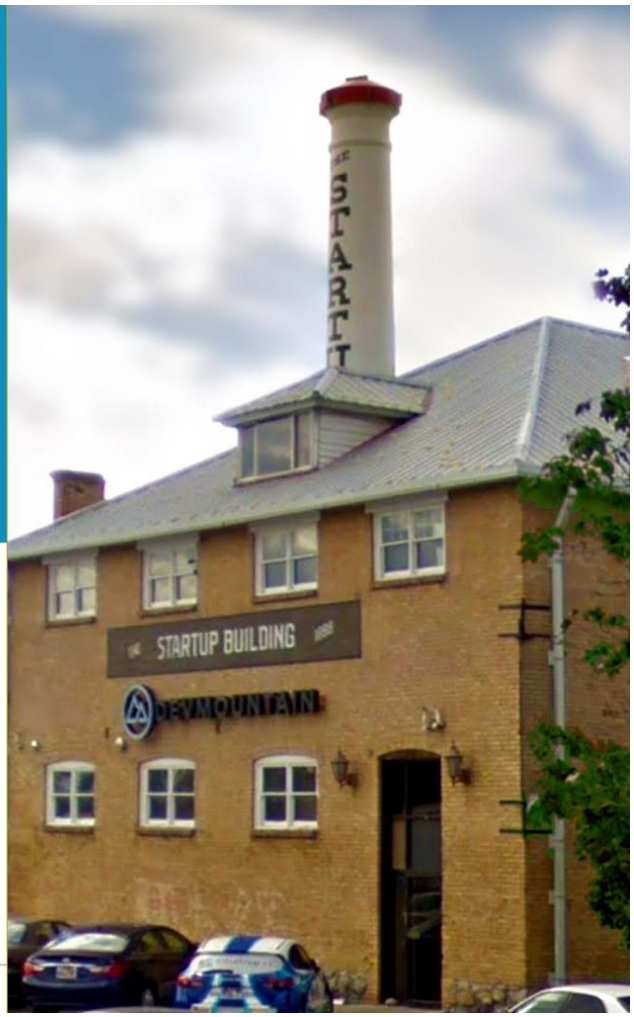
D Utilize CDA funds to help **enhance streetscapes and add open space and public art in the station area neighborhood.** Cities generally see a return on investment for improvements that create a place where companies want to be.

4 Establish a consistent network of physical and visual connections



Clear connections between the station and the origins and destinations that utilize transit are a top priority for creating a functional station area. Connect major points of origin/destination within the station area through view corridors and safe, friendly connections. Ensure the planned pedestrian crossing over the tracks is located and designed to be of the best benefit possible for new development on both the north and south ends of the bridge.

Provo Station Area Plan







Station Area Illustrative Concept Plan

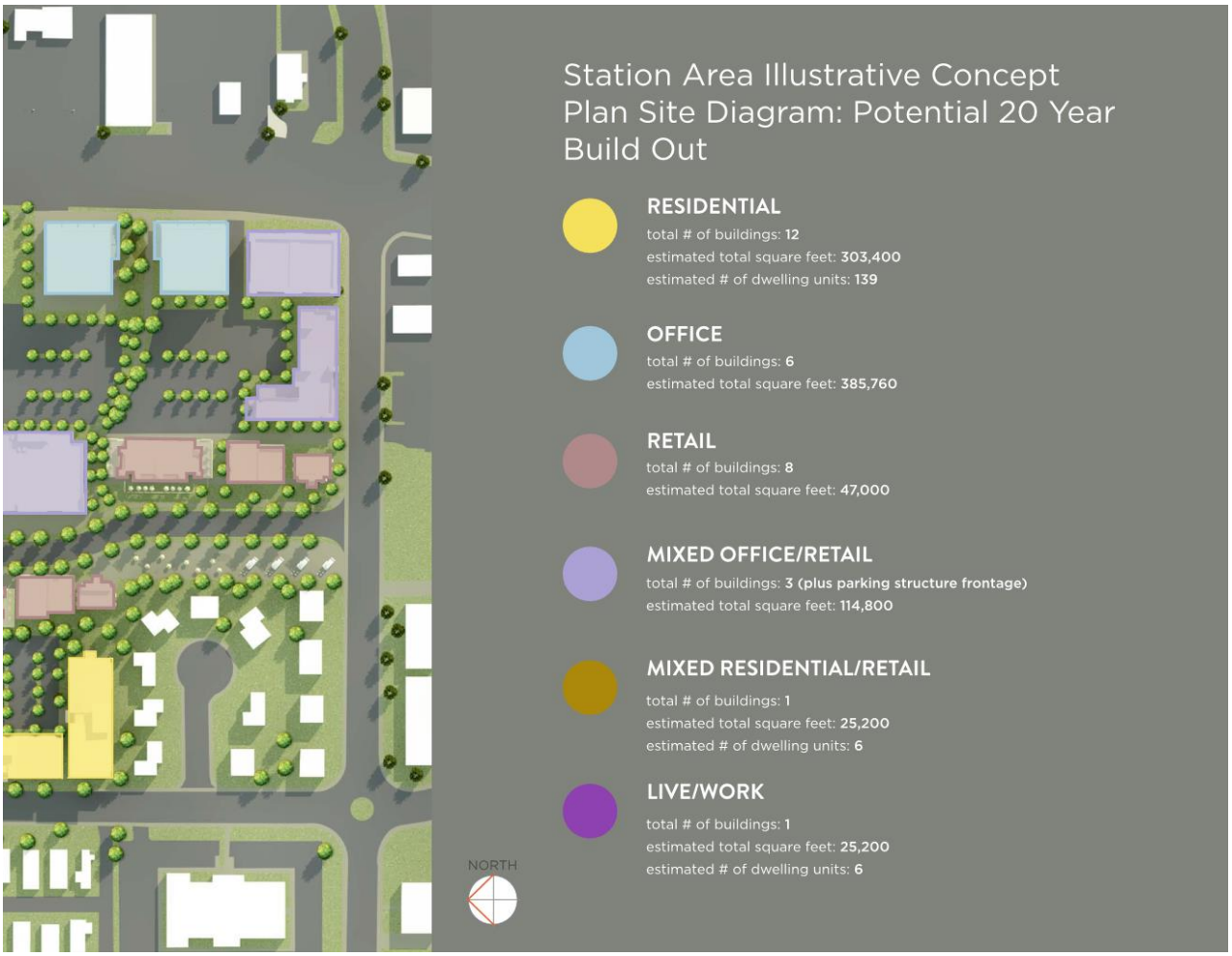
OVERVIEW

The station area is comprised of multiple property owners, with parcels ranging from less than one-tenth of an acre to over 9 acres in size. For illustrative purposes, this concept plan demonstrates a potential layout with uses that are considered to be both feasible and desirable for the core station area and outlines a 20 year build-out scenario for creating a cohesive urban form for the Provo Station area. Provo City residents place a high value on retaining the character of their downtown historic residential neighborhoods. At the same time, the community recognizes that additional population and employment growth will need to be accommodated. Doing so in the Station Area Neighborhood allows for a compact development pattern that can access multiple modes of transit to commute to work, school, and nearby services. The plan is illustrative in nature and the building types and their location are based on the analysis and findings from the planning process, as well as ideas and input provided by key stakeholders during the outreach process. The mix and range of density scales reflect the desire for transitions and respect for surrounding neighborhoods' context and history. The concept plan provides a foundation for decision-making, but is intended to be somewhat flexible to allow for the city, UTA, and developers to leverage market feasibility and incentives as development occurs over time.

RIDERSHIP PROJECTIONS

In 2012, FrontRunner South was launched, establishing the anchor for the revitalization of the Provo Station area as a transit-oriented neighborhood. Ridership on FrontRunner is increasing, with 20,000 more riders in April 2018 than one year prior as well as higher average weekday ridership. **Ridership for the Provo Station Area is projected to increase about 20 percent - from 920 total boardings (existing) to 1,095 boardings.** This projected increase is based on active transportation boardings (riders that walk or bike to access the station), which result from the residential and office development outlined in this plan. Ridership projections are calculated using a regression model that estimates boardings based on residential square feet and employment within 1/2 mile of the station and peak bus trips per hour within 1/4 mile of the station.


RESIDENTIAL
OFFICE
RETAIL
MIXED OFFICE/RETAIL
MIXED RESIDENTIAL/RETAIL
LIVE/WORK
PARKING STRUCTURE
EXISTING USES


Station Area Illustrative Concept Plan Site Diagram: Potential 20 Year Build Out
RESIDENTIAL
total # of buildings: 12
estimated total square feet: 303,400
estimated # of dwelling units: 139
OFFICE
total # of buildings: 6
estimated total square feet: 385,760
RETAIL
total # of buildings: 8
estimated total square feet: 47,000
MIXED OFFICE/RETAIL
total # of buildings: 3 (plus parking structure frontage)
estimated total square feet: 114,800
MIXED RESIDENTIAL/RETAIL
total # of buildings: 1
estimated total square feet: 25,200
estimated # of dwelling units: 6
LIVE/WORK
total # of buildings: 1
estimated total square feet: 25,200
estimated # of dwelling units: 6
NORTH



STATION AREA COMPONENT:
RESIDENTIAL TOWNHOUSES

A range of residential types, including townhomes, will provide transitions between different densities of residential development and offer affordable home ownership options beyond the traditional detached single-family dwelling.

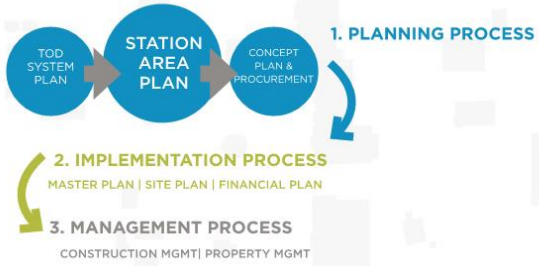


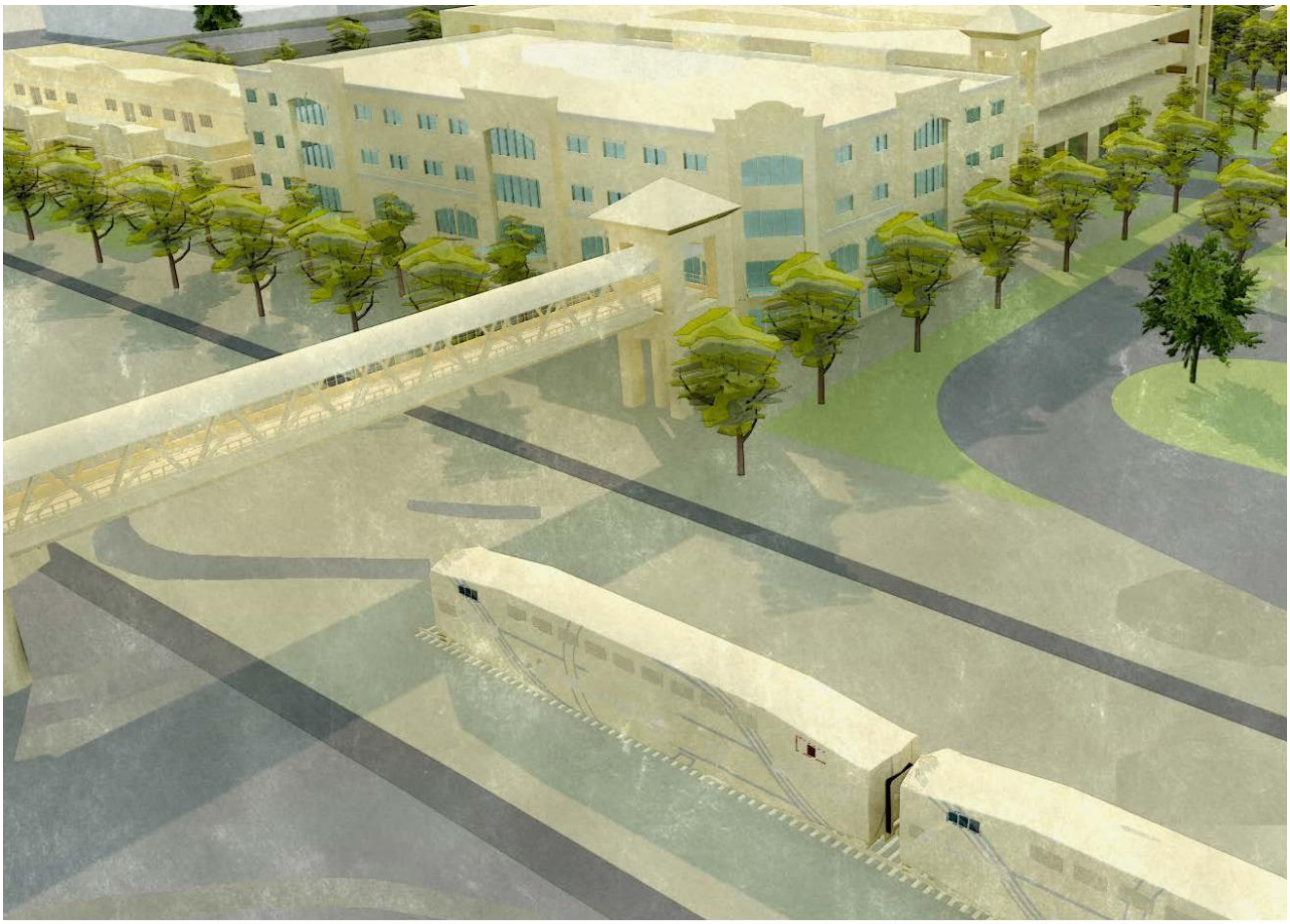


STATION AREA COMPONENT: OFFICE & LIVE/WORK

The current park and ride lot offers opportunities to catalyze development in the Provo Station Area by master planning a larger parcel that considers the long-term transformation of the surrounding context as it relates to the transit station.

This Station Area Plan is part of the Planning stage in UTA's development framework (see below diagram). With the preferred planning scenario in place for Provo Station, UTA can take next steps in considering the development of their property. Due to the smaller size of the property directly adjacent to the station - 2 parcels totaling 13.65 acres - UTA will likely work with a strategic partner to develop the site. As part of the development process, UTA and their partner would incorporate the current park and ride stalls into the office mixed-use project in a structured parking configuration.







STATION AREA COMPONENT: **RETAIL/RESTAURANT ROW**

The row of retail shops with an enhanced plaza on the west side provide a visual and use gateway into the station area. The shops and plaza, surrounded by residential units to the west and office buildings to the east will take on "village-like" attributes and blend easily into adjacent uses such as the single-family areas to the west. Facilitate the use of the plaza for existing and future community events, such as the food truck roundup.





STATION AREA COMPONENT: **MIXED OFFICE/RETAIL**

Office is the highest and best use for several key locations in the station area. The first office nodes in the immediate station area will serve as an anchor for the future development of small scale support services and additional office to the south and east along University Avenue.

Office and retail at the south end of the station area can help catalyze the broader station context into becoming a transit-oriented neighborhood by integrating a mixture of uses near the station and expanding the urban office pattern southward as the area evolves beyond its current auto-oriented urban form.




CAMP 4
PROVO
HIDE & FUR BUILDING

Acknowledgments

A special thanks to all those who participated and made the creation of this Station Area Plan possible:

Provo City Leadership
Provo City Planning & Zoning
Citizens of Provo
Key Stakeholders & the Community Engagement Committee

Project Management Team:

Jordan Swain, *UTA (former)*
Kevin Leo, *UTA*
Levi Roberts, *UTA*
Bill Peperone, *Provo City*
Chad Eccels, *MAG*

Consultant Team:

CRSA
ZPFI

CRSA ZIONS PUBLIC FINANCE, INC.





ITEM 4*

The Community Development Department requests a General Plan amendment to add the Utah Transit Authority Station Area Plan to the Downtown Master Plan as an appendix.

City-wide impact

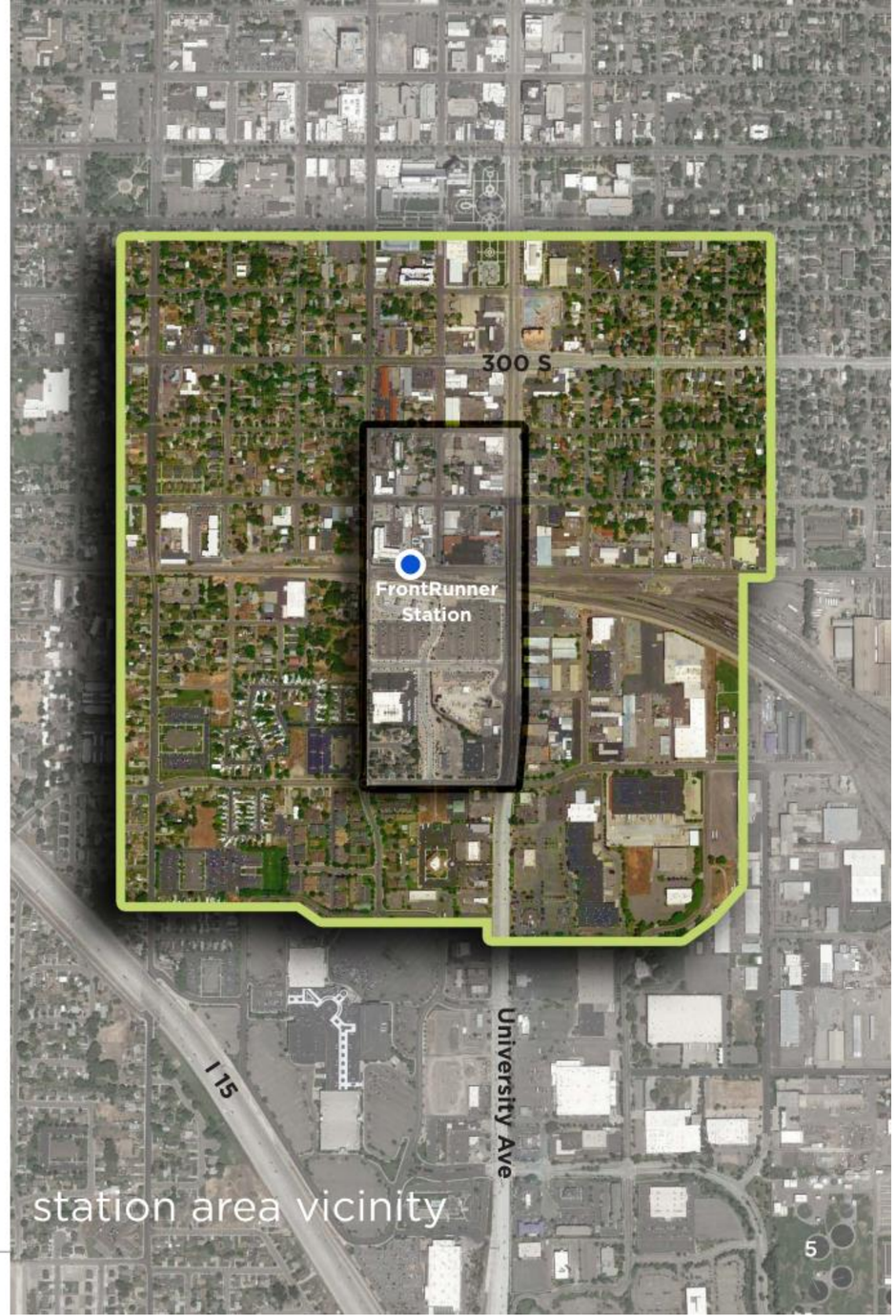
PLGPA20190059

The City of Provo and Utah County are major growth hubs for the state of Utah. By 2040, the population of Utah County is projected to exceed 1 million residents. Provo will be home to 152,000 of these residents, and is expected to remain the highest populated city in the county. With a 2017 population estimate of 117,335, this means housing, jobs, and services will need to be provided for approximately 35,000 additional residents. This translates to about 10,700 dwelling units based on the average household size of 3.27 persons per household. With good planning and foresight, some of these can be integrated into the Provo Station neighborhood, connecting both existing and new residents to transportation options.

Established neighborhoods to the north and west provide the station area with a good supporting base of low and medium density residential uses. Retail and office uses are intermingled in these residential neighborhoods in a mixed use pattern consistent with older, central city neighborhoods. The historic grid of 4-acre blocks from Provo's original plat is intact north of the tracks. While some streets extend south of the tracks, the grid of small 4-acre blocks does not and the urban form is less consistent and cohesive. **Residential buildings are a mixture of historic and contemporary, single-family and multi-family. The majority are considered to be of average or great condition, indicating they can provide a solid base for strategic infill and redevelopment in the station focus area.**

To the south and east the urban form and use pattern shifts to a retail and manufacturing focus situated on larger lots and with lower street intersection density and connectivity. Approximately 20 percent of the land in the broader station area is currently occupied by tax exempt entities, such as religious, civic, or non-profit institutions.

The station area vicinity has an estimated daytime population of 3,081 employees, along with 1,124 households and 3,427 residents. The average household size of 3.05 for the station area is lower than Provo City's average, which is lower than the average for Utah County.



station area vicinity





Station Area Illustrative Concept Plan Site Diagram: Potential 20 Year Build Out

RESIDENTIAL
total # of buildings: **12**
estimated total square feet: **303,400**
estimated # of dwelling units: **139**

OFFICE
total # of buildings: **6**
estimated total square feet: **385,760**

RETAIL
total # of buildings: **8**
estimated total square feet: **47,000**

MIXED OFFICE/RETAIL
total # of buildings: **3 (plus parking structure frontage)**
estimated total square feet: **114,800**

MIXED RESIDENTIAL/RETAIL
total # of buildings: **1**
estimated total square feet: **25,200**
estimated # of dwelling units: **6**

LIVE/WORK
total # of buildings: **1**
estimated total square feet: **25,200**
estimated # of dwelling units: **6**

NORTH

Planning Commission Staff Report
Rezone
Hearing Date: May 8, 2019

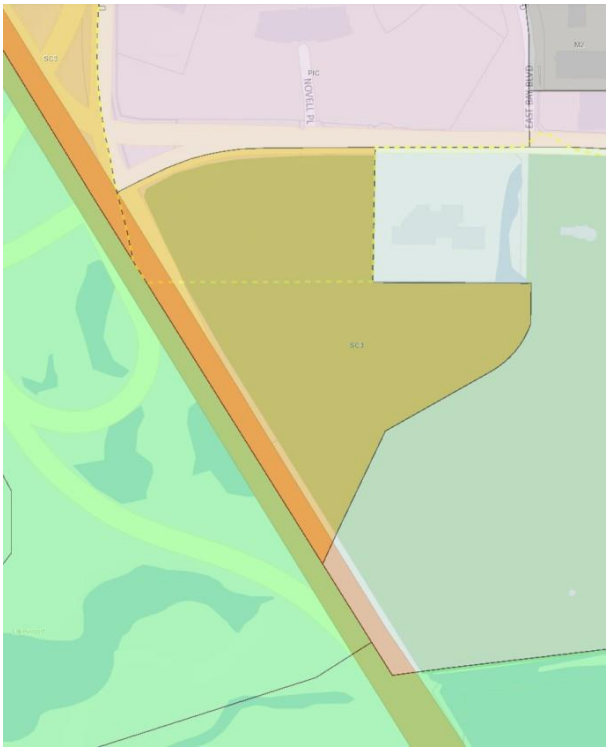
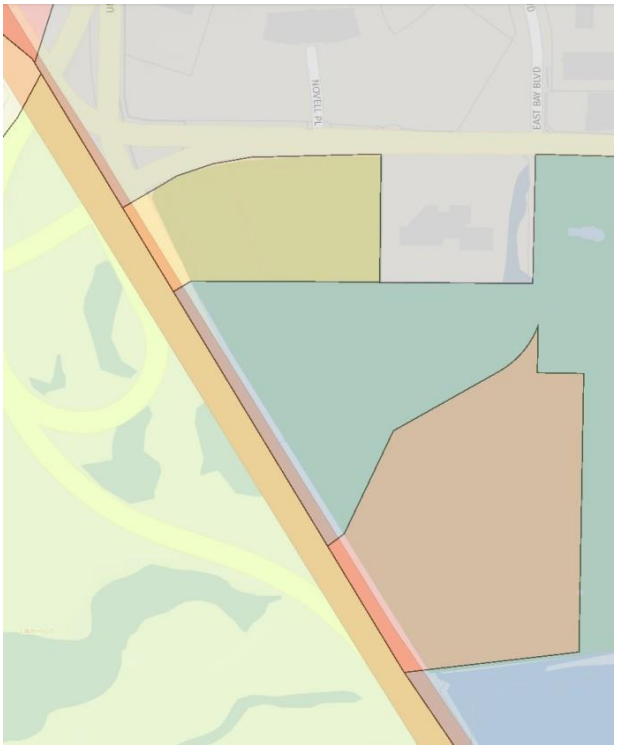
***ITEM 5 Todd Sinks request a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use (CMU) for 8.94 acres, located at 178 E 1860 S. East Bay neighborhood. Josh Yost (801) 852-6408 PLRZ20180321**

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 22, 6:00 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.

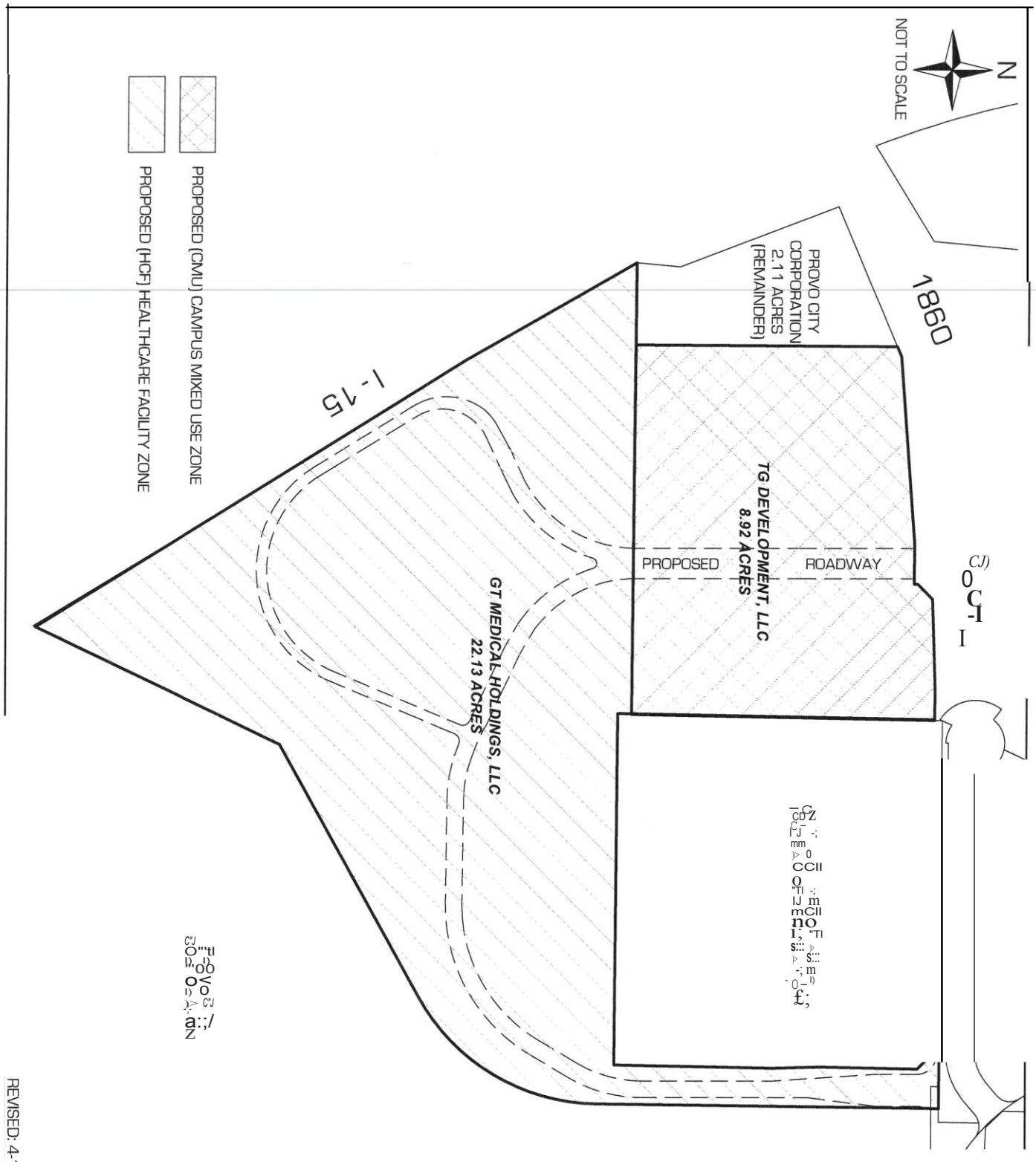
Staff verified the correctness of the existing zoning and General Plan designation for this area.

(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

ciuilsolut1onsgroupn:.

UTAH VALLEY IP: 801 .87 4.1432
PROVIDENCE I P: 435.213.3762
SALT LAKE CITY I P: 801.216.3192
info @ci vilsolutionsgroup.net
www.civilsolutionsgroup .n et

PROFESSIONAL LAND SURVEYOR
No. 177875
DENNIS P. CARLISLE
STATE OF UTAH
4-17-19

RE-ZONE EXHIBIT

SE -a OF SECTION 13, T7S, R2E & SW -a
OF SECTION 18 , T7S, R3E, SLB&M

EAST BAY AREA OF PROVO, UTAH

RE-ZONE EXHIBIT

SE¾ OF SECTION 13, T7S, R2E & SW¾
OF SECTION 18, T7S, R3E. SLB&M

EAST BAY AREA OF PROVO, UTAH

civilsolutionsgroup inc.
UTAHVAU.EYI P: 80 1.874 .1 432
PAOV10ENCf I P: 435 .213 .3762
SALT LAKE CITY I P: 801 216 .3192
,nfoOcivdsolutionsgroup.net
wwwcivdsolutionsgroupnet

PROFESSIONAL LAND SURVEYOR
No. 7707
DENNIS P. CARLISLE
STATE OF UTAH

ciuil solutions groupmc.

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 SEl /4 of Section 13, Township 7 South, Range 2 East, and the SW l/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 S l° 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°22'5l "E 40.64 feet; thenc e N88°03 '40"E 170.93 feet; thence S89°38'43 "E 59.96 feet to the point of beginning.

Contains: 8.92+/- acres



Provo City Planning Commission

Report of Action

May 08, 2019

*ITEM 5

PLRZ20180321 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. Josh Yost (801) 852-6408 PLRZ20180321

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 08, 2019:

RECOMMEND APPROVAL

On a vote of 3:1, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Dave Anderson
Second By: Andrew Howard
Votes in Favor of Motion: Deborah Jensen, Andrew Howard, Russ Phillips
Deborah Jensen was present as Chair.

- Report of Action for item previously continued after a public hearing or other discussion.
- 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 Health Care Facility (HCF) and Campus Mixed Use (CMU) Zone is described in the attached Exhibit A.

RELATED ACTIONS
Concept Plan Approval - PLCP20180322, Approved May 8, 2019.

DEVELOPMENT AGREEMENT
- Applies - referred applicant to Council Attorney.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

Staff presented both the Zone Change and Concept Plan Concurrently
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.

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.

CITY DEPARTMENTAL ISSUES
- Traffic study required and reviewed at this stage of project approval.
- Preliminary traffic study submitted.
- Important issues raised by other departments are addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on 10/17/2018.

NEIGHBORHOOD AND PUBLIC COMMENT
- The Neighborhood Chair was not present during the hearing.
- No 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:

No public comment was received during the hearing.

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

The Zone Change and Concept Plan applications were presented and discussed concurrently.

Todd Sinks, applicant introduced the project team and their presentations.

Richard Nielsen, President Rocky Mountain University of Health Professions reviewed the mission of the school and its impact on Provo and the greater Wasatch Front. He provided a history of RMU and explained the genesis of the Noorda College of Osteopathic Medicine (NCOM).

John Dougherty, Dean of the proposed NCOM shared an overview of the college's purpose, education philosophy and potential impact.

Curtis Leetham, Director of Healthcare Environments at MHTN reviewed the proposed concept plan. He explained the design development process and shared the many constraints present on the site. Mr. Leetham addressed concerns expressed by Planning Commission members at the previous meeting, indicating that parking structures and college buildings had been adjusted in the site to improve the proximity and relationship between the buildings and to move the parking facilities to the periphery. He also shared the redesigned pedestrian way leading from the apartment housing to the center of the NCOM campus.

Chris Huntsman of Five Degrees Design presented the revised concept for the apartment housing. He explained that four buildings had been combined into two buildings and that the primary street frontages now feature apartment units opening directly onto the sidewalk. He also reviewed the tenant amenity spaces and parking facilities. Finally, he explained the material selections for the buildings.

Concluding the presentation and in response to questions from the Planning Commission, Mr. Sinks indicated that we was willing to enter into a development agreement which would include the concept plan elements of building siting and arrangement.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

In the previous meeting comments were made by members not present at the second meeting.

In this meeting, Jamin Rowan expressed the following

- His most significant concern with the concept plan is the way in which the proposed buildings are situated in relation to one another on the site and the types of mobility that their situated-ness encourages among those using them. That is to say, the design and placement of the buildings on the site play a much bigger role in determining whether people will walk, bike, or drive to the site than amenities such as wide sidewalks, raised sidewalks, or pleasant landscaping play (though such amenities are undoubtedly important).
- He strongly recommended that the applicant reconsider placing two parking garages between the 793-unit apartment development and the buildings that students will use on campus.
- He also expressed concern that the sheer amount of space that paved roads take up on the site will encourage driving. For as small as the campus is (six structures), there seems to be an inordinate amount of the site dedicated to automobile infrastructure.
- Despite the applicant's insistence that he and his team have done the absolute best they could do with the site on which they are working, Mr. Rowan remained convinced that there is more that could be done with the site to make a much more walkable and user-friendly space.

Also in the first meeting, Shannon Ellsworth concurred with Mr. Rowan's comments and expressed additional concern about the appropriateness of the apartment and medical school land uses in general. She then shared her desire to obtain the best possible design for this development, especially considering the city's significant involvement in facilitating the project.

The following discussion occurred in response to the applicant's presentation in this second meeting.

Deborah Jensen noted the improvements that had been made after the initial hearing and expressed her appreciation for the presentation of the design development process. She questioned the applicant as to the likelihood of change in the plan from concept to final design. Mr. Leetham answered that any substantial change to building form or location was unlikely as it would require major redesign of the street and utility plans that underlie the concept plan. Mr. Sinks then proffered a Development Agreement to memorialize the key features of the concept plan.

Dave Andersen expressed concern about the remoteness and isolation of the proposed housing from other residential neighborhoods, services and daily needs. He continued by stating that the location for the Medical School is appropriate and acceptable. He then articulated his additional concerns related to the apartment housing element of the project.

- Provo City has approved, and continues to approve, apartment projects on a regular basis;
- Provo has more than its share of apartments in comparison to other cities in the county;
- The apartment land is ripe for commercial, business or even retail uses that would spin off from the Medical School or may be ancillary to the Medical School.

Andrew Howard questioned the apparent disconnection between the apartment housing and the medical school and asked staff if it was primarily related to site or engineering constraints. Staff responded that the appearance of a disconnect is primarily related to the presentation of the two elements separately and that they are being designed by different architects, leading to only minimal representation of the other element of the project in each architects presentation.



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

ORDINANCE 2019-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 31.06 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 178 EAST 1860 SOUTH, FROM REGIONAL SHOPPING (SC3) TO HEALTH CARE FACILITIES (HCF) AND CAMPUS MIXED USE (CMU). EAST BAY NEIGHBORHOOD. (PLRZ20180321)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 31.06 acres of real property, generally located at 178 East 1860 South (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 to facilitate the location of the Rocky Mountain University and associated apartment housing; and

WHEREAS, this proposal contemplates that the classification of approximately 22.12 acres of real property be amended from Regional Shopping (SC3) to Health Care Facilities (HCF), and the classification of approximately 8.94 acres of real property be amended from Regional Shopping (SC3) to Campus Mixed Use (CMU); and

WHEREAS, on May 8, 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 3:1vote; and

WHEREAS, on May 21 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 for approximately 31.06 acres of real property generally located at 178 East 1860 South, as described herein.

Specifically, the classification is amended from the Regional Shopping (SC3) Zone to the Health Care Facilities (HCF) Zone for approximately 22.12 acres of the property, and from the Regional Shopping (SC3) Zone to the Campus Mixed Use (CMU) Zone for approximately 8.94 acres of the property.

PART II:

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

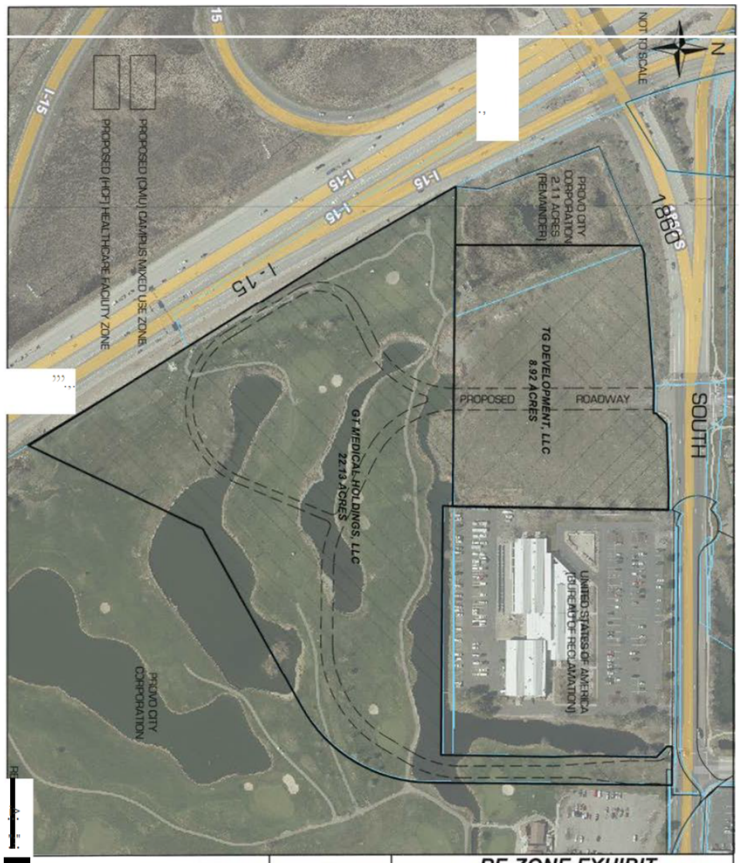
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

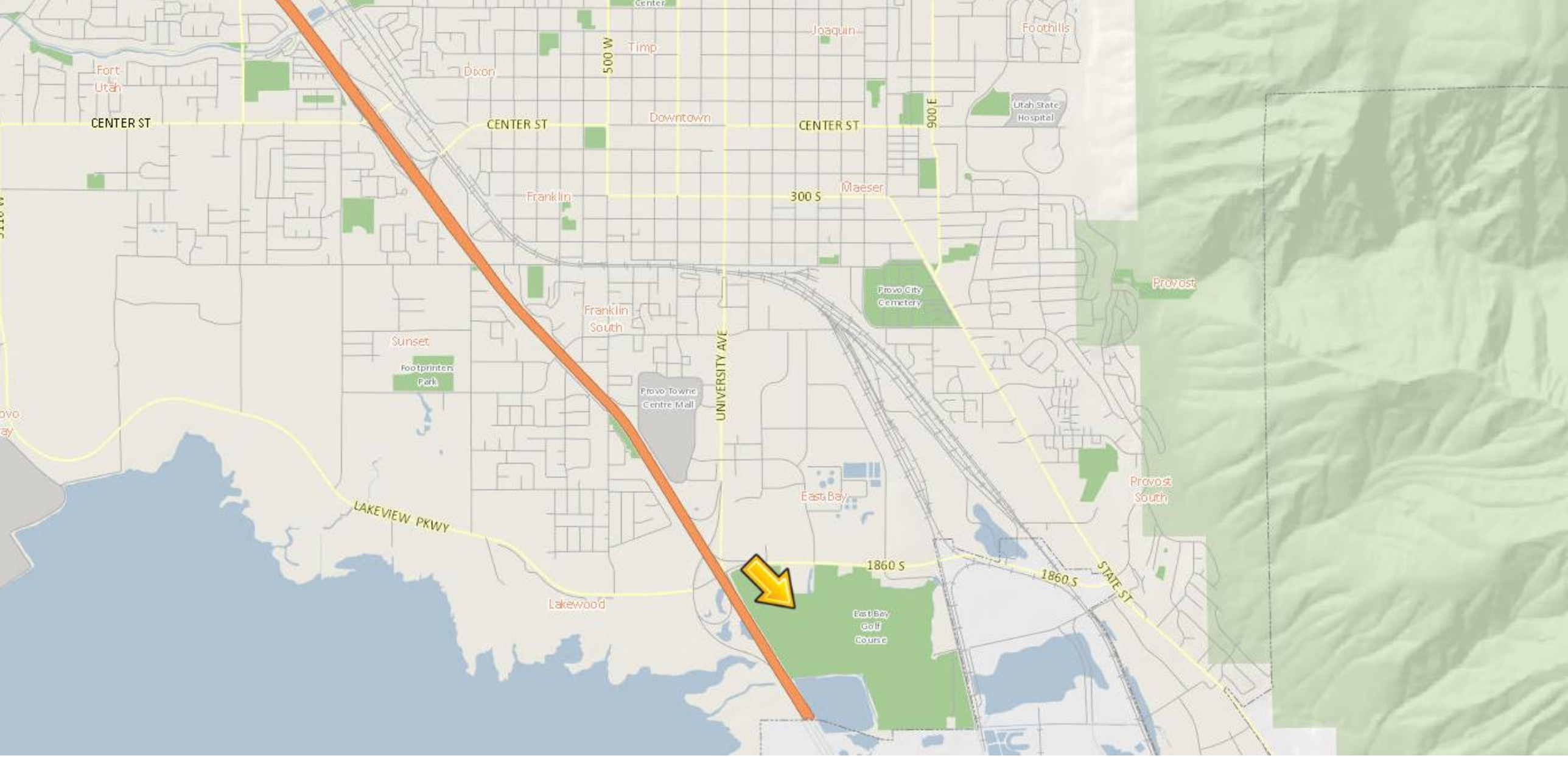

NOT TO SCALE
N
I-15
PROPOSED (CMU) CAMPUS MIXED USE ZONE
PROPOSED (HCF) HEALTHCARE FACILITY ZONE
PROMO CITY CORPORATION 2.11 ACRES (REMAINDER)
1860 S
SOUTH
PROPOSED ROADWAY
TG DEVELOPMENT, LLC 8.92 ACRES
GT MEDICAL HOLDINGS, LLC 22.13 ACRES
UNITED STATES OF AMERICA (GUARDS OF REDEMPTION)
PROMO CITY CORPORATION

ITEM 5*

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
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. 172675
DENNIS P. CARLISLE
STATE OF UTAH
4-17-19

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

Planning Commission Hearing
Staff Report
Hearing Date: May 8, 2019

***ITEM 7 Steve Turley requests a zone change from R1.10 to Light Manufacturing (M1) for approximately 7.7 acres of land located at approximately 1060 E 1320 S. Spring Creek neighborhood. PLRZ20190117**

Applicant: Steven Turley

Staff Coordinator: Dustin Wright

Property Owner: PROVO SOUTH PARTNERS LLC
Parcel ID#:22:051:0076
Acreage:7.71
Number of Properties: 1
Number of Lots: 1

Council Action Required: Yes

ALTERNATIVE ACTIONS

1. Recommend **Approve** of the requested rezone. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 22, 2019 6:00 P.M.*

Current Legal Use:
The property is vacant and a residential single-family would be the permitted use for development.

Relevant History:
In 2017 the property was rezoned from Light Manufacturing (M-1) to Single-family Residential (R1.10)
In 2019 the property was subdivided (PLFSUB20180165) from the Pro Steel parcel.

Neighborhood Issues:
A neighborhood meeting was held. The Neighborhood Chair informed staff that the proposed rezone does not follow the Southeast Neighborhood Plan future land use map recommendation.

Summary of Key Issues:

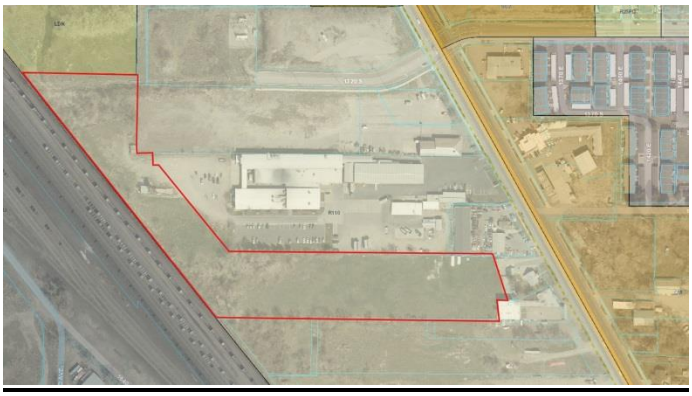
- Proposed rezone is not consistent with the Neighborhood future land use map.
- Future development of this area will require public streets to be installed to meet street frontage requirements of the zone.

Staff Recommendation:
A recommendation to the Municipal Council to deny the requested rezone as it is not consistent with the Southeast Neighborhood Plan.

OVERVIEW

The applicant is requesting a zone change from R1.10 to the M1 at approximately 1060 E 1320 S. In 2017 the Southeast Neighborhood Plan was adopted by the City. The future land use map in the plan calls for this area to be Low Density Residential (LDR) and Medium Density Residential (MDR). In the interim time the property was rezoned from the M1 zone to the R1.10 zone.

In 2019 there was a subdivision of the Pro Steel property and this parcel was created. They are now requesting to rezone it back to M1 for this new parcel, but not the Pro Steel parcel.

Current Zoning Map	Current General Plan Map
	

GENERAL PLAN POLICIES

The proposed rezone would not be consistent with the policies of the Southeast Neighborhood Plan was adopted in 2017 that identifies this area as LDR and MDR.

FINDINGS OF FACT

1. The property is zoned R1.10.
2. The Southeast Neighborhood Plan designates the subject property and surrounding area as Low Density Residential and Medium Density Residential on the Future Land Use Map.

3. The subject property has no access to a public street.

ANALYSIS

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: ***(Staff responses in bolded)***

(a) Public purpose for the amendment in question. ***It has been identified that residential land uses are needed in this area. Rezoning to M1 would not be consistent with the recently adopted Southeast Neighborhood Plan.***

(b) Confirmation that the public purpose is best served by the amendment in question. ***The proposed rezone would not help further the Southeast Neighborhood Plan.***

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives. ***This rezone is not compatible with the future land use map in the Southeast Neighborhood Plan.***

(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 existing public streets providing access to this parcel. Development would not be able to occur until public access is provided.***

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. ***The Southeast Neighborhood Plan land use plan would be hindered if this rezone is approved. The anticipated residential use would be thwarted and the potential conflicts between residential and industrial uses would be likely.***

(f) Adverse impacts on adjacent land owners. ***The surrounding properties on the north and south are zoned for single-family residential.***

(g) Verification of correctness in the original zoning or General Plan for the area in question. ***The most recent rezone has been updated on the zoning map.***

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

CONCLUSIONS

Staff finds that this proposal to rezone to the M1 zone would not be consistent with the Southeast Neighborhood Plan that shows this area to become LDR and MDR. Rezoning to M1 would be a deviation from the direction that the City has been headed for this area of the City. No compelling reason has been provided to deviate from the future land uses anticipated by the Neighborhood Plan. It is recommended that the land uses in Southeast Neighborhood Plan be followed.

STAFF RECOMMENDATION

A recommendation to the Municipal Council to deny the requested rezone as it is not consistent with the Southeast Neighborhood Plan.

Provo City Planning Commission

Report of Action

May 08, 2019

*Item 7 Steve Turley requests a zone change from R1.10 to Light Manufacturing (M1) for approximately 7.7 acres of land located at approximately 1060 E 1320 S. Spring Creek neighborhood. PLRZ20190117

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 08, 2019:

RECOMMENDED DENIAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Andrew Howard
Second By: Russ Philips
Votes in Favor of Motion: Andrew Howard, Russ Philips, Debora Jensen, 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 M1 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.

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held.

NEIGHBORHOOD AND PUBLIC COMMENT
- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.

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:

- This request doesn't align with the Neighborhood Plan.

- There is another application in to rezone the property with 112 MDR units being proposed at this location.

APPLICANT RESPONSE

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

- No proposed project has been decided upon for this request.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission inquired about why this is being proposed.
- The Planning Commission agreed that there is value to have industrial locations in the City, however, given the amount of time and effort that goes into neighborhood plans, the plans should be followed unless there is a clear advantage to deviating from the plan.



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 – Legal Description

PARCEL 1, PLAT A, PROSTEEL SUB AREA 7.691 AC

ORDINANCE 2019-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 7.71 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 1060 EAST 1320 SOUTH FROM ONE-FAMILY RESIDENTIAL (R1.10) TO LIGHT MANUFACTURING (M1). PROVO BAY NEIGHBORHOOD. (PLRZ20190117)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 7.71 acres of real property, generally located at 1060 East 1320 South (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 One-Family Residential (R1.10) to Light Manufacturing (M1); and

WHEREAS, on May 8, 2019, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended denial to the Municipal Council in a 4:0 vote; and

WHEREAS, on May 21, 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 One-Family Residential (R1.10) Zone to the Light Manufacturing (M1) Zone for approximately 7.71 acres of real property generally located at 1060 East 1329 South, as described herein.

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

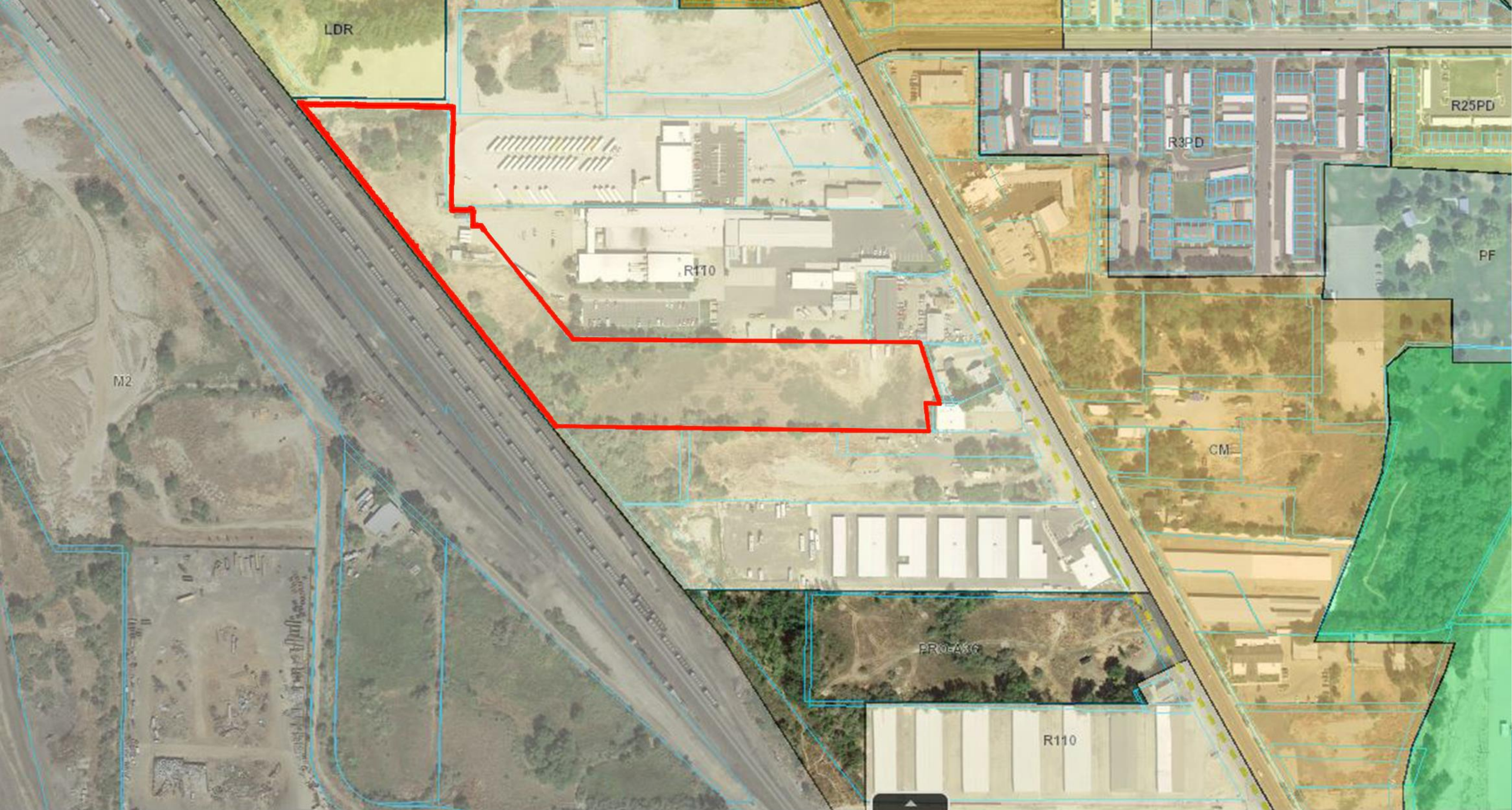
Current Zoning Map	Current General Plan Map
	

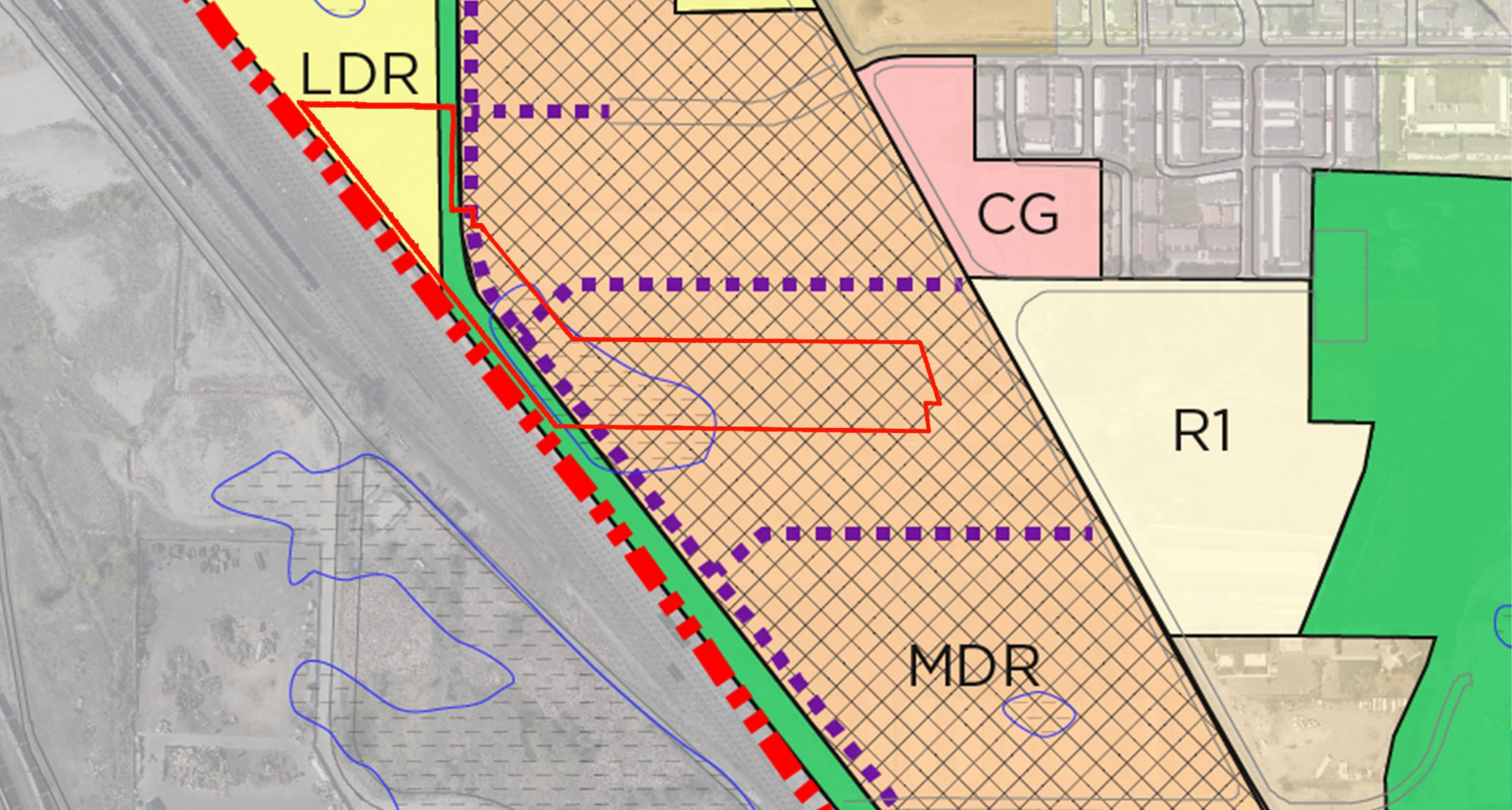
ITEM 7*

Steve Turley requests a zone change from R1.10 to Light Manufacturing (M1) for approximately 7.7 acres of land located at approximately 1060 E 1320 S.

Spring Creek neighborhood

PLRZ20190117


LDR
R110
R3PD
R25PD
PF
M2
CM
PROPOSED
R110


LDR
CG
R1
MDR

PROVO MUNICIPAL COUNCIL STAFF REPORT

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

SUBJECT: A discussion regarding a code amendment recommended by the Election Code Committee to update portions of the code related to Provo City elections. (19-002)

RECOMMENDATION: Review committee recommendation. If desired, move the item to a Council Meeting.

BACKGROUND: The Election Code Committee has reviewed Provo City's current election code with Provo City election officials and is proposing updates and changes to bring it into better alignment with state code, and better address and balance interest of campaign finance transparency, donor privacy, code clarity, and ballot access. Some of the changes include:

- Streamlined (and aligned by referencing state code
- Report district (if in Provo), city, and state of donor, but not street address
- Remove aggregate report option
- Clarifies reporting requirements for donations/expenses before and after the election season

FISCAL IMPACT: None

PRESENTER'S NAME: David Harding

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-002

ORDINANCE 2019-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE ELECTION CODE TO BETTER ALIGN WITH STATE CODE AND STREAMLINE AND CLARIFY PORTIONS OF THE CODE. (19-002)

WHEREAS, it is proposed to amend Provo City Code Chapter 2.05 (Campaign Finance Disclosure) in order to bring the Chapter into alignment with Utah State Code as well as streamline and clarify portions of the code;

WHEREAS, on May 7, 2019 and May 21, 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 presented to the Municipal Council, the Council finds (i) Provo City Code Chapter 2.05 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 Chapter 2.05 is hereby amended as set forth in 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.

Chapter 2.05

~~CAMPAIGN FINANCE DISCLOSURE~~ELECTION CODE

Sections:

2.05.010 Definitions.

2.05.010 Definitions

2.05.015 Candidate Filing Fee.

2.05.020 Anonymous Contributions ~~to Candidates - Limitations~~.

2.05.030 Contributions in the Name of Another Prohibited.

2.05.040 Campaign Financeing ~~Disclosure~~ Statements.

2.05.050 Responsibility for Political Communications-Disclosure.

2.05.060 Unlawful Acts Designated - Violation - Penalty.

2.05.070 Appeals.

2.05.010

Definitions.

~~For the purpose of this Chapter the following w~~Words used in this Chapter shall have the meanings set forth in Utah Code 10-3-208, as amended, except as set forth below.

The "**Anonymous contribution limit**" for each calendar year is $0. (See Section 2.05.020 below.)

"Candidate" means any person who:

(a) files a declaration of candidacy, or has a petition filed in the person's behalf, for an elected office of the City; or

(b) receives contributions, ~~or~~ makes expenditures, or gives consent~~s~~ for any ~~to an~~other person to receiv~~e~~ing contributions or mak~~e~~ing expenditures ~~with a view~~ to bring~~ing~~ about the~~such~~ person's nomination or election to ~~such~~an elected office of the City; or

(c) causes on ~~such~~the person's own behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated which indicates an intention to seek such office.

~~**"Campaign committee"** means the political committee appointed by a particular candidate to act for such candidate.~~

~~**"Campaign financing disclosure statement"** means the campaign financing disclosure statements required to filed under Section 2.05.040, Provo City Code.~~

~~**"Contribution"** means:~~

~~(a) a gift, subscription, loan advance or deposit of money or anything of value except loan of money by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business;~~

~~(b) an express, legally enforceable contract, promise, or agreement to make a contribution;~~

~~(c) a transfer of funds between political committees and a candidate's campaign committee;~~

~~(d) a payment for the personal services of another person by a person other than the candidate's campaign committee for services rendered to the candidate or such candidate's campaign committee; or~~

~~(e) goods or services provided to, or for the benefit of, a candidate or campaign committee at less than fair market value, except where such goods or services are not authorized by, or coordinated with, the candidate or campaign committee; but~~

~~(f) "Contribution" shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or a candidate's campaign committee.~~

~~**"Election"** means a general, special or primary election conducted by the City or any of its political subdivisions including elections limited to referendums or bond issues.~~

~~**"Expenditure"** means:~~

~~(a) a purchase, payment distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate, or the outcome of any issue on any City ballot;~~

~~(b) a contract, promise, or agreement express or implied whether or not legally enforceable to make any expenditure; or~~

~~(c) a transfer of funds by a political committee to another political committee or to a candidate's campaign committee.~~

~~**"Person"** means both natural and legal persons including, but not limited to, business organizations, campaign committees, political committees, party committees, labor unions, labor organizations and any other organized group of individuals.~~

~~**"Political committee"** means two (2) or more persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of donations to a campaign committee.~~

~~**"Political issue"** means any question other than the election of a candidate to City office placed upon any municipal ballot to be affirmed or defeated by popular vote including, but not limited to, bond issues and referendums.~~

~~**"Political purpose"** means an act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the election of a candidate or any issue on the ballot at a municipal election.~~

~~**"Primary election"** means any primary election held pursuant to Title 20A, Utah Code, or its successor, and/or any election held prior to the general election as provided by Title 20A, Utah Code, or its successor.~~

~~**"Received"** means:~~

~~(a) for a cash contribution, that the cash is given to a candidate or a member of the candidate's personal campaign committee;~~

~~(b) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and~~

~~(c) for any other type of contribution, that any portion of the contribution's benefit inures to the candidate.~~

~~**"Reporting date"** means:~~

~~(a) three (3) days before the deadline for filing a required campaign finance statement under this Chapter; or~~

~~(b) the day of filing, for a campaign finance statement required to be filed no later than thirty (30) days after a municipal primary or general election.~~

~~**"Reporting period"** means the period since the reporting date of the last filed financial statement, if any, and the reporting date of a financial statement to be filed under this Chapter.~~

2.05.015

Candidate Filing Fee.

(1) Individuals filing as candidates for the Municipal Council or for Mayor shall pay a fee at the time of filing their candidacy with the City Recorder. This filing fee shall be refundable only if it is determined that the person filing is not qualified to be a candidate, or is found to have improperly filed. The filing fees are as follows:

(a) For each person seeking to become a candidate for Council member, the filing fee shall be seventy-five dollars ($75.00); and

(b) For each person seeking to become a candidate for Mayor, the filing fee shall be one hundred fifty dollars ($150.00).

(2) In lieu of paying the filing fee required under this Section, individuals filing as candidates for the Municipal Council or for Mayor may submit a petition in support of candidacy. Such a petition must be filed with the City Recorder at the time the individual files for candidacy. The petition must state that the signatories support the candidacy of the individual and must contain the following number of individual handwritten signatures:

(a) For each person seeking to become a candidate for Council member, the petition must be signed by two hundred fifty (250) individuals; and

(b) For each person seeking to become a candidate for Mayor, the petition must be signed by five hundred (500) individuals.

2.05.020

Anonymous Contributions ~~to Candidates - Limitations~~.

~~(1) During any one (1) reporting period as set forth in this Chapter, no person shall make cash contributions exceeding fifty dollars ($50.00) to any candidate, campaign committee, or political committee with respect to any City election. Contributions made by a person to a candidate, campaign committee, or political committee in the form of a personal or certified check or bank draft may be unlimited as to the amount.~~

~~(2) It shall be unlawful to accept anonymous contributions. Any anonymous contribution received by a candidate or campaign committee shall be transmitted to the City Treasurer for deposit in the Provo City general fund.~~As established in Section 2.05.010 of this Chapter, the anonymous contribution limit for each calendar year is $0. Therefore, any contribution from a donor whose name is unknown is subject to Utah Code 10-3-208(4)(c), as amended, and a candidate shall disburse the amount of the contribution to:

(a) the Provo City Treasurer for deposit in the Provo City general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code, in which case the candidate shall provide to the City Recorder a receipt from the organization documenting the disbursement.

2.05.030

Contributions in the Name of Another Prohibited.

It shall be unlawful for a person to make a contribution in the name of another person or make a contribution with another person's funds in one's own name. No reporting entity~~campaign committee or political committee~~ shall knowingly accept a contribution made by one (1) person in the name of another person or made by one (1) person with the funds of another person.

2.05.040

Campaign Financ~~eing Disclosure~~ Statements.

(1) Every candidate~~, campaign committee, and political committee~~ is subject to the requirements of Utah Code 10-3-208(3) and (4), as amended, and to the requirements of this Chapter. If the provisions of this Chapter conflict with the provisions of Utah Code 10-3-208(3) or (4), the provisions of this Chapter shall control, as expressly authorized by Utah Code 10-3-208(2), as amended.

(2) Every candidate shall sign and file campaign financ~~inge disclosure~~ statements with the City Recorder as provided in this Section.

(a) All campaign financ~~eing disclosure~~ statements shall be public records and shall be filed by 5 p.m. on the following days~~as follows~~:

~~(a)~~ (i) the last Tuesday of June;

(ii) twenty-one (21) days before the day on which the municipal primary election is held;

(iii) seven (7) days before the day on which the municipal primary election is held;

(iv) twenty-eight (28) days after the day on which the municipal primary election is held;

(v) twenty-one (21) days before the day on which the municipal general election is held;

(vi) seven (7) days before the day on which the municipal general election is held;

(vii) twenty-eight (28) days after the day on which the municipal general election is held; and

(viii) for each candidate disqualified under this Chapter or Utah Code 10-3-208(8), as amended, within thirty (30) days after the day on which the candidate is disqualified.

(b) Following the filing of the campaign finance statement required under Subsection (2)(a)(iv), a candidate who was eliminated at a municipal primary election is only required to file additional

campaign finance statements until all contributions and expenditures have been disclosed and until a campaign finance statement has been filed that shows that all contributions received have been expended or otherwise lawfully disposed of.~~For a primary election, a campaign financing disclosure statement shall be filed by the last Tuesday of each month up to, but not including, the month preceding the day of the primary election. A campaign financing disclosure statement shall also be filed twenty-one (21) days preceding the day of the primary election and seven (7) days immediately preceding the day of the primary election.~~

~~(b) A candidate who is unsuccessful in a primary election shall also file a campaign financing disclosure statement within thirty (30) days following the day of the primary election.~~

~~(c) For a general election, a campaign financing disclosure statement shall be filed by the last Tuesday of each month up to, but not including, October. A campaign financing disclosure statement shall also be filed twenty-one (21) days preceding the day of the general election and seven (7) days preceding the day of the general election.~~

~~(d) For a general election, a campaign financing disclosure statement shall be filed within thirty (30) days following the day of the general election.~~

~~(e)~~ (3) In addition to campaign finance statements required under Subsection (2) of this Section, ~~If any contribution is received after a statement filed in connection with Subsection (1)(d) of this Section, then an~~ additional campaign finance ~~disclosure~~ statements shall be filed ~~every ninety (90) days thereafter~~ until all contributions and expenditures have been reported. as follows:

(a) any contribution received or expenditure not disclosed under Subsection (2) of this Section shall be reported within 90 days of the date the contribution is received or the expenditure is made;

(b) such contributions and expenditures may be reported singly or in a report documenting multiple contributions and expenditures so long as no single contribution or expenditure is reported after the deadline provided in Subsection (3)(a); and

(c) a candidate must lawfully, pursuant to Utah Code 10-9-203, as amended, dispose of all contributions received and account for the same by November 30th in the fifth year after the municipal election for which the contributions were received.

~~(f) The requirement to file campaign financing disclosure statements under this Section shall begin as follows:~~

~~(i) For a candidate, from the date the candidate files for candidacy with the City Recorder; and~~

~~(ii) For a campaign committee, after receiving contributions totaling at least two hundred fifty dollars ($250.00); and~~

~~(iii) For a political committee, after receiving contributions totaling at least two hundred fifty dollars ($250.00).~~

(~~2~~4) Each contribution received and each expenditure made by a candidate~~, campaign committee, or political committee~~ shall be reported in at least one (1) of the campaign finance~~disclosure~~ statements required under this Section~~enumerated in the preceding subsection~~. This includes all contributions received and expenditures made before the first campaign finance statement required under this Section regardless of whether the candidate had filed a declaration of candidacy, or had a petition filed on their behalf, at the time of the contribution or expenditure.

(~~5~~3) ~~The c~~Campaign financ~~eing disclosure~~ statements shall comport with the requirements of Utah Code 10-3-208(4)(a), as amended, regardless of the total amount of contributions and expenditures. Reporting only totals under Utah Code 10-3-208(4)(b) is not permitted.

~~required under this Section shall include the following information:~~

~~(a) Except as provided in Subsection (3)(b) of this Section:~~

~~(i) report all itemized and total:~~

~~(A) campaign contributions, including in-kind and other nonmonetary contributions, received before the close of the reporting date; and~~

~~(B) campaign expenditures made through the close of the reporting date; and~~

~~(ii) identify:~~

~~(A) for each contribution that exceeds fifty dollars ($50.00), the amount of the contribution and the full name and address of the donor;~~

~~(B) for each nonmonetary contribution:~~

~~(I) the fair market value of the contribution with that information provided by the contributor; and~~

~~(II) a specific description of the contribution; and~~

~~(C) the aggregate total of all contributions that individually do not exceed fifty dollars ($50.00); and~~

~~(D) for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or~~

~~(b) report the total amount of all campaign contributions and expenditures if:~~

~~(i) five hundred dollars ($500) or less in campaign contributions are received, and~~

~~(ii) five hundred dollars ($500) or less are expended.~~

(6) In addition to the requirements of Subsection (5) of this Section, campaign finance statements shall include the city of residence and, for Provo residents, the municipal council district of the donor. Donor addresses need not be included in the campaign finance statements, but must be collected by a candidate and must be disclosed to the City Recorder upon request for auditing purposes.

(7) All contribution and expenditure information shall be retained by a candidate until 180 days after the candidate has met the requirements of Subsection (3) of this Section.

(8) The City Recorder may extend the time in which a candidate is required to file a campaign finance statement if the candidate notifies the City Recorder prior to the deadline that an extenuating circumstance exists that is outside the control of the candidate.

(9) The City Recorder shall post an electronic copy of each campaign finance statement or the contents of the statement on the municipality's website no later than two business days after the statement is filed.

~~(4) Notwithstanding any provision of Title 63G, Chapter 2, Utah Code, Government Records Access and Management Act, the City Recorder shall make each campaign financing disclosure statement available for public inspection and copying no later than one (1) business day after the statement is filed.~~

~~(5)~~

~~(a) If a candidate fails to timely file a campaign financing disclosure statement that conforms to the requirements of this Chapter before the municipal general election, the City Recorder shall inform the appropriate election official who:~~

~~(i) shall:~~

Comment [BJ1]: Committee recommendation.

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) If a candidate or a campaign committee fails to timely file a campaign financing disclosure statement that conforms to the requirements of this Chapter, the City Recorder shall impose a fine of one hundred dollars ($100.00) against the candidate or campaign committee.

Comment [BJ2]: Do we want to retain this?

(c) Notwithstanding Subsections (5)(a) and (b) of this Section, a candidate who timely files a campaign finance statement is not subject to a fine or disqualification if:

(i) the statement details accurately and completely the information required under this Section, except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(d) If it appears that any candidate or campaign committee has failed to timely file a campaign financing disclosure statement that conforms to the requirements of this Chapter or if the City Recorder has received a written complaint alleging a violation of this Chapter or the falsity of any campaign financing disclosure statement, the City Recorder shall, within five (5) days of discovery of a violation or receipt of a written complaint, notify the candidate or campaign committee of the violation or written complaint and direct the candidate or campaign committee to file an amended report correcting the problem.

(e) It is unlawful for any candidate or campaign committee to fail to file an amended report within fourteen (14) days after receiving notice from the City Recorder under this Section. Each candidate or campaign committee who violates this Subsection (5)(e) is guilty of a class B misdemeanor.

(6)

(a) A campaign finance statement required under this Section is considered timely filed if it is received in the City Recorder's office by close of normal business hours on the date due.

~~(b) The City Recorder may extend the time in which a candidate or campaign committee is required to file a campaign financing disclosure statement if the candidate or campaign committee notifies the City Recorder of the existence of an extenuating circumstance that is outside the control of the candidate or campaign committee.~~

~~(7)~~

~~(a) A private party in interest may bring a civil action in district court to enforce the provisions of this Section or an ordinance adopted under this Section.~~

~~(b) In a civil action under Subsection (7)(a) of this Section, the court may award costs and attorney's fees to the prevailing party.~~

Comment [BJ3]: Add subsection requiring electronic posting by Recorder within two business days.

2.05.050

Responsibility for Political Communications-Disclosure.

(1) Whenever a reporting entity~~candidate, campaign committee, or political committee~~ makes any expenditure for an advertisement regarding a candidate or political issue that~~which~~ is broadcast or published by means of the Internet, television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter, the advertisement shall disclose the name of the candidate or reporting entity who is~~, campaign committee members, or political committee members who are~~ responsible for its broadcast or publication.

(2) Whenever any person who is not a reporting entity, or acting on behalf of a reporting entity, makes an expenditure of more than five hundred dollars ($500.00) for an advertisement regarding a candidate or political issue which is broadcast or published by means of the Internet, television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter, the advertisement shall contain the name of the person responsible for its broadcast or publication.

~~(3) Expenditures incurred for political communications as set forth in Subsections (1) and (2) of this Section shall be included in a campaign financing disclosure statement as provided in Section 2.05.040, Provo City Code. Within one (1) business day following a filing deadline, the City Recorder shall provide to the Mayor and Municipal Council:~~

~~(a) a copy of each report filed; and~~

~~(b) the name of any person, candidate, campaign committee, or political committee who the City Recorder reasonably believes is obligated to file a campaign financing disclosure statement but did~~

~~not do so, based on the broadcast or publication of an advertisement regarding a candidate or political issue.~~

2.05.060

Unlawful Acts Designated - Violation - Penalty.

(1) It is unlawful ~~to administer the oath of office, or to issue a certificate of election to~~ for any candidate for the offices of Mayor or ~~Municipal~~ Council~~or member~~ to take the oath of office or enter upon the duties of the office, if ~~until~~ the candidate, including any agent of the candidate that is a reporting entity,~~'s campaign committee~~ has failed to file~~d the~~ a campaign finance~~ing disclosure~~ statement~~s as~~ required by this Chapter, ~~which~~or has filed statements that are not~~shall be~~ complete upon their face or do not~~and shall~~ show compliance with the provisions of this Chapter. No person shall be issued a certificate of election who is not currently in compliance with the requirements of ~~enter upon the duties of the office until such campaign financing disclosure statements have been filed~~this Chapter regarding campaign finance statements ~~the required statements, nor shall any salary or fees be received by that person for a period prior to filing of the statements~~.

(2) It shall be a Class B misdemeanor punishable as provided by Provo City Code Section 1.03.010~~, Provo City Code~~, or its successor, for any person to fail to file any report specified in this Chapter or to knowingly or willfully falsify or omit any information required by any of the provisions of this Chapter.

(3) If a candidate fails to file a campaign finance statement required under Section 2.05.040(2) by the deadline for doing so, the candidate shall be disqualified and the City Recorder shall proceed as provided in Utah Code 10-3-208(8)(a), as amended.

(4) If a candidate timely files a campaign finance statement, but it appears that the campaign finance statement does not conform to the requirements of this Chapter or if the City Recorder has received a written complaint alleging a violation of this Chapter or the falsity of any campaign finance statement, the City Recorder shall, within five (5) days of discovery of a violation or receipt of a written complaint, notify the candidate of the violation or written complaint and direct the candidate to file an amended report correcting the problem.

(5) It is unlawful for any candidate to fail to file an amended report within five (5) days after receiving notice from the City Recorder under Subsection (4). Each candidate who violates this Subsection (5) is guilty of a class B misdemeanor and the City Recorder shall inform the appropriate election official that the candidate has been disqualified. The appropriate election official:

(a) shall:

(i) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(ii) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(b) may not count any votes for that candidate.

2.05.070

Appeals.

(1) Upon receipt of a notice that the City Recorder has imposed, or intends to impose, a civil penalty described in Provo City Code~~Section~~ 2.05.0460~~(5)(a) or 2.05.040(5)(b)~~, ~~Provo City Code,~~ the affected party may present documentary and/or testimonial evidence to the City Recorder to show why such penalty should not be imposed.

(2) Such evidence must be presented within ten (10) days of receiving the notice described in Subsection (1) of this Section. However, if the notice regards the disqualification of the candidate ~~pursuant to Section 2.05.040(5)(a)~~, ~~Provo City Code,~~ the evidence must be received at the office of the City Recorder by noon of the day preceding the election from which the candidate is to be disqualified even if ten (10) days has not yet elapsed since receipt of the notice.

(3) The consideration of such evidence by the City Recorder is an administrative proceeding under Utah Code 10-3-703.7. After review of the evidence, the City Recorder shall make and issue a final administrative determination.

(4) The final administrative decision by the City Recorder may be appealed (for purposes of review and not a trial de novo) to the district court, in the time and manner otherwise provided by law.

Election Code Committee

Recommendations

Objectives

- Update Code
- Align with State Code (streamline)
- Increase Useful Transparency
- Respect Donor Privacy
- Reduce Burden on Campaigns
- Clarify, Simplify

Update Code (and Code Cleanup)

- Modernized Payment Types Considered
- Retitle to “Election Code” from “Campaign Finance Disclosure”

Align with State Code (and streamline)

- Fixed provisions that conflict with State code
- Removed duplications
  - Three *pages* of definitions down to two definitions
- Candidates vs. Campaigns vs. Committees

Increase Transparency

- No more “undisclosed” donors
- Continued ban on “anonymous” donors
- No more $250 reporting threshold
- Timeliness of amended reports

Strike Balance, Maximize Value

- Respect Donor Privacy
  - Don’t disclose address
- Decrease Campaign Burden
  - New and improved disclosure form
- Increase Useful Transparency
  - Disclose Council District of donors

Clarify and Simplify

- Clearer on pre and post election donations and expenditures
  - All must be reported in a timely manner
  - All donations must be disposed of and accounted for within 5 years of the election
- Reporting periods for all
- Shorter
- Better organized
- Word-smithed, clarified meaning

This sheet could contain instructions to the candidate/campaign regarding how to use this form. It could also contain variables that change from year to year.

List all campaign donations on the "Input Donations" tab below. List all campaign expenses on the "Input Expenses" tab below.

Review the "Check Donations" tab. Be aware of multiple donations from the same donor being listed under slightly different names.

To assist with the review, multiple addresses associated with the same name are highlighted in **red**. This may be caused by two donors having the same name, but it is more likely that there is a mistake in the address. If there are indeed two donors with the same name, add a small differentiator (e.g. middle initial, Sr vs. Jr., or 1 and 2)

When the same address is associated with multiple donors, the addresses are highlighted in **orange**. This may be caused by multiple donors living in the same home, but can also be caused by slight differences in how the donor's name is recorded.

Make all corrections on the "Input Donations" tab, not the "Check Donations" tab.

City Election Code allows for donors who have donated a cumulative amount less than $50 per election cycle to be listed as anonymous on this report. Regardless, all donor names and addresses should be recorded by the campaign to know if and when the threshold has been met. A donor will be listed as Anonymous if the checkbox is marked on the "Check Donation

When ready to submit, use the "Print: Worksheet" option in the Print menu. Under "Selection" select only the three last sheets, each starting with the "Report". Print as a PDF. Submit the PDF to the Recorder.

For your information, here are the dates of the Reporting Periods:

Start Date	End Date	Reporting Period
1-Jan-2000	20-Jun-2019	1
21-Jun-2019	18-Jul-2019	2
19-Jul-2019	1-Aug-2019	3
2-Aug-2019	22-Aug-2019	4
23-Aug-2019	19-Sep-2019	5
20-Sep-2019	10-Oct-2019	6
11-Oct-2019	24-Oct-2019	7
25-Oct-2019	30-Nov-2019	8
1-Dec-2019	5-Nov-2024	9

Date	Business?	Surname (or Business)	Given Name(s)	Street Address (Will not be shown on report)	City	State/Foriegn Country	District (if in Provo)	Amount
1-Jun-2019	☑	Neighbors to Elect David Harding (		595 W 400 N	Provo	Utah	5	$406.27
23-Jun-2019	☐	Markham	Ben	4358 Stone Creek Lane	Provo	Utah	1	$250.00
23-Jun-2019	☐	Markham	Julie	4358 Stone Creek Lane	Provo	Utah	1	$250.00
1-Jun-2019	☐	Harding	David	595 W 400 N	Provo	Utah	5	$50.00
1-Jun-2019	☐	Harding	Julia	595 W 400 N	Provo	Utah	5	$50.00
24-Jun-2019	☐	Weir	Jason	664 W 300 N	Provo	Utah	5	$20.00
20-Jul-2019	☐	Jaramillo	Robert and Darlea	1100 W 200 N	Provo	Utah	5	$25.00
7-Sep-2019	☐	Winterton	Gary	79 W 2950 N	Provo	Utah	1	$150.00
7-Nov-2019	☑	The Mighty Baker		50 E 500 N	Provo	Utah	5	$15.00
7-Nov-2019	☑	Love Me Tenders		223 W Center Street	Provo	Utah	5	$33.12
1-Jul-2019	☐	Weir	Jason	665 W 300 N	Provo	Utah	5	$50.00
15-Jul-2019	☐	Simple	Simon	123 W Main St	American Fork	Utah		$25.00
15-Aug-2019	☑	The Music Man		123 E Center St	Provo	Utah		$50.00

	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							
	☐							

Date	Vendor	Purpose	Amount	In-kind?	In-Kind Amount
1-Jun-2019	Provo City	Filing Fee	$75.00	☐	
7-Jun-2019	GoDaddy	Web Domain Registration	$20.17	☐	
20-Jul-2019	PayPal	Processing Fee	$1.03	☐	
3-Aug-2019	Twitter	Vote By Mail Reminder	$29.90	☐	
6-Aug-2019	Facebook	Vote By Mail Reminder	$75.00	☐	
11-Aug-2019	Provo High Football	Ad in program and stadium	$300.00	☐	
6-Sep-2019	Twitter	Advertising	$30.00	☐	
18-Oct-2019	Facebook	Endorsement Ad	$122.50	☐	
26-Oct-2019	Facebook	Register/Get Informed Ad	$96.13	☐	
				☐	
30-Oct-2019	Facebook	Register/Get Informed Ad	$53.87	☐	
7-Nov-2019	Walgreens	Election Night Service Party	$27.74	☐	
7-Nov-2019	Target	Election Night Service Party	$25.42	☐	
7-Nov-2019	Sams's Club	Election Night Service Party	$20.56	☐	
7-Nov-2019	Staples	Election Night Service Party	$4.25	☐	
7-Nov-2019	Hobby Lobby	Election Night Service Party	$37.21	☐	
7-Nov-2019	Oregano	Election Night Service Party	$150.66	☐	
7-Nov-2019	The Mighty Baker	Election Night Service Party	$15.00	☐	
8-Nov-2019	David S. Sewell	Split Costs for Election Night Service Party	-$82.50	☐	
9-Nov-2019	Wesley Marriott	Split Costs for Election Night Service Party	-$58.00	☐	
15-Aug-2019	The Music Man	Campaign Jingle	$100.00	☑	$50.00

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	
				☐	

Totals	13				$506.27	$595.00	$25.00	$50.00	$150.00	$0.00	$0.00	$48.12	$0.00	
SUM of Amount					*Reporting Period*									
Full Name	*Street Address (Will not be shown on report)*	*District (if in Provo)*	*City*	*State /Foriegn Country*	1	2	3	4	5	6	7	8	9	Grand Total
*Love Me Tenders	223 W Center Street	5	Provo	Utah								$33.12		$33.12
*Neighbors to Elect David Harding (2015 Campaign)	595 W 400 N	5	Provo	Utah	$406.27									$406.27
*The Mighty Baker	50 E 500 N	5	Provo	Utah								$15.00		$15.00
*The Music Man	123 E Center St		Provo	Utah				$50.00						$50.00
Harding, David	595 W 400 N	5	Provo	Utah	$50.00									$50.00
Harding, Julia	595 W 400 N	5	Provo	Utah	$50.00									$50.00
Jaramillo, Robert and Darleana	1100 W 200 N	5	Provo	Utah			$25.00							$25.00
Markham, Ben	4358 Stone Creek Lan	1	Provo	Utah		$250.00								$250.00
Markham, Julie	4358 Stone Creek Lan	1	Provo	Utah		$250.00								$250.00
Simple, Simon	123 W Main St		American For	Utah		$25.00								$25.00
Weir, Jason	664 W 300 N	5	Provo	Utah		$20.00								$20.00
	665 W 300 N	5	Provo	Utah		$50.00								$50.00
Winterton, Gary	79 W 2950 N	1	Provo	Utah					$150.00					$150.00

Provo City

Campaign Finance Disclosure Form

[Candidate Name]

Creation Date: 5/7/2019

Reporting Period	1	2	3	4	5	6	7	8	9	Total
Starting Date		21-Jun-2019	19-Jul-2019	2-Aug-2019	23-Aug-2019	20-Sep-2019	11-Oct-2019	25-Oct-2019	30-Nov-2019	
Starting Amount	$0.00	$411.10	$1,006.10	$1,030.07	$575.17	$695.17	$695.17	$572.67	$330.45	
Donations	$506.27	$595.00	$25.00	$50.00	$150.00	$0.00	$0.00	$48.12	$0.00	$1,374.39
Expendatures	$95.17	$0.00	$1.03	$504.90	$30.00	$0.00	$122.50	$290.34	$0.00	$1,043.94
Difference	$411.10	$595.00	$23.97	-$454.90	$120.00	$0.00	-$122.50	-$242.22	$0.00	$330.45
Ending Amount	$411.10	$1,006.10	$1,030.07	$575.17	$695.17	$695.17	$572.67	$330.45	$330.45	

I attest that the information contained in this disclosure is true and accurate

[Candidate Signature]

[Date of Signature]

☐ This disclosure includes changes to past reporting periods.

Summary of Donations

			Reporting Period									
			1	2	3	4	5	6	7	8	9	Grand Total
		Total of Donations	$506.27	$595.00	$25.00	$50.00	$150.00	$0.00	$0.00	$48.12	$0.00	$1,374.39
Donor	**District**	**City**	**State /Foriegn Country**	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**Total**
*Love Me Tenders	5	Provo	Utah								$33.12	
*Neighbors to Elect David Harding (2015 Campaign)	5	Provo	Utah	$406.27								
*The Mighty Baker	5	Provo	Utah								$15.00	
*The Music Man		Provo	Utah				$50.00					
Harding, David	5	Provo	Utah	$50.00								
Harding, Julia	5	Provo	Utah	$50.00								
Jaramillo, Robert and Darleana	5	Provo	Utah			$25.00						
Markham, Ben	1	Provo	Utah		$250.00							
Markham, Julie	1	Provo	Utah		$250.00							
Simple, Simon		American Fork	Utah		$25.00							
Weir, Jason	5	Provo	Utah		$20.00							
Winterton, Gary	1	Provo	Utah					$150.00				
	5	Provo	Utah		$50.00							

Summary of Expenses

Total of Purchases	*Reporting Period*						
Vendor	1	3	4	5	7	8	Grand Total
Facebook			$75.00		$122.50	$150.00	$347.50
Provo High Football			$300.00				$300.00
Oregano						$150.66	$150.66
The Music Man			$100.00				$100.00
Provo City	$75.00						$75.00
Twitter			$29.90	$30.00			$59.90
Hobby Lobby						$37.21	$37.21
Walgreens						$27.74	$27.74
Target						$25.42	$25.42
Sams's Club						$20.56	$20.56
GoDaddy	$20.17						$20.17
The Mighty Baker						$15.00	$15.00
Staples						$4.25	$4.25
PayPal		$1.03					$1.03
Wesley Marriott						-$58.00	-$58.00
David S. Sewell						-$82.50	-$82.50
Grand Total	**$95.17**	**$1.03**	**$504.90**	**$30.00**	**$122.50**	**$290.34**	**$1,043.94**

List of Expenses

	Reporting Period									
	1	2	3	4	5	6	7	8	9	Grand Total
Total of Purchases	$95.17	$0.00	$1.03	$504.90	$30.00	$0.00	$122.50	$290.34	$0.00	$1,043.94

Date	**Vendor**	**Purpose**	**Amount**	**In-Kind Amount**
1-Jun-2019	Provo City	Filing Fee	$75.00	
7-Jun-2019	GoDaddy	Web Domain Registration	$20.17	
20-Jul-2019	PayPal	Processing Fee	$1.03	
3-Aug-2019	Twitter	Vote By Mail Reminder	$29.90	
6-Aug-2019	Facebook	Vote By Mail Reminder	$75.00	
11-Aug-2019	Provo High Football	Ad in program and stadium	$300.00	
15-Aug-2019	The Music Man	Campaign Jingle	$100.00	$50.00
6-Sep-2019	Twitter	Advertising	$30.00	
18-Oct-2019	Facebook	Endorsement Ad	$122.50	
26-Oct-2019	Facebook	Register/Get Informed Ad	$96.13	
30-Oct-2019	Facebook	Register/Get Informed Ad	$53.87	
7-Nov-2019	Walgreens	Election Night Service Party	$27.74	
7-Nov-2019	Target	Election Night Service Party	$25.42	
7-Nov-2019	Sams's Club	Election Night Service Party	$20.56	
7-Nov-2019	Staples	Election Night Service Party	$4.25	
7-Nov-2019	Hobby Lobby	Election Night Service Party	$37.21	
7-Nov-2019	Oregano	Election Night Service Party	$150.66	
7-Nov-2019	The Mighty Baker	Election Night Service Party	$15.00	
8-Nov-2019	David S. Sewell	Split Costs for Election Night Service Party	-$82.50	
9-Nov-2019	Wesley Marriott	Split Costs for Election Night Service Party	-$58.00	

Current			**Proposed**
Eliminated at Primary	Successful at Primary	No Primary	
June 25th	June 25th	June 25th	June 25th
July 23rd	July 23rd	July 30th	July 23rd
August 6th	August 6th		August 6th
September 12th	August 27th	August 27th	September 10th
	September 24th	September 24th	
	October 15th	October 15th	October 15th
	October 29th	October 29th	October 29th
	December 5th	December 5th	December 3rd
Every 90 days until all contributions reported [MAYBE]	Every 90 days until all contributions reported	Every 90 days until all contributions reported	Within 90 of any activity until all funds disposed

Chapter 2.05

ELECTION CODE

Sections:

2.05.010 Definitions.

2.05.010 Definitions

2.05.015 Candidate Filing Fee.

2.05.020 Anonymous Contributions.

2.05.030 Contributions in the Name of Another Prohibited.

2.05.040 Campaign Finance Statements.

2.05.050 Responsibility for Political Communications-Disclosure.

2.05.060 Unlawful Acts Designated - Violation - Penalty.

2.05.070 Appeals.

2.05.010

Definitions.

Words used in this Chapter shall have the meanings set forth in Utah Code 10-3-208, as amended, except as set forth below.

The "**Anonymous contribution limit**" for each calendar year is $0. (See Section 2.05.020 below.)

"Candidate" means any person who:

(a) files a declaration of candidacy, or has a petition filed in the person's behalf, for an elected office of the City; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to an elected office of the City; or

(c) causes on the person's own behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated which indicates an intention to seek such office.

2.05.015

Candidate Filing Fee.

(1) Individuals filing as candidates for the Municipal Council or for Mayor shall pay a fee at the time of filing their candidacy with the City Recorder. This filing fee shall be refundable only if it is determined that the person filing is not qualified to be a candidate, or is found to have improperly filed. The filing fees are as follows:

(a) For each person seeking to become a candidate for Council member, the filing fee shall be seventy-five dollars ($75.00); and

(b) For each person seeking to become a candidate for Mayor, the filing fee shall be one hundred fifty dollars ($150.00).

(2) In lieu of paying the filing fee required under this Section, individuals filing as candidates for the Municipal Council or for Mayor may submit a petition in support of candidacy. Such a petition must be filed with the City Recorder at the time the individual files for candidacy. The petition must state that the signatories support the candidacy of the individual and must contain the following number of individual handwritten signatures:

(a) For each person seeking to become a candidate for Council member, the petition must be signed by two hundred fifty (250) individuals; and

(b) For each person seeking to become a candidate for Mayor, the petition must be signed by five hundred (500) individuals.

2.05.020

Anonymous Contributions.

As established in Section 2.05.010 of this Chapter, the anonymous contribution limit for each calendar year is $0. Therefore, any contribution from a donor whose name is unknown is subject to Utah Code 10-3-208(4)(c), as amended, and a candidate shall disburse the amount of the contribution to:

(a) the Provo City Treasurer for deposit in the Provo City general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code, in which case the candidate shall provide to the City Recorder a receipt from the organization documenting the disbursement.

2.05.030

Contributions in the Name of Another Prohibited.

It shall be unlawful for a person to make a contribution in the name of another person or make a contribution with another person's funds in one's own name. No reporting entity shall knowingly accept a contribution made by one (1) person in the name of another person or made by one (1) person with the funds of another person.

2.05.040

Campaign Finance Statements.

(1) Every candidate is subject to the requirements of Utah Code 10-3-208(3) and (4), as amended, and to the requirements of this Chapter. If the provisions of this Chapter conflict with the provisions of Utah Code 10-3-208(3) or (4), the provisions of this Chapter shall control, as expressly authorized by Utah Code 10-3-208(2), as amended.

(2) Every candidate shall sign and file campaign finance statements with the City Recorder as provided in this Section.

(a) All campaign finance statements shall be public records and shall be filed by 5 p.m. on the following days:

(i) the last Tuesday of June;

(ii) twenty-one (21) days before the day on which the municipal primary election is held;

(iii) seven (7) days before the day on which the municipal primary election is held;

(iv) twenty-eight (28) days after the day on which the municipal primary election is held;

(v) twenty-one (21) days before the day on which the municipal general election is held;

(vi) seven (7) days before the day on which the municipal general election is held;

(vii) twenty-eight (28) days after the day on which the municipal general election is held; and

(viii) for each candidate disqualified under this Chapter or Utah Code 10-3-208(8), as amended, within thirty (30) days after the day on which the candidate is disqualified.

(b) Following the filing of the campaign finance statement required under Subsection (2)(a)(iv), a candidate who was eliminated at a municipal primary election is only required to file additional

campaign finance statements until all contributions and expenditures have been disclosed and until a campaign finance statement has been filed that shows that all contributions received have been expended or otherwise lawfully disposed of.

(3) In addition to campaign finance statements required under Subsection (2) of this Section, additional campaign finance statements shall be filed until all contributions and expenditures have been reported as follows:

(a) any contribution received or expenditure not disclosed under Subsection (2) of this Section shall be reported within 90 days of the date the contribution is received or the expenditure is made;

(b) such contributions and expenditures may be reported singly or in a report documenting multiple contributions and expenditures so long as no single contribution or expenditure is reported after the deadline provided in Subsection (3)(a); and

(c) a candidate must lawfully, pursuant to Utah Code 10-9-203, as amended, dispose of all contributions received and account for the same by November 30th in the fifth year after the municipal election for which the contributions were received.

(4) Each contribution received and each expenditure made by a candidate shall be reported in at least one (1) of the campaign finance statements required under this Section. This includes all contributions received and expenditures made before the first campaign finance statement required under this Section regardless of whether the candidate had filed a declaration of candidacy, or had a petition filed on their behalf, at the time of the contribution or expenditure.

(5) Campaign finance statements shall comport with the requirements of Utah Code 10-3-208(4)(a), as amended, regardless of the total amount of contributions and expenditures. Reporting only totals under Utah Code 10-3-208(4)(b) is not permitted.

(6) In addition to the requirements of Subsection (5) of this Section, campaign finance statements shall include the city of residence and, for Provo residents, the municipal council district of the donor. Donor addresses need not be included in the campaign finance statements, but must be collected by a candidate and must be disclosed to the City Recorder upon request for auditing purposes.

(7) All contribution and expenditure information shall be retained by a candidate until 180 days after the candidate has met the requirements of Subsection (3) of this Section.

(8) The City Recorder may extend the time in which a candidate is required to file a campaign finance statement if the candidate notifies the City Recorder prior to the deadline that an extenuating circumstance exists that is outside the control of the candidate.

(9) The City Recorder shall post an electronic copy of each campaign finance statement or the contents of the statement on the municipality's website no later than two business days after the statement is filed.

2.05.050

Responsibility for Political Communications-Disclosure.

(1) Whenever a reporting entity makes any expenditure for an advertisement regarding a candidate or political issue that is broadcast or published by means of the Internet, television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter, the advertisement shall disclose the name of the candidate or reporting entity who is responsible for its broadcast or publication.

(2) Whenever any person who is not a reporting entity, or acting on behalf of a reporting entity, makes an expenditure of more than five hundred dollars ($500.00) for an advertisement regarding a candidate or political issue which is broadcast or published by means of the Internet, television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter, the advertisement shall contain the name of the person responsible for its broadcast or publication.

2.05.060

Unlawful Acts Designated - Violation - Penalty.

(1) It is unlawful for any candidate for the offices of Mayor or Councilor to take the oath of office or enter upon the duties of the office, if the candidate, including any agent of the candidate that is a reporting entity, has failed to file a campaign finance statement required by this Chapter, or has filed statements that are not complete upon their face or do not show compliance with the provisions of this Chapter. No person shall be issued a certificate of election who is not currently in compliance with the requirements of this Chapter regarding campaign finance statements.

(2) It shall be a Class B misdemeanor punishable as provided by Provo City Code Section 1.03.010, or its successor, for any person to fail to file any report specified in this Chapter or to knowingly or willfully falsify or omit any information required by any of the provisions of this Chapter.

(3) If a candidate fails to file a campaign finance statement required under Section 2.05.040(2) by the deadline for doing so, the candidate shall be disqualified and the City Recorder shall proceed as provided in Utah Code 10-3-208(8)(a), as amended.

(4) If a candidate timely files a campaign finance statement, but it appears that the campaign finance statement does not conform to the requirements of this Chapter or if the City Recorder has received a written complaint alleging a violation of this Chapter or the falsity of any campaign finance statement, the City Recorder shall, within five (5) days of discovery of a violation or receipt of a written complaint, notify the candidate of the violation or written complaint and direct the candidate to file an amended report correcting the problem.

(5) It is unlawful for any candidate to fail to file an amended report within five (5) days after receiving notice from the City Recorder under Subsection (4). Each candidate who violates this Subsection (5) is guilty of a class B misdemeanor and the City Recorder shall inform the appropriate election official that the candidate has been disqualified. The appropriate election official:

(a) shall:

(i) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(ii) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(b) may not count any votes for that candidate.

2.05.070

Appeals.

(1) Upon receipt of a notice that the City Recorder has imposed, or intends to impose, a civil penalty described in Provo City Code 2.05.060, the affected party may present documentary and/or testimonial evidence to the City Recorder to show why such penalty should not be imposed.

(2) Such evidence must be presented within ten (10) days of receiving the notice described in Subsection (1) of this Section. However, if the notice regards the disqualification of the candidate, the evidence must be received at the office of the City Recorder by noon of the day preceding the election from which the candidate is to be disqualified even if ten (10) days has not yet elapsed since receipt of the notice.

(3) The consideration of such evidence by the City Recorder is an administrative proceeding under Utah Code 10-3-703.7. After review of the evidence, the City Recorder shall make and issue a final administrative determination.

(4) The final administrative decision by the City Recorder may be appealed (for purposes of review and not a trial de novo) to the district court, in the time and manner otherwise provided by law.