

Provo City Planning Commission

Report of Action

November 13, 2019

*Item 6 The Provo City Department of Public Works requests an Ordinance Text Amendment, amending Provo City Code 15.03.100 (Adequate Public Facilities) regarding access to sewer connections for new development west of the I-15 Freeway, including limitations on the number of connections allowed per development project. City-wide. PLOTA20190392

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 13, 2019:

RECOMMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application with the following exception:

THAT THE ORDINANCE AMENDMENT SHOULD BE PLACED IN A NEW SECTION (15.03.105)

Motion By: Robert Knudsen

Second By: Maria Winden

Votes in Favor of Motion: Robert Knudsen, Maria Winden, Shannon Ellsworth, Laurie Urquiaga, Dave Anderson
Dave Anderson 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

Not applicable

RELATED ACTIONS

None

APPROVED/RECOMMENDED OCCUPANCY

Not applicable

APPROVED/RECOMMENDED PARKING

Not applicable

DEVELOPMENT AGREEMENT

Not applicable

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The proposed text 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:

- That the Public Works Department has determined that 500-600 sewer connections are available for future development.
- That staff needs a process to determine which projects would qualify for a portion of the sewer connections.
- The process proposed by staff would limit any development to 40 connections at a time.
- This will allow some development to move forward while the city is building needed infrastructure
- On advice on the City Attorney's Office, a text amendment is necessary to memorialize the standards and process for allocating sewer connections.

CITY DEPARTMENTAL ISSUES

- Sewer capacity will continually be monitored by Public Works

NEIGHBORHOOD MEETING DATE

- This amendment has city-wide implications
- Notice was given to all neighborhood chairs
- No neighborhood meeting was held

NEIGHBORHOOD AND PUBLIC COMMENT

- Becky Bogdin (Lakewood neighborhood chair) questioned how connections would be allocated and felt that commercial development and schools should be given priority.

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 representative of DR Horton expressed appreciation for staff involving input from the development community in crafting this ordinance amendment

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- General support for a process that would allow incremental development on the west side to move forward was expressed



Planning Commission Chair



Director of Development Services

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

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

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the 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

15.03.100

Adequate Public Facilities.

(1) Land shall be developed where existing infrastructure is in place or will be timely provided to service proposed development. For each such development an analysis shall be completed to determine whether adequate public facilities are available to service the development and whether the development will change existing levels of service or will create a demand which exceeds acceptable levels of service for roadways, intersections, bridges, storm drainage facilities, water lines, water pressure, sewer lines, fire and emergency response times, and other similar public services. A proposed development shall not be approved if demand for public services is shown to exceed accepted levels of service. No subsequent approval of such development shall be given until either the developer or the City installs improvements calculated to raise service levels to accepted norms.

(2) Temporary Limitations on Certain Sewer Connections. Due to limited sewer capacity within the catchment area of the 36-inch sewer main that services the area west of the I-15 freeway and portions of the Grandview area and the potential for new development in that catchment area in excess of the capacity available, the following regulations apply to development projects in that catchment area:

(a) the City shall monitor available sewer capacity and development projects that have been approved or submitted for approval and shall model the projected available sewer connections. Model projections shall be reported regularly to the Municipal Council and made available to the public. The model calculations are not a guarantee of available connections and each development project is subject to individual review regarding available sewer capacity.

(b) development projects shall be allocated sewer connections from the currently available connections only upon meeting the following requirements:

(i) the Director of Public Works determines that there is adequate sewer capacity currently available to meet the demands of the proposed development;

(ii) the project plan adequately demonstrates that the proposed development has a connection to the 36-inch sewer main described in this Section through gravity sewer

lines with adequate capacity to support the project that are, or will be, in place before the applicant requests building permits for the project;

(iii) providing adequate sewer capacity to the the development project does not involve a lift station other than those that are master planned system improvements;

(iv) proper zoning is in place for the development to proceed; and

(v) the development project plan has been approved.

(c) An allocation of sewer connections under this Subsection (2) shall expire 18 months from the approval of the project plan unless the building permits for the project have been issued.

(d) A project may not be allocated more than 40 connections, except that a phased project may be allocated additional connections in accordance with this subsection. Each phase of a phased development project may receive its own allocation of 40 connections, but only after 50% of the units related to each and every prior phase have been issued occupancy permits, and only if the phase meets all the requirements of this Section.

(e) Allocated sewer connections are not transferrable.

(f) Notwithstanding the other provisions of this Section, an applicant or development shall not receive an allocation of sewer connections in any circumstances where be the Director of the Department of Development Services determines that a prior allocation of sewer connections made after November 19, 2019 is so substantially related to the current applicant or development that the prior allocation and the current applicant or development are not separate and distinct development projects, unless it is a phased project and meets the requirements of Subsection (c).

(g) This Subsection (2) shall expire and be automatically repealed upon the completion of all of the sewer related capital improvement projects identified as projects W1 through W7 and W10 in Figure 3.3: Future Sewer Capital Project Costs of the Impact Fee Facilities Plan adopted on _____, 2019.
