



PROVO MUNICIPAL COUNCIL

Work Meeting

2:30 PM, Tuesday, December 10, 2019

Room 310, City Conference Room

351 W. Center Street, Provo, UT 84601

Agenda

Roll Call

Prayer

Business

1. A presentation regarding the Pleasant View Neighborhood Plan from the collaborating student team from Brigham Young University. (19-148)

Redevelopment Agency

2. A discussion regarding the proposed project area plan and budget for the Medical School Community Reinvestment Project Area. (19-142, 19-143, and 19-144)
3. A resolution designating a survey area, authorizing the preparation of a draft Community Reinvestment Project Area Plan and Budget, related to "The Mix" project, and authorizing and directing all necessary action. (19-139)

Business

4. An ordinance amending Provo City Code to correct and update Title 18 (Storm Water) and the associated design and management manual. (19-109)
5. An ordinance amending the Claim Settlement Authority Schedule in Provo City Code and providing for automatic inflation adjustments. (19-149)
6. A resolution adopting the 2020 Council regular Meeting schedule. (19-145)

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

Adjournment

Informal discussion may be held in the Council Conference Room between 4:30 PM and 5:30 PM.

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

Materials and Agenda: agendas.provo.org

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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 1/7/2020 12:00:00 PM at 1/7/2020 12:00:00 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: 12-10-2019

SUBJECT: A presentation regarding the Pleasant View Neighborhood Plan from the collaborating student team from Brigham Young University. (19-148)

RECOMMENDATION: Presentation only.

BACKGROUND: This semester, Provo City staff have worked with a BYU class on the Pleasant View Neighborhood Plan. The students will present their progress to the Council. The plan will not have gone to planning commission in final form, but they are also presenting to the planning commission in the November meeting study session.

FISCAL IMPACT: None

PRESENTER'S NAME: Robert Mills and the student team from Brigham Young University

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-148



Provo City (*Redevelopment Agency*)

Staff Memorandum

Medical School Community Renewal Project Area Public Hearing

November 20, 2019

<p>Department Head Bill Peperone 6402</p> <p>Presenter David Walter 6167</p> <p>Required Time for Presentation 25 Minutes</p> <p>Is This Time Sensitive No</p> <p>Case File # (if applicable)</p>	<p>Purpose of Proposal</p> <ul style="list-style-type: none"> • A Resolution to Adopt the Community Reinvestment Project Area Plan for The Medical School Community Reinvestment Project Area • A Resolution to Approve and Adopt the Community Reinvestment Project Area Budget for The Medical School Community Reinvestment Project Area • An Ordinance of Provo City Adopting the Community Reinvestment Project Area Plan for The Medical School Community Reinvestment Project Area <p>Action Requested</p> <ul style="list-style-type: none"> • Adopt both Resolutions <p>Relevant City Policies</p> <ul style="list-style-type: none"> • Business and Economic Vitality • Support Economic Development <p>Budget Impact</p> <ul style="list-style-type: none"> • <p>Description of this item</p> <ul style="list-style-type: none"> • Previously, the City Council approved the sale of 3 holes at the Provo Municipal Golf Course to a developer who has committed to bringing a for profit medical school and associated housing to the southern end of Provo. The developer agreed to work with the Parks and
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Recreation department to design replacements holes for the three holes that are being transferred. The developer agreed to pay for those relocations. As part of the discussions, the City agreed to use its best efforts to create a tax increment area, now known as a Community Reinvestment Area, on the portion of the development that would be utilized for housing and not for the balance of the medical school development.

- The tax increment area that is being proposed is to assist the developer of the housing in the area meet some of the infrastructure obligations that come with the proposed development. It is not intended to pay the developer back for the relocation of the three golf course holes. The developer is currently working cooperatively with the Parks and Recreation department to pay for the relocation of the holes. It is important to reiterate that the tax increment will not be used to pay for those improvements.
- The Redevelopment Agency of Provo City has scheduled a public hearing on the draft project area plan and budget for the proposed Medical School Community Reinvestment Project Area to be held December 10, 2019, at 5:30 p.m. or as soon as the agenda permits, in the council chambers of City Hall (Rm. 200) located at 351 W. Center Street, Provo, Utah. The purposes of the public hearing will be to: allow public comment on the draft Plan and draft Budget for the Project Area; allow public comment on the Plan and Budget and whether each should be revised, approved or rejected; and receive all written objections and hear all oral objections to the draft Plan and Budget. A map and legal description of the boundaries of the Project Area are available at <https://bit.ly/34WwXn3> or by contacting the Agency.
- Property tax revenue resulting from an increase in valuation of property within the project area or proposed project area will be paid to the agency for project area development rather than to the taxing entity to which the tax revenue would otherwise have been paid if one or more taxing entities agree to share property tax revenue under an interlocal agreement and the adopted Project Area Plan provides for the agency to receive tax increment. The Agency has requested an estimated \$7.92 million in property tax revenues that will be generated by development within the Project Area to fund a portion of project costs within the Project Area. These property tax revenues will be used for the following: mandatory housing allocation as required by

statute, payment and reimbursement of infrastructure costs, incentives to developers, Agency administrative expenses, taxing entity mitigation payments, and other expenditures as authorized by law. These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the agency for this project area from each taxing entity will be as follows: Provo City - \$1.77 million, Utah County - \$180,000, Provo School District - \$5.60 million, Central Utah Water Conservancy District - \$374,000. All of the property taxes to be paid to the Agency for the development in the Project Area are taxes that will be generated only if the Project Area is developed. All concerned citizens are invited to attend the project area budget hearing as noted above. A copy of the Project Area Budget is available at the Agency offices as described below. Any person objecting to the proposed Plan or Budget or contesting the regularity of any of the proceedings to adopt the Plan or Budget may submit comments prior to the hearing and may appear before the board at the hearing to show cause why the either should not be adopted. The Plan and Budget have been available for inspection at the City Recorder offices located at 351 W. Center Street, Provo, Utah during regular business hours.

Attachments:
Resolution
Resolution
Ordinance
Draft Plan
Draft Budget

1 RESOLUTION 2019-RDA-.

2
3 A RESOLUTION APPROVING AND ADOPTING THE PROJECT AREA
4 PLAN FOR THE MEDICAL SCHOOL COMMUNITY REINVESTMENT
5 PROJECT AREA. (19-142)
6

7 WHEREAS, pursuant to the provisions of the Utah Limited Purpose Local Government
8 Entities - Community Reinvestment Agency Act (the "Act"), specifically Utah Code Annotated
9 ("UCA") Title 17C, Chapter 5, the Redevelopment Agency of Provo City (the "Agency")
10 adopted a resolution designating certain areas for study for potential project area development
11 and calling for the preparation of project area plans and budgets, as appropriate; and
12

13 WHEREAS, the draft Project Area Plan (the "Draft Plan"), having been prepared for the
14 Medical School Community Reinvestment Project Area (the "Project Area") pursuant to UCA §
15 17C-5-105, the Agency held, on December 10, 2019, a duly noticed public hearing pursuant to
16 UCA § 17C-5-104 to allow public comment on the Draft Plan and whether it should be revised,
17 approved, or rejected; and to receive all written and hear all oral objections to the Draft Plan; and
18

19 WHEREAS, having received and heard all commentary on and objections, orally and in
20 writing, to the Draft Plan submitted for its consideration, the Agency has considered such
21 objections as it has received and has made such modifications, amendments, and/or emendations
22 to the Draft Plan as it deems appropriate, if any; and
23

24 WHEREAS, the Agency has made relevant findings concerning the amount of opposition
25 to the Draft Plan by owners of real property within the Project Area; and
26

27 WHEREAS, after considering the facts presented to the Governing Board, the Board
28 finds (i) the proposed Draft Plan for the Project Area should be approved and adopted as set forth
29 in Exhibit A and (ii) said Project Area Plan reasonably furthers the health, safety, and general
30 welfare of the citizens of Provo.
31

32 NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment
33 Agency of Provo City as follows:
34

35 PART I:
36

37 1. Legal Description.
38

39 The boundaries of the Project Area are described in the Project Area Plan, attached hereto
40 as Exhibit A.
41

42 2. The Agency's Purposes and Intent with Respect to the Project Area.
43

44 The purposes and intent of the Agency with respect to the Project Area are as follows:
45

- 46 2.1. To satisfy the purposes of the Act, as defined therein, by promoting, creating,
47 and/or retaining jobs through the planning, design, development, construction,
48 rehabilitation, or business relocation within the Project Area, as well as the
49 provision of office, industrial, manufacturing, warehousing, distribution, parking,
50 public, housing, or other facilities, or other improvements that benefit the state or
51 a community;
52
- 53 2.2. to increase the City's tax base as well as its supply of residential and/or
54 commercial space so as to improve both opportunity and quality of life for all of
55 its citizens;
56
- 57 2.3. to promote, encourage, and bring to fruition, the development within the Project
58 Area of development projects that are desirable to the City;
59
- 60 2.4. to stimulate the economy within the Project Area and in the surrounding area;
61
- 62 2.5. to provide for the installation of needed infrastructure, if and as necessary, for
63 development within the Project Area;
64
- 65 2.6. to take any or all additional steps which may be appropriate or necessary to
66 promote or further the aim of improving the Project Area (and, indirectly, of
67 surrounding areas).
68

69 3. Designation, Adoption, and Incorporation of the Plan.
70

71 The Draft Plan for the Medical School Community Reinvestment Project Area (attached
72 as Exhibit A) is hereby designated the *Official Plan for the Medical School Community
73 Reinvestment Project Area* (the "Official Plan"), and is incorporated herein by this
74 reference.
75

76 The Agency hereby officially approves and adopts the Official Plan for the Medical
77 School Community Reinvestment Project Area.
78

79 4. Required Findings.
80

- 81 4.1. A need exists to effectuate a public purpose; to wit, the exercise of the statutorily
82 enacted community development mechanism for the benefit of the citizens of the
83 City of Provo.
84
- 85 4.2. Benefit to the public shall accrue from the execution of the Official Plan, as each
86 project undertaken thereunder shall be subject to the analysis described in Utah
87 Code § 17C-5-105(12).
88
- 89 4.3. The adoption and carrying out of the Official Plan is economically sound and
90 feasible.
91

92 4.4. The Official Plan conforms to Provo City's General Plan.
93

94 4.5. Carrying out the Official Plan will promote the public peace, health, safety, and
95 welfare of the City of Provo and its residents.
96

97 5. Submission of the Official Plan to the Provo City Council for Adoption by Ordinance.
98

99 5.1. Pursuant to Utah Code §§ 17C-5-104 & -109, the Agency Board hereby submits
100 the Official Plan to the Provo City Council for review and adoption.
101

102 6. Recording and Transmittal.
103

104 6.1. Pursuant to Utah Code § 17C-5-111, Agency Staff are hereby directed and
105 authorized to take the following actions within 30 days after adoption of the
106 Official Plan by the City Council:
107

108 a. to record with the Utah County Recorder a document containing a description
109 of the land within the Project Area, a statement that the Official Plan for the
110 Project Area has been adopted, and the date of its adoption by the City
111 Council; and
112

113 b. to transmit a copy of the description of the land within the Project Area, a
114 copy of the City Council ordinance adopting the Official Plan, and a map
115 indicating the boundaries of the Project Area to each of entity described in
116 Utah Code § 17C-5-111(3).
117

118 7. Execution of the Plan.
119

120 7.1. Following adoption of the Official Plan by the City Council, the Agency shall
121 proceed to carry out the Plan.
122

123 8. Directions to Agency Staff.
124

125 8.1. The Agency staff are hereby directed and authorized to take all such actions as
126 necessary to effectuate the purposes and aims of this resolution.
127

128 PART II:
129

130 This resolution shall take effect immediately.
131

132 END OF RESOLUTION.

1 RESOLUTION 2019-RDA-.

2
3 A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY
4 REINVESTMENT PROJECT AREA BUDGET FOR THE MEDICAL SCHOOL
5 COMMUNITY REINVESTMENT PROJECT AREA. (19-143)
6

7 WHEREAS, pursuant to the provisions of the Utah Limited Purpose Local Government
8 Entities - Community Reinvestment Agency Act (the "Act"), specifically Utah Code Annotated
9 ("UCA") § 17C-5, the Redevelopment Agency of Provo City (the "Agency") adopted a
10 resolution designating a survey area, which was to become the Medical School Community
11 Reinvestment Project Area ("Project Area"), and calling for the preparation of a project area plan
12 and budget; and
13

14 WHEREAS, pursuant to the provisions of the Utah Community Reinvestment Agency
15 Act (the "Act"), specifically Utah Code Annotated ("UCA") § 17C-5, on December 10, 2019 the
16 Agency approved the Community Reinvestment Project Area Plan for the Project Area after
17 holding a duly-noticed public hearing; and
18

19 WHEREAS, the Agency has prepared a Project Area Budget (the "Budget") for the
20 Project Area as required by the Act; and
21

22 WHEREAS, the Budget having been prepared for the Project Area pursuant to the Act,
23 the Agency made the Budget publicly available and provided notice of the budget hearing as
24 required by the Act; and
25

26 WHEREAS, having received and heard all commentary on and objections to the
27 Budget submitted for its consideration, the Agency has considered such objections as it has
28 received and has made such modifications, amendments, and/or emendations to the Budget
29 as it deems appropriate, if any; and
30

31 WHEREAS, pursuant to UCA § 17C-5-304, the Budget remains subject to approval
32 by the entities that levy taxes within the Project Area that enter into interlocal agreements
33 with the Agency for the Project Area before the Agency may collect project area funds from
34 the Project Area; and
35

36 WHEREAS, after considering the facts presented to the Governing Board, the Board
37 finds (i) the proposed draft Budget for the Project Area should be approved and adopted as set
38 forth in Exhibit 1 and (ii) said Budget reasonably furthers the health, safety, and general welfare
39 of the citizens of Provo.
40

41 NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment
42 Agency of Provo City as follows:
43

44 PART I:
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- 46 1. The Agency has received all comments and objections to the draft Budget.

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2. The Budget attached hereto as Exhibit 1 is hereby adopted as the official budget for the Medical School Community Reinvestment Project Area.
3. Agency staff are hereby authorized to take all actions necessary, including those actions required by UCA § 17C-5-305, to carry out the purposes of this resolution.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

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ORDINANCE 2019-

AN ORDINANCE ADOPTING THE COMMUNITY REINVESTMENT
PROJECT AREA PLAN FOR THE MEDICAL SCHOOL COMMUNITY
REINVESTMENT PROJECT AREA. (19-144)

WHEREAS, the Redevelopment Agency of Provo City (the “Agency”), having prepared a Project Area Plan (the “Plan”) for the Medical School Community Reinvestment Project Area pursuant to Utah Code Annotated (“UCA”) § 17C-5, and having held the required public hearing on the Plan pursuant to UCA § 17C-5-104, has adopted on this same date the Plan as the Official Community Reinvestment Project Area Plan for the Medical School Community Reinvestment Project Area; and

WHEREAS, Section 17C-5-109 of the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act (the “Act”) mandates that before a community reinvestment project area plan approved by an agency under UCA § 17C-5 may take effect, it must be adopted by ordinance by the legislative body of the community that created the agency; and

WHEREAS, the Act also requires that certain notice is to be given by the community legislative body upon its adoption of a community reinvestment project area plan under UCA § 17C-5-110; and

WHEREAS, on December 10, 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 Plan should be adopted as described herein and notice give thereof; and (ii) the proposed action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the City Council of the City of Provo that:

PART I:

1. The City Council of the City of Provo hereby adopts and designates the Medical School Community Reinvestment Project Area Plan dated December 10, 2019, as approved by the Agency on this same date, as the Official Community Reinvestment Project Area Plan for the Medical School Community Reinvestment Project Area (the “Official Plan”).
2. The boundaries of the Medical School Community Reinvestment Project Area are as shown on the map attached hereto as Exhibit A and described by the legal description attached hereto as Exhibit B.

47 3. City and Agency Staff are hereby authorized and directed to publish or cause to be
48 published the notice required by UCA § 17C-5-110, whereupon the Official Plan shall
49 become effective under UCA § 17C-5-110.

50
51 4. Pursuant to the Act, the Agency may proceed to carry out the Official Plan as soon as it
52 becomes effective.

53
54 PART II:

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

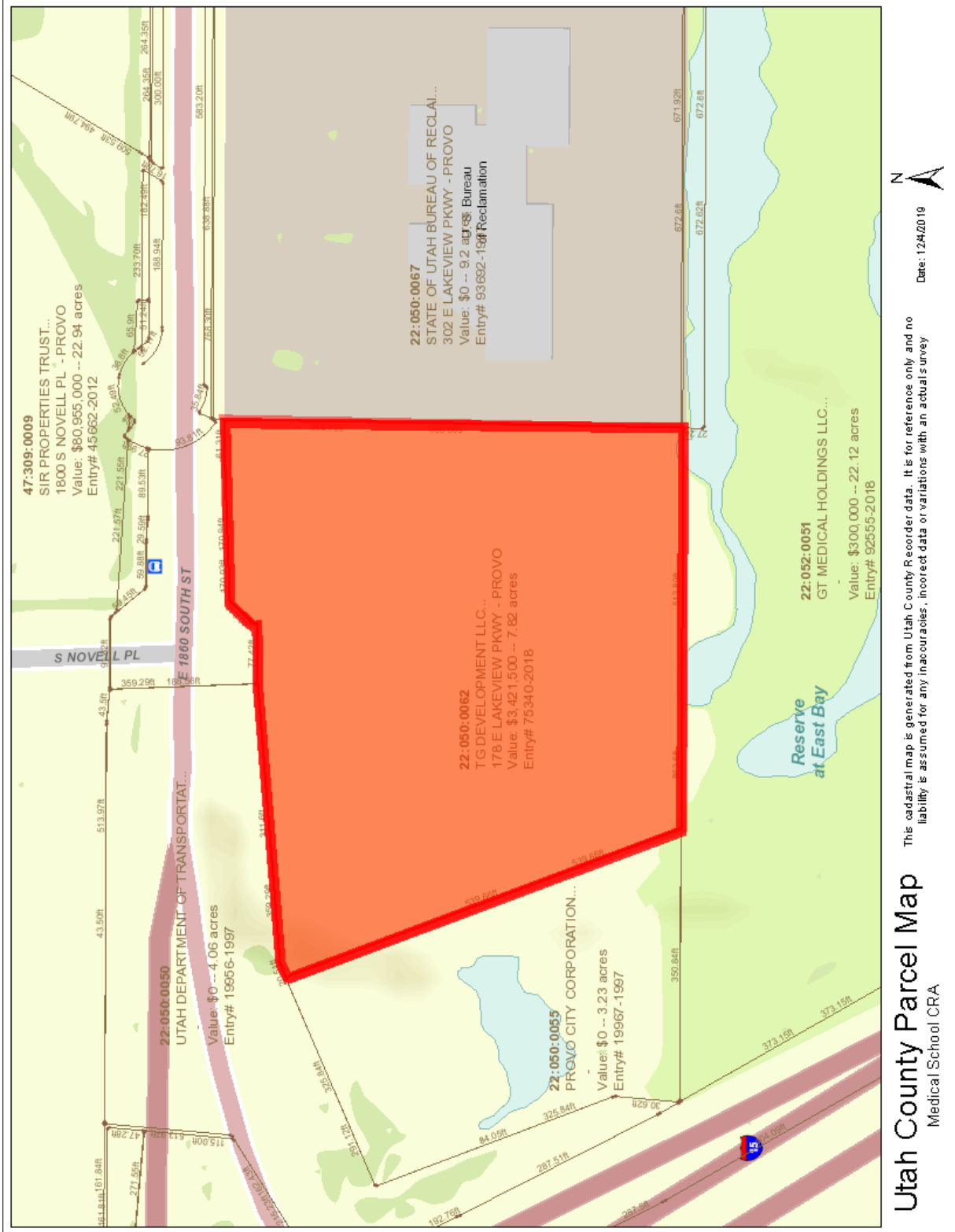
58
59 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
60 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
61 invalid, the remainder of the ordinance shall not be affected thereby.

62
63 C. The Municipal Council hereby directs that this ordinance remain uncodified.

64
65 D. This ordinance shall take effect immediately after it has been posted or published in
66 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
67 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

68
69
70 END OF ORDINANCE.

EXHIBIT A Medical School CRA Map



Utah County Parcel Map
Medical School CRA

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey

Date: 12/4/2019

74 **EXHIBIT B**

75 Medical School CRA Legal Description

76
77 PHASE 1

78
79 A portion of that Real Property described in Deed Entry No. 75340:2018 of the Official Records
80 of Utah County located in the SW1/4 of Section 18, Township 7 South, Range 3 East, Salt Lake
81 Base & Meridian, Provo, Utah, more particularly described as follows: Beginning at a point on
82 the southerly line of 1860 South Street located N89°22'43"E along the Section line 92.06 feet
83 and South 3,185.09 feet from the Northwest Corner of Section 18, T7S, R3E, S.L.B.&M. (Basis
84 of Bearing: S89°46'54"W along the Section line between the Northwest Corner of said Section
85 18 and the North 1/4 Corner of Section 13, T7S, R2E, S.L.B.&M thence N85°34'24"E 2.36 feet;
86 thence S89°38'43"E 77.42 feet; thence North 6.92 feet; thence N45°22'51"E 40.64 feet; thence
87 N88° 03'40"E 170.93 feet; thence S89°38'43"E 59.96 feet, the previous 6 (six) courses along
88 said 1860 South Street; thence S1°05'00"W 584.50 feet; thence N89°38'00"W 317.70 feet;
89 thence Northwesterly along the arc of a 411.00 foot radius non-tangent curve (radius bears:
90 N76°52'19"E) to the right 94.17 feet through a central angle of 13°07'41" (chord: N6°33'50"W
91 93.97 feet); thence North 448.43 feet to the point of beginning.

92 Contains: 4.37+/- acres

93
94 PHASE 2

95
96 A portion of that Real Property described in Deed Book 4217 Page 269 and also in Deed Entry
97 No. 75340:2018 of the Official Records of Utah County located in the SE1/4 of Section 13,
98 Township 7 South, Range 2 East, & the SW1/4 of Section 18, Township 7 South, Range 3 East,
99 Salt Lake Base & Meridian, Provo, Utah, more particularly described as follows: Beginning at a
100 point on the southerly line of 1860 South Street located N89°22'43"E along the Section line
101 92.06 feet and South 3,185.09 feet from the Northwest Corner of Section 1 8, T7S, R3E,
102 S.L.B.&M. (Basis of Bearing: S89°46'54"W along the Section line between the Northwest
103 Corner of said Section 18 and the North 1/4 Corner of Section 13, T7S, R2E, S.L.B.&M.; thence
104 South 448.43 feet; thence along the arc of a 411.00 foot radius curve to the left 94.17 feet
105 through a central angle of 13° 07'41" (chord: S6°33'50"E 93.97 feet); thence N89°38'00"W
106 388.69 feet; thence N0°22'00"E 503.72 feet to the southerly line of said 1860 South Street;
107 thence N66°55'15"E along said street 20.49 feet; thence N85°34'24"E along said street 356.94
108 feet to the point of beginning.

109 Contains: 4.55+/- acres

**MEDICAL SCHOOL COMMUNITY REINVESTMENT PROJECT AREA
PLAN**

Adopted on _____



REDEVELOPMENT AGENCY OF PROVO CITY

DRAFT

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Section 1: Introduction

The Redevelopment Agency of Provo City (the “Agency”), is looking at south Provo, particularly 1860 South, as an area for economic development and growth in the City’s property tax base and sales tax revenues. The Agency has prepared this plan (“Plan”) to describe the anticipated project area development within the Project Area. This Plan has been prepared per Utah State Code, taking into account the economic impacts of anticipated commercial, retail, industrial, and housing development as it relates to a return on investment for the community while also providing a return for the development community so as to attract desirable development to the Project Area. The current property within the Project Area is generally vacant land. This is not the highest and best use of the property. The goal of the Project Area is to create a mechanism to fulfill an agreement that was agreed to prior to the development of the property. The City has determined that creating the Project Area is in the best interest of the City and its residents and the corresponding development will grow the tax base and allow for additional services to enhance the residents’ quality of life. The main purpose of this Project Area is to allow for development of the Medical School Project, as discussed below. This Plan, along with the Project Area Budget, describes the anticipated development and associated financial projections.

This plan follows Utah Code Annotated (UCA) Title 17C Chapters 1 and 5 of the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act (the “Act”). Requirements of the Act include public notice and hearing obligations. The Agency has followed all applicable requirements of the Act in preparing and adopting this Plan.

This document is prepared in good faith as a current reasonable estimate of the economic impact of the expected development within the Project Area. Fundamental economic and other circumstances may influence the actual impact. Based on the Agency’s reasonable assumptions, the information contained within this report represents the reasonable expectations for project area development within the Project Area. The Agency makes no guarantee that the projections contained in this Plan document or in the Budget for the Project Area accurately reflect the future development within the Project Area. Further, the Agency specifically reserves all powers granted to it under the Act, as may be amended; this Plan shall not be interpreted to limit or restrict the powers of the Agency as granted by the Act.

Section 2: Definitions

As used in the Plan:

- 2.1 “Act” means Title 17C of the Utah Code Annotated (UCA) 1953, as amended: the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act, as amended, or such successor law or act as may from time to time be enacted.
- 2.2 “Agency” means the Redevelopment Agency of Provo City, created and operated pursuant to the Act and its predecessor or successor statutes,

- 2.3 “Agency Board” means the governing body of the Agency.
- 2.4 “Base Taxable Value” has the same meaning as in the Act (UCA 17C-1-102(8)). “Base Taxable Value” is synonymous with “Base Year Taxable Value”, “Base Year Value”, and “Base Value”.
- 2.5 “Base Tax Amount” means a sum equal to the tax revenue arising from the Project Area during the Base Year, which is calculated as the product of the Base Taxable Value and the certified tax rate in effect during the Base Year.
- 2.6 “Base Year” means the year of the Base Taxable Value as will be set in the interlocal agreements with the Agency as contemplated by UCA 17C-1-102(9)(d).
- 2.7 “Bond” means any bonds, notes, interim certificates, or other obligations issued by an agency.
- 2.8 “City” means Provo City, a political subdivision of the State of Utah.
- 2.9 “Comprehensive General Plan” or “General Plan” means the general plan adopted by the City under UCA § 10-9a-401.
- 2.10 “Community Reinvestment” means development activities within a community, including the encouragement, promotion, or provision of development as provided for in the Act.
- 2.11 “Community Reinvestment Project Area Plan” means a project area plan, as defined by UCA 17C-1-102(21) of the Act, designed to foster project area development, as defined by UCA § 17C-1-102(47) of the Act, developed by the Agency and adopted by ordinance of the governing body of the City, to guide and control community reinvestment projects in a specific project area.
- 2.12 “Governing Body” means (a) in reference to the Provo City Redevelopment Agency; the Board of the Agency, or (b) if used in reference to Provo City, the City Council of Provo City.
- 2.13 “Project Area” means the Medical School Community Reinvestment Project Area as described in this Plan.
- 2.14 “Project Area Development” means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan.
- 2.15 “Property Taxes” means all levies on an ad valorem basis upon land, real property, personal property, or any other property, tangible or intangible.
- 2.16 “Sales Tax” means a tax on sales or on the receipts from sales.

2.17 “Taxing Entities” means the public entities, including the state, county, city, school district, special service district, or other public bodies, which levy property taxes on any property located within the Project Area.

2.18 “Tax Increment” means that portion of the taxes levied each year in excess of the base tax amount, pursuant to UCA § 17C-1-102(60)(a) and Part 5 of the Act.

2.19 “Tax Year Real and Personal Property” means the 12-month period between sequential tax role equalizations (November 1st through October 31st) of the following year, e.g., the Nov 1, 2017 – Oct 31, 2018 tax year.

2.20 “Tax Year Sales Tax” means the 12-month period between January 1st through December 31st of the previous year, e.g., January 1, 2017 – December 31, 2017 tax year.

2.21 “Real Estate and Purchase Agreement” means that certain agreement between Provo City and GT Medical Holdings, LLC, dated August 1, 2018.

Section 3: Boundaries of the Community Reinvestment Project Area (17C-5-105(1))

The project area is entirely located within the legal boundaries of Provo City. It is directly east of Interstate 15 between 1860 South and East Bay Boulevard. The property encompasses approximately 8.2 acres of land as recorded in the Utah County Recorder’s office.

The Project Area encompasses one parcel outlined on the map attached hereto as **APPENDIX A** (the “Project Area Map”). The parcel is owned by single landowner.

A legal description of the Project Area is attached as **APPENDIX B**.

Section 4: Project Area Characteristics and How They Will Be Affected by Project Area Development (17C-5-105(2))

Land Uses in the Project Area

The Project Area is currently in a Campus Mixed Use zone designation. The general plan shows the property in mixed use designation. The City zoning and General Plan are both in alignment as to the land designation and desired buildout. The area allows commercial and housing development. The _____ and the landowner have executed the Real Estate Purchase Agreement, whereby the landowners agree to reimburse the _____ for certain infrastructure costs. Based on the size and location of the Project Area, the Agency anticipates that the property could develop into multi-family housing. All

contemplated development must follow proper planning and zoning ordinances and requirements and be approved by Provo City. Nothing in this plan usurps or supersedes the City's land use authority.

Layout of Principal Streets in the Project Area

The area is bounded on the north by 1860 South which is an existing arterial and provides adequate access to the Project Area for the anticipated residential development. The tax increment financing will be used to pay for enhancements to the public golf course and to help pay for sewer enhancements needed to develop the property. Internal roads connecting the multi-family developments and the future medical school will be considered private and not reimbursed.

Population in the Project Area

Currently, there are no residents within the Project Area. There are no single or multifamily homes on the property site; however, the project is intended to be developed with 736 multi-family units, in a mix of studio, one-bedroom, and two-bedroom apartments. The intended development on the property site will provide additional housing in Provo City.

Building Intensities in the Project Area

Development in the Project Area is and will be required to follow all Provo City planning and zoning ordinances as they currently exist or that might be amended in the future, including design, density, and development standards. The anticipated project area development consists of four multi-family complexes, designed to be available to, but not restricted to, the students of the adjacent proposed medical school.

Section 5: Standards That Will Guide Community Development (17C-5-105(3))

Development Objectives

The Agency and the City want the Project Area to develop into a multi-family complex that will house some of the students of the future medical school located adjacent to the Project Area. Utah currently faces a shortage of medical professionals. The development of the medical school will help with the training of medical professionals. The development of multi-family housing units in the Project Area is intended to supply cost-effective housing for students of the medical school as well as members of the general public.

Design Objectives

The land within the Project Area is zoned as mixed-use. The developers will be held to the highest standards per the City general plan, planning and zoning ordinances, and other applicable building codes and ordinances of the City.

All development will be submitted to the City via the normal development approval process, which includes site plans to include development data and any other appropriate material describing the

development, land coverage, setbacks, heights, off-street parking to be provided, and any other information as deemed appropriate by the City.

Approvals

The Agency may seek the contractual right to approve any and all design and construction plans for any development within the Project Area to ensure any and all development within the Project Area is consistent with the Project Area Plan. Nothing in this Plan usurps any aspect of the City's land use authority.

Section 6: How the Purposes of the Act Will be Attained (17C-5-105(4))

The Act contains the following definition of Project Area Development:

“Project area development” means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:

- (a) promoting, creating, or retaining public or private jobs within the state or a community;
- (b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;
- (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;
- (d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;
- (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;
- (f) providing open space, including streets or other public grounds or space around buildings;
- (g) providing public or private buildings, infrastructure, structures, or improvements;
- (h) relocating a business;
- (i) improving public or private recreation areas or other public grounds;
- (j) eliminating blight or the causes of blight;
- (k) redevelopment as defined under the law in effect before May 1, 2006; or
- (l) any activity described in Subsections (47)(a) through (k) outside of a project area that the board determines to be a benefit to the project area.

(Utah Code § 17C-1-102(47)).

The creation of the Project Area furthers the attainment of the purposes of Title 17C by addressing the following objectives:

Provision of development that enhances economic and quality of life basis. The development of the Project Area will provide numerous economic and community benefits including the creation of a number of relatively affordable housing units, which are a key part of the plans for the adjacent medical school. The medical school itself will provide many full-time jobs within the City, and the generation of a significant amount of new personal and real property tax revenues for the City and the other taxing entities.

Stimulation of associated business and economic activity by the development. This Project will meaningfully enhance the City's tax base as well as all other taxing entities through personal and real property. The direct and indirect impact provided by the creation of new jobs to the existing local economy will be significant. Local businesses that will benefit include hotels, restaurants, suppliers and vendors servicing new facilities in the Project Area.

The Project will achieve the following:

1. Enhance employment and income opportunities for community residents by offering employment opportunities within the Medical School Development area.
2. Increase the diversity of the tax base and increase the resources available for performing governmental services.
3. Encourage and support the efficient use of undeveloped land within Provo City.
4. Support and encourage appropriate public and private development efforts in the community.

Section 7: How the Plan is Consistent with the City's General Plan (17C-5-105(5))

This Plan and the development contemplated within the Project Area will conform to the City General Plan, Land Use Regulations, and the Provo City Development Code. The current Provo City Zoning Map shows the development being designated as mixed-use. The Provo City Planning and Zoning Ordinance calls out the project area as mixed-use. The ordinance defines the mixed-use zone as:

Mixed-Use Development Areas

Occasionally areas within the General Plan call out mixed-use (commercial and residential) development areas that currently have limited access to alternative transit options such as bus and bike facilities. Reductions in parking and automobile facilities in these areas should be augmented by development of alternative transit options along

with a traffic demand management plan. However, these mixed-use planning areas, like TOD, should:

- Determine the appropriate mix and intensity of residential and commercial development near future determined neighborhood centers.
- Be cognizant of creating an appropriate transition from neighborhood centers to established neighborhoods using transitional zoning standards in building form, mass and scale.
- Define the desired urban form with emphasis on enhancing the pedestrian scale and relationship to the planned environment through carefully articulated form and design standards.
- Enhance transit ridership, where available, through carefully sited retail locations, civic and open spaces and density.
- Enhance additional alternative transit modes such as local bus service, pedestrian, bicycle, and car-sharing facilities. Development within this zone should be designed in a manner that presents a favorable image of the City and is encouraged to be developed in large, well-planned and cohesive projects rather than smaller, piecemeal projects. The Medical School Plan is aligned with the current zoning maps, Provo City General Plan and Provo City Planning and Zoning Ordinances for this project.

Section 8: Description of the Specific Projects That Are the Object of the Proposed Community Development (17C-5-105(7))

The proposed development within the Project Area will be multi-story residential, structured parking, and ancillary retail. This proposed use meets the objectives of the Agency, Provo City, the Provo City General Plan, and current zoning ordinances for development and financial participation. This development will facilitate water and sewer extension, storm water retention, electrical upgrades, and road improvements. Personal and real property tax generation is desired by all taxing entities.

The anticipated housing development consists of four separate buildings with a combined total of approximately 736 housing units and a total capital investment of approximately \$110 million—or approximately \$149,500 per unit. As part of this development, the developer expects to make improvements to roads and utility infrastructure.

Section 9: Ways in Which Private Developers Will be Selected to Undertake the Community Development (17C-5-105(8))

The Agency and City will select or approve such development that is brought forth by a developer that meets the development objectives as set forth in this Plan. The Agency and City reserve the right to approve or reject any development plan(s) that do not meet the intent of this Project Area.

The Agency and City will ensure that all development conforms to the Project Area Plan and is approved by the City. All development opportunities will need to be vetted by the City and will include development plans and financial information to support the viability and sustainability of the project and the developer to fulfill all obligations that could or will be required. This process will include City staff and third-party providers to review financial statements, verify benefits of the development to the City, review engineering studies, prepare appraisal reports, etc.

Section 10: Reasons for the Selection of the Project Area (17C-5-105(9))

The Medical School Community Reinvestment Project Area was selected by the Agency as an area that shows high potential for growth. This decision was driven by the jointly by the City and by developers of a potential medical school adjacent to the Project Area. The boundaries were determined by the Agency based on the layout of the existing golf course and the relocation of three holes, allowing the property to be transferred pursuant to the Real Estate Purchase Agreement.

Section 11: Descriptions of Conditions Existing in the Area (17C-5-105(10))

The Project Area consists of approximately 8.23 acres as shown in the Project Area Map. The Agency wants to encourage development by providing reimbursements for infrastructure improvements necessary to the development. The CRA area will grow the tax base of Provo City and the economy to provide greater funding sources to continue to meet the demand and services of City residents. The property was previously used as a landfill which was redeveloped into a municipal golf course. While the Project Area has been identified as a potential site for development, the property generally lacks the infrastructure for storm water drainage, sewer service, water service, and adequate transportation capacity. These infrastructure needs make development unlikely without the creation of the Project Area and the assistance of the Agency.

Section 12: Descriptions of Some Incentives Offered to Developer(s) or Land Owner(s) For Locating Facilities in the Project Area (17C-5-105(11))

The following describes incentives the Agency intends to offer within the Project Area to developer(s), landowner(s), or participants to improve and develop the property within the Project Area.

1. The Agency intends to utilize all or a portion of the City's property tax increment generated from the development for payment of golf course enhancements, and other expenditures as allowed by the Act and approved by the Agency.
2. Expenditures and incentives approved and outlined in the adopted Project Area Budget and as allowed by the Act.

All incentives and payments to participants, land owners, or developers will be on a post-performance basis and will be offered only according to the terms of a written participation agreement that adequately protects the Agency and the taxing entities by ensuring performance by the participant prior to the payment of any reimbursement or incentive from the Agency to the participant. Subject to the provisions of the Act, the Agency may agree to pay for eligible development costs and other items from such tax revenues for the period the Agency and the taxing entities may deem appropriate under the circumstances.

Section 13: Result of the Public Benefit Analysis Performed by the Agency (17C-5-105(12))

The has performed an analysis of the public benefits of the anticipated development within the Project Area. The public benefit analysis required by UCA § 17C-5-105(12) is described in greater detail in Appendix D, attached hereto. In summary, the Agency's public benefit analysis found that the creation of the Project Area, the provision of certain incentives, and other agency activities as described in this Plan and allowed by the Act will provide significant public benefits to the Project Area and the greater Provo City area.

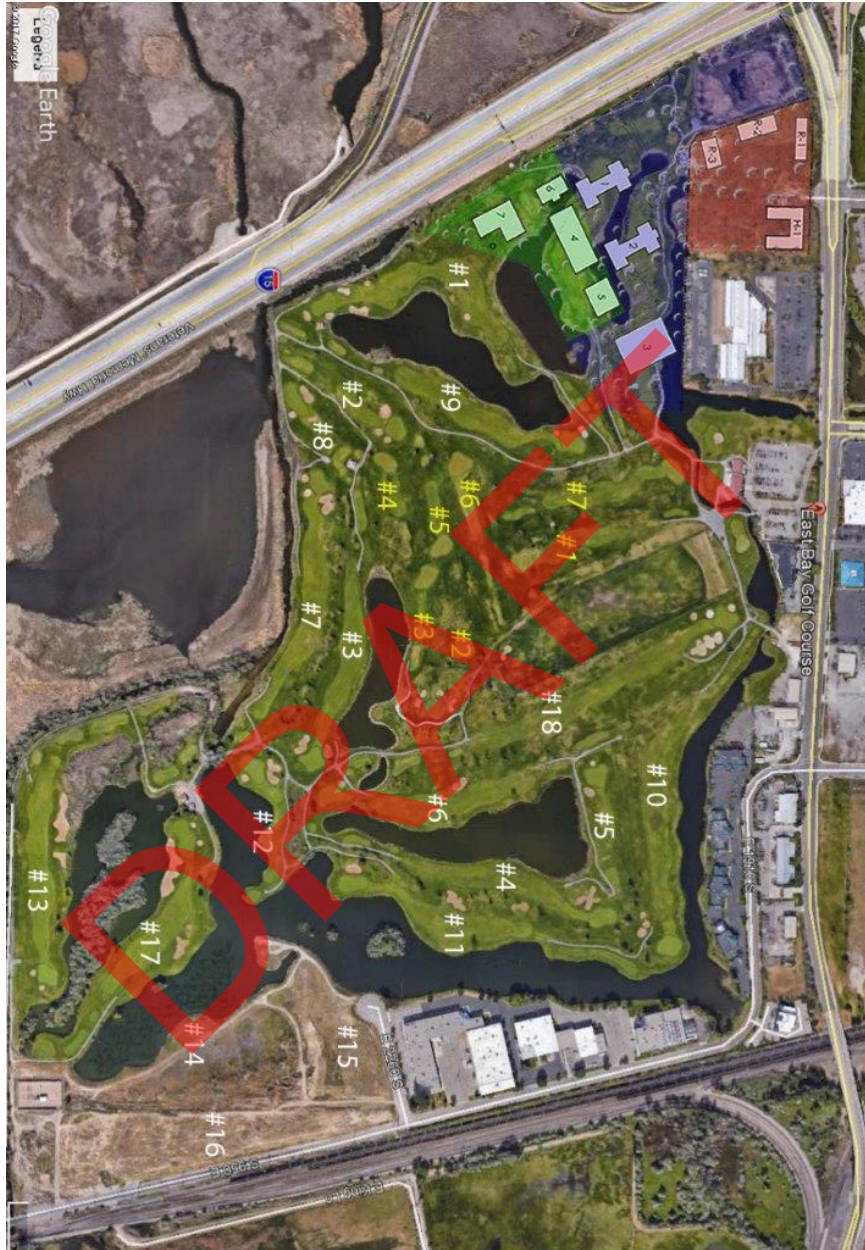
Section 14: Other Information (17C-5-105(14) and -105(15))

There are no existing buildings or uses in the community reinvestment project area that are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register.

The Project Area will not be subject to a Taxing Entity Committee; instead, the Agency anticipates entering into interlocal agreements with Provo City and potentially other taxing entities in order to obtain funding for project area development.

APPENDIX A - Project Area Map

Area shown in red is proposed Project Area



APPENDIX B – Project Area Legal Description

PHASE 1

A portion of that Real Property described in Deed Entry No. 75340:2018 of the Official Records of Utah County located in the SWI/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 southerly line of 1860 South Street located N89°22'43"E along the Section line

92.06 feet and South 3, 185.09 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 the Northwest Corner of said Section 18 and the North 1/4 Corner of Section 13, T7S, R2E, S.L.B.& thence N85°34'24"E 2.36 feet; thence S89°38'43"E 77.42 feet; thence North 6.92 feet; thence N45°22'51"E 40.64 feet; thence N88°03'40"E 170.93 feet; thence S89°38'43"E 59.96 feet, the previous 6 (six) courses along said 1860 South Street; thence S1°05'00"W 584.50 feet; thence N89°38'00"W 317.70 feet; thence Northwesterly along the arc of a 411.00 foot radius non-tangent curve (radius bears: N76°52'19"E) to the right 94.17 feet through a central angle of 13°07'41" (chord: N6°33'50"W 93.97 feet); thence North 448.43 feet to the point of beginning.

Contains: 4.37+/- acres

PHASE 2

A portion of that Real Property described in Deed Book 4217 Page 269 and also in Deed Entry No.

75340:2018 of the Official Records of Utah County located in the SEI/4 of Section 13, Township 7 South, Range 2 East, & the SWI/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 southerly line of 1860 South Street located N89°22'43"E along the Section line

92.06 feet and South 3, 185.09 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 the Northwest Corner of said Section 18 and the North 1/4 Corner of Section 13, T7S, R2E, S.L.B.& M.; thence South 448.43 feet; thence along the arc of a 411.00 foot radius curve to the left 94.17 feet through a central angle of 13°07'41" (chord: S6°33'50"E 93.97 feet); thence N89°38'00"W 388.69 feet; thence N0°22'00"E 503.72 feet to the southerly line of said 1860 South Street; thence N66°55'15"E along said street 20.49 feet; thence N85°34'24"E along said street 356.94 feet to the point of beginning.

Contains: 4.55+/- acres

APPENDIX C – Public Benefit Analysis

Benefit Analysis of the Proposed Medical School Community Reinvestment Area

The following benefit analysis is presented to meet the requirement of Utah Code (17C-5-105(12))

This analysis considers the following factors as they relate to the anticipated development within the Project Area:

- (a) Reasonableness of the costs of the proposed project area development
- (b) Efforts that have been taken or will be taken to maximize private investment
- (c) The rationale for use of project area funds, including an analysis of whether the development might occur in the foreseeable future solely through private investment
- (d) An estimate of the total of project area funds to be spent on the project area development and the length of time the funds will be spent
- (e) The anticipated public benefit derived from the proposed project area development including;
 - a. The beneficial influences on the community's tax base
 - b. The associated business and economic activity the proposed project area development will stimulate
 - c. Whether adoption of the proposed community reinvestment project area plan is necessary and appropriate to undertake the proposed project

The following is the public benefit analysis showing the benefit to be derived from the financial assistance and any other public assistance provided to the landowners or developers for the proposed development in the Project Area. This is intended to provide a framework for the Agency to make critical decisions and show whether it is good policy and in the interest of Provo City Redevelopment Agency to invest agency funds in the Project Area. This document is prepared in good faith as an estimate of the economic impact of this project. Market conditions and unforeseen forces could influence the project in a favorable or unfavorable way. The information contained herein is considered to be an accurate accounting and reasonable expectations of the project.

Introduction of Project

The benefit analysis analyzes the potential increment generated through personal and real property development and sales and use tax revenue generated from the project area. It identifies the net benefit or loss to the Agency and Provo City. The proposed project area includes 8 acres of property to be developed as a 735-unit multi-family complex with ancillary retail and structured property. This development is intended to serve the Provo City residents in providing housing and opportunities to attend a local medical school for post graduate study after the construction of the associated medical school. The overall benefit and investment brought to the project includes greater personal and real property tax levies, higher and better use of vacant land and public infrastructure. Per Utah State Code 17C-5-307(2) there will be a 10% set aside for low to moderate income housing and or projects that will benefit low to moderate income housing.

This analysis contemplates private investment in the proposed project area to be estimated at \$85 million. The overall new taxable personal and real property value will be approximately \$85,000,000. The

economic benefit resulting from the construction of the project includes; both short-term and long-term employment opportunities, local purchases of goods and services by local residents and employees constructing the development, purchase of utilities and increased tax revenue to the state and local governments. This report identifies the potential tax revenue that may be generated from an increase in personal and real property value and increase in sales and use tax from retail sales resulting from the development.

Project Development Overview

It is proposed the Community Reinvestment Area be created for the purpose of developing new multi-family housing in the community. It is anticipated that the Medical School CRA will contribute greatly to the economic well-being of the community through personal and real property and sales tax generation. The project area is currently zoned Campus Mixed-Use by the Planning and Zoning Ordinances and Mixed Use in the General Plan.

Capital Investment Projections for Personal and Real Property and Sales and Use Taxes

The Project Area currently resides in a Campus Mixed zoning and was vacant land when the development was proposed. The current base value is \$3,261,000 which generates approximately \$_____ in property taxes annually. The base year is set for 2018. The Medical School Project Area is anticipated to have a taxable value of \$85,007,250 at full buildout. Per the Community Reinvestment Agency Act, the Provo City Redevelopment Agency is authorized to provide funding for the Project Area Plan through interlocal agreements with all public entities who levy property taxes within the Project Area. The Agency can negotiate with the public entities for all or a portion of the tax increment revenue and or increased sales and use tax resulting from the proposed Project Area. The Agency will utilize the personal and real property and sales and use tax for the incentive. The proposed incentive is the personal and real property tax collected from the community reinvestment area to reimburse Provo City and developers for public infrastructure improvements, golf course enhancements and impact fees. Per Utah State Code, the agency will also provide a 10% set aside of funds for low to moderate income housing. It is anticipated the Medical School CRA will generate over \$250,000 Tax Increment Financing on an annual basis.

The estimated future personal and real property use tax increment cash flows are projected in additional detail in Schedule 1 attached as Appendix E.

Efforts to Maximize Private Development

With the proposed development in the Project Area, private investment has been maximized to the extent possible. The total private investment in the project area is estimated at \$85M upon initial buildout. Upon completion it is anticipated the taxable value will grow to over \$89M.

The use of tax increment financing can serve as a catalyst or incentive to accelerate private investment and development in an area that would otherwise develop to a lower use or tax generator. If there is no private sector investment, there will be no tax increment financing generated for the project area. It is this private investment that allows public agencies to leverage the increase in tax revenues to construct needed public infrastructure. Leveraging compares the dollar amount privately invested into the project area compared to the dollar amount of tax increment the agency pledges to the project. Based on use of tax increment of approximately \$_____ compared to the total anticipated private investment of \$_____, the leverage ratio for this project is approximately _____.

However, federal economic development programs such as the Small Business Administration require leverage ratios of 3:1 or 5:1 based on the program and the former Urban Development Action Grant shows an overall leverage ratio of 6:1.

Rationale for use of project area funds, including an analysis of whether the proposed project area development might reasonably occur in the foreseeable future solely through private investment.

In 2018 Provo City Corporation entered into an agreement for the purchase and development of property at the Provo City Municipal Golf Course in the Medical School Project Area. This agreement asked the City to use its best efforts to create a Community Reinvestment Area to allow for _____

But for the economic development incentive being considered it is reasonable to assume that this development of multi-family housing and ancillary retail in the future .

An estimate of the total amount of project area funds that the Agency intends to spend on project area development and length of time over which the project area funds will be spent

It is anticipated that an estimated \$7,132,134 of property tax increment will be spent over 12 years to enable the development of the project area. The agency anticipates that ten percent of the tax increment received by the Agency from the Project Area will be allocated toward for low to moderate income housing as required by statute. The approximation is the spread between the anticipated cost of reimbursement to Provo City and incentive and the anticipated budget amount over 10 years.

Incremental New Taxes Resulting from the Proposed Development

The Public Investment in the project is expected to create an environment that will produce private investment to continue the professional office development and start the dealerships, convenience store, hotel, restaurants and retail sites and will result in increment tax revenues to all taxing entities. As a result of the development it is anticipated that the Project Area will produce an estimated total gross revenue between use tax and personal and real property tax of \$7,132,124 over a 12-year period. The following is a schedule of personal and real property to the taxing entities:

Projected Total Incremental Value Generated for Taxing Entities

<i>Taxing Entity</i>	<i>Length</i>	<i>Percentage</i>	<i>Property Tax</i>
Utah County	12 Years	25%	\$ 180,404.00
Provo School District	12 Years	70%	\$1,867,136.00
Provo City	12 Years	95%	\$ 93,061.00
Water Conservancy Districts	12 Years	95%	\$ 19,716.00
Total Taxes			\$2,160,317.00

The proposed budget only analyzes personal and real property tax.

The Associated Business and Economic Activity Likely to be Stimulated;

The public investment of Tax Increment is expected to stimulate the following economic activity:

Short Term Construction and Employment

For purposes of this analysis the national multiplier average is 8.34 – 8.6 jobs created per million dollars spent on a project. Based on the estimated capital investment of \$85M it is anticipated that this project will create approximately 705 full-time-equivalent employment positions. Average wage for a general laborer construction worker is \$14.75 per hour or \$30,680 per year (Utah Department of Workforce Services Data). Total estimated payroll during the 2-year construction period is \$21M. This equates to approximately 25% - 26% of the total overall costs. National averages range between 30% - 35% of total construction costs. It is safe to assume based on the multiplier and national average ranges, the estimated number of workers and payroll is a reasonable estimate. The remaining 74% - 75% of the construction costs will be used for materials and overhead.

It is reasonable to expect that construction workers will spend a typical portion of their wages in Provo City for food, clothing, recreation, transportation and housing which will generate sales tax revenue for the City and County and will generate revenue for local businesses. There is no way to determine how much of the building materials will be purchased from within Provo City but it is reasonable to expect that a significant portions of the construction supplies and materials will come from within the state therefore providing tax revenue to the state and local economies

Direct Purchases of Supplies and Services

It is anticipated that the development within the Project Area will directly purchase goods and services from surrounding established businesses. Based on historical trends, developers tend to utilize local contractors who source out of Utah. During the development phase, it is anticipated the developers will utilize Utah companies to source goods and materials for building. Upon completion, businesses need to purchase goods and service to run their business. It is anticipated that professional office space will utilize local merchants for goods and services. This could include lease copiers, lease office furniture, office supplies, computers, networking assistance, internet, etc. While the majority of a dealership's product is cars that are purchased from out of state, all other items needed to run the business could be purchased locally or along the Wasatch front. This includes tools, fuel, office supplies, meals, etc. All other proposed development will most likely utilize local sourced goods and services for their businesses. It is induced there will be a direct and in-direct impact to the local economy through job and income generation and wages being spent in the local economy. Direct jobs also create secondary or support jobs that are viewed by a multiplier or the multiplier effect. The multiplier number shows the economic impact to an area is much larger than just the direct jobs or impact created.

Impact on Other Taxing Entities

The formation of the Medical School Community Reinvestment Area allow the Redevelopment Agency to enter into interlocal agreement with all public entities who have a tax levy to temporarily divert a portion of the tax increment from the taxing entities to the Agency. The taxing entities can agree via interlocal agreement to give a portion of the real and personal property tax and sales and use tax generated from the new development to the Agency for a set time and amount that can then be used as an incentive to the developer or for project costs within the Project Area. A.

Conclusion

Provo City Redevelopment Agency is proposing utilizing a portion of the new sales and use tax increment generated as an incentive to the developer to get this project started. Once construction has started on the dealership, the Real Estate Purchase Agreement is enacted. This project will immediately enhance and strengthen the economic base of the community and the state of Utah by broadening the personal and real property values in the area. It will also enhance community safety, prosperity, peace, order and convenience to the community by taking vacant land and utilizing it to a higher and better use.

The Agency seeks to utilize the tax increment as an incentive to reimburse infrastructure costs the development project will incur and to pay for enhancements to the municipal golf course. The development would most likely not occur if not for the infrastructure improvement and the property would remain vacant and produce no personal and real property or sales and use tax.

The incentive given must be weighed against the value received on a project by project basis over the life of the project. As previously stated, there will be additional economic development that increases the tax base and/or tangible and quantifiable benefits to the City as a result of this development for which a contribution/reimbursement is being sought.

In determining whether the appropriation/reimbursement is necessary to accomplish the goals of economic development, job creation and preservation, growth of tax revenues and other public purposes, the Agency should consider what would be paid every year in return for the development of the Project Area and generation of new tax revenues.

DRAFT

APPENDIX D – Increment Projections

	YEAR 1 2020	YEAR 2 2021	YEAR 3 2022	YEAR 4 2023	YEAR 5 2024	YEAR 6 2025	YEAR 7 2026	YEAR 8 2027	YEAR 9 2028	YEAR 10 2029	YEAR 11 2030	YEAR 12 2031
Increase Factor	2.00%											
Discount rate	5.00%											
Developer Portion	50.00%											
City Portion	50.00%											
HIGH END OF RANGE												
VALUE - REAL	\$ 38,230,800	\$ 39,958,110	\$ 46,552,512	\$ 55,283,255	\$ 60,048,922	\$ 61,649,900	\$ 63,686,850	\$ 65,860,850	\$ 67,471,840	\$ 69,421,288	\$ 101,489,711	\$ 103,437,005
Minus Real Value	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)	\$ (3,291,600)
Incremental Insurable Value	\$ 34,939,200	\$ 36,726,510	\$ 43,260,912	\$ 51,991,655	\$ 56,757,322	\$ 58,358,300	\$ 60,395,250	\$ 62,569,250	\$ 64,180,240	\$ 66,129,688	\$ 98,198,111	\$ 100,145,405
Total rate reset (A&C)	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000	\$ 0.010000
Total incremental generated	\$ 379,637	\$ 378,639	\$ 682,564	\$ 900,666	\$ 919,608	\$ 938,688	\$ 958,153	\$ 978,007	\$ 998,258	\$ 1,018,914	\$ 1,039,984	\$ 1,061,474
TOTAL CITY INCREMENT												
Fee Rate	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888	0.001888
Increment - Real	\$ 65,022	\$ 67,460	\$ 127,264	\$ 160,622	\$ 163,866	\$ 167,250	\$ 170,724	\$ 174,292	\$ 177,970	\$ 181,661	\$ 185,365	\$ 189,134
Percent to City	17.3%	17.1%	27.3%	29.1%	27.3%	27.3%	27.3%	27.3%	27.3%	27.3%	27.3%	27.3%
Percent to County	4.6%	4.6%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%
Percent to Agency	6.1%	6.1%	10.5%	11.1%	10.5%	10.5%	10.5%	10.5%	10.5%	10.5%	10.5%	10.5%
Amount to Agency	\$ 3,351	\$ 3,373	\$ 7,063	\$ 9,323	\$ 9,193	\$ 9,363	\$ 9,536	\$ 9,713	\$ 9,894	\$ 10,078	\$ 10,265	\$ 10,457
Amount to County	\$ 22,241	\$ 23,063	\$ 48,821	\$ 62,483	\$ 63,863	\$ 65,283	\$ 66,746	\$ 68,256	\$ 69,817	\$ 71,434	\$ 73,104	\$ 74,832
Amount to Agency	\$ 62,224	\$ 64,097	\$ 148,351	\$ 188,488	\$ 194,693	\$ 197,887	\$ 201,181	\$ 204,539	\$ 207,952	\$ 211,423	\$ 214,953	\$ 218,537
Housing Allocation	\$ (6,270)	\$ (6,430)	\$ (13,350)	\$ (17,650)	\$ (17,650)	\$ (17,650)	\$ (17,650)	\$ (17,650)	\$ (17,650)	\$ (17,650)	\$ (17,650)	\$ (17,650)
Net	\$ 56,444	\$ 57,667	\$ 134,999	\$ 170,798	\$ 176,213	\$ 179,637	\$ 183,531	\$ 186,889	\$ 190,752	\$ 194,823	\$ 199,008	\$ 203,317
TOTAL COUNTY INCREMENT												
Fee Rate	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732	0.000732
Increment - Real	\$ 25,588	\$ 26,187	\$ 50,959	\$ 62,268	\$ 63,619	\$ 64,987	\$ 66,362	\$ 67,753	\$ 69,160	\$ 70,583	\$ 72,023	\$ 73,480
Percent to County	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Percent to Agency	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%	7.5%
Amount to Agency	\$ 6,399	\$ 6,339	\$ 12,242	\$ 14,699	\$ 14,699	\$ 14,699	\$ 14,699	\$ 14,699	\$ 14,699	\$ 14,699	\$ 14,699	\$ 14,699
Amount to County	\$ 19,189	\$ 19,848	\$ 40,717	\$ 47,569	\$ 48,920	\$ 50,288	\$ 51,662	\$ 53,054	\$ 54,461	\$ 55,884	\$ 57,324	\$ 58,781
Housing Allocation	\$ (1,350)	\$ (1,352)	\$ (2,721)	\$ (3,350)	\$ (3,350)	\$ (3,350)	\$ (3,350)	\$ (3,350)	\$ (3,350)	\$ (3,350)	\$ (3,350)	\$ (3,350)
Net	\$ 17,839	\$ 18,486	\$ 38,000	\$ 44,219	\$ 45,569	\$ 47,038	\$ 48,513	\$ 49,993	\$ 51,481	\$ 52,976	\$ 54,477	\$ 55,994
TOTAL SCHOOL INCREMENT												
Fee Rate	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576	0.002576
Increment - Real	\$ 264,959	\$ 270,722	\$ 531,014	\$ 644,189	\$ 652,506	\$ 671,180	\$ 689,857	\$ 708,582	\$ 727,374	\$ 746,250	\$ 765,238	\$ 784,340
Percent to School District	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Percent to Agency	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
Amount to Agency	\$ 66,237	\$ 67,681	\$ 137,754	\$ 161,132	\$ 164,376	\$ 169,787	\$ 174,287	\$ 178,839	\$ 183,428	\$ 188,054	\$ 192,728	\$ 197,450
Amount to County	\$ 198,692	\$ 203,041	\$ 393,261	\$ 483,057	\$ 488,130	\$ 501,393	\$ 515,570	\$ 529,293	\$ 543,946	\$ 558,626	\$ 573,334	\$ 588,090
Housing Allocation	\$ (18,970)	\$ (19,008)	\$ (39,981)	\$ (48,318)	\$ (48,936)	\$ (50,603)	\$ (52,270)	\$ (53,937)	\$ (55,604)	\$ (57,271)	\$ (58,938)	\$ (60,605)
Net	\$ 176,657	\$ 181,673	\$ 297,992	\$ 352,864	\$ 353,570	\$ 368,577	\$ 377,047	\$ 386,642	\$ 396,278	\$ 405,976	\$ 415,734	\$ 425,555
TOTAL CIVIC INCREMENT												
Fee Rate	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400	0.000400
Increment - Real	\$ 13,888	\$ 14,284	\$ 33,316	\$ 34,000	\$ 34,718	\$ 35,436	\$ 36,150	\$ 36,870	\$ 37,588	\$ 38,304	\$ 39,019	\$ 39,733
Percent to City/City	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Percent to Agency	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
Amount to Agency	\$ 6,584	\$ 6,715	\$ 15,856	\$ 16,360	\$ 16,726	\$ 17,092	\$ 17,458	\$ 17,824	\$ 18,190	\$ 18,556	\$ 18,922	\$ 19,288
Amount to County	\$ 7,304	\$ 7,569	\$ 17,460	\$ 17,640	\$ 17,992	\$ 18,338	\$ 18,692	\$ 19,042	\$ 19,398	\$ 19,754	\$ 20,110	\$ 20,465
Housing Allocation	\$ (11,300)	\$ (11,300)	\$ (23,300)	\$ (23,999)	\$ (24,282)	\$ (24,565)	\$ (24,848)	\$ (25,131)	\$ (25,414)	\$ (25,697)	\$ (25,980)	\$ (26,263)
Net	\$ 11,868	\$ 12,221	\$ 28,466	\$ 29,078	\$ 29,681	\$ 30,284	\$ 30,887	\$ 31,490	\$ 32,093	\$ 32,696	\$ 33,299	\$ 33,902
TOTAL AVAILABLE - ALL 4 ENTITIES	\$ 264,514	\$ 270,299	\$ 630,026	\$ 643,120	\$ 656,476	\$ 670,092	\$ 683,934	\$ 698,167	\$ 712,824	\$ 727,370	\$ 742,411	\$ 757,752
Developer Portion	\$ 132,257	\$ 135,148	\$ 315,013	\$ 321,560	\$ 328,238	\$ 335,048	\$ 341,957	\$ 349,084	\$ 356,312	\$ 363,685	\$ 371,205	\$ 378,878
City Portion	\$ 132,257	\$ 135,149	\$ 315,013	\$ 321,560	\$ 328,238	\$ 335,048	\$ 341,957	\$ 349,084	\$ 356,312	\$ 363,685	\$ 371,205	\$ 378,878
Total Housing Set Aside	29,590	30,633	70,603	71,458	72,942	74,458	75,999	77,574	79,180	80,819	82,490	84,195
Potential Funding for Golf Course Enhancements	\$ 132,257	\$ 135,149	\$ 315,013	\$ 321,560	\$ 328,238	\$ 335,048	\$ 341,957	\$ 349,084	\$ 356,312	\$ 363,685	\$ 371,205	\$ 378,878
Total	\$ 132,257	\$ 135,149	\$ 315,013	\$ 321,560	\$ 328,238	\$ 335,048	\$ 341,957	\$ 349,084	\$ 356,312	\$ 363,685	\$ 371,205	\$ 378,878

**Medical School
Community Reinvestment
Project Area Budget**

Adopted

DRAFT

Prepared by:
The Community Reinvestment Agency of Provo City Corporation
with the assistance of Smith Hartvigsen, PLLC

TABLE OF CONTENTS

1. Introduction

The Agency Board requested that the County Reinvestment Agency of Provo City Corporation (also referenced herein as the “Agency”), with the assistance of hired consultants and staff, prepare a Community Reinvestment Project Area Budget pursuant to the provisions of Chapters 1 and 5 of the Utah Community Reinvestment Agency Act, Title 17C of the Utah Code Annotated 1953, as amended (the “Act”) for the Sigurd Solar Community Reinvestment Project Area (the “CRA” or the “Project Area”). This Community Reinvestment Project Area Budget (the “Project Area Budget” or the “Budget”) is for a project (the “Project”) located entirely within the boundaries of Provo City. The requirements of the Act, including notice and hearing obligations, have been scrupulously observed at all times throughout the establishment of the Project, the Project Area Plan, and this Budget.

This Budget is prepared in good faith as a current reasonable estimate of the economic impact of projected development within the Project Area. Fundamental economic and other circumstances may influence the actual impact. With these assumptions, the information contained within this Budget represents the reasonable expectations of the Agency. The Agency makes no guarantee that the projections contained in this Budget of the Project Area Plan for the Project Area accurately reflect the future development within the Project Area. Further, the Agency specifically reserves all powers granted to it under the Act, now and as may be amended; this Budget shall not be interpreted to limit or restrict the powers of the Agency as granted by the Act. The actual amount of tax increment received by the Agency will be determined solely by interlocal agreement(s) between the Agency and the various taxing entities; this Budget does not control the flow of tax increment money, nor does it entitle the Agency to receive money from tax increment or any other source.

2. Base Taxable Value (§ 17C-5-303(1)(a))

The base taxable value of locally-assessed real property within the Project Area is estimated to be approximately \$3,261,500 as shown on the Utah County Assessor’s tax rolls. As the Project Area contains newly-created parcels, the actual assessed value of the property within the Project Area will be determined by the County Assessor. After the creation of the Project Area and the designation of a new tax area by the Utah State Tax Commission, the Tax Commission will determine the amount of taxable personal property and taxable centrally-assessed property (if any) within the Project Area.

The base taxable value used to calculate the sharing of tax increment pursuant to interlocal agreements with the taxing entities will be set in each interlocal agreement as required by Utah Code § 17C-5-204(6)(a).

3. Projected Amount of Tax Increment to be Generated within the Project Area (§ 17C-5-303(1)(b))

Based on projected new investment of approximately \$85 million within the Project Area, the Agency expects that the Project will generate a total of \$7.1 million in tax increment over 15 years. Without the development of the Project, the Agency estimates that over the same 15-year period the taxing entities would receive only \$677,00 dollars in property tax revenues from the same area as the land within the Project Area is treated as vacant commercial and assuming no development on the Property for the 15 years.

4. Project Area Funds Collection Period (§ 17C-5-303(1)(c))

The Agency anticipates collecting tax increment from the Project Area for a period of 15 years. The actual details of tax increment collected by the Agency will be established via interlocal agreements with the various taxing entities.

5. Projected Amount of Tax Increment to be Paid to Other Taxing Entities in Accordance with Section 17C-1-410 (§ 17C-5-303(1)(d))

The Agency anticipates collecting 68.28 percent of the tax increment from the taxing entities that levy taxes on property within the Project Area for a period of 15 years. The Agency expects to retain approximately 21.5 percent of that tax increment to be used to make enhancements to the Provo Municipal Golf Course adjacent to the Project area and other Agency expenditures, while the remaining 46.8 percent will be paid to developer for improvements to sewer and other utilities. The actual details of tax increment collected by the Agency will be established via interlocal agreements with the taxing entities. Based on these anticipated percentages, the Agency estimates that the various taxing entities will receive new tax revenues from the Project Area over 15 years as follows:

Provo School District	\$1,863,488
Provo City	\$92,879
Utah County	\$540,156
Central Utah Water Dist	\$19,678

6. Area from which Tax Increment is to Be Collected (§ 17C-5-303(1)(e))

The Agency anticipates collecting tax increment from the entire Project Area. The actual details of tax increment collected by the Agency will be established via interlocal agreements with the various taxing entities.

7. Percentage of Tax Increment the Agency is Authorized to Receive (§ 17C-5-303(1)(f))

The Agency anticipates collecting 68.28 percent of the tax increment from the taxing entities for a period of 15 years. The actual details of tax increment collected by the Agency will be established via interlocal agreements with the various taxing entities. From the tax increment that the Agency receives, the Agency anticipates using a small portion (likely less than five percent) to cover the costs of Agency and Project Area administration, as described below. Additionally, the Agency expects that this Project Area will be subject to the mandatory ten-percent housing allocation as set forth in Utah Code § 17C-1-412.¹ The Agency expects to use approximately 25 percent of the increment it receives to incentivize project area development. The Agency expects to pay the Agency's remaining tax increment proportionally to the taxing entities as mitigation payments.

8. Maximum Cumulative Dollar Amount the Agency is Authorized to Receive (§ 17C-5-303(1)(g))

The actual details of tax increment collected by the Agency will be established via interlocal agreements with the various taxing entities. Each of these interlocal agreements may feature a maximum amount of tax increment that the Agency may receive.

9. Sales and Use Tax Revenue (§ 17C-5-303(2))

The Agency does not anticipate that development within the Project Area will generate any new sales or use tax revenues, and the Agency therefore does not expect to receive any sales or use tax revenue from the Project Area.

10. Uses of Project Area Funds (§ 17C-5-303(3))

As set forth in the Project Area Plan, the Agency intends to use tax increment generated by development within the Project Area for incentives to the developer of a large solar project within the Project Area, or other uses as allowed by the Act.

11. Combined Incremental Value (§ 17C-5-303(4))

The current market value of the real property within the Project Area is estimated to be approximately \$3,261,500. The Agency anticipates that the proposed housing project will involve new capital investment of approximately \$84 million. As such, the Agency expects that the combined incremental value of all property within the Project Area will be approximately \$86,552,000. upon completion of the proposed development.

¹ Note that the Agency reserves the right to eliminate this mandatory housing allocation if future legislative changes allow it to do so.

12. Amount of Project Area Funds used for Administrative Expenses (§ 17C-5-303(5))

The Agency anticipates using not more than five percent of the Project Area funds generated by development within the Project Area to cover the costs and expenses of administering the Project Area. Actual limits on or requirements for the Agency's use of Project Area funds for administrative expenses may be set forth in the various agreements relating to the Project Area.

13. Property Owned by the Agency (§ 17C-5-303(6))

The Agency does not own any property within the Project Area and does not anticipate acquiring any property within the Project Area.

14. Other Matters

Detailed financial projections for the Project Area are set forth on the attached **Exhibit A**. These calculations are based on assumptions about future development that may or may not be correct. The figures set forth on the spreadsheet are for illustrative purposes only and shall not be interpreted to limit or obligate the Agency with regard to the receipt or distribution of tax increment from the Project Area.

DRAFT

Exhibit A

Detailed financial projections

DRAFT

DRAFT



Provo City (*Redevelopment Agency*)

Staff Memorandum

The Mix Community Renewal Project Area Creation

October 17, 2019

<p>Department Head Bill Peperone 6402</p> <p>Presenter David Walter 6167</p> <p>Required Time for Presentation 15 Minutes</p> <p>Is This Time Sensitive No</p> <p>Case File # (if applicable)</p>	<p>Purpose of Proposal</p> <ul style="list-style-type: none"> • Preparation of draft The Mix Community Reinvestment Project Area Plan <p>Action Requested</p> <ul style="list-style-type: none"> • Staff recommends that the Redevelopment Agency Board approve the attached resolution authorizing and directing the preparation of a draft project area plan for the proposed The Mix Community Reinvestment Project Area <p>Relevant City Policies</p> <ul style="list-style-type: none"> • Pursue economic development initiatives • Eliminate blight • Enhance retail opportunities <p>Budget Impact</p> <ul style="list-style-type: none"> • None, this will be for the preparation of the draft plan for the proposed Community Development Area <p>Description of this item (at least 2 paragraphs)</p> <ul style="list-style-type: none"> • Plumtree Plaza has been a property in trouble for some time now. Located on a highly traveled corridor between Orem and Provo, its position makes it attractive for retail but that same position also makes it problematic for retail. The center has difficult ingress and egress and the layout and structures are showing their age. As retail transitions, older spaces developed to an earlier standard require more resources to try and bring them
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to a more productive reuse.

- Recently, Plumtree Plaza has changed owners and the new owners, recognizing the need to reinvest in the center and the opportunity to address ingress and egress issues with the Bus Rapid Transit system design, have approached Provo City Redevelopment to discuss the center's overhaul and potential rebranding. The new owners feel that focusing solely on retail is not a winning strategy for the center and are looking to add hospitality (hotel), and residential elements to the center. They do believe retail uses will still have a place in the new center but those uses will be a supporting role and not the driving force behind the rehabilitation of the complex.
- The new owners plan to completely demolish the portions of the center they own and begin to reestablish the center. They have requested help with the construction of the sewer upgrades required for the project. Tonight's action is the first step in creating a Community Reinvestment Project Area under the new provisions of the Utah Community Reinvestment Act.
- It is important to note approval of this resolution does not commit the Agency or any taxing entities future tax increment to a project. Commitment of tax increment would require the affected taxing entities to enter into voluntary agreements with the Agency.
- Staff recommends that the Redevelopment Agency Board approve the attached resolution authorizing and directing the preparation of a draft project area plan for the proposed The Mix Community Reinvestment Project Area

1 RESOLUTION 2019-RDA-.

2
3 A RESOLUTION DESIGNATING A SURVEY AREA, AUTHORIZING THE
4 PREPARATION OF A DRAFT COMMUNITY REINVESTMENT PROJECT
5 AREA PLAN AND BUDGET, RELATED TO “THE MIX” PROJECT, AND
6 AUTHORIZING AND DIRECTING ALL NECESSARY ACTION BY THE
7 AGENCY, STAFF, AND LEGAL COUNSEL. (19-139)
8

9 WHEREAS the Redevelopment Agency of Provo City (the “Agency”), having made a
10 preliminary investigation and conducted initial studies and inquiries, desires now to conduct
11 community development activities in all or a portion of the area depicted on the map attached
12 hereto as Exhibit A (the “Survey Area”) pursuant to UCA § 17C-5-103, from which the Agency
13 anticipates potentially creating a community reinvestment project area (the “Proposed Project
14 Area”); and
15

16 WHEREAS, the Agency desires to begin the process for adopting a project area plan for
17 the Proposed Project Area by adopting this Resolution authorizing the preparation of a Project
18 Area Plan, pursuant to UCA § 17C-5-103; and
19

20 WHEREAS, on December 10, 2019, the Governing Board of the Agency met to ascertain
21 the facts regarding this matter and receive public comment, which facts and comments are found
22 in the public record of the Board’s consideration; and
23

24 WHEREAS, all persons for and against this action were given an opportunity to be heard;
25 and
26

27 NOW, THEREFORE, be it resolved by the Governing Board of the Provo City
28 Redevelopment Agency as follows:
29

30 PART I:
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32 That the Agency designates the geographic area as indicated on Exhibit A as a Survey
33 Area as contemplated by the Act.
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35 PART II:
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37 That the Survey Area requires study to determine whether project area development is
38 feasible within one or more Proposed Project Areas within the Survey Area.
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40 PART III:

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That Agency legal counsel and staff are hereby authorized and directed, for each project area deemed appropriate by the Agency:

- a. to prepare a draft Community Reinvestment Project Area Plan;
- b. to prepare a draft Community Reinvestment Project Area Budget; and
- c. to undertake all such actions as may be required by the Act, or which may otherwise be necessary or desirable to the successful establishment of the proposed community development project area, including, without limitation, the negotiation of agreements with taxing entities and participants, the preparation for all necessary hearings and the preparation, publication, and/or mailing of statutorily required notices.

PART IV:

This resolution shall take effect immediately.

END OF RESOLUTION.

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61

EXHIBIT A



62

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMCKNIGHT
Department: Public Works
Requested Meeting Date: 12-10-2019

SUBJECT: An ordinance amending Provo City Code to correct and update Title 18 (Storm Water) and the associated design and management manual. (19-109)

RECOMMENDATION: Information only. This item is scheduled to be heard in the Council Meeting this evening.

BACKGROUND: The stormwater design manual has not been updated since 1986. This manual, along with the city stormwater management program and illicit discharge detection and elimination manual, are adopted into Title 18 by reference. The Public Works Stormwater team proposes updates to these manuals and other wording contained within Title 18.

FISCAL IMPACT: None anticipated

PRESENTER'S NAME: Dave Decker and Rob Hunter

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: Changes are consistent with Storm Drain Master Plan that was approved earlier this year by Council.

CITYVIEW OR ISSUE FILE NUMBER: 19-109

ORDINANCE 2019- .

AN ORDINANCE AMENDING PROVO CITY CODE TO CORRECT AND UPDATE TITLE 18 (STORM WATER) AND THE ASSOCIATED DESIGN AND MANAGEMENT MANUAL. (19-109)

WHEREAS, Provo City Code Title 18 (Storm Water) requires updating to clean up inconsistencies, meet current best practices, comply with state and federal standards, and address the needs of a large and growing city; and

WHEREAS, the Provo City Storm Drainage System Design and Management Manual referenced in Title 18 has not been updated since 1986 and requires updates to replace outdated methodologies and correct inconsistencies with current Provo City Code; and

WHEREAS, on December 10, 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) Provo City Code should be amended as set forth in Exhibit A, and (ii) the Provo City Storm Drainage System Design and Management Manual should be adopted as set forth in Exhibit B, and (iii) 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 Title 18(Storm Water) is hereby amended as set forth in Exhibit A.

PART II:

The Provo City Storm Drainage System Design and Management Manual is hereby adopted as set forth in Exhibit B.

PART III:

A. If a provision of this ordinance or the development guidelines conflicts with a provision of a previously adopted land use regulations, this amendment 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.

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

48
49 D. This ordinance shall take effect immediately after it has been posted or published in
50 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-
51 3b-204, and recorded in accordance with Utah Code 10-3-713.

52
53 END OF RESOLUTION.

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Title 18

2

STORM WATER

3 Chapters:

- 4 **18.01** **Storm Water Utility**
 - 5 **18.02** **Storm Water Discharges**
 - 6 **18.03** **Storm Drainage System Design and Management**
 - 7 **18.04** **Storm Water Pollution Prevention Plan Bond**
-

8

Chapter 18.01

9

STORM WATER UTILITY

10 Sections:

- 11 **18.01.010 Findings.**
- 12 **18.01.020 Purpose.**
- 13 **18.01.030 Definitions.**
- 14 **18.01.040 Storm Water Utility.**
- 15 **18.01.050 Storm Water Utility Fee.**
- 16 **18.01.060 Exemptions and Credits Applicable to Storm Water Utility Fee.**
- 17 **18.01.070 Billing.**
- 18 **18.01.080 Storm Water Impact Fee.**
- 19 **18.01.090 Exemptions and Credits Applicable to Storm Water Impact Fee.**

20 **18.01.010**21 **Findings.**

22 Provo City Municipal Council makes the following findings with regard to storm water runoff and the City's
23 storm drainage system:

- 24 (1) The City has an existing storm drainage system that consists of a network of manmade and natural
25 channels, structures, and conduits that collect and convey storm water runoff.
- 26 (2) Land development alters the hydrologic response of watersheds by converting natural ground to
27 impervious surfaces, resulting in increased storm water runoff rates and volumes, increased potential for
28 flooding, increased stream and drainage channel erosion, and increased sediment transport and deposition.
- 29 (3) Storm water runoff produced by land development activities places increased demands on the City's
30 storm drainage system.
- 31 (4) Any or all of the following conditions can result from uncontrolled or inadequately controlled storm
32 water runoff:
 - 33 (a) Property damage,
 - 34 (b) Erosion and sedimentation,
 - 35 (c) Contaminated ground water supply,

- 36 (d) Hindered ability for the City to provide emergency services to its residents,
- 37 (e) Impeded traffic flow, and
- 38 (f) Health and life safety hazards to citizens within the City.
- 39 (5) Storm water runoff potentially carries concentrations of grease, oil, nutrients, chemicals, metal, toxic
40 constituents and otherwise undesirable materials that may cause adverse effects on the receiving waters,
41 including ground water.
- 42 (6) All developments within the City benefit from the City's operation and maintenance of the storm
43 drainage system.
- 44 (7) The Environmental Protection Agency (EPA) and the Utah State Department of Environmental Quality
45 (DEQ) have increased storm water regulations as part of Phase II of the National Pollutant Discharge
46 Elimination System (NPDES) and the Utah Pollutant Discharge Elimination System (UPDES) that will motivate
47 the City to commit additional resources to implement and maintain the following programs as they relate to
48 storm water quality:
- 49 (a) Public Education and Outreach on Storm Water Impacts,
- 50 (b) Public ~~Participation~~/Involvement/Participation,
- 51 (c) Illicit Discharge Detection and Elimination (IDDE),
- 52 (d) Construction Site Storm Water Runoff Control,
- 53 (e) Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction
54 ~~Runoff Control~~Storm Water Management), and
- 55 (f) Pollution Prevention ~~and~~ Good Housekeeping for Municipal Operations.
- 56 (8) A storm water utility is the most equitable and effective method of managing storm water runoff in the
57 City, complying with State and Federal regulations, and ensuring that each property in the City pays a fair
58 amount to the extent that it contributes to, benefits from, and otherwise uses the storm drainage system.
- 59 (9) Adopting this Title is necessary for the preservation of public health, safety, and welfare, as well as
60 preservation of the quality of waters that receive storm water runoff.
- 61 (Enacted 2014-21)
-

62 18.01.020**63 Purpose.**

64 The purpose of this Title is to increase the protection of the health, safety, and general welfare of the City
65 and its residents by improving the City's storm drainage system, managing and controlling storm water
66 runoff, protecting property, preventing contamination of receiving waters, and to establish an effective and
67 fair method of financing the construction, operation, management, and maintenance of the City's storm
68 drainage system.

69 (Enacted 2014-21)

70 18.01.030**71 Definitions.**

72 The following definitions are limited to this Title of the Provo City Code:

73 (1) The following words and phrases shall have the meanings respectfully ascribed to them as follows unless
74 the context in which they are used specifically indicates otherwise:

75 **"Best management practice (BMP)"** is ~~any program, technology, process, operating method, measure or~~
76 ~~device, which reduces storm water runoff and/or controls, a schedule of activities, prohibition of~~
77 ~~practices, maintenance procedures, and other management practices to~~ prevents, ~~removes,~~ or reduces
78 storm water pollution. ~~BMPs also include treatment requirements, operating procedures, and practices~~
79 ~~to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material~~
80 ~~storage.~~

81 **"Clean Water Act"** is ~~the~~ The Clean Water Act of 1987, formerly referred to as the Federal Water
82 Pollution Control Act, ~~33 USC Sec 1251 et seq., as amended, and the applicable regulations promulgated~~
83 ~~thereunder.~~

84 **"Detention"** is a system which is designed to capture storm water and release it over a given period of
85 time through an outlet structure at a controlled rate.

86 **"Developed land"** shall be all property altered from a natural state by grading, paving, compaction,
87 construction of structures, impervious surfaces, or drainage works so that storm water runoff from the
88 property is changed in quantity, quality, or point of discharge from that which would occur in the natural
89 condition, or so that provision of control and management of storm water runoff from other properties
90 is necessary to prevent property damage and/or personal hazard during storm events.

91 **“Discharger”** is any person or entity who directly or indirectly discharges storm water from any property
92 or who directly or indirectly discharges any substance into a storm drainage system.

93 **“Drainage-way”** means a course, waterway, conduit, or channel that conveys storm water runoff.

94 **“Equivalent service unit (ESU)”** means the average amount of impervious surface, expressed in square
95 feet, on developed single-family residential parcels in Provo City. One (1) ESU is equal to three thousand
96 two hundred (3,200) square feet of impervious surface area.

97 **“Erosion”** is the process by which the ground surface is worn away and transported by action of wind,
98 water, ice, gravity, or a combination thereof.

99 **“Hydrologic response”** is the manner and means whereby storm water collects, remains, infiltrates, and
100 is conveyed from a property. It is dependent on a number of factors, including but not limited to the
101 presence of impervious area, size, shape, topography, vegetation, surficial geologic conditions,
102 antecedent moisture conditions, and groundwater conditions on each property.

103 **“Illicit connection”** is any ~~method or means of conveying man-made conveyance connecting~~ an illicit
104 discharge directly into a water body, drainage channel, or a public or private storm drainage system.

105 **“Illicit discharge”** is any discharge into a water body, drainage channel, or a public or private drainage
106 system that ~~does not consist is not composed~~ entirely of storm water ~~runoff or uncontaminated ground-~~
107 ~~water~~ or discharges exempted in Section [18.02.020\(2\)](#), Provo City Code.

108 **“Impervious surface”** means any hard surface, other than an undisturbed natural surface, that prevents
109 or retards the absorption of water into the soil, or that causes water to run off the surface at a rate or
110 quantity greater than that of the natural surface. Common impervious surfaces include, but are not
111 limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, and storage areas.

112 **“National Pollutant Discharge Elimination System (NPDES)”** is a Federal permitting program, as
113 authorized by Section 402 of the Clean Water Act to control water pollution by regulating point sources
114 that discharge pollutants.

115 **“Non-single-family residential unit”** any developed property not fitting the definition of single-family
116 residential unit contained in this Section shall be deemed and treated as a non-single-family residential
117 unit for the purposes of storm water management service charges. Non-single-family residential units
118 shall include but not be limited to attached townhouses, condominiums, and boarding houses, hotels
119 and motels, houses used primarily for commercial storage areas, public and private schools and
120 universities, churches, hospitals and convalescent centers, office buildings, commercial developments,
121 industrial developments, and municipal facilities.

122 **“Point source”** is any discernible, confined, or discrete conveyance, including ~~but not limited to~~, any
123 pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding
124 operation (CAFO), ~~landfill leachate collection system, or~~ vessel or other floating craft, from which
125 pollutants are or may be discharged; ~~and does not include return flows from irrigated agriculture.~~

126 **“Pollutant”** is any substance which has the potential to impair water quality including, but not limited to
127 the following: solid wastes, vehicle fluids, yard wastes, landscape materials, animal wastes, sediment,
128 sewage, garbage, chemical wastes, biological wastes, soils, rocks, sand, or any other substance defined
129 as a pollutant under the Clean Water Act.

130 **“Private drainage”** is all storm water that originates within the boundaries of private property,
131 including, but not limited to, residential, commercial, industrial, or agricultural. It shall retain private
132 classification up to the point where it is discharged to a public storm water ~~conveyance~~ facility.

133 **“Retention”** is a system which is designed to capture storm water and contain it until it infiltrates into
134 the soil or evaporates.

135 **“Sedimentation”** is the gravitational process of deposition of transported solid material from a
136 suspended state in a fluid.

137 **“Single-family residential unit”** shall consist of one (1) or more rooms, a bathroom, and kitchen
138 designed for occupancy by one (1) family, and shall include houses, physically separate townhouses or
139 condominiums on individual lots, duplexes having ~~either a single water meter or~~ individual water
140 meters, manufactured housing and mobile homes located on individual lots.

141 **“Storm drainage system”** a network of manmade and natural channels, structures, basins, and conduits
142 that collect, convey, treat, and detain or retain storm water runoff.

143 **“Storm water runoff”** is the runoff and drainage of precipitation resulting from rainfall, snowfall, or
144 snow/ice melt or other natural events or processes.

145 **“Undeveloped Land”**: Land in ~~an~~ unaltered natural state or which has been modified to such minimal
146 degree as to have a hydrologic condition comparable to land in an unaltered natural state shall be
147 deemed undeveloped for the purposes of applying surface charge that would prevent infiltration or
148 cause storm water to collect, concentrate, or flow in a manner materially different than that which
149 would occur if the land was in an unaltered natural state.

150 **“Utah Pollutant Discharge Elimination System (UPDES)”** is a State permitting program authorized by
151 ~~Section 402 of the Clean Water Act to control water pollution, and is comparable to the National~~
152 ~~Pollutant Discharge Elimination System (NPDES).~~

153 **“Water body”** is any river, lake, stream, creek, or other watercourse wetland that may or may not
154 convey storm water.

155 **“Watershed”** is a region that drains to a water body.

156 (2) Words that are used in this Title that are not specifically defined in this Title but are defined in another
157 title of this Code shall have the meanings set forth in that Title.

158 (Enacted 2014-21)

159 **18.01.040**

160 **Storm Water Utility.**

161 (1) *Creation.* By Resolution Number 1991-38 of the Provo City Municipal Council the Storm Water Service
162 District was created, herein referred to as the storm water utility. The storm water utility shall plan, design,
163 construct, maintain, administer, operate, and obtain necessary State and Federal permits for the City’s storm
164 drainage system.

165 (2) *Purpose.* The storm water utility shall be responsible for storm water management throughout the City’s
166 corporate limits, and shall provide for the conservation, management, protection, control, regulation, use,
167 and enhancement of storm water quality through acquisition, management, maintenance, extension, and
168 improvement of the public storm water systems to collect, control, convey, store, detain, retain, recharge,
169 and treat storm water and through regulation of storm water management systems on public and private
170 property. It shall be the long-term objective of the City to provide a comparable and consistent level of storm
171 water service to similarly situated properties throughout the City.

172 (3) *Enterprise Fund.* By Resolution Number 1992-~~4301~~ of the Provo City Municipal Council the Storm Water
173 Service District Special Enterprise Fund was established to be used solely for the independent and separate
174 accounting of all revenues, expenditures, assets and liabilities, earnings and obligations of the Storm Water
175 Special Service District. Unless otherwise specifically authorized by the Municipal Council, the revenues and
176 other assets of the District shall be used only for the conservation, management, protection, control,
177 regulation, use, and enhancement of storm water in the City and the acquisition, management, maintenance,
178 extension, and improvement of public and private storm water systems, facilities, and activities related
179 thereto. The enterprise fund shall be operated according to Utah State law and City policy.

180 (4) *Limitations of the City’s Storm Water System.* The City’s storm water system shall be limited to those
181 drainage facilities within Provo City which are located on property owned by Provo City, in public streets,
182 rights-of-way, and easements and those subject to rights of entry, rights of use, and those within privately
183 owned roads, which roads: (a) meet the City’s design standards; (b) are commonly available for use by the
184 general public without restriction or limitation; and (c) are subject to an easement which allows adequate

185 access for the operation and maintenance of the systems. Storm water systems located on private property
186 and public properties not owned by Provo City and which are not subject to public dedication of the facilities,
187 easements, and/or rights of entry or use shall be and remain the responsibility of the property owner, except
188 as responsibility may be affected by the laws of the State of Utah and the United States of America.

189 (5) *Administration.* The storm water utility shall be administered by the Public Works Director or ~~his~~their
190 designee.

191 (6) *Funding.* It shall be the policy of the City that funding for the storm water utility be equitably derived
192 through methods which have a demonstrable relationship to the varied demands imposed on the storm
193 water systems and programs, and/or the level of service provided, and/or benefits realized as a result of the
194 provision of adequate storm water management services and facilities. Service charges for storm water
195 management shall be fair and reasonable, and shall bear a substantial relationship to the cost of providing
196 services and facilities may include operating, capital improvement, and reserve expenses, and may consider
197 management requirements for storm water quality as well as storm water quantity. Similarly situated
198 properties shall pay similar charges. Service charge rates shall be designed to be consistent and coordinated
199 with the City's use of other storm water management funding mechanisms, including but not limited to plan
200 review and inspection, fees, special fees for services, fees in-lieu of regulatory requirements, impact fees,
201 system development charges, and special assessments so as to accomplish the City's overall objective of
202 equitable storm water management funding.

203 (Enacted 2014-21)

204 **18.01.050**

205 **Storm Water Utility Fee.**

206 (1) *Imposed.* Each developed parcel of real property in the City shall be assessed a monthly storm water
207 utility fee. The purpose of the storm water utility fee is to recover the cost of providing services and facilities
208 to properly control storm water runoff quantity and quality. The most important factor in the City's present
209 cost of providing storm water management services and facilities to individual properties is the amount of
210 impervious coverage on those properties which causes increases in the total volume, peak rate, and quality
211 of storm water runoff.

212 (2) *Fee Per Equivalent Service Unit (ESU).* The fee shall be based on the number of equivalent service units
213 contained in the parcel. The amount charged for an ESU shall be determined by the Municipal Council and
214 listed on the [Consolidated Fee Schedule](#) of the Provo City Code.

215 (3) *Calculation.* Each parcel containing one (1) single-family residential unit shall be assigned one (1) ESU. All
216 properties that are not defined as single-family residential units shall be assigned an ESU value based on the
217 number of equivalent services units calculated to exist.

218 (4) *Disputes.* Any person or entity believing that calculations for assigning ESUs were performed erroneously
219 may express such belief to the administrator of the storm water utility. Such expression shall be submitted in
220 writing and shall include a survey prepared by a registered land surveyor or professional engineer showing
221 the total property area of the parcel, the impervious surface area of the parcel, and other features or
222 conditions which may influence the hydrologic response of the property. The administrator of the storm
223 water utility or ~~his~~their designee shall work with the person or entity toward resolving the issue. If resolve
224 cannot be reached with the administrator of the storm water utility or ~~his~~their designee, an appeal may be
225 taken to the Public Works Director. The appeal shall be in writing and shall be made within ten (10) days of
226 the storm water utility administrator's adverse decision. The Director may decide to hold a hearing for the
227 appeal. The Director shall decide the appeal within ten (10) days of the receipt of the appeal. If the person or
228 entity is not satisfied with the decision of the Public Works Director, a further appeal may be taken to the
229 Municipal Council. The decision of the Municipal Council shall be final and binding on all parties.

230 (5) *Reassessment.* If a parcel significantly increases or decreases its impervious surface area, or as warranted
231 by a dispute resolution, the storm water utility shall recalculate the impervious surface area, reassign the
232 ESUs, and adjust the storm water utility fee accordingly.

233 (Enacted 2014-21)

234 **18.01.060**

235 **Exemptions and Credits Applicable to Storm Water Utility Fee.**

236 Except as provided in this Section, no property shall be exempt from storm water ~~impact~~utility fees or receive
237 a credit against such fees. No exemption or credit in that storm water ~~impact~~utility fee shall be granted based
238 on the age, tax or economic status, race, or religion of the property owner, or other conditions unrelated to
239 the cost of providing storm water services and facilities.

240 (1) *Exemptions.* The following are exempted from being assessed a storm water ~~impact~~utility fee:

241 (a) Developed lands which have no impervious area.

242 (b) Developed, publicly owned roadways which are available for use in common by the general public
243 for motor vehicle transportation shall be exempted from storm water utility fees. These properties may
244 include public road rights-of-way owned by the City, County, State, or Federal government. This
245 exemption shall not include public lands used for offices, maintenance yards, water and wastewater
246 treatment plants, water reservoirs and storage facilities, parking lots, park and recreation facilities,

247 libraries, schools, colleges, universities, churches, social service centers, public housing, public hospitals
248 or convalescent centers, and similar public properties, nor shall the exemption apply to internal site
249 roadways or parking lots within such facilities, all of which shall be charged in a manner consistent with
250 that applied to comparable non-publicly owned properties. This exemption shall not apply to private
251 roads or drives, or to internal roads, drives and parking areas in privately owned properties regardless of
252 the degree of access to those sites, roads, and drives, except in cases where the road or drives are
253 allowed to the general public, except in cases where the road or drive is designed, constructed, and
254 maintained in conformance with the City's road standards and the road or drive is normally available for
255 use in common by the general public for motor vehicle transportation.

256 (2) *Credits*. Credits to the storm water utility fee shall be allowed in the following case:

257 (a) ~~An existing developed property that is proposing redevelopment, which has impervious area and~~
258 ~~within the last twelve (12) months has been assessed a storm water utility fee and has not defaulted on~~
259 ~~payment of such fee shall be eligible to receive a credit. Such credit shall be calculated by multiplying the~~
260 ~~number of storm water ESUs shown on the most recent utility bill by the current impact fee rate, as~~
261 ~~shown on the Consolidated Fee Schedule. Credits to the monthly storm water utility fee shall be allowed~~
262 ~~in the following cases:~~

263 (i) Non-Single-Family Residential Units having an on-site storm water retention system capturing
264 and infiltrating the 100-year design storm shall receive an on-going 50% credit against the monthly
265 storm water utility fee. This credit shall not apply for retention systems owned or maintained by
266 Provo City.

267 (ii) Non-Single-Family Residential Units having an on-site storm water detention system
268 capturing and infiltrating the 10-year design storm shall receive an on-going 25% credit against the
269 monthly storm water utility fee. This credit shall not apply for detention systems owned or
270 maintained by Provo City.

271 (iii) All credits allowed against the storm water utility fee are conditioned on maintaining the
272 on-site retention or detention systems in conformance with the original approved design, or
273 modifications to the original design as approved by the City, and conformance to any applicable
274 Private Utility Maintenance Agreement with the City. Credits may be permanently rescinded for
275 non-compliance.

276 (b) Storm water utility fee credits shall not be transferred from one (1) parcel of property to another.

277 (Enacted 2014-21)

278 **18.01.070**279 **Billing.**

280 The storm water utility fee shall be part of the City's regular monthly utility bill for any given property. If
281 there is no regular City utility bill, the storm water utility fee shall be charged directly to the property owner.
282 The fee shall be deemed a civil debt owed to the City by the person or entity for the City utility services. All
283 properties shall be charged the storm water utility fee regardless of whether or not the owner or occupant of
284 the property requests the storm water utility service.

285 (Enacted 2015-05)

286 **18.01.080**287 **Storm Water Impact Fee.**

288 ~~(1) *Imposed.* Each parcel, in conjunction with the application of a building permit, shall be assessed a~~
289 ~~one-time storm water impact fee. Any activity, construction or otherwise, that increases the overall~~
290 ~~impervious surface of a property is subject to a storm water impact fee pertaining to the net increase of~~
291 ~~impervious surface area. Storm water impact fees shall be imposed and calculated in accordance with the~~
292 ~~procedures contained in Provo City Code Section 15.08. The amount of the impact fee shall be shown in the~~
293 ~~Consolidated Fee Schedule.~~

294 ~~(2) *Fee per ESU.* Each single-family residential unit will be assessed one (1) ESU at the time a building permit~~
295 ~~application is approved. For non-single-family residential projects the fee shall be based on the net increase~~
296 ~~of impervious surface area of the parcel. The amount charged for an ESU shall be determined by the~~
297 ~~Municipal Council and listed on the Consolidated Fee Schedule of the Provo City Code.~~

298 ~~(3) *Calculation.* Calculation procedures shall follow those as outlined in Section 18.01.050(3), Provo City~~
299 ~~Code.~~

300 ~~(4) *Disputes.* Dispute procedures shall follow those as outlined in Section 18.01.050(4), Provo City Code.~~

301 (Enacted 2015-05)

302 **18.01.090**303 **Exemptions and Credits Applicable to Storm Water Impact Fee.**

304 (1) Except as provided in this section, no public or private property shall be exempt from storm water impact
305 fees or receive a credit against such fees. No exemption or credit in the storm water impact fee shall be

306 granted based on the age, tax or economic status, race, or religion of the property owner, or other conditions
307 unrelated to the cost of providing storm water services and facilities.

308 ~~(2)~~ *Exemptions.* The following are exempted from being assessed a storm water impact fee:

309 (a) Developed lands which have no impervious area.

310 (b) Developed, publicly owned roadways which are available for use in common by the general public
311 for motor vehicle transportation shall be exempted from storm water impact fees. These properties may
312 include public road rights-of-way owned by the City, County, State, or Federal government. This
313 exemption shall not include public lands used for offices, airports, maintenance yards, water and
314 wastewater treatment plants, water reservoirs and storage facilities, parking lots, park and recreation
315 facilities, libraries, schools, colleges, universities, churches, social service centers, public housing, public
316 hospitals or convalescent centers, and similar public properties, nor shall the exemption apply to
317 internal site roadways or parking lots within such public facilities, all of which shall be charged in a
318 manner consistent with that applied to comparable non-publicly owned properties. This exemption shall
319 not apply to private roads or drives, or to internal roads, drives, and parking areas in privately owned
320 properties regardless of the degree of access to those sites, roads, and drives allowed to the general
321 public, except in cases where the road or drive is designed, constructed, and maintained in conformance
322 with the City's road standards and the road or drive is normally available for use in common by the
323 general public for motor vehicle transportation.

324 ~~(2) Credits. Credits to the storm water impact fee shall be allowed in the following case:~~

325 ~~(a) An existing developed property that is proposing redevelopment, which has impervious area and~~
326 ~~within the last twelve (12) months has been assessed a storm water utility fee and has not defaulted on~~
327 ~~payment of such fee shall be eligible to receive a credit. Such credit shall be calculated by multiplying the~~
328 ~~number of storm water ESUs shown on the most recent utility bill by the current impact fee rate, as~~
329 ~~shown on the Consolidated Fee Schedule.~~

330 ~~Storm Water impact fee credit shall not be transferred from one (1) parcel of property to another.~~

331 (Enacted 2015-05)

332

333

Chapter 18.02

334

STORM WATER DISCHARGES

335 Sections:

336 **18.02.010 Prohibited Obstructions and Interferences.**

337 **18.02.020 Prohibited Discharges.**

338 **18.02.030 Prohibited Storage and Littering.**

339 **18.02.040 Inspection, Monitoring and Sampling.**

340 **18.02.050 Enforcement, Penalties and Abatement.**

341 **18.02.010**

342 **Prohibited Obstructions and Interferences.**

343 (1) *Unlawful Obstructions and Interferences.* It is unlawful for any person to:

344 (a) Obstruct the flow of water in any component of the storm drainage system.

345 (b) Contribute to or allow an obstruction of the flow of water in the storm drainage system.

346 (c) Cover or obstruct any storm water inlet grate.

347 (d) Cause or allow shrubs, trees, or other vegetation to grow in a manner that interferes with the flow
348 of the water in the storm drainage system.

349 (e) Plant or maintain trees, shrubs or other vegetation in a drainage-way that has the potential to cause
350 or contribute to an obstruction or interference to flow of water in a drainage-way.

351 (f) Divert flows from a drainage-way or storm drainage system.

352 (2) *Exceptions.* The following obstructions are exempt from the prohibitions of this Section:

353 (a) Street and/or storm drainage system improvement projects authorized by the City.

354 (b) Flood control and prevention activities performed by the City.

355 (c) Obstructions performed as part of a Storm Water Pollution Prevention Plan approved by the City.

356 (Enacted 2014-21)

357 **18.02.020**358 **Prohibited Discharges.**

359 (1) *Illicit Discharges.* It is unlawful for any person to cause or allow the discharge into a water body or storm
360 drainage system, either directly or indirectly, of any substance not comprised entirely of storm water or an
361 exempted discharge listed in Subsection (2) of this Section.

362 (2) *Exempted Discharges.* The following non-storm water discharges shall be permissible, provided that they
363 do not result in a violation of water quality standards set forth by the State of Utah and/or Federal Agencies:

364 (a) Discharges regulated under a valid ~~National~~Utah Pollutant Discharge Elimination System (~~N~~UPDES)
365 discharge permit, provided that the discharge complies with the terms of the permit.

366 (b) Discharges from water line flushing.

367 (c) Discharges from landscape or lawn watering.

368 (d) Uncontaminated ground water.

369 (e) Uncontaminated irrigation water.

370 (f) Discharges from natural riparian habitat or wetland flows.

371 (g) Discharges from air conditioning condensate.

372 (h) Discharges or flows from emergency management or firefighting activities.

373 (i) Discharges from foundation drains, footing drains, or crawlspace or basement pumps, provided that
374 the discharge is approved by the Public Works Director or ~~his~~their designee.

375 (j) Discharges resulting from municipal infrastructure management, including street wash water, storm
376 drainage system jetting, hydrant flushing and/or testing, etc.

377 (3) *Accidental Discharges.* Any person who accidentally discharges into a water body or storm drainage
378 system shall immediately inform the Public Works Director or ~~his~~their designee of the discharge. If such
379 information is given orally, a written report concerning the discharge is to be submitted by the discharger to
380 the Public Works Director, or ~~his~~their designee, within ten (10) days of the discharge. The written report shall
381 specify:

382 (a) The composition of the discharge and the cause thereof.

383 (b) The exact date, time and estimated volume of the discharge.

384 (c) All measures taken to clean up the accidental discharge.

385 (d) Proposed measures to be taken to prevent any recurrence.

386 (e) The name and contact information of the person making the report.

387 A properly reported accidental discharge shall be considered an affirmative defense to a civil infraction of this
388 Title; however, it shall not be a defense to legal action brought to obtain an injunction, to recover costs, or to
389 obtain other relief from any adversities resulting from the discharge. A discharge shall be considered properly
390 reported only if the discharger complies with all requirements of this Section.

391 (Enacted 2014-21)

392 **18.02.030**

393 **Prohibited Storage and Littering.**

394 (1) It is unlawful for any person to place garbage, refuse, yard waste, pet waste, rocks, soil, mud, or any
395 other tangible material/substance into any street, gutter, or component of the storm drainage system.

396 (2) Except as permitted by law and where adequate protection and containment is provided, it is unlawful
397 for any person to store, stockpile, keep, or leave any pollutant or hazardous material, or any item containing
398 a pollutant or hazardous material, within a drainage-way, or in a manner that is likely to result in the
399 discharge of material into the storm drainage system.

400 (Enacted 2014-21)

401 **18.02.040**

402 **Inspection, Monitoring and Sampling.**

403 (1) Under the direction of the Public Works Director or ~~his~~their designee a properly identified City
404 representative may inspect, monitor and/or obtain samples from storm water runoff facilities of any
405 discharger to determine compliance with the requirements of this Title.

406 (2) Any discharger shall allow the City's representative to enter upon the premises of the discharger during
407 regular business hours for the purpose of inspecting, monitoring and/or sampling storm water discharges.

408 (3) The discharger shall allow the City's representative to temporarily place on the discharger's property the
409 equipment or devices necessary to perform proper inspections, monitoring, and/or sampling of storm water
410 discharges.

411 (Enacted 2014-21)

412 **18.02.050**413 **Enforcement, Penalties and Abatement.**

414 (1) *Enforcement Authority.* The Public Works Director, or [his](#) designee, shall have the authority to issue
415 notices of violation, stop work orders and to impose civil penalties for any violation of this Title, Provo City
416 Code.

417 (2) *Notice of Violation.* Whenever the Public Works Director or [his](#) designee finds that a person has
418 violated any of the provisions of this Title, the Director or [his](#) designee may issue a written notice of
419 violation. Such notice shall comply with the provisions of Section [17.03.020](#), Provo City Code, and may
420 require any or all of the following:

421 (a) Elimination of illicit connections or discharges;

422 (b) That the violating discharges, practices, or operations shall cease and desist;

423 (c) The abatement or remediation of storm water pollution or contamination hazards and the
424 restoration of any affected property;

425 (d) Payment to cover remediation costs incurred by the City;

426 (e) The implementation of proper BMPs to prevent future occurrences.

427 Within ten (10) days of the date of the notice, the violator shall submit to the Public Works Director or
428 [his](#) designee a plan for the satisfactory correction of the discharge or a request for an administrative
429 hearing. The Public Works Director or [his](#) designee may skip the notice requirements set forth in this
430 Section and immediately proceed with civil and/or criminal action against the violator if (1) the violator has
431 committed the same violation in the past, or (2) the violation, in the opinion of the Director or [his](#)
432 designee creates a serious risk to the public, the environment, or property, or (3) the Director or [his](#)
433 designee deems the violation an emergency.

434 (3) *Stop Work Order.* Where there is work in progress that causes or constitutes a violation of any provision
435 of this Title, the Public Works Director or [his](#) designee is authorized to issue a stop work order to prevent
436 further or continuing violations and/or adverse effect. All persons to whom the stop work order is directed,
437 or who are involved, in any way, with the work described in the stop work order shall fully comply therewith.
438 In situations which may be deemed a risk to the public health or safety, the Director or [his](#) designee may
439 also undertake or cause to be undertaken any necessary or advisable protective measures to correct the
440 violation and prevent further unauthorized discharge, the cost of which shall be the responsibility of the
441 owner of the property upon which the work is being done and any person carrying out or participating in the
442 work. Such costs shall be a lien upon the property. [In cases where the violation is associated with work
443 permitted by the City and a bond was required, the costs may be applied to the bond in lieu of a lien upon](#)

444 the property, at the discretion of the City. In cases where the costs exceed available bond monies, the
445 responsible party shall not be granted new permits by the City until the costs have been repaid to the City in
446 full.

447 (4) *Penalties.* A first offense violation of any provision of this Title is a Class C misdemeanor with a penalty of
448 no less than fifty dollars (\$50.00) and no more than one thousand dollars (\$1,000.00) per violation per day. A
449 second offense violation of any provision of this Title is a Class C misdemeanor with a penalty of no less than
450 one hundred dollars (\$100.00) and no more than one thousand dollars (\$1,000.00) per violation per day. A
451 third offense violation of any provision of this Title is a Class C misdemeanor with a penalty of no less than
452 two hundred dollars (\$200.00) and no more than one thousand dollars (\$1,000.00) per violation per day, and
453 an automatic stop work order. Each day that a violation occurs or continues shall constitute a separate and
454 distinct offense.

455 If, as the result of the violation of any provision of this Title, the City, or any other party, suffers damages and
456 is required to make repairs and/or replace any materials, the cost of such repair, disposal, and/or
457 replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or
458 penalties. In cases where the violation is associated with work permitted by the City and a bond was
459 required, the costs may be applied to the bond in lieu of a lien upon the property, at the discretion of the
460 City. In cases where the costs exceed available bond monies, the responsible party shall not be granted new
461 permits by the City until the costs have been repaid to the City in full.

462 (5) *Administrative Hearing.* A person or entity served a notice of violation of any of the provisions of this
463 Title shall have the right to an administrative hearing. A request for such hearing shall be in writing and shall
464 be filed, with the Public Works Director or his~~their~~ designee within ten (10) days from the date of service of
465 the notice. Failure to request an administrative hearing shall constitute a waiver to an administrative hearing
466 and a waiver of the right to appeal. Administrative hearings shall adhere to the provisions of Chapter [17.02](#),
467 Provo City Code.

468 (6) Violators of this Title may be subject to prosecution, fines, and penalties from the State of Utah and the
469 United States EPA. Nothing in this Title shall be interpreted to relieve any person from an obligation to
470 comply with applicable Federal, State or local laws related to storm water discharge or drinking water
471 protection.

472 (Enacted 2014-21)

473

474

Chapter 18.03

475

STORM DRAINAGE SYSTEM DESIGN AND MANAGEMENT

476 Sections:

477

18.03.010 Performance Criteria.

478

18.03.020 Storm Drainage Systems Performance Standards.

479

18.03.030 Storm Drainage Report and Management Plan.

480

18.03.040 Storm Water Pollution Prevention Plan (SWPPP).

481

18.03.050 Storm Water Easements.

482

18.03.060 Storm Drainage System Maintenance Agreements.

483

18.03.070 Access to Inspect Temporary and Permanent Storm Water Controls.

484

18.03.080 Private Drainage.

485

18.03.010

486

Performance Criteria.

487

The following storm water management performance criteria shall be addressed for all development sites

488

within the City unless granted a waiver in writing from the Public Works Director or ~~his~~their designee:

489

(1) Control the peak flow rates of storm water discharge as specified in the publications listed in Section

490

[18.03.020](#), Provo City Code.

491

(2) Protect streams and other drainage channels from erosion and other degradation.

492

(3) Protect hillside slopes from erosion and other degradation.

493

(4) Prevent the degradation of storm water quality and the downstream or subsurface receiving waters.

494

(5) All new development and redevelopment projects are required to implement post-construction storm

495

water controls, including selection of BMPs, design, installation, operation and maintenance necessary to

496

protect storm water quality. Post-construction storm water controls shall conform to the criteria set forth in

497

the publications listed in Section [18.03.020](#), Provo City Code.

498

(Enacted 2014-21)

499 **18.03.020**500 **Storm Drainage Systems Performance Standards.**

501 (1) *Adoption.* The Provo City Municipal Council hereby adopts as the City's storm water systems design,
502 management, and performance standards the following publications:

503 (a) Provo City Storm Drainage System Design and Management Manual.

504 (b) Provo City Erosion Control and Storm Water Quality Manual.

505 (c) Provo City Storm Water Management Program.

506 (d) Provo City Storm Drain Master Plan.

507 The above publications include acceptable BMPs and specific criteria for the performance, design, and
508 maintenance of storm water management systems within the City. The publications may be updated and/or
509 expanded periodically at the discretion of the Public Works Director, or his designee, based on improvements
510 in engineering, technology, and maintenance experience to meet the minimum standards.

511 (Enacted 2014-21)

512 ~~**18.03.030-**~~513 ~~**Storm Drainage Report and Management Plan.**~~

514 ~~Any project, subdivision, or other development that is subject to the Provo City development review process~~
515 ~~is required to submit a storm drainage report as part of the development review process. The storm drainage~~
516 ~~report shall include sufficient information to allow development reviewers to evaluate the existing and future~~
517 ~~environmental characteristics of the project site, the potential water quality impacts of proposed~~
518 ~~development of the site, the effectiveness and acceptability of the proposed methods to manage storm~~
519 ~~water generated on the site, and the adequate conveyance of existing storm water and irrigation systems~~
520 ~~through the site. The storm drainage report and management plan shall conform to the criteria set forth in~~
521 ~~the publications listed in Section 18.03.020, Provo City Code.~~

522 ~~(Enacted 2014-21)~~

523 **18.03.040030**

524 **Storm Water Pollution Prevention Plan (SWPPP).**

525 Any project, subdivision, development, or other land grading activity that disturbs one (1) acre (or greater) of
526 land within Provo City or projects that disturb less than one (1) acre that are part of a larger common plan of
527 development, shall be required to submit a storm water pollution prevention plan. If the grading activity is
528 part of a project that is subject to the Provo City development review process, the SWPPP shall be submitted
529 as part of the review process. Land disturbances that are not subject to the development review process shall
530 submit the SWPPP to the Public Works Director, or ~~his~~their designee. The SWPPP shall conform to the criteria
531 set forth in the publications listed in Section [18.03.020](#), Provo City Code. [Violations of SWPPP requirements](#)
532 [are subject to the enforcement, penalties, and abatement established in Provo City Code Section 18.02.050.](#)

533 (Enacted 2014-21)

534 ~~18.03.050-~~

535 ~~Storm Water Easements.~~

536 ~~The requirements for this Section apply to all persons required to submit a plan or project that is subject to~~
537 ~~the Provo City development review process.~~

538 ~~(1) The Developer shall provide a Storm Drainage System Maintenance Agreement for all components of the~~
539 ~~proposed private drainage system. The agreement shall include, but not be limited to, the following: storm~~
540 ~~drain piping, storm water inlet boxes, storm drain junction boxes, detention facilities, retention facilities, flow~~
541 ~~restriction devices, water quality devices, diversion structures, and screening structures.~~

542 ~~(2) The maintenance agreement shall adequately describe the following:~~

543 ~~(a) The party responsible for executing the maintenance agreement, i.e., homeowners associations,~~
544 ~~property owners, etc.~~

545 ~~(b) Extent of the maintenance activities to be performed.~~

546 ~~(c) Frequency of proposed maintenance activities.~~

547 ~~(d) Method of recordkeeping and reporting of performed maintenance and inspection activities.~~

548 ~~(3) The maintenance agreement shall provide a statement of indemnification that holds the City harmless~~
549 ~~from any liability in the event that any portion of the private drainage system fails to operate properly.~~

550 ~~(4) Storm drainage system maintenance agreements shall be provided in form and substance as required by~~
551 ~~the Public Works Director, or his designee, and shall be properly recorded in the Utah County Recorder's~~

552 ~~Office and shall constitute a covenant running with the land and shall be binding on the landowner,~~
553 ~~executors, assigns, heirs, and any other successors of interest, including any homeowners associations, as~~
554 ~~addressed in Section 18.03.060(2)(a), Provo City Code.~~

555 ~~(Enacted 2014-21)~~

556 **18.03.060040**

557 **Storm Drainage System Maintenance Private Utility Maintenance Agreements.**

558 The requirements for this Section apply to all projects proposing private storm drainage systems that are
559 required to submit a plan that is subject to the Provo City development review process.

560 (1) The Developer shall provide a ~~Storm Drainage System~~ Storm Drainage System Private Utility
561 Maintenance Agreement for all components of the proposed private drainage system. The agreement shall
562 include, but not be limited to, the following: storm drain piping, storm water inlet boxes, storm drain junction
563 boxes, detention facilities, retention facilities, flow restriction devices, water quality devices, diversion
564 structures, and screening devices.

565 (2) The maintenance agreement shall adequately describe the following:

566 (a) The party responsible for executing the maintenance agreement, i.e., homeowners association,
567 property owner, etc.

568 (b) Extent of the maintenance activities to be performed.

569 (c) Frequency of proposed recordkeeping and reporting of performed maintenance and inspection
570 activities.

571 (3) The maintenance agreement shall provide a statement of indemnification that holds the City harmless
572 from any liability in the event of any portion of the drainage system fails to operate properly.

573 (4) ~~Storm drainage system Private Utility m~~Maintenance ~~a~~Agreements shall be provided in form and
574 substance as required by the Public Works Director or ~~his~~their designee and shall be properly recorded in the
575 Utah County Recorder's office and shall constitute a covenant running with the land and shall be binding on
576 the landowner, executors, assigns, heirs, and any other successor of interest, including any homeowners
577 association, as addressed in Subsection [\(2\)\(a\)](#) of this Section.

578 (Enacted 2014-21)

579 **18.03.070050**

580 **Access to Inspect Temporary and Permanent Storm Water Controls.**

581 (1) The Public Works Director or [histheir](#) designee shall the have the right to access any project, subdivision,
582 development, or other land grading activity that is required to submit and implement a SWPPP to ensure
583 compliance with the publications listed in Section [18.03.020](#), Provo City Code.

584 (2) The Public Works Director or [histheir](#) designee shall also have the right to access and inspect
585 post-construction storm water controls on private properties to ensure that adequate maintenance is being
586 performed. In lieu of granting access to the Public Works Director or [histheir](#) designee a property owner may
587 submit an annual certification that the storm water controls have been adequately maintained and that said
588 controls are operating as designed to protect storm water quality.

589 (Enacted 2014-21)

590 **18.03.080060**

591 **Private Drainage.**

592 (1) It shall be the responsibility of the property owner to ensure that the private drainage generated within
593 the private property is adequately handled and does not create a nuisance on neighboring properties, by one
594 (1), or any combination, of the following methods:

595 (a) Private drainage may be conveyed to a public drainage facility at a location and by any means
596 approved by the Public Works Director or [histheir](#) designee.

597 (b) Private drainage may be conveyed to a private drainage facility provided that written consent to do
598 so is obtained from the owner of the private facility.

599 (c) Private drainage may be retained on site by dispersing it in a manner that it is absorbed into the
600 landscape as long as such retention system is not restricted by Section [15.05.170](#), Provo City Code.

601 (2) Approval from the Public Works Director or [histheir](#) designee must be obtained prior to the subsurface
602 discharge of any private drainage. A soils report may be required, at the discretion of the Public Works
603 Director or [histheir](#) designee as part of the subsurface discharge approval. The soils report shall conform to
604 the guidelines as set forth in the publications listed in Section [18.03.020](#), Provo City Code.

605 (3) *Lot Grading Plan.* All construction that increases the net impervious surface area and requires a building
606 permit shall submit, as part of the permit application, a lot grading plan that conforms to the requirements as
607 described in the publications listed in Section [18.03.020](#) and Chapter ~~15.06~~[15.03](#), Provo City Code.

608 (4) *Gutters Fronting Private Property.* It shall be the responsibility of the owner, tenant, or leases of property
609 to clean, sweep, or otherwise remove and properly dispose of debris from the gutter, or other drainage-way,
610 that fronts or runs contiguous to said property.

611 (Enacted 2014-21)

612 **18.03.070**

613 **Reimbursement for Master Planned Storm Drain Lines.**

614 Any development requiring the installation of storm drain must design and construct the storm drain for
615 future buildout of all properties discharging to the storm drain, following the general assumptions and
616 facilities shown in the Storm Drain Master Plan. Any person who incurs the expense of installing a master
617 planned storm drain line that will also be utilized by other developments may receive reimbursement for the
618 cost of upsizing the storm drain by one of the following methods, to be determined by the Public Works
619 Director, or their designee:

620 (1) A reimbursement agreement, subject to the following:

621 (a) The party installing the master planned storm drain line (the “reimbursed party”) shall enter into a
622 written reimbursement agreement with the City before the line is completed. The total amount to be
623 reimbursed under the reimbursement agreement shall not exceed the estimated total construction cost
624 of the master planned storm drain line minus the estimated total construction cost of installing a storm
625 drain line required solely for the developed property of the reimbursed party.

626 (b) If, within ten (10) years from the date of the reimbursement agreement, a party connects to the
627 master planned storm drain line described above (the “connecting party”), the connecting party shall
628 pay to the City, at the time the connecting party’s building permit is issued, the amount required in the
629 reimbursement agreement (the “reimbursement amount”). The reimbursement amount paid by a
630 connecting party pursuant to this Section is separate from and in addition to the payment of storm
631 drain service fees, inspection fees, and impact fees.

632 (C) After payment of the reimbursement amount by the connecting party, the reimbursed party shall
633 be paid the reimbursement amount by the City. In no event shall the reimbursed party’s right of
634 reimbursement exceed the reimbursement amount actually collected by the City from the connecting
635 party.

636 (d) If Provo City installs at City expense a main line, Provo City may receive reimbursement from
637 connecting parties pursuant to this Section as though the City were a private party by charging
638 connecting parties a reimbursement amount calculated as if the City were the reimbursed party under

639 this Section. The agreement described in Subsection (1)(a) shall not be required for reimbursement to
640 the City.

641 (2) A credit to impact fees, provided the proposed facility is eligible to receive impact fee funding.

642 (3) Direct reimbursement from City storm water funds.

643

644

Chapter 18.04

645

STORM WATER POLLUTION PREVENTION PLAN BOND

646 Sections:

647 **18.04.010 Bond Requirement.**

648 **18.04.020 Purpose of Bond.**

649 **18.04.030 Bond Amount.**

650 **18.04.040 Bond Release.**

651 **18.04.010**

652 **Bond Requirement.**

653 Any project that requires a Provo storm water pollution prevention plan (SWPPP) shall post a SWPPP bond
654 with the City. The bond shall be posted before the City issues any permit.

655 (Enacted 2014-21)

656 **18.04.020**

657 **Purpose of Bond.**

658 The purpose of the SWPPP bond is to guarantee the best management practices (BMP) are placed according
659 to the SWPPP and removed when the project is stabilized.

660 (Enacted 2014-21)

661 **18.04.030**

662 **Bond Amount.**

663 The SWPPP bond shall be calculated as follows:

664 (1) All projects shall pay five cents (\$0.05) per square footage of the project area or two thousand dollars
665 (\$2,000.00), whichever is greater.

666 (Enacted 2014-21)

667 **18.04.040**

668 **Bond Release.**

669 The City shall hold the SWPPP bond until the contractor has stabilized the project area, and all temporary
670 SWPPP BMPs are removed.

671 (Enacted 2014-21)

672

EXHIBIT B

**STORM DRAINAGE SYSTEM
DESIGN AND MANAGEMENT
MANUAL**



November 2019

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CHAPTER 1 - PURPOSE

The purpose of this Provo City Storm Drainage System Design and Management Manual (Drainage Manual) is to document the approval process, design standards, regulations, and hydrologic and hydraulic computation methods for evaluating and designing storm drain and flood control facilities in Provo City (City). These standards and requirements are not intended to supplant sound engineering judgement. However, they are intended as a safeguard to ensure drainage improvements are designed and constructed in a manner that promotes public health and safety, and that is consistent with the City's Storm Drain Master Plan. All construction projects shall conform to requirements within this Drainage Manual, and shall be approved by the Public Works Director, or their designee.

This Drainage Manual is adopted by reference into Provo City Code in Section 18.03.020. The manual is organized into the following sections:

- Chapter 1 – Purpose**
- Chapter 2 – Federal, State, and Local Regulations**
- Chapter 3 – Drainage Submittal Requirements**
- Chapter 4 – Hydrology**
- Chapter 5 – Street Drainage**
- Chapter 6 – Storm Drain**
- Chapter 7 – Open Channels**
- Chapter 8 – Culverts and Bridges**
- Chapter 9 – Detention/Retention Basins**
- Chapter 10 – Sensitive Lands**
- Chapter 11 – Water Quality**
- Chapter 12 – Maintenance Access and Easements**

CHAPTER 2 - FEDERAL, STATE, AND LOCAL REGULATIONS

This chapter references Federal, State and Local Laws and Regulations that shall be followed for the design and management of storm drainage systems within Provo City. This list is intended for informational purposes, and is not intended to be an exhaustive list of all regulations that may impact storm drainage design and management. Absence from the list shall not absolve responsibility to follow all applicable laws and regulations.

2.1 Federal Laws and Regulations

National Flood Insurance Program - The National Flood Insurance Program was created through the National Flood Insurance Act of 1968. Property owners in participating communities can purchase flood insurance administered by the Federal Government. Participating communities in turn adopt and enforce floodplain management ordinances to regulate development within Special Flood Hazard Areas (SFHAs), commonly referred to as FEMA floodplains. Provo City's Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) can be accessed through the Federal Emergency Management Agency (FEMA) Flood Map Service Center website (msc.fema.gov). Design requirements for projects affected by FEMA floodplains are contained in Chapter 10 of this Drainage Manual, and documentation criteria regarding properties within FEMA floodplains are set forth in Section 15.05.180, Provo City Code.

Rivers and Harbors Act of 1899 – This Act allows the US Army Corps of Engineers (USACE) to regulate obstructions or alterations in navigable waters of the US (WOUS). Subsequent Acts have expanded regulations, definitions, and permitting for WOUS.

Clean Water Act – The Federal Water Pollution Control Act, enacted in 1948, was the first major federal law addressing water pollution (www.epa.gov/laws-regulations/history-clean-water-act). After subsequent amendments, the law has been commonly referred to as the Clean Water Act (CWA). This law regulates pollutants and the discharging of dredged or fill material within WOUS. Provo City reserves the right to require proof of correspondence with USACE if construction or other grading activities are proposed within a lake, stream, gully, or wetlands area that City staff suspects may be a regulated WOUS. If the USACE indicates the affected area is a regulated WOUS, an approved USACE permit for grading or construction activities will be required.

Endangered Species Act – The Endangered Species Act (ESA) was passed by Congress in 1973 with the purpose of protecting threatened and endangered species and their habitat. Accordingly, Provo City reserves the right to require proof of correspondence with the US Fish and Wildlife Service (USFWS) regarding ESA compliance if a proposed private project is suspected to negatively affect threatened or endangered species, per Section 10 of the ESA. Projects impacting FEMA floodplains that require submittal of a Conditional Letter of Map Revision (CLOMR) to FEMA are also required by FEMA to demonstrate compliance with the ESA.

2.2 State Laws and Regulations

Utah Pollutant Discharge Elimination System - UPDES is the Utah Department of Environmental Quality (DEQ) version of the National Pollutant Discharge Elimination System (NPDES), and administers regulations to control pollutants discharged to WOUS by construction activities, industrial activities, and Municipal Separate Storm Sewer Systems (MS4s) such as Provo City's storm drainage facilities. Provo City is a permittee of the UPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), effective December 1, 2016. City requirements regarding water quality and pollutant discharge are intended to be consistent with the requirements of the City's MS4 permit.

2.3 Local Code and Regulations

Provo City Code Title 18 – Title 18 from the City code defines the purpose of the City's Storm Water Service District, defines regulations for the Storm Water Utility and Impact Fees, and establishes general regulations regarding storm water discharge, storage, and maintenance. Provo City Code Section 18.03.020 authorizes regulatory storm water manuals and plans, including this Drainage Manual.

Storm Water Management Program - The Storm Water Management Program is required by Provo City's MS4 permit, and details the City's proposed actions to address the permit requirements. Guidelines contained within this Drainage Manual regarding water quality and pollutant discharge are intended to be consistent with the proposed actions defined in the Storm Water Management Program.

Erosion Control and Storm Water Quality Manual –The Erosion Control and Storm Water Quality Manual contains information and criteria on Storm Water Pollution Prevention Plans, Best Management Practices, and prohibited discharges. The information and criteria contained in the Storm Water Quality Manual is also designed to satisfy criteria for Provo City's MS4 Permit.

Storm Drain Master Plan – The primary purpose of the Master Plan is to identify recommended improvements that will resolve existing and projected future deficiencies in the Provo storm drain system. The intent of this Drainage Manual is to implement criteria consistent with the vision of the Master Plan, so deficiencies in the system may be resolved and ongoing development does not create future flooding and storm water quality hazards.

Public Works Department Development Design Standards – The Public Works Department Development Design Standards is to assist developers in understanding the current procedures for the review and approval, by the Public Works Department, for developments within the City. Sections regarding storm water in the Design Standards are intended as a “quick guide”, with more complete guidance contained in this Drainage Manual.

CHAPTER 3 - DRAINAGE SUBMITTAL REQUIREMENTS

Every project, subdivision, or other development that is subject to the development review process shall submit a Storm Drainage Report conforming to the criteria set forth in this Drainage Manual. The Storm Drainage Report shall include sufficient information to allow reviewers to evaluate the effectiveness and acceptability of the proposed project and associated drainage system. Storm Drainage Report requirements vary depending on the following type of City approval being requested:

1. Single residential lot for Building Permit
2. Concept Plan/Rezoning
3. Project Plan

The remainder of this section defines the data required to be submitted for each type of development listed above.

3.1 Geotechnical Analysis

A geotechnical report identifying groundwater elevation is required for all developments that lie within the High Water Table Area, as defined in Section 15.03.010(2), Provo City Code. A geotechnical report identifying groundwater elevation may also be required for other areas that are likely to have a shallow groundwater, as determined by the Public Works Director, or their designee. See Chapter 10 of this Drainage Manual for groundwater requirements.

Sites proposing to control their runoff through retention and infiltration are required to submit a field infiltration analysis. The analysis shall include the measured in-situ infiltration rate, and a design infiltration rate using a safety factor of at least 2 in order to account for plugging, silting, and the creation of biofilms over time. For example, if the measured infiltration rate is 6 in/hr, the design infiltration rate shall be no more than 3 in/hr.

3.2 Submittal Requirements for Single-Family Residential Lots

A Lot Grading Plan shall be submitted for single residential lot developments as part of the building permit application. A soils letter identifying groundwater elevation may also be required if not addressed in a previously-approved Project Plan for the subdivision. See Chapter 10 of this Drainage Manual for groundwater requirements.

The Lot Grading Plan shall contain the following information:

DRAWINGS

1. Scale, north arrow, legend, title block showing subdivision name, lot number, date and preparer's name.
2. Property lines, easements, and adjacent rights-of-way.
3. Elevations of the top of curb, sidewalk, existing grade, finished grade, finished floor, garage floor, and other elevations as necessary to depict intentions of grading.
4. Flow arrows that represent the intended flow patterns of finish grade.
5. Private or public drainage facilities within or adjacent to the site.
6. Information required to address specific drainage concerns for the lot, such as geologic hazards, steep slopes, wetlands, high water table area, foundation drain system, existing drainage, etc.
7. See Standard Drawing P-390 for typical lot grading.

A UPDES Common Plan of Development Permit is also required for Single-Family Residential Lots meeting the following criteria:

1. The lot is located in a subdivision platted 1992 or newer.
2. The total subdivision area is 1 acre or larger.
3. It is the first time the lot is having a home constructed on it.

Prior to issuance of a building permit, the Notice of Intent (NOI) must be filed with the State DEQ, and a copy of the signed NOI and Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the City. Which SWPPP type needs to be submitted to the City depends on the specifics of the site. If the

owner and principal contractor for the overall subdivision are also the owner and principal contractor for constructing the home on a specific lot, the home construction can be covered in an overall SWPPP for the subdivision and does not need a separate SWPPP. Otherwise, for a single lot less than 1 acre the UPDES Common Plan Permit template (UTRH00000) should be filled out and submitted to the City. Homebuilders constructing multiple homes within the same subdivision should include all the homes on one SWPPP using the UPDES Construction General Permit (CGP) template (UTRC00000) and submit it to the City. Both SWPPP templates and a link to the NOI submittal can be found at <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>.

3.3 Submittal Requirements for Concept Plans

Conceptual Plan drawings submitted as part of a rezone request shall include the following drainage-related information:

DRAWINGS

1. Existing drainage-related features, including ditches, canals, swales, structures, storm drains, springs, detention and retention basins, irrigation lines, State waters, Waters of the US, wetlands, etc.
2. Conceptual layout of proposed storm drain facilities, including detention or retention basins if required.
3. Existing and proposed storm water discharge locations.
4. Location of FEMA floodway and floodplain boundaries and associated elevations on or adjacent to the property, if applicable.
5. Existing and proposed private or public drainage or irrigation easements.

3.4 Submittal Requirements for Project Plans

A Storm Drainage Report and Management Plan shall be submitted for all developments requiring Project Plan approval, and shall be stamped by a Professional Engineer registered in the State of Utah. The submittal shall contain the following:

REPORTS

1. Title page showing project name, date, preparer's name, seal and signature.
2. Description of existing site conditions including all existing drainage ditches, canals, washes, swales, structures, storm drains, springs, detention and retention basins, irrigation lines, State waters, Water of the US, wetlands, etc.
3. Identify existing points of storm water discharge from the site.
4. Description of off-site drainage and irrigation features upstream or adjacent to the site, and how they affect drainage to the site.
5. Description of proposed facilities that will be used to manage on-site and off-site storm water runoff associated with the development.
6. Exhibit showing topography with labels, watershed delineations used for hydrologic calculations, and arrows indicating flow patterns for each watershed.
7. Hydrologic calculations used to estimate runoff volume and peak flowrate. See Section 4 for hydrology criteria.
8. Hydraulic calculations used to verify existing and proposed facilities have sufficient capacity. See Sections 5-9 for criteria associated with various storm water facilities.
9. Description of FEMA floodway and floodplain boundaries and associated elevations on or adjacent to the property, if applicable. Description of how development activities will comply with floodplain requirements.
10. Identify who will own and maintain storm drain facilities.
11. Identify any private or public drainage or irrigation easements.
12. Identify if the site is within a high groundwater area, if buildings and/or parking areas are proposed below grade, and how the proposed design meets groundwater-related criteria (see Chapter 10)
13. Identify water quality facilities proposed with the project. See Chapter 11 for water quality criteria.
14. List of permits applicable to drainage that may need to be obtained, including: Grading Permit, Floodplain Development Permit, US Army Corps of Engineers Permits, and/or Stream Alteration Permit.
15. Conclusions and statements that indicate proposed improvements will comply with City drainage criteria. Identify any requested variance to City drainage criteria, the reason a variance is required, and the proposed alternative solution.

DRAWINGS

1. Location and type of all existing drainage and irrigation structures, clearly labeling whether they are to be removed or protected in place
2. Location, type, top back of curb (TBC) elevation, invert out, and bottom elevation of all proposed and existing "to remain" catch basins.
3. Alignment, size, slope, bottom width, height, side slope, and flow line elevations of all proposed and existing "to remain" channels, ditches, and swales.
4. Location, volume, material, and elevations of all proposed and existing "to remain" detention and retention facilities.

-
- | | |
|--|--|
| 3. Location, diameter, rim elevation, invert in, invert out, and sump elevation of all proposed and existing "to remain" manholes. | 7. Existing and proposed drainage easements. |
| 4. Alignment, size, slope, material, and flow line elevations, and profiles with hydraulic grade line of all proposed and "to remain" storm drain. | 8. FEMA floodway and floodplain boundaries and elevations. |
| | 9. Other relevant drainage features. |

3.5 Storm Water Pollution Prevention Plan

All projects over 1 acre must submit a SWPPP as part of their Project Plan submittal. The SWPPP must follow the UPDES Construction General Permit (CGP) template (UTRC00000). Contractor information, if not known at the time, is not needed for Project Plan approval, nor does the NOI need to be filed with the state. However, those items must be completed and submitted to the City before grading and building permits are issued. The CGP template and a link to the online NOI submittal can be found at <https://deg.utah.gov/water-quality/general-construction-storm-water-updes-permits>.

See Section 3.3 for SWPPP requirements for Single-Family Residential Lots.

Project that do not require a UPDES Permit shall sign the Provo City Acknowledgement of Prohibited Discharges.

3.6 Private Utility Maintenance Agreement

A Private Utility Maintenance Agreement is required for all projects approved with private drainage facilities. The Public Works reviewer assigned to the Project Plan review will prepare the agreement and send to the developer for signature. This agreement must be signed to receive Project Plan approval. See Chapter 11 for minimum maintenance and inspections requirements to be contained within the agreement.

3.7 Floodplain Development Permit

All development located wholly or partially within the FEMA Floodplain must obtain a Floodplain Development Permit from the City. Permit requirements are identified in Section 15.05.180, Provo City Code.

Chapter 4 - HYDROLOGY

4.1 Runoff Computational Methods

Acceptable Methods – There are two approved methods to evaluate hydrology in Provo City: the Rational Method and the SCS Curve Number Method using the Farmer-Fletcher distribution. Table 4-1 indicates maximum drainage area constraints for each modeling approach.

Table 4-1
Hydrologic Method vs. Maximum Drainage Area

Hydrologic Method	Maximum Drainage Area
Rational Method – Peak Flow	<200 Acres
Rational Method – Volume	<20 Acres
SCS Curve Number	Any

Alternative proposed rainfall-runoff methods must first be approved by the Public Works Director or their designee for use on a specific project. Approval for use on one project should not be viewed as approval for use on all projects. Care should be taken to make sure modeling methods are used correctly.

4.2 Design Storm

Frequency and Maximum Discharge – Base criteria is that storm drains, minor ditches, detention, and retention facilities shall be sized to control the 10-year design storm. Single-family residential development and public streets may discharge flows to downstream storm drain facilities un-detained. All other development types must detain 10-year flows onsite, with a maximum discharge of 0.2 cfs/acre.

The intent of the base 10-year storm criteria is to leave capacity in streets, major channels, and the Provo River to convey the remainder of a 100-year design storm to Provo Bay and Utah Lake, without flooding homes, buildings, and critical facilities. Therefore, if a project cannot show a positive overflow path for the 100-year storm to downstream streets, major channels, or the Provo River without flooding homes, buildings, or other critical facilities, the 100-year design storm must be controlled onsite.

Some areas of the City do not yet have Master Planned facilities constructed, and current facilities either do not exist or are not adequately sized to handle the base design storm. In order to be approved, more stringent design criteria may be required in these areas, including, but not limited to, one of the following:

1. Construction of Master Planned Facilities at the project's expense.
2. Retention of the 100-year design storm with minimal (1 cfs or less) overflow discharge.

Rainfall Depth and Intensity – Rainfall depth and intensity for Provo are obtained from the National Weather Service's Precipitation Frequency Data Server using the annual maximum time series option. Tables 4-2A thru 4-2C show rainfall depth at three weather stations around Provo. Tables 4-3A thru 4-3C show rainfall intensities. The exhibit in Appendix A shows the approximate location of the three weather stations, and areas where the corresponding tables should be used.

Table 4-2A
Rainfall Depths (in) for Olmstead Station 42-6455

Time	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5 min	0.15	0.23	0.29	0.38	0.46	0.55
10 min	0.23	0.35	0.44	0.57	0.70	0.84
15 min	0.29	0.43	0.54	0.71	0.86	1.04
30 min	0.39	0.58	0.73	0.96	1.16	1.41
60 min	0.48	0.71	0.90	1.19	1.44	1.74
2 hrs	0.59	0.84	1.04	1.35	1.62	1.95
3 hrs	0.70	0.96	1.16	1.47	1.73	2.04
6 hrs	0.92	1.21	1.43	1.73	1.97	2.26
12 hrs	1.20	1.57	1.83	2.18	2.45	2.74
24 hrs	1.47	1.92	2.22	2.60	2.90	3.20

Table 4-2B
Rainfall Depths (in) for BYU Station 42-7064

Time	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5 min	0.15	0.22	0.28	0.37	0.44	0.53
10 min	0.22	0.33	0.42	0.56	0.67	0.81
15 min	0.28	0.41	0.53	0.69	0.83	1.00
30 min	0.37	0.56	0.71	0.93	1.12	1.35
60 min	0.46	0.69	0.88	1.15	1.39	1.67
2 hrs	0.56	0.81	1.00	1.29	1.55	1.84
3 hrs	0.67	0.92	1.12	1.40	1.64	1.91
6 hrs	0.86	1.15	1.35	1.63	1.86	2.10
12 hrs	1.13	1.48	1.70	2.02	2.25	2.49
24 hrs	1.37	1.79	2.07	2.42	2.69	2.97

Table 4-2C
Rainfall Depths (in) for KOVO Radio Station 42-7068

Time	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5 min	0.14	0.21	0.27	0.35	0.43	0.52
10 min	0.21	0.32	0.41	0.53	0.65	0.78
15 min	0.26	0.39	0.50	0.66	0.80	0.97
30 min	0.35	0.53	0.68	0.89	1.08	1.31
60 min	0.44	0.66	0.84	1.10	1.34	1.62
2 hrs	0.53	0.76	0.95	1.23	1.48	1.77
3 hrs	0.62	0.86	1.04	1.32	1.55	1.82
6 hrs	0.79	1.05	1.24	1.50	1.72	1.96
12 hrs	1.01	1.32	1.53	1.82	2.03	2.27
24 hrs	1.20	1.55	1.79	2.10	2.32	2.56

Table 4-3A
Rainfall Intensity (in/hr) for Olmstead Station 42-6455

Time	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5 min	1.82	2.71	3.44	4.52	5.50	6.64
10 min	1.39	2.07	2.62	3.44	4.18	5.05
15 min	1.15	1.71	2.16	2.85	3.46	4.18
30 min	0.77	1.15	1.46	1.92	2.33	2.81
60 min	0.48	0.71	0.90	1.19	1.44	1.74
2 hrs	0.30	0.42	0.52	0.68	0.81	0.97
3 hrs	0.23	0.32	0.39	0.49	0.57	0.68
6 hrs	0.15	0.20	0.24	0.29	0.33	0.38
12 hrs	0.10	0.13	0.15	0.18	0.20	0.23
24 hrs	0.06	0.08	0.09	0.11	0.12	0.13

Table 4-3B
Rainfall Intensity (in/hr) for Provo BYU Station 42-7064

Time	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5 min	1.75	2.63	3.35	4.38	5.28	6.36
10 min	1.34	2.00	2.54	3.34	4.02	4.84
15 min	1.10	1.66	2.10	2.76	3.32	4.00
30 min	0.74	1.11	1.42	1.86	2.24	2.69
60 min	0.46	0.69	0.88	1.15	1.39	1.67
2 hrs	0.28	0.40	0.50	0.65	0.78	0.92
3 hrs	0.22	0.31	0.37	0.47	0.55	0.64
6 hrs	0.14	0.19	0.23	0.27	0.31	0.35
12 hrs	0.09	0.12	0.14	0.17	0.19	0.21
24 hrs	0.06	0.07	0.09	0.10	0.11	0.12

Table 4-3C
Rainfall Intensity (in/hr) for KOVO Radio Station 42-7068

Time	2-Year	5-Year	10-Year	25-Year	50-Year	100-Year
5 min	1.67	2.51	3.19	4.21	5.11	6.18
10 min	1.27	1.91	2.43	3.20	3.89	4.70
15 min	1.05	1.58	2.00	2.65	3.21	3.88
30 min	0.71	1.06	1.35	1.78	2.16	2.62
60 min	0.44	0.66	0.84	1.10	1.34	1.62
2 hrs	0.27	0.38	0.47	0.61	0.74	0.89
3 hrs	0.21	0.29	0.35	0.44	0.52	0.61
6 hrs	0.13	0.18	0.21	0.25	0.29	0.33
12 hrs	0.08	0.11	0.13	0.15	0.17	0.19
24 hrs	0.05	0.07	0.08	0.09	0.10	0.11

4.3 Rational Method Calculation

The Rational Method uses the following equation to estimate peak runoff:

$Q = CiA$ where,

Q – Peak Runoff (cubic feet per second, or cfs)

C – Runoff Coefficient (dimensionless)

i – Intensity (inches/hour)

A – Drainage Area (acres)

Runoff Coefficient – Table 4-4 shall be used to estimate the runoff coefficient.

Table 4-4
Rational Method Runoff Coefficients

Type of Drainage Area	Runoff Coefficient, C*	Type of Drainage Area	Runoff Coefficient, C*
Business		Railroad yard areas	0.35
Downtown areas	0.95	Unimproved areas	0.30
Neighborhood areas	0.70	Lawns, sandy soils:	
Residential		Flat, 2%	0.10
Single-family 1.0 ac	0.25	Average, 2 – 7%	0.15
Single-family 0.50 ac	0.35	Steep, 7%	0.20
Single-family 0.25 ac	0.45	Lawns, heavy soils:	
Single-family 0.15 ac	0.50	Flat, 2%	0.17
Apartments/Condos	0.70	Average, 2 – 7%	0.22
Industrial		Steep, 7%	0.35
Light areas	0.80	Pavement:	
Heavy areas	0.90	Asphaltic and Concrete	0.95
Parks, cemeteries	0.25	Brick	0.85
Playgrounds	0.35	Roofs	0.95

* Lower coefficients may be approved by the Public Works Director or their designee, based on a site specific drainage report showing impervious cover is lower than normal for the designated land use.

Intensity – Intensities shall be taken from Tables 4-3A thru 4-3C, based on the corresponding Time of concentration. Time of concentration shall be calculated using the method found in Chapter 3 of the SCS Technical Release 55 (TR-55 Manual). Appendix B contains a sample worksheet (TR 55 Worksheet) derived from that publication, which can be used to calculate the time of concentration. The minimum allowable time of concentration for developed area shall be 5 minutes, and in undeveloped areas it shall be 10 minutes.

The Rational Method is also commonly used to estimate required detention and retention volumes for small projects and drainage areas. This method involves checking the 5-minute thru the 24-hour design intensities, and using the most conservative (largest) resulting volume to size the facility. An example of such a design calculation spreadsheet is contained in Appendix C.

Drainage Area – All areas contained within the project site shall be accounted for in the design flow calculations. Offsite areas draining to the project, and/or draining to facilities which are proposed with the project, shall also be accounted for in the design flow calculations. Depending on potential for capacity constraints, existing offsite areas draining to downstream facilities where the proposed project will also drain may need to be included to ensure the existing downstream facility will not exceed its capacity.

4.4 SCS Curve Number Method

The SCS Curve Number Method is generally calculated using modeling software such as the US Army Corps of Engineering HEC-HMS, or one of several proprietary software programs. The SCS Curve Number Method requires the following information.

Drainage Area – The same drainage area criteria outlined above in the Rational Method Calculation section shall apply to projects utilizing the SCS Curve Number Method.

Rainfall Data – Rainfall depths shall be taken from Tables 4-2A thru 4-2C. The rainfall distribution shall be based on Tables 4-5 and 4-6 below. The 3-hour distribution shall be used to size local storm drains and channels. The 3-hour and 24-hour storms shall be modeled for detention and retention facilities, and the facility shall be sized to handle whichever volume is greater.

Table 4-5
3-hr Farmer-Fletcher Distribution

Time (min)	Rainfall Depth (in)	Time (min)	Rainfall Depth (in)
5	X	95	X
10	X	100	X
15	X	105	X
20	X	110	X
25	X	115	X
30	X	120	X
35	0.285*Y	125	X
40	0.225*Y	130	X
45	0.157*Y	135	X
50	0.100*Y	140	X
55	0.060*Y	145	X
60	0.046*Y	150	X
65	0.034*Y	155	X
70	0.026*Y	160	X
75	0.020*Y	165	X
80	0.018*Y	170	X
85	0.016*Y	175	X
90	0.013*Y	180	X

$$X = (3 \text{ hr total} - 1 \text{ hr total}) \div 24$$

$$Y = 1 \text{ hr total}$$

Table 4-6
24-hr Storm Distribution

Time (hrs)	Rainfall Depth (in)	Time (hrs)	Rainfall Depth (in)	Time (hrs)	Rainfall Depth (in)
0.25	0.009*X	8.25	0.019*X	16.25	0.007*X
0.5	0.009*X	8.5	0.019*X	16.5	0.007*X
0.75	0.009*X	8.75	0.019*X	16.75	0.007*X
1	0.009*X	9	0.019*X	17	0.007*X
1.25	0.009*X	9.25	0.020*X	17.25	0.007*X
1.5	0.009*X	9.5	0.020*X	17.5	0.006*X
1.75	0.009*X	9.75	0.020*X	17.75	0.006*X
2	0.009*X	10	0.020*X	18	0.006*X
2.25	0.009*X	10.25	0.019*X	18.25	0.006*X
2.5	0.009*X	10.5	0.019*X	18.5	0.006*X
2.75	0.009*X	10.75	0.019*X	18.75	0.006*X
3	0.011*X	11	0.019*X	19	0.006*X
3.25	0.011*X	11.25	0.019*X	19.25	0.005*X
3.5	0.011*X	11.5	0.019*X	19.5	0.005*X
3.75	0.011*X	11.75	0.019*X	19.75	0.005*X
4	0.011*X	12	0.019*X	20	0.005*X
4.25	0.011*X	12.25	0.013*X	20.25	0.004*X
4.5	0.011*X	12.5	0.014*X	20.5	0.004*X
4.75	0.011*X	12.75	0.014*X	20.75	0.004*X
5	0.013*X	13	0.014*X	21	0.004*X
5.25	0.013*X	13.25	0.013*X	21.25	0.003*X
5.5	0.013*X	13.5	0.013*X	21.5	0.003*X
5.75	0.013*X	13.75	0.013*X	21.75	0.003*X
6	0.015*X	14	0.013*X	22	0.003*X
6.25	0.015*X	14.25	0.010*X	22.25	0.002*X
6.5	0.015*X	14.5	0.009*X	22.5	0.002*X
6.75	0.015*X	14.75	0.09*X	22.75	0.002*X
7	0.018*X	15	0.009*X	23	0.002*X
7.25	0.018*X	15.25	0.008*X	23.25	0.002*X
7.5	0.018*X	15.5	0.008*X	23.5	0.001*X
7.75	0.018*X	15.75	0.008*X	23.75	0.001*X
8	0.009*X	16	0.008*X	24	0.001*X

X = 24 hr total

Lag Time – Lag Time is generally calculated as 0.6*Time of concentration. Time of concentration shall be calculated using the method found in Chapter 3 of the SCS Technical Release 55 (TR-55 Manual). Appendix B contains a sample worksheet (TR 55 Worksheet) derived from that publication, which can be used to calculate the time of concentration. The minimum allowable time of concentration for developed area shall be 5 minutes, and in undeveloped areas it shall be 10 minutes.

Curve Number – SCS Curve Number models shall use a “base” curve number based on Table 4-7, with impervious cover accounted for separately in the model. Modeling will not be approved which uses a

composite curve number based on developed land use, with 0% impervious cover. This is because the 10-year, 3-hr design storm in Provo has a relatively low rainfall total, and composite curve numbers can severely underestimate runoff from developed land if impervious cover is not accounted for separately. The Hydrologic Soils Group (HSG) is taken from the USDA online Web Soil Survey (websoilsurvey.sc.egov.usda.gov/), or using the map contained in Appendix D which contains HSGs derived from the Web Soil Survey.

Table 4-7
SCS Curve Number

HSG	Curve Number*
A	49
B	69
C	79
D	84

* Based on “Open Space – Fair Conditions Grass Cover”

Directly Connected Impervious Cover – Table 4-8 shows the Directly-Connected Impervious Cover assumptions used in the Master Plan, based on land use from the General Plan. The impervious cover can also be measured directly from the proposed design.

Table 4-8
Average Imperviousness Based on Land Use

General Plan Land Use Type	Directly Connected Imperviousness (%)
Church	75
Commercial	85
High Density Housing	50-70
Medium Density Housing	30-50
Low Density Residential 0-3 Units	15
Low Density Residential 2-4 Units	20
Low Density Residential 3-6 Units	27
Industrial	72
Open Space	0

CHAPTER 5 – STREET DRAINAGE

Although a typical street has the capability to convey storm water, it should be noted the main purpose of streets is to convey traffic. Therefore, Provo City's base design criteria is to size storm drain facilities to convey the 10-year design storm, leaving streets relatively clear from flooding during that storm. The intent is to leave capacity in the streets for the 100-year storm so runoff exceeding the capacity of the pipes can be detained and conveyed in the streets without flooding homes, buildings, and critical facilities.

5.1 Inlets

Inlet type – All street inlets shall conform to Standard Details P-315a through P-315d. Combination boxes are generally not allowed, because a separate inlet and manhole provide better access for maintenance and inspections and is better suited to water quality devices at the inlets. Combination boxes require special permission, and are only allowed in rare cases where a separate inlet and manhole is not feasible.

Inlet spacing – Inlets shall be placed on both sides of the street at a distance of no more than 400 lineal feet of street curb and gutter, and when gutter flows are equal to or greater than 3 cfs. Inlets shall also be required upstream of every intersection, ADA ramp, and reverse grade driveway. A minimum of double inlets shall be required on both sides of the street at low points of vertical curves and on steep slopes (5% or greater). Additional inlets may be required to provide enough capacity to capture the 10-year design flow.

Cul-De-Sacs and Dead-End Streets – Downhill-sloping cul-de-sacs and dead ends shall not be allowed unless specifically approved by the Public Works Director, or their designee. If they are approved, a minimum of a double inlet will be required. In addition, an overflow path shall be provided for 100-year flows.

5.2 Additional Street Capacity Considerations

Finished Floors – The finished floor elevation of structures must be a minimum of 1-foot higher than adjacent gutter flow lines. Reverse grade driveways are generally discouraged, and are only allowed with approval from the Public Works Director, or their designee. If they are approved, the high point in the driveway must be a minimum of 9-inches above the gutter flow line (to match the equivalent of a 6-inch curb + 2% to the back of sidewalk). Inlets must be provided to collect runoff before it reaches onsite structures, and the finished floor elevation of structures must be a minimum of 1-foot higher than the inlet grate elevation. Refer to Provo City Standard Detail P-394.

Intersection Design – Special care should be taken at intersection to verify grading does not inadvertently cause adverse drainage conditions. Common issues include, but are not limited to:

- Side streets turning downhill off steep streets, where inadequate inlet sizing upstream of the intersection causes excessive, high-velocity flows to overwhelm the side street. In some cases, the excessive flows can have enough momentum to cross the side street and jump the curb, risking flooding to adjacent properties and structures.
- Steep streets with a tee intersection into another street, where inadequate inlet sizing upstream of the intersection causes excessive, high-velocity flows to have enough momentum to cross the street and jump the curb.
- The intersection of two low slope streets, where insufficient detail results in flat gutters or inadvertent low spots around the curve – especially where bulb-outs are required. The City's minimum street slope of 0.4% is applicable to gutter flow line around the curve at intersections.

These situations may require additional protection, such as additional inlets, more than the minimum 1-foot separation from gutter flow line to finished floor, or other protections.

CHAPTER 6 - STORM DRAIN

Correct design for storm drain facilities is critical to the performance of the facilities during runoff events. The purpose of this section is to provide approved design criteria for projects within Provo City. Design engineers should follow the criteria within this section unless specific waivers are given by the Public Works Director, or their designee.

6.1 Design Considerations

Pipe Sizing Calculations – Storm drain pipelines shall be designed to convey the required design storm runoff (see Section 4.2), and design calculations must be submitted for project approval. Normal depth calculations can be used for pipe sizing only when calculations show all pipes are no more than 75% full during the design storm. Alternatively, storm drains sized using full hydraulic modeling may flow under full pipe capacity, with the HGL no higher than 1-foot below grade at all locations. Backwater from downstream systems such as the design storm elevation in detention/retention basins shall be accounted for in the design.

Manning's "n" – Design Manning's "n" values to be used for storm drain sizing are shown in Table 6-1.

Table 6-1
Design Manning's Coefficient (n) for Pipes

Conduit	Manning's n*
Plastic Pipe	0.011
Steel/cast iron pipe	0.013
Concrete pipe	0.013
Corrugated metal pipe	0.026

Minimum Pipe Size – The minimum allowable pipe diameter is 18 inches for mainline storm drain pipes and 15 inches for laterals from inlet to manhole.

Pipe Material – Public storm drain shall be reinforced concrete pipe (RCP). Alternative materials can be used for privately-owned, privately-maintained storm drain, except that Corrugated Metal Pipe (CMP) shall not be used in areas subject to corrosive debris flows or in systems intended for to hold water for an extended period, such as underground detention or retention systems.

Minimum Cover – A minimum 18 inch cover over the crown of the pipe (including bell) shall be maintained. Where this minimum cover cannot be maintained due to specific site constraints, a smaller cover may be allowed with specific approval by the Public Works Director, or their designee, with consideration for pipe strength and pavement design.

Minimum Slope/Velocity – Where feasible, the minimum pipe slope shall be 0.4%. In cases where this slope is not feasible due to specific site constraints, the minimum slope shall be such that full flow velocity is at least 3 feet per second.

Location – Storm drain within City streets shall be located in accordance with Provo City Standard Drawing P-914, Utility Location in City R.O.W. Public storm drain outside of City streets shall be located in a dedicated easement following the guidelines contained in Chapter 12 of this manual. All structures such as buildings, retention walls etc. shall be a minimum of 10 feet from the outside edge of the storm drain.

Alignment- Storm drains shall be straight between manholes insofar as possible.

6.2 Manholes

Manhole type – Manholes shall conform to APWA Standard Detail 341.

Location – Manholes within street ROW shall be located within the asphalt, and shall not be located under the sidewalk, planter, curb or gutter.

Spacing – Manholes shall be located no further than 400-feet apart, and at all pipe transitions including changes in direction, elevation, slope and pipe size.

6.3 Outlet Structures

Location – An outlet structure shall be installed on the downstream end of all storm drains where it discharges into an open channel.

Grating – A grate may be required if the City determines an open pipe will cause a safety concern.

Rip Rap Design – Rip rap shall be designed for outlet structures based on discharge velocity and the characteristics for the receiving stream. The minimum acceptable D_{50} shall be 6-inches. Rip rap design calculations shall be submitted to the Public Works Director, or their designee for review. The minimum thickness of the rip rap layer shall be $1.5 \times D_{50}$.

Stream Alteration Permit – A State of Utah Stream Alteration Permit may be required if the outlet is to be constructed in a natural stream, and construction will alter the bed or banks. Contact the Division of Water Rights office (phone 801-538-7240) to find out if your proposed project will require a permit. Be aware that there is a fee and review period associated with the application.

CHAPTER 7 – OPEN CHANNELS

Open channels may be proposed to convey storm water runoff with approval by the Public Works Director, or their designee. Open channels shall be designed to meet the following criteria.

Velocity – Open channel design shall be dictated by the maximum permissible velocity of the channel material/lining. Table 7-1 shows the maximum permissible velocity for the most common channel material/lining.

Table 7-1
Maximum Permissible Mean Channel Velocities
(From the Clark County Hydrologic Criteria and Drainage Design Manual)

Material/ Lining	Maximum Permissible Mean Channel Velocity (feet per second)
Natural and Improved Unlined Channels	
Fine Sand, Colloidal	1.5
Fine Gravel	2.5
Course Gravel, Noncolloidal	4.0
Cobbles	5.0
Fully Lined Channels	
Unreinforced Vegetation	5.0
Loose Riprap	10.0
Grouted Riprap	15.0

Manning's "n" – The average value for the entire reach. Typical values for Manning's "n" used for storm drain conveyance facilities area shown in Table 7-2.

Table 7-2
Values of Manning's Coefficient (n) for Channels

Excavated or dredge channel	
Earth channel – straight and uniform	0.020 – 0.030
Earth channel – winding, fairly uniform	0.025 – 0.040
Rock	0.030 – 0.045
Unmaintained	0.050 – 0.140
Natural Channel	
Fairly regular section	0.030 – 0.070
Irregular section with pools	0.040 – 0.100

Longitudinal Channel Slope – Channel slope is dictated by maximum permissible velocity requirements. Where the natural topography is steeper than desirable, drop structures shall be utilized to limit design velocities.

Easements – Easements shall be finalized and recorded prior to approval.

Channel Cross Section – Channels shall be constructed with a trapezoidal shape. Unless otherwise approved, channel side slopes shall not be designed steeper than 3H:1V (horizontal:vertical).

Maintenance – Channels shall be designed to be low maintenance and to minimize erosion potential. All open channels shall be accessible by city vehicles for maintenance.

Freeboard – The open channel shall have a minimum of 1 foot of freeboard above the design flow water surface elevations to the top of bank.

Depth – Unless otherwise approved, the maximum allowable design depth of flow is 4 feet.

Bottom Width – Unless otherwise approved, the minimum bottom width shall be 4 feet.

Low Flow Channel – All grass lined channels shall be constructed with a low flow channel. The low flow channel shall be lined with rock rip-rap, grass, or other vegetation of sufficient density and root depth to withstand velocities. Exceptions must be approved by the Public Works Director, or their designee.

Channel Transitions and Bends – All channel transitions and horizontal bends in the alignment shall be designed to be gradual enough so as to not induce erosion or have adequate bank stabilization measures installed.

Structures – Building floor elevations shall be constructed at least 1 foot above the top of bank.

CHAPTER 8 – CULVERTS AND BRIDGES

Culverts are closed conduits constructed of RCP or RCB that convey runoff from an open channel or other surface water under a road or similar crossing, and discharge to another open channel or other surface water. Culverts shall be constructed using the criteria provided below. Large bridges requiring more than just RCP or RCB, such as those spanning the Provo River, shall be design and constructed using UDOT bridge design criteria.

Location – Culverts shall be sized to convey the computed design storm runoff (see Section 4.2 for design storm parameters) without runoff overtopping the road or leaving the channel. The minimum allowable culvert diameter is 24 inches, and the material shall be reinforced concrete.

Design Load – The existing and future street design shall be used to develop the design load and minimum cover. HS-20 loading shall be used if no other loading information is available.

Headwall – Improvements shall be installed at any entrance and exit structures to minimize erosion and accommodate maintenance. Typically, culverts shall have a headwall with wing walls.

Debris – A culvert blockage factor of 50 percent shall be used for culverts placed in drainages with upstream debris producing potential as determined by the City.

Backwater – Backwater surface computations upstream of culverts shall be performed and shown to be non-damaging to upstream properties.

Freeboard – A minimum of 2 feet of freeboard above the maximum water surface elevation is required unless otherwise approved by the Public Works Director, or their designee. Culverts located within FEMA floodplains may be subject to additional freeboard requirements.

Configuration – Wherever possible, culverts shall be designed to have a single opening. Multiple, smaller side-by-side culverts are susceptible to clogging.

CHAPTER 9 – DETENTION/RETENTION BASINS

9.1 Detention Basins

All detention basins serving a development shall be designed according to the criteria listed below. Design criteria for regional detention basins, or detention facilities that receive storm water runoff from multiple developments, shall be defined by the Public Works Director, or their designee on a case by case basis.

Sizing – Criteria for design storms, maximum discharge, and volumes are contained in Chapter 4 – Hydrology.

Maximum Depth – The maximum ponding depth is 3 feet during the 10-year storm for all above-ground detention basins. Parking lots can be used on a limited basis as detention, and shall be limited to a maximum ponding depth of 6 inches.

Freeboard – A minimum of 1 foot of freeboard for the 10-year storm event shall be provided.

Detention Time – Detention ponds must be designed to drain within 24-hours after the end of the storm.

Side Slope – Detention basin side slopes shall be 3H:1V or flatter for all above-ground detention basins.

Bottom Slope – Minimum floor slope from inlet to outlet shall be 2% for all above-ground detention basins. A lower slope may be approved by the Public Works Director, or their designee, with the inclusion of a low flow channel or soil amendments to promote infiltration.

Inlet Design – A concrete apron must be installed at any entrance and exit structures to minimize erosion and accommodate maintenance.

Outlet Design – All detention basins shall have an outlet to the city storm drain system. A trash rack shall be installed at the outlet(s) to prevent debris from entering the storm drain system. The orifice restriction should be designed to minimize clogging from debris. The minimum area of the discharge orifice is 6 square inches.

Location – Detention basins should be located in a manner to minimize their impact on the site and to ensure public safety. Detention basins shall be located at least 40 feet from any structure with a foundation, or provide engineered waterproofing measures. Maintenance access and easement requirements are provided in Chapter 12 of this Drainage Manual.

Ownership and Maintenance – The property owner or homeowners association shall own and maintain the detention facility including landscaping. No alterations to the pond shall be permitted without the approval of the public Works Director, or their designee.

Landscape – All facilities shall be landscaped in accordance with City Standards.

Ground Water – The bottom of detention basins shall follow the requirements in Chapter 10 – Sensitive Lands, regarding minimum elevation above groundwater.

9.2 Retention Basins

Retention basins shall generally adhere to the same design criteria as detention basin, except for the following criteria:

Outlet Design – Retention basins generally do not have an outlet, since the purpose is to retain and infiltrate.

Retention Time – Retention basins shall be designed to drain completely within 72 hours after the end of the storm event. Retention time must be addressed during the design process.

Location – Underground retention basins are not allowed within culinary well protection Zones 1 and 2, since they fit the EPA definition of a Class V Injection Well.

State Inventory – A Utah Underground Inventory Control (UIC) Information Form and fee must be submitted to the Utah Department of Environmental Quality by underground retention facility owners. The form and fee are required to be authorized by rule to construct Class V Injection Wells. Further information can be found at <https://deg.utah.gov/water-quality/class-v-inventory-review-fee-utah-underground-injection-control-uic-program>.

9.3 Storm Drain Sumps (Provo City Standard P-375)

The use of storm drain sumps must be approved by the Public Works Director, or their designee. If the use of a storm drain sump is approved, it must meet the same criteria as a retention basin.

CHAPTER 10 – SENSITIVE LANDS

Sensitive lands are defined in Section 15.03.010, Provo City Code and development standards for sensitive lands are included in Section 15.05, Provo City Code. Proposed construction on sensitive lands must comply with the requirements set forth in Title 15, Provo City Code, including “An environmental impact statement, geologic study and/or wetland study may be required by the city engineer for proposed development activity located in the sensitive lands and/or high water table areas of Provo City” (15.03.150). Additional requirements are highlighted below.

High Water Table Area – The extents of the “High Water Table Area” are defined in Provo City Code 15.03.010(2), and are shown of Figure E-1. A geotechnical report identifying groundwater elevation is required for all developments that lie within the defined High Water Table Area, and may also be required in other areas that are likely to have a shallow groundwater table, as determined by the Public Works Director or their designee.

For single residential lots applying only for a Building Permit, groundwater requirements for the lot may have previously been established during the subdivision’s Project Plan approval. In these cases, additional groundwater analysis is generally not required at the time of Building Permit, unless approval is requested for deviation from the requirements approved with the Project Plan. If groundwater requirements were not previously established, or if deviations are requested, the following groundwater information must be included a soils letter accompanying the Building Permit application.

1. Test pit location, located within the footprint of the proposed building.
2. Date of groundwater observations.
3. Groundwater depth referenced from a permanent feature on the site, such as a sidewalk pin or top back of curb, that contains a surveyed elevation referenced in NAVD 88. Groundwater elevation must not be referenced from “existing ground” without a permanent, surveyed feature. Excavation for groundwater observation must extend to a minimum of 4 feet below the lowest level of the proposed building.
4. Specific geotechnical recommendations pertinent to the construction of the building, such as footing drains and minimum floor elevations, etc. Minimum floor elevations shall be based on expected groundwater fluctuation, with the minimum finished floor being above the estimated high water mark plus freeboard. If no estimate of fluctuation and/or proposed freeboard is specified in the soils, the minimum floor elevation shall be four (4) feet above the groundwater elevation identified in the letter (3 feet of fluctuation + 1 foot of freeboard).

A groundwater analysis is generally not required for Concept Plan approval, unless the feasibility of the proposed project is highly dependent on the groundwater elevation. However, the developer and engineer should be aware that groundwater elevations may influence the final details of any project (such as basement depth on single-family homes, or feasibility of underground parking for multi-family or commercial development). Therefore, acceptance of a Concept Plan shall not be construed to mean that groundwater elevation or other drainage factors addressed at Project Plan review will not require changes to the site plan.

A groundwater analysis must be included in Project Plan review. Required information includes:

1. Locations where groundwater was observed.
2. Date of observations.
3. Groundwater depth referenced from a permanent feature on the site, such as a sidewalk pin, manhole lid, construction benchmark, etc., that contains a surveyed elevation referenced in NAVD 88. Groundwater elevation must not be referenced from “existing ground” without a permanent, surveyed feature. Excavation for groundwater observation must extend to a minimum of 4 feet below the lowest level of proposed buildings, drainage facilities, and other permanent structures.

4. Specific geotechnical recommendations that are pertinent to the drainage of the site, such as: footing drains, waterproofing requirements, minimum floor elevations, etc. Minimum floor elevations and/or waterproofing requirements shall be based on expected groundwater fluctuation, with the flood proofing and/or minimum finished floor being above the estimated high water mark plus freeboard. If no estimate of fluctuation and/or proposed freeboard is specified in the geotechnical report, the minimum floor elevation shall be four (4) feet above the groundwater elevation identified in the report (3 feet of fluctuation + 1 foot of freeboard),

FEMA Floodplain Standards – A Floodplain Development Permit must be obtained from the City's Floodplain Administrator for all projects located within or affecting the FEMA floodplain. Other permitting and administrative requirements for development within the FEMA floodplain are contained within Section 15.05.180, Provo City Code.

Development must be a minimum of 1-foot above the Utah Lake base flood (100-year) elevation, regardless of whether or not they are located within the mapped floodplain as shown on the FIRMs. This includes, but is not limited to, all roadways, residential lots, and residential finished floors (including basements). Commercial buildings must either be 1-foot above the base flood, or be flood proofed to at least 1-foot above the base flood. Buildings at the Provo City Airport, which are restricted by maximum taxi lane slopes coming off the existing airport runways, are exempted from this requirement. Existing levees around the airport provide the Airport protection from Utah Lake flooding.

Development located within or adjacent to the Provo River floodplain and other floodplains identified on the FEMA FIRMs, must be a minimum of 1-foot above the corresponding base flood (100-year) elevation. This includes, but is not limited to, all roadways, parking lots, and residential finished floors (including basements). Commercial buildings must either be 1-foot above the base flood, or be flood proofed to at least 1-foot above the base flood.

The American Society of Civil Engineers (ASCE) Standard 14, adopted by reference in the International Building Code (IBC), has additional freeboard requirements for some structures that are deemed critical and require additional care to ensure they continue working during an emergency. Examples of those type of buildings include buildings associate with power generation, and water or sewer treatment; museums; schools; hospitals; fire and police stations; buildings containing hazardous waste or hazardous fuels; etc. Designers for these type of facilities shall refer to ASCE Standard 14 for additional requirements.

Storm water facilities such as storm drain, channels, basins, etc. may have the invert located below the base flood elevation, as long as the following conditions are met:

- The facility is designed such that the base flood elevation does not prevent the facility from adequately functioning.
- The owner of the facility accepts that storm water from the receiving water body may back water up into their facility. This is especially important for private, above ground detention systems which may have standing water in the facility as long as the receiving water (i.e. Provo River, Utah Lake) is flooding.

Any portion of a development (storm water facilities, shared open space, etc.) that will remain below the base flood elevation shall be located within a dedicated drainage easement. Grading shall be designed such that these low areas can adequately drain after the flood stage has passed.

CHAPTER 11 – WATER QUALITY

Storm water runoff generated within Provo City is discharged either to the Provo River, Provo Bay, or Utah Lake. Provo's storm water is kept separate from the sewer, and is not treated in the City's sewer treatment plant. However, the City has adopted policies and practices to prevent pollutants from being introduced into storm water, or to remove pollutants from the storm water before it is discharged into the downstream water bodies. Many of these controls are required as part of the City's Municipal Separate Storm Sewer System (MS4) Permit with the Utah Division of Water Quality. The City's overall program for storm water quality can be found in the Provo City Storm Water Management Program, which is adopted into City code by reference in Section 18.03.020. The following summarizes the storm water quality requirements specific to proposed development within the City.

Pretreatment – A pretreatment device is required prior to any connection into a public storm drain system or water body, or into any underground detention or retention basin system. This includes sumps (dry wells) or similar Class V Injection well. Pretreatment devices must meet the manufacturer's design requirements. Pretreatment devices should be designed to, at a minimum, remove floatable contaminants and filter or settle out sediment. Examples of acceptable pretreatment devices include:

- Snouts or similar hooded outlet cover at the pipe outfall from inlets, with a sediment trap below the pipe invert that follows the manufacturer's design recommendation.
- A minimum 12" sediment trap at all inlets, and an isolation chamber with maintenance access provided for a private underground detention system.
- Hydrodynamic separators located at the downstream end of a private system before it discharges to the public storm drain, sized according to manufacturer's design requirements.

Other pretreatment devices may be accepted with approval from the Public Works Director, or their designee.

SWPPPs – Storm Water Pollution Prevention Plans are plans developed to prevent contaminated discharge from construction sites. Requirements for SWPPPs are included with submittal requirements contained in Chapter 3.

Private Utility Maintenance Agreements – Long-term storm water control for developments is part of the City's MS4 requirements. As stated in Chapter 3, a Private Utility Maintenance Agreement is required for all projects approved with private drainage facilities. This agreement acts as the document detailing the long-term maintenance and inspection for the private storm drain facilities contained within a development. The agreement shall contain the following minimum maintenance and inspection requirements for storm water facilities that the owner will be required to perform:

- The owner shall maintain the private storm water in accordance with Provo City Ordinance 18.03.060.
- It shall be the sole responsibility of the owner to keep the private storm drain utilities in good repair.
- It shall be the responsibility of the owner to inspect the private storm drain system on an annual basis, and to remove floatables, silt, and other debris at the sole expense of the owner. The owner will grant access to the City to periodically inspect the private storm drain system. The owner shall submit inspections to the City via email. stormwater@provo.org
- Repairs to and maintenance of private storm drains shall be at the expense of the owner and shall be performed by the owner when requested by the City. Should owner fail to make such repairs upon notice by the City, said repairs may be made by the City and the owner shall be billed for the cost thereof.
- Other specific requirements may be included, based on project specifics.

CHAPTER 12 – MAINTENANCE ACCESS AND EASEMENTS

Storm water facilities located on private property shall generally be maintained at the expense of the property owner, unless it collects or conveys public storm water. Private drainage facilities owned and maintained by the property owner do not need easements. They must be located such that adequate maintenance and inspection can be accomplished, but generally are not subject to City minimum maintenance access and easement requirements.

Private facilities that are owned or maintained by someone other than the property owner (such as irrigation mainlines owned and maintained by private irrigation companies, or drainage facilities maintained by the HOA) must be located within an easement in favor of the facility owner. The City requires the easement be recorded, but the property owner shall coordinate with the private utility owner to determine the easement size required.

Storm water facilities which will be owned and/or maintained by the City, must either be located within City right-of-way or contained within an approved easement. Minimum easement size is dependent on facility type and size, and adequate area for maintenance access.

Regardless of public or private ownership, open channels shall be located such that the top of bank is a minimum of 20-feet from structures such as buildings, sheds, etc. Detention and retention basin shall be located a minimum of 40-feet from structures, or provide engineered water proofing measures. Storm drain shall be located a minimum of 10-feet from structures.

12.1 Storm Drain Easements

The following equation shall be used to calculate minimum easement width for City storm drain. Easement widths shall be rounded up to the nearest 5-foot increment, with a minimum width of 20-feet.

$$W_e = OD + 2H + 3$$

Where:

W_e = Easement Width

OD = Outer Diameter of Pipe

H = Depth from final grade to top of pipe

12.2 Detention/Retention Maintenance and Easements

Private detention/retention systems, whether they are above ground or underground, shall be located in a manner to allow regular maintenance and inspection activities. Maintenance access needs shall be coordinated with the persons or entities who will be responsible for the maintenance.

For above-ground detention/retention basins to be owned and/or maintained by the City, a minimum 12-foot wide stable, all-weather maintenance road shall be provided around the perimeter of the basin. A minimum of a 12-foot wide stable, drivable maintenance road to the bottom of the basin shall also be provided, with a maximum 15% slope. A drainage easement shall be provided that includes the entirety of the basin (to the outside toe of slope), outfall structure(s), and maintenance roads.

12.3 Ditch/Channel Maintenance and Easements

City maintenance access needs for ditches and open channels vary depending on the size of the channel. Easement widths shall be based on the following:

$Q_{10} < 20$ cfs	$W_e = 15$ feet minimum, with 15-foot minimum adjacent access
$Q_{10} < 100$ cfs	$W_e = 20$ feet minimum, with 15-foot minimum adjacent access
$Q_{10} > 100$ cfs	Coordinate with Public Works Director or their designee for easement width based on maintenance requirements

Where:

Q_{100} = 10-year design flow

W_e = Easement Width

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: GMILLWARD
Department: Legal
Requested Meeting Date: 12-10-2019

SUBJECT: An ordinance amending the Claim Settlement Authority Schedule in Provo City Code and providing for automatic inflation adjustments. (19-149)

RECOMMENDATION: Information only. This item is scheduled to be heard in the Council Meeting this evening.

BACKGROUND: The Provo City Code has a claim settlement authority schedule that was promulgated nearly 40 years ago. The figures in the schedule are badly outdated, leading to wasted employee time. The proposed ordinance seeks to rectify this problem.

FISCAL IMPACT: None.

PRESENTER'S NAME: Gary Millward

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
No impact on general plan. Adjusts the City's policy with respect to decision making authority for claims. Furthers the City objective of timely and efficient operation.

CITYVIEW OR ISSUE FILE NUMBER: 19-149

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ORDINANCE 2019-.

AN ORDINANCE AMENDING THE CLAIM SETTLEMENT AUTHORITY SCHEDULE IN PROVO CITY CODE AND PROVIDING FOR AUTOMATIC INFLATION ADJUSTMENTS. (19-149)

WHEREAS, it is proposed that Provo City Code Section 3.10.050 (Authority to Settle Claims) be amended to update the dollar amounts in the claim settlement authority schedule and to provide that the schedule automatically adjust with inflation; and

WHEREAS, on December 10, 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 should be amended 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 3.10.050 is hereby amended as follows:

3.10.050. Authority to Settle Claims.

(1) Reports of the City's investigators' minutes or recommendations and any writings made a part of the investigatory stage of any claim are hereby declared to be a part of the work product of the City Attorney's Office and shall not be discoverable.

(2) All decisions on claims will be deemed decisions of the office of Mayor.

(3) The Legal Office/Risk Manager will determine if the loss is covered by insurance. If so, a claim will be filed with the appropriate insurance carrier and/or the agent of the carrier. The filing of an insurance claim does not indicate an admission of guilt or responsibility on the part of the City or any employee or official thereof.

(4) The following schedule shall be used in determining the delegation of authority for settling various classes of claims through financial reimbursement or compensation:

(a) Private property claims with a value of up to ~~two hundred fifty dollars (\$250.00)~~\$700.00 may be settled by the responsible Department/Office with notification to the City Attorney's Office. Personal injury or bodily injury claims will not be settled within a Department/Office.

(b) Any type of claim with a value between ~~two hundred fifty dollars (\$250.00)~~\$700.01 and ~~four thousand dollars (\$4,000.00)~~\$11,200.00 may be settled by the

43 Legal Office. If circumstances warrant, however, claims in this class may be referred to
44 the Chief Administrative Officer for a recommendation.

45 (c) Any type of claim with a value over ~~four thousand dollars~~
46 ~~(\$4,000.00)~~\$11,200.00 shall be reviewed by the Chief Administrative Officer and
47 Director of Administrative Services and a recommendation for settlement shall be
48 submitted to the Mayor for approval.

49 (d) The Municipal Council shall be notified by the Mayor of any settlement in
50 excess of ~~ten thousand dollars (\$10,000.00)~~\$27,900.

51 (e) At the start of fiscal year 2025 and every five years thereafter, the dollar
52 amounts in this Section shall automatically adjust for inflation by reference to the
53 immediately preceding five-year actual percentage change in Consumer Price Index for
54 All Urban Consumers, U.S. city average as published by the United States Bureau of
55 Labor Statistics. Each resulting dollar amount after this calculation will then be rounded
56 to the nearest \$100.

57
58 END OF ORDINANCE.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date: 12-10-2019

SUBJECT: A resolution adopting the 2020 Council regular Meeting schedule. (19-145)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: Each December, the Council adopts their meeting schedule for the coming year. A draft of the meeting schedule for 2020 has been presented to the Council for their consideration during the Work Meeting, and they will vote on the calendar at the Council Meeting on December 10, 2019.

FISCAL IMPACT: None anticipated

PRESENTER'S NAME: Cliff Strachan

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-145

1 RESOLUTION 2019-.

2
3 A RESOLUTION ADOPTING THE 2020 COUNCIL REGULAR MEETING
4 SCHEDULE. (19-145)
5

6 WHEREAS, pursuant to Utah Code Section 52-4-202(2), at least once each year the
7 Municipal Council is required to give public notice of the Council's regular meetings that are
8 scheduled in advance over the course of a year; and
9

10 WHEREAS, a proposed regular meeting schedule specifying the date, time, and place of
11 regular Municipal Council meetings scheduled for the year 2020 is attached hereto as Exhibit A;
12 and
13

14 WHEREAS, on December 10, 2019, the Municipal Council met to ascertain the facts
15 regarding this matter and receive public comment, which facts and comments are found in the
16 public record of the Council's consideration; and
17

18 WHEREAS, based upon the recommendations of Council Members, the Mayor, and
19 others, the Municipal Council hereby finds that adoption of the Council's regular meeting
20 schedule as shown in Exhibit A reasonably furthers the health, safety, and general welfare of the
21 citizens of Provo City.
22

23 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
24 follows:
25

26 PART I:
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28 A. The Municipal Council hereby adopts a regular meeting schedule for the year 2020 as
29 shown in the attached Exhibit A.
30

31 B. Public notice of the meeting schedule shall be given as provided in Utah Code Section
32 52-4-202(3).
33

34 PART II:
35

36 This resolution shall take effect immediately.
37

38 END OF RESOLUTION.

EXHIBIT A
PROVO MUNICIPAL COUNCIL
2020 Regular Meeting Schedule *DRAFT*

Month	Day		Month	Day	
January	7	Work & Council Meeting	July	7	Work & Council Meeting
January	14	Special Meeting as needed	July	14	Special Meeting as needed
January	21	Work & Council Meeting	July	21	Work & Council Meeting
January	28	Special Meeting as needed	July	28	Special Meeting as needed
February	4	Work & Council Meeting	August	4	Work & Council Meeting
February	11	Special Meeting as needed	August	11	Special Meeting as needed
February	18	Work & Council Meeting	August	18	Work & Council Meeting
February	25	Special Meeting as needed	August	25	Special Meeting as needed
March	3	<i>Presidential Primary Election</i>	September	1	Work & Council Meeting
March	10	Work & Council Meeting	September	8	Special Meeting as needed
March	17	Special Meeting as needed	September	15	Work & Council Meeting
March	24	Special Meeting as needed	September	22	Special Meeting as needed
March	31	Work & Council Meeting	September	29	Special Meeting as needed
April	7	Special Meeting as needed	October	6	Work & Council Meeting
April	14	Work & Council Meeting	October	13	Special Meeting as needed
April	21	Work & Council Meeting	October	20	Work & Council Meeting
April	28	Special Meeting as needed	October	27	Special Meeting as needed
May	5	Work & Council Meeting	November	3	<i>General Election</i>
May	12	Budget Retreat	November	10	Work & Council Meeting
May	19	Work & Council Meeting	November	17	Special Meeting as needed
May	26	Budget Retreat as needed	November	24	Special Meeting as needed
June	2	Work & Council Meeting	December	1	Work & Council Meeting
June	9	Budget Retreat as needed	December	8	Special Meeting as needed
June	16	Work & Council Meeting	December	15	Work & Council Meeting
June	23	Special Meeting as needed	December	22	Special Meeting as needed
June	30	<i>State Primary Election</i>	December	29	Special Meeting as needed

The 2020 Municipal Council will meet according to the calendar above. Council Meetings begin at 5:30 PM, unless otherwise noticed. Work meeting times vary and will be noticed. Regular meetings are held in the Municipal Council Chambers at 351 West Center Street, Provo, UT. Special Meetings may be used for Work and/or Council Meetings at the discretion of the Municipal Council Chair upon proper notice. Only an Emergency meeting will be held with less than 24 hours notice in advance, in compliance with Utah State Law.

Council Meeting Agendas are usually available Thursday prior to Council meetings. Council agendas, meeting minutes, and past meeting materials can be found online at <http://agendas.provo.org>. Council Meetings are noticed through the Utah Public Meeting Notice website at <http://www.utah.gov/pmn/>.

Provo City Offices will be closed for these 2020 City Holidays*

Wednesday, January 1	New Years Day	Friday, July 24	Pioneer Day
Monday, January 20	Dr. Martin Luther King Jr. Day	Monday, September 7	Labor Day
Monday, February 17	President's Day	Thursday, November 26	Thanksgiving Day
Monday, May 25	Memorial Day	Wednesday, December 23	Christmas Eve (observed)
Thursday, July 2	Independence Day (observed)	Thursday, December 24	Christmas Eve/Christmas Day (observed)
Friday, July 3	Independence Day (observed)	Friday, December 25	Christmas Day
Thursday, July 23	Pioneer Day (observed)		

*The Council Office is open Monday-Thursday from 7:00 AM-6:00 PM. Customer Service (Provo 311) is open Monday-Friday from 8:00 AM-6:00 PM. This holiday schedule reflects both the Thursday holiday closures affecting the Council Office and the Friday holiday closures affecting Customer Service.