



PROVO MUNICIPAL COUNCIL

Town Hall on the Critical Hillside Overlay Zone for Foothills

Protection - Agenda

7:00 PM, Thursday, May 07, 2020

Electronic meeting: <https://www.youtube.com/user/provocitycouncil>

This meeting will be conducted entirely via electronic means. Due to the risks of public gatherings associated with the spread of COVID-19, Governor Gary Herbert has waived the anchor location and other requirements for public meetings/noticing, as outlined in Executive Order 2020-05. The meeting will be available to the public for live broadcast and on-demand viewing at:

<https://www.youtube.com/user/provocitycouncil>. If you do not have access to the Internet, you can join via telephone following the instructions below about making public comments.

For more information regarding the City Community Safety Plan for COVID-19 and related City facility closures, please visit: <https://www.provo.org/city-services/covid19>

TO MAKE A PUBLIC COMMENT OR ASK A QUESTION:

Questions may be submitted in advance at https://www.opentownhall.com/portals/258/Issue_8746

To participate in the question or comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

May 07 Town Hall Meeting: Dial 346 248 7799. Enter Meeting ID 846-8612-3368 and press #. When asked for a participant ID, press #.

Roll Call

Agenda

1. A presentation regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOTA20200077 and PLRZ20200078)
2. A question and answer period regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOTA20200077 and PLRZ20200078)

Adjournment

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

Materials and Agenda: agendas.provo.org

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

The next scheduled Council Meeting will be held on 5/19/2020 5:30:00 PM. The meeting will be streamed on YouTube, 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. Council meetings are broadcast live and available for on demand viewing at youtube.com/user/ProvoCityCouncil. Closed-captioning is available on YouTube.

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

Pursuant to Executive Order 2020-05, certain requirements of Utah Code 52-4-202 and 52-4-207 have been waived. There will be no anchor location for this meeting; it will be conducted exclusively using online means and will be available to view on YouTube at youtube.com/user/ProvoCityCouncil. This meeting was noticed in compliance with Executive Order 2020-05, which supersedes some requirements listed in 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.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 05-07-2020

SUBJECT: A presentation regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOTA20200077 and PLRZ20200078)

RECOMMENDATION: Presentation only to address the basics of the proposed overlay zone and answer frequently asked questions before the question and answer portion.

BACKGROUND: After problems with the gravel pit at the mouth of Provo Canyon, the City Council and Planning staff began work on a Critical Hillside (CH) Overlay Zone inspired by Salt Lake County's Foothills and Canyons Overlay Zone (FCOZ).

The purpose of the CH zone is to balance the need for development with the need to protect sensitive lands in the foothills and preserve the views from the valley. The CH zone would require all new development to meet certain additional standards.

The CH zone requirements would NOT APPLY to the following properties:

- lots created before the ordinance is approved,
- parcels of land developed before the ordinance is approved, and
- additions to existing one-family dwellings and the construction of accessory structures built after the ordinance is approved, as long as such additions or structures don't lie outside the limits of disturbance (a protected area of a lot).

If a property owner of a lot or parcel, which lot or parcel is exempted from the CH zone requirements wants to remodel or expand an existing home, they may do so without compliance with the CH zone requirements.

On April 1, 2020, the Provo City Planning Commission recommended approval (with conditions) of the proposed overlay zone. The proposal was considered by the Provo City Council on April 14, 2020 and April 21, 2020. The Provo City Council sent this application back to the Provo City Planning Commission for a public hearing due to a noticing error. A public hearing for this item will be held at the May 13, 2020 Planning Commission meeting. The proposal will then return to the Provo City Council.

Before the meeting, questions may be submitted here:

<https://www.provo.org/government/city-council/open-city-council>

After the presentation, please submit questions here:

https://docs.google.com/forms/d/e/1FAIpQLSd_rWz8D188-dgjF238ds_MpZS4iBK0WvVs5qZSlvDHDqYHQw/viewform?usp=sf_link

Questions submitted through the link will be answered as soon as possible during the question and answer portion. The Council and City staff will also take questions over the phone with the contact information that will be shared during the meeting.

FISCAL IMPACT: TBD

PRESENTER'S NAME: Bill Peperone and Brandon Larsen

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20200077 and PLRZ20200078

Chapter 14.33A
CH - CRITICAL HILLSIDE OVERLAY ZONE

Sections:

- 14.33A.010 Purpose and Objectives.
- 14.33A.020 Definitions.
- 14.33A.030 Use in Combination.
- 14.33A.040 Development in the Critical Hillside (CH) Overlay Zone.
- 14.33A.050 Permitted Uses.
- 14.33A.060 Development Standards.
- 14.33A.070 Provision of Facilities.
- 14.33A.080 Project Plan Approval/Design Review/Design Guidelines.
- 14.33A.090 Limits of Disturbance(LOD).
- 14.33A.100 Slope Protection and Stability.
- 14.33A.110 Detention Basin Design.
- 14.33A.120 Ridgelines.
- 14.33A.130 Streets and Access.
- 14.33A.140 Trails.
- 14.33A.150 Fences.
- 14.33A.160 Tree and Vegetation Protection.
- 14.33A.170 Geological and Natural Hazards.
- 14.33A.180 Stream Corridor and Wetland Protection.
- 14.33A.190 Traffic Requirements.
- 14.33A.200 Parking Requirements.
- 14.33A.210 Design Standards.
- 14.33A.220 Cluster Developments.
- 14.33A.230 Other Requirements.

14.33A.010 Purpose and Objectives.

The Critical Hillside (CH) Overlay Zone is established to provide prudent development standards to help protect the sensitive hillside areas of Provo City's east bench. The requirements of the CH Overlay Zone impose additional or prevailing requirements to those required by the underlying zone. The provisions of this zone are intended to aid in the protection of ridgelines, to support the stability of slopes, and to protect existing public accesses. Trees and other vegetation provide earth-stabilizing and aesthetic benefits. The provisions of this zone help preserve existing vegetation and require the reestablishment of vegetation areas disturbed in the development process. Design standards are included herein to preserve and complement the natural beauty and ecological health of Provo's hillside areas. The requirements of this zone consider the potential slope, fire, and natural hazards associated with the hillside areas and require mitigation of these hazards in the development process.

14.33A.020 Definitions

For the purpose of this Chapter, the following words and terms shall be defined, as follows:

“Approved fire protection plan” means the fire protection plan approved by the applicable fire authority.

“Bench” means a naturally occurring broad, generally flat, elevated terrace landform with an abrupt slope on one side.

“Caliper” means a standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger size trees.

“Defensible space” means the required space between a structure and wildland area that, under normal conditions, creates a sufficient buffer to slow or halt the spread of wildfire to a structure.

“Density Bonus” means a residential density increase—beyond the density allowed by the underlying zoning—obtained by constructing and dedicating a trail or trailhead to the City, or clustering development, as set forth in this Chapter.

“Drip line” means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

“Hard surface” means asphalt or concrete or similar impervious materials.

“Limits of disturbance (LOD)” means the area(s) in which construction and development activity are to be contained, including development and construction of the main building, accessory structures, and recreation areas. The following need not be included in limits of disturbance:

- (a) Up to ten feet of paved or unpaved shoulders for driveways.
- (b) Areas consisting of natural ponds, streams, trees, and other vegetation where no grading work is done.

“Natural open space” means land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

“Net developable acreage” means land that possesses all of the following characteristics:

- (a) Has a slope of no more than thirty percent (30%), unless an exception to permitted slope is obtained, as may be allowed in Title 14 or 15 of the Provo City Code.
- (b) Is located a minimum distance from any stream corridor or wetland as established in this Chapter.
- (c) Is not located within one-hundred feet (map distance) from either side of the crest of a ridgeline designated for protection by the Planning Commission.
- (d) Is not a right-of-way or road.
- (e) Is not prohibited from being developed, as per the following: (1) the provisions of Chapter 15.05 of the Provo City Code related to geological and natural hazards, or any other applicable provision of the Provo City Code, or other applicable state or federal law; or (2) “a recorded document that prohibits the development of any portion of the property and is legally binding on the property owner.”

“Non-Sight-Obscuring Fencing” means fencing that is more than fifty percent 50% open.

“Open Space” means any area of a lot that is completely free and unobstructed from any human-made structure or parking areas.

“Ordinary High Water Mark” means the line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be used in place of the ordinary high water mark. In braided channels, the ordinary high water mark, or substitute channel bank, shall be measured so as to include the entire stream feature.

“Overlay zone” means a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

“Ridge” means the elongated crest at the apex or uppermost point of the intersection between two opposite slopes of a hill or mountain.

“Ridgeline” means a line, designated for protection by the City, connecting the highest points along a ridge and separating drainage basins or small scale drainage systems from one another. A bench is not a ridgeline.

“Significant trees” means live trees of six-inch caliper or greater, groves of five or more smaller live trees, or clumps of live oak or maple covering an area of fifty square feet to the drip line perimeter.

“Slope” means the level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.

“Stream” means a body of flowing water; natural water course containing water at least intermittently.

“Stream Corridor” means the corridor defined by a constant or intermittent stream’s ordinary high water mark.

“Tree” means a woody plant with a distinct central trunk.

“Vegetation” Means living plant material, including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

“Water-wise plant species” means low water use plants, trees, shrubs, and ground cover.

14.33A.030 Use in Combination.

The CH Zone shall overlay and be used in combination with existing conventional zones or project specific zones. If there is a conflict between the provisions in this Chapter and the requirements of Title 14 or 15 of the Provo City Code, the requirements of this Chapter shall take precedence. The CH Zone shall not be applied to any land as an independent zone. Property to which the CH Zone has been applied shall be developed only in conformance with the applicable, approved project plan, subdivision, or other approved development plans. Written references to a zone that is overlain by the CH Zone, including those on the Zone Map of Provo City, shall include the underlying zone, along with the acronym of the overlay zone, e.g., R110CH.

14.33A.040 Development in Critical Hillside (CH) Overlay Zone.

(1) All development in the CH Zone, including, but not limited to, grading, clearing, and excavation, shall comply with the applicable provisions of this Chapter.

(2) The submittal of maps, plans, narratives, or any other document necessary to demonstrate compliance with this Chapter shall be submitted to the Coordinator Review Committee for review.

(3) Notwithstanding any other provision in Title 14 or 15 of the Provo City Code, all proposals for residential and nonresidential developments in the CH Zone, as well as all proposals for main buildings, except for one-family detached dwellings, shall obtain a recommendation from the Design Review Committee.

(4) The provisions of this Chapter shall not apply in the following situations:

(a) for lots created prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;

(b) for parcels (not lying in a development plat) developed prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone; and

(c) for additions to a one-family dwelling and accessory structures permitted after the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone, so long as the addition or accessory structure does not extend outside the limits of disturbance established when the dwelling was originally permitted.

14.33A.050 Permitted Uses.

Uses permitted in the CH Zone shall be limited to those listed as permitted uses by the provisions of the underlying zone with which the CH Zone has been combined.

14.33A.060 Development Standards.

Development in the CH Zone shall conform to the development standards required by the provisions of the underlying zone with which the CH Zone is combined.

14.33A.070 Provision of Facilities.

The requirements of the *Adequate Public Facilities* section of Chapter 15.03, Provo City Code, shall be met.

14.33A.080 Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.020, 15.03.300 and 15.03.310, Chapter 14.04A, Section 14.34.280, Section 14.34.285, and Section 14.34.287, Provo City Code.

14.33A.090 Limits of Disturbance (LOD).

- (1) Limits of disturbance shall be located and identified on development plans indicating the specific area(s) of a property where construction and development activity shall be contained.
- (2) Limits of disturbance for a single lot or parcel may be segmented; however, no more than forty (40) percent of a lot or parcel may be included in the LOD.
- (3) Upon request of the applicant, and only for those properties developed prior to establishment of the CH Zone, the Development Services Director may offer relief of the standards in this Section by up to ten percent (10%), only if he/she finds one of the following circumstances applies:
 - (a) The adjustment is designed to yield more effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site; or
 - (b) Strict application of the standard(s) would prohibit any development on the site.

14.33A.100 Slope Protection and Stability.

- (1) All development in the CH Zone shall comply with the applicable grading, fill, cutting, excavation, relocation of material, and drainage requirements of Title 15, as well as any such requirements in Title 18, of the Provo City Code, except that the provisions of this Chapter shall supersede any conflicting provisions in Title 14, 15, or 18 of the Provo City Code.
- (2) Structures shall be set back from ascending or descending slopes greater than thirty percent (30%) in accordance with the requirements of the currently adopted building code.
- (3) Unless expressly allowed in Title 14 or Title 15 of the Provo City Code, all areas with a slope greater than thirty percent (30%) must remain in natural private or natural public open space; however, no portion of this Chapter shall be interpreted to eliminate the provisions of Chapter 15.05 of this Code that allow for exceptions for grading and developing hillside slopes that exceed thirty percent (30%).
- (4) All cut, filled, and graded human-made slopes shall be re-contoured to the natural, varied contour of the surrounding terrain.
- (5) Notwithstanding the requirements in Subsection (4), immediately above, the use of terraced retaining walls is permitted to reduce the steepness of human-made slopes and to provide planting pockets conducive to re-vegetation. The following requirements apply for terraced retaining walls and vertical walls:

- (a) Terraces created between retaining walls shall be permanently landscaped or re-vegetated.
- (b) Terracing is limited to three (3) walls with a maximum vertical height of eight (8) feet each. The width of a terrace shall be a minimum of a one-to-one ratio with the height of the wall. Terraces are measured from the back of the lower wall to the face of the upper wall. Terraces created between retaining walls shall be permanently landscaped or re-vegetated.
- (c) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.
- (d) Vertical walls are only allowed if approved by the City Engineer and if the following criteria are met:
 - (i) The applicant provides documentation, which has been stamped by an engineer or landscape architect licensed in the State of Utah, that demonstrates an environmental, aesthetic, or safety concern with installing retaining walls on the subject property.
 - (ii) The vertical wall shall be constructed of earth-colored materials similar to the surrounding natural landscape.
- (e) All applicable building code requirements must be met and applicable permits obtained.
- (f) Figure 14.33A.1: Terracing and Retaining Wall--Permitted



(Retaining wall faced with stone. Terraces have been revegetated.)

(g) Figure 14.33A.2: Terracing and Retaining Wall--Not Permitted



(Wall is not constructed of earth-colored materials and does not provide opportunities for planting pockets.)

14.33A.110 Detention Basin Design.

(1) If detention basins or other storm and erosion control facilities are utilized or required in the development of a lot or parcel such shall comply with the following design standards:

(a) Detention basins shall be free form, following the natural landforms. If such forms do not exist, the basin shall be shaped to emulate a naturally formed depression.

(b) Redistributing soils from basin construction to natural side slopes around the perimeter of the basin is encouraged. Side slopes are created to filter, redirect, or soften

views of the basin. Total screening of basins is not required. Side slopes shall be varied to replicate natural conditions.

(c) Naturalized planting themes are required for basins. Trees and shrubs may be grouped in informal patterns to emulate the natural environment but may not reduce the volume of the basin. However, no trees, shrubs, or other large, woody vegetation on the embankment is permitted. The location and type of vegetation shall allow for access and regular maintenance.

(d) The ground surface of the basin and surrounding disturbed areas shall be covered with native grass mixture or other appropriate groundcover approved by the City Engineer. It is the intent to provide a natural cover that does not require regular mowing or fertilization.

(e) Vegetation and trees planted and established in connection with a detention basin shall be drought-tolerant, firewise vegetation permitted through an approved fire protection plan.

(f) Figure 14.33A.3: Detention Basin Design--Permitted



(This is a free form basin that fits in the natural surroundings.)

(g) Figure 14.33A.4: Detention Basin Design--Not Permitted



This is not a free form basin and is without natural side slopes. Little or no vegetation has been established to give it a natural appearance.)

14.33A.120 Ridgelines.

(1) No development, including utility infrastructure, may break the horizon line, defined as the point where the ridgeline visibly meets the sky as viewed from public rights of way or trails.

(2) No development, including utility infrastructure, may be located within one-hundred feet (map distance) from either side of the crest of a ridgeline designated for protection by the City.

(3) No ridgeline shall be designated on a parcel or platted lot that is contiguous to platted lots and/or developed parcels along at least three-quarters (3/4) of its boundary.

(4) Figure 14.33A.5: Ridgeline Development--Permitted



(These structures have been sited significantly lower than the ridgeline.)

(5) Figure 14.33A.6: Ridgeline Development—Not Permitted



(This structure has been sited on a ridgeline.)

14.33A.130 Streets and Access.

(1) All development in the CH Zone shall comply with the applicable street and access requirements of Titles 14 and 15 of the Provo City Code, including the *Street Standards* section of Chapter 15.03.

(2) Streets, roads, alleys, or driveways shall follow natural contour lines where possible to minimize cuts and fills.

(3) An easement shall be granted to Provo City over and across all private development roads for utility maintenance and fire and emergency access.

(4) A development of thirteen (13) or more lots, or thirteen (13) or more dwelling units, shall have at least two (2) points of ingress and egress. All developments shall be connected to the City's street system at two (2) different access locations. This requirement for second access shall supersede any conflicting second access requirement in the Provo City Code.

(5) Grading for streets, roads, alleys, or driveways is limited to the paved portion of such access and other associated, required access improvements, plus up to an additional ten feet on either side of the pavement and required improvements. However, when developing streets, roads, alleys, or driveways on slopes in excess of twenty-five percent, only the paved portion of the access used for vehicular travel, plus the minimum area for any required, associated access improvements, such as curb, gutter or sidewalk, may be graded. The remainder of the access must be left undisturbed.

(i) In the CH Zone, the City Engineer may allow the use of street- or road-side swales, or other similar street construction convention, instead of curb and gutter, when he/she determines that such swales, or other similar road construction convention, will provide a more efficient, safe, or practical means of managing water runoff related to a street or road.

(6) Any development that abuts on public land that has an existing access to the public land shall maintain the access by providing a public access road through the development to the public land.

(7) Figure 14.33A.7: Roads in the CH Zone Following Natural Contours—Permitted



(This road follows the natural contours of the land.)

(8) Figure 14.33A.8: Roads in the CH Zone Following Natural Contours—Not Permitted



(This road has excessive cuts and does not follow the natural contour of the land.)

14.33A.140 Trails and Public Accesses.

(1) A density bonus is available, as follows:

(a) A one percent (1%) density bonus for each one percent (1%) of land developed and dedicated to Provo City for a hard surface, linear trail for a maximum bonus of ten percent (10%).

(b) A one-half percent (0.5%) density bonus for each one percent (1%) of land developed and dedicated to Provo City for a graveled, linear trail for a maximum bonus of ten percent (10%).

(c) A three percent (3%) density bonus for the construction of a public trailhead dedicated to Provo City that meets the following requirements:

(i) The public trailhead shall have a parking lot with a minimum of ten (10) off-street parking spaces.

(ii) The parking lot shall be designed in accordance with Chapter 14.37, Provo City Code.

(d) No development may obtain a density bonus greater than ten percent (10%) for dedicating a trail(s) and/or trailhead(s).

(e) In calculating the density bonus, the resulting number shall be rounded to the nearest whole number, but in no case less than one (1).

(2) A trail dedicated to the City shall meet the following requirements:

(a) The trail must be constructed according to the applicable Provo City Public Works and Parks and Recreation Department standards;

(b) The dedicated trail right-of-way is a minimum of 20 feet;

(c) The trail improvements and right-of-way must be dedicated to the City prior to issuance of any building permits within the development; and

(d) Such trail, or portion thereof, shall be part of a planned City trail system.

(3) After having received the opinion of the Parks and Recreation Department Director , Development Services Director, and the City Engineer regarding the benefit and feasibility of a proffered trail dedication, the Mayor may reject a proffered trail dedication, if it makes any one or more of the following findings regarding the proffered dedication:

(a) Trail maintenance is not feasible.

(b) The trail dedication length is less than 660 feet.

(c) A natural hazard, or the susceptibility to a natural hazard, including, but not limited to slope, cliff, rock fall, or landslide, cannot reasonably be mitigated to safely operate a trail for public use, as per the opinion of the City Engineer.

(4) Legally established public accesses or legally established public rights-of-way shall not be included within the limits of disturbance (LOD) of any development or lot. Legally established public accesses and recorded rights-of-way shall be located and identified on recorded development plats and approved development plans.

14.33A.150 Fences.

The following fencing requirements apply in the CH Zone: (a) All fencing outside the designated LOD of a parcel or lot, as well as fencing in front yards and along roadways, shall be non-sight-obscuring fencing and have a maximum height of five (5) feet; however, livestock fencing may have a maximum height of six (6) feet.

(b) Notwithstanding the provisions of Subsection (a), the clear vision area requirements of Section 14.34.100 of the Provo City Code shall be met.

(c) See Section 14.33A.210 of the Provo City Code for design standards for fencing.

14.33A.160 Tree and Vegetation Protection.

(1) Tree/Vegetation Removal

(a) No trees or vegetation may be removed outside the approved LOD unless specifically exempted by this Chapter.

(b) Significant trees removed from within the LOD shall be replaced as set forth in this Chapter.

(c) No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site or solely for the purpose of replacing them with different species.

(d) Appropriate defensible space surrounding a structure is established in the Utah Wildland-Urban Interface Code (WUI). In order to account for trees that must be removed to comply with the applicable requirements of the WUI, the applicant shall submit a copy of the approved fire protection plan, along with development plans that incorporate the approved fire protection plan, to the Development Services Director for review.

(e) The following is a list of additional situations when tree and vegetation removal is permitted:

(i) The removal of invasive, dead, or naturally fallen trees or vegetation to protect public health, safety, and welfare.

(ii) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to install utilities, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.

(2) Replacement of Significant Trees

(a) When a significant tree is removed from inside the established LOD, which removal is not required by WUI standards, the developer shall replace such tree(s) on the lot, according to the following schedule and requirements:

(i) A significant tree that is removed shall be replaced by two (2) trees with a minimum size of two (2) inch caliper for deciduous trees and a minimum height of six (6) feet for coniferous trees in locations on the lot, as set forth in the required revegetation, tree Reestablishment, and land reclamation plan.

(ii) Replacement trees shall be maintained through an establishment period of at least two (2) years. The applicant shall post a bond in the amount of ten percent (10%) of the value of all replacement trees guaranteeing their health and survival during the establishment period.

(b) If the remainder of the lot outside the approved LOD is heavily wooded, defined as areas of trees with canopies that cover eighty percent (80%) of the area, and is not

suitable to the planting of replacement trees, the requirement to plant replacement trees requirement may be waived by the Development Services Director.

(3) Revegetation, Tree Reestablishment, and Land Reclamation Plan

(a) A revegetation, tree reestablishment, and land reclamation plan shall be submitted for any lot or parcel of land that will be altered from its natural condition. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah. The plan shall incorporate and be in harmony with the approved fire protection plan, and shall establish a timeframe for revegetation that is acceptable to the City, and take into account optimal seasonal growing conditions.

(b) The revegetation, tree reestablishment, and land reclamation plan shall contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Type, size, number, and location of any vegetation and trees to be planted;

(iv) Demonstration that all new trees are spaced no closer than twenty feet on center;

(v) Illustration of how the site will be re-contoured with sufficient topsoil to ensure that vegetation is successful;

(vi) Incorporation of applicable information from the approved fire protection plan;

(vii) A note that establishes a timeframe for revegetation that is acceptable to the City and that takes into account optimal seasonal growing conditions;

(viii) A note detailing compliance with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code and confirming that all new trees are on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code;

(ix) Irrigation plan to demonstrate water-wise irrigation of the revegetated, reestablished, or reclaimed area; and

(x) Any other information necessary to show compliance with this Subsection (3).

(c) All disturbed areas shall be re-vegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area; however, this requirement shall not preclude a property owner from establishing non-native or non-water-wise adapted plant species within: (1) a five [5] foot wide perimeter around the edge of all structures and (2) planting beds located not more than thirty (30) feet from the main building(s).

(d) Any slope exposed or created in the development process shall be landscaped or revegetated with dryland trees and plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.

(e) On human-made slopes of twenty-five percent (25%) or greater, plant materials with deep rooting characteristics shall be utilized to minimize erosion and reduce surface runoff. The planting basin shall be kept level with a raised berm around the base of the plant to help retain moisture.

(f) Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

(g) Tree cutting for utility corridors shall be minimized to reduce visual impacts. All disturbed areas shall be re-vegetated in accordance with the provisions of this Subsection (3).

(h) A performance bond, as per the provisions of Title 15 of the Provo City Code, for improvements related to the revegetation, tree reestablishment, and land reclamation plan shall be submitted and remain in place until all work has been completed and final inspection made.

(4) Tree and Vegetation Protection

(a) Prior to any development activities, the applicant shall submit a tree and vegetation protection plan. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah and incorporated into the approved, final development plans. The tree and vegetation protection plan shall contain the following:

(i) Scale and north arrow

(ii) Location and dimensions of the property;

(ii) Limits of disturbance (LOD);

(iii) Fencing or other separation methods to delineate the LOD;

(iv) Location and size of all existing vegetation, including trees;

(v) Identification of vegetation and trees to be retained;

(vi) Fencing around each significant tree and around stands of trees;

(vii) A note detailing the measures that shall be taken to ensure that protected vegetation will be guarded against grading, soil compaction, trenching, or other development activity that could have an adverse effect on such vegetation; and

- (viii) Any other information necessary to show compliance with this Subsection (4).
- (b) Fencing—at the edge of the individual or outermost (if a stand of trees) tree's drip zone—shall be placed around each significant tree (that will not be removed) and around stands of twelve or more smaller trees.
- (c) No construction, grading, equipment or material storage, or any other activity is allowed within the drip zone of protected trees, and the fencing must remain in place until all land alteration, construction, and development activities are completed.

14.33A.170 Sensitive Lands.

By way of reference, and not incorporation, the applicable Sensitive Lands requirements of Chapter 15.05 of the Provo City Code, including those related to geological and natural hazards, shall be met.

14.33A.180 Stream Corridor and Wetland Protection.

(1) No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed by the Provo City Code, and applicable state or federal law.

(2) Stream corridor and wetland area delineation shall be performed by an engineer licensed in the State of Utah who has demonstrated experience and expertise to conduct the required site analysis, following, or operating in accordance with any applicable, current federal manuals, requirements, and laws.

(3) The following setback requirements apply:

- (a) All buildings, structures, and parking lots shall be set back at least fifty (50) feet horizontally from the ordinary high-water mark of stream corridors. (See Figure 14.33A.9: Setback from Stream Corridor--Permitted and Figure 14.33A.10: Setback from Stream Corridor—Not Permitted).

Figure 14.33A.9



(This dwelling is setback more than fifty [50] feet horizontally from the ordinary high-water mark of a stream corridor.)

Figure 14.33A.10



(This dwelling is not setback more than fifty [50] feet horizontally from the ordinary high-water mark of a stream corridor.)

(b) All buildings, structures, and parking lots shall be set back at least fifty (50) feet horizontally from the delineated edge of a wetland.

14.33A.190 Traffic Requirements.

Development in the CH Zone is subject to the traffic study requirements of Chapter 15.03 of the Provo City Code.

14.33A.200 Parking Requirements.

(1) Outdoor parking facilities shall provide adequate snow storage areas, as set forth below:

(a) A snow storage area shall have an area that is at least twenty percent (20%) of the area of the outdoor parking facility.

(b) A snow storage area shall be sited in a manner that is accessible and usable for snow plow equipment.

(c) Snow storage shall not encumber required parking spaces or encroach into sidewalk or pedestrian pathways.

(d) Snow storage areas shall be clearly visible and identifiable in winter conditions.

(e) Snow storage areas shall not be located on top of storm drain inlets.

(2) Development in the CH Zone is subject to the parking requirements of Chapter 14.37 of the Provo City Code.

(3) See Section 14.33A.210 of the Provo City Code for design standards for parking.

14.33A.210 Design Standards.

(1) In the event that the design standards of this Section conflict with the other design standards and guidelines of Title 14 or Title 15, Provo City Code, the standards of this Section shall take precedence.

(2) Buildings

The following design standards apply for new buildings proposed in the CH Zone:

(a) Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Figure 14.33A.11: Buildings to Follow Natural Contours—Permitted and Figure 14.33A.12: Buildings to Follow Natural Contours—Not Permitted).

Figure 14.33A.11



(This home was sited to follow the natural contour of the land.)

Figure 14.33A.12



(This land was modified to accept a building design not tailored for the site.)

(b) Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on slopes that are greater than thirty percent (30%).

(c) The massing or grouping of buildings shall be scaled to harmonize and achieve balance with the natural features of the specific site.

(d) Roof lines and building mass shall echo the angles and shapes repeated in the natural landscape.

(e) Building mass and wall lines shall be broken up to complement natural settings and slopes.

(f) The use of building materials in colors that blend harmoniously with the surrounding natural settings is required. Brash, contrasting color combinations are prohibited.

(g) Flammable wood roofing shingles are prohibited.

(3) Landscaping

The following landscaping design standards apply in relation to permit applications for new main buildings and new developments proposed in the CH Zone:

(a) Landscaping shall incorporate natural features such as trees, significant vegetative patterns, interesting land forms, rocks, water, views, and orientation. (See Figure 14.33A.13: Incorporation of Natural Features into Landscaping—Permitted and Figure 14.33A.14: Incorporation of Natural Features into Landscaping—Not Permitted).

Figure 14.33A.13



(The landscaping of this property incorporates natural features and landforms.)

Figure 14.33A.14



(Besides the trees in the background, the natural features that once existed on this property were cleared away and not incorporated into the landscaping.)

(b) All disturbed areas shall be re-vegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area; however, this requirement shall not preclude a property owner from establishing non-native or non-water-wise adapted plant species within: (1) a five [5] foot wide perimeter around the edge of all structures and (2) planting beds located not more than thirty (30) feet from the main building(s).

(4) Fencing

The following fencing design standards apply in the CH Zone:

(a) Fencing used to screen patios, other outdoor areas, and service areas within the LOD may be composed of the following fencing materials:

- (i) Natural or stained wood;
- (ii) Brick;
- (iii) Rock;
- (iv) Stone;
- (v) Pre-cast fences or walls textured and colored to imitate any of the above materials;
- (vi) Wrought iron;
- (vii) Vinyl rail;
- (viii) Rammed earth; and
- (ix) Powder or dull coat chain link fencing (permitted only for telecommunications facilities, public utility compounds, and other related or similar facilities).

(b) The following fencing materials are prohibited in the CH Zone:

- (i) Solid board;
- (ii) Concrete or concrete block;
- (iii) Plywood; and
- (iv) Painted materials.

(5) Parking

The following parking design standards apply in the CH Zone:

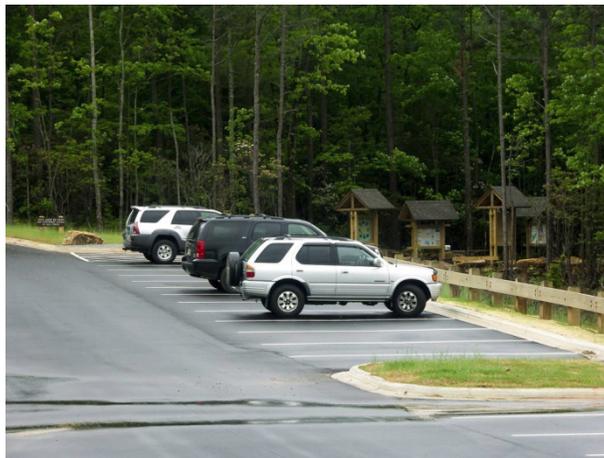
(a) When visible from public streets and private development roads, parking facilities shall be screened to blend into the natural environment. (See Figure 14.33A.15: Screening Parking Facilities--Permitted and Figure 14.33A.16: Screening Parking Facilities—Not Permitted).

Figure 14.33A.15



(This parking lot was screened with trees and vegetation and is compatible with the natural environment.)

Figure 14.33A.16



(This parking lot was not screened with trees and vegetation and does not blend into the natural environment.)

(6) Utility Infrastructure

(a) In so far as possible, utility infrastructure, including water tanks, shall be screened, from public rights-of-way, or designed to blend into the natural environment. However, such screening or design (to blend into the natural environment) shall not compromise maintenance access to such facilities.

(b) Insofar as possible, above-grade utility poles, if allowed by other provisions of this Code, shall not be sited, or left after the completion of development activities, on small, elevated mounds of earth or other materials, but shall be sited such that the bottom of the utility poles (portion of poles that intersect land) are generally located on the same grade (no more than a five [5] foot deviation in elevation) as the surrounding land in every direction for a distance of at least twenty-five (25) feet. (See Figure 14.33A.17: Above-grade Utility Poles—Not Permitted).

Figure 14.33A.17



(Above-grade utility pole located on earth mound and not on the same grade as surrounding land.)

(7) See Section 14.33A.220, Provo City Code, for design standards applicable to cluster developments.

14.33A.220 Cluster Developments.

(1) The Planning Commission may approve a request for the clustering of a proposed development in the CH Zone, as set forth herein, if all of the following standards are met:

(a) The applicant shall submit a report that has been stamped by an engineer and landscape architect licensed in Utah that attests the clustering proposal will have no adverse impact on adjacent properties, or, if such impacts are anticipated, such report will detail these impacts and recommend mitigation measures, such as landscape, screening, illumination standards, and other design features. If impacts are anticipated, as set forth in the above-mentioned report, the applicant shall enter into an agreement with the City to implement and maintain appropriate mitigation measures, approved by the City Engineer, to buffer and protect adjacent properties from the proposed clustered development. The developer's Utah licensed engineer and landscape architect shall verify that the recommended mitigation measures have been incorporated into the development. The responsibility—through-out the development process—for verifying mitigation measures shall be the responsibility of the developer's Utah licensed engineer and landscape architect;

(b) The Planning Commission, based upon the findings of a report submitted by the applicant and stamped by an engineer and landscape architect licensed in the State of Utah, finds that the clustering proposal, compared with a conventional development, better attains the policies and objectives of the CH Zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, geological sensitive areas, prominent ridgelines, wetlands, and steep slopes;

(c) The Design Review Committee issues an opinion that the architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development; and

(2) To encourage the clustering of development, a density bonus is provided, as follows:

(a) In the A1 zones (except for the A1.1 Zone), a cluster density bonus of fifty percent (50%) over the base density is permitted for those developments that satisfy the standards in Subsection (1).

(b) In the A1.1 Zone, R1 zones, R2 Zone, and RA Zone, a cluster density bonus of twenty-five percent (25%) over the base density is permitted for those developments that satisfy the standards in Subsection (1).

(c) The allowable density bonus for a cluster development shall be calculated based on "net developable acreage." Such resulting number shall be rounded to the nearest whole number, but in no case less than one (1).

(3) Cluster developments shall meet the following design standards and applicants for such shall provide the written opinion of a landscape architect and/or engineer licensed in the State of Utah that the following design standards have been met:

(a) The undeveloped area of the development site shall be preserved as active or passive natural open space. Natural open space areas shall provide contiguity with adjacent natural open space and/or conservation areas; protect unique natural, historical, or cultural site features and resources; avoid fragmentation of open space areas within the site; and preserve existing, legal public access.

(b) No more than thirty (30) lots are allowed in a single cluster. Each cluster shall be separated from other residential clusters by a minimum of one-hundred (100) feet.

(c) The layout of a cluster development shall protect significant natural resources within the proposed development. Natural resources include riparian areas, wetlands, ecological resources, and steep slopes and ridgelines. The overall site design shall employ the site's natural topography to hide multiple residential clusters from the sight of adjacent clusters.

(d) Cluster development shall preserve the following:

(i) Open sky backdrop above those ridgelines designated for protection by the Planning Commission; and

(ii) Significant views of the natural landscape as viewed from adjacent streets.

(3) Figure 14.33A.18: Development—Permitted.



(This development was clustered and preserved significant areas of open space.)

(4) Figure 14.33A.19: Development—Not Permitted.



(This development was not clustered; little open space exists in the area.)

14.33A.230 Other Requirements.

(1) Signs (see Chapter 14.38, Provo City Code).

(2) Landscaping. In addition to the landscaping requirements of this Chapter, development in the CH Zone must meet the applicable requirements of Chapter 15.20 of the Provo City Code, as well as any landscaping requirements of the underlying zone.

(3) Trash Storage (see Section 14.34.080, Provo City Code).

(4) Lighting. Streetlights shall be hooded and direct light to the ground to alleviate light emanation into sensitive areas. Light poles shall be no higher than twenty (20) feet.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 05-07-2020

SUBJECT: A question and answer period regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOTA20200077 and PLRZ20200078)

RECOMMENDATION: Residents are welcome to ask whatever questions they would like about the proposed overlay zone.

BACKGROUND: Before the meeting, questions may be submitted here:

<https://www.provo.org/government/city-council/open-city-council>

During the meeting, please submit questions here:

https://docs.google.com/forms/d/e/1FAIpQLSd_rWz8D188-dgjF238ds_MpZS4iBK0WvVs5qZSlvDHDqYHQw/viewform?usp=sf_link

Questions submitted through the link will be answered as soon as possible. The Council and City staff will also take questions over the phone with the contact information that will be shared during the meeting.

FISCAL IMPACT: None

PRESENTER'S NAME: None

REQUESTED DURATION OF PRESENTATION: 60 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20200077 and PLRZ20200078