



PROVO MUNICIPAL COUNCIL

Work Meeting

1:00 PM, Tuesday, August 18, 2020

Electronic meeting: youtube.com/provocitycouncil

This meeting will be conducted entirely via electronic means. The meeting will be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil. If you do not have access to the Internet, you can join via telephone following the instructions below.

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

To listen to the meeting by phone: August 18 Work Meeting: Dial 346-248-7799. Enter Meeting ID 891 0764 6541 and press #. When asked for a participant ID, press #.

Agenda

Roll Call
Prayer

Approval of Minutes

March 31, 2020 Work Meeting
April 14, 2020 Work Meeting
April 21, 2020 Work Meeting
May 5, 2020 Work Meeting
May 7, 2020 Town Hall on the Critical Hillside Overlay
August 4, 2020 Work Meeting

Business

1. A joint discussion with the Planning Commission regarding the process of updating the General Plan. (20-068)
2. A presentation regarding an update from Valley Visioning. (20-111)
3. A discussion regarding ranked-choice voting. (20-113)
4. A discussion regarding face masks in public with regards to COVID-19. (20-114)

Policy Items Referred from the Planning Commission

5. An ordinance amending Provo City Code to correct an inconsistency and clarify accessory living spaces as a permitted accessory use in the PRO-R-9 Limited Density Residential (LDR) Zone. Citywide Application. (PLOT20200162)

6. An ordinance amending Provo City Code to reduce the minimum lot depth in the Low Density Residential (LDR) and Very Low Density Residential (VLDR) Zones. Citywide Application. (PLOT20200208)
7. An ordinance amending the zone map classification of approximately 14 acres of real property, generally located at 1164 South 1600 West, from Agricultural (A1.5) to Residential (R1.7). Sunset Neighborhood. (PLRZ20180029)

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

Provo City Municipal Council Chair's Statement re Open and Public Meetings Act

In accordance with Utah Code 52-4-207(4)* I have determined that conducting meetings of the Municipal Council with an anchor location, such as the Municipal Council Chamber, presents a substantial risk to the health and safety of those who may be present there. These are the facts upon which I have made this determination:

- Utah has been in a declared state of emergency due to novel coronavirus disease 2019 (COVID-19) since March 6, 2020, a disease outbreak which the World Health Organization has characterized as a pandemic.
- The Centers for Disease Control and Prevention (CDC) state that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes, or talks, and it may be spread by people who are non-symptomatic.
- Federal, state, and local authorities have recommended that individuals limit public gatherings, wear facemasks, and follow social distancing guidelines.
- Notwithstanding that Utah generally, and Utah County specifically, have been moved to the Low Risk (Yellow) Phase, reported COVID-19 cases in Provo continue to rise at a high rate (more than 100 cases per day, 14-day average).
- Physical distancing measures will be difficult to set up and maintain in the Provo City Municipal Council Chamber.

Therefore, for the next 30 days, all meetings of the Municipal Council will be conducted entirely via electronic means:

- Council meetings are broadcast live and available later on demand at [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil).

- Agendas and support materials are available at agendas.provo.org.
- To make a public comment or to join a meeting via telephone, follow the instructions provided on public notices of each meeting.
- To send comments to the Council or weigh in on current issues, visit opencityhall.provo.org or email the Council at council@provo.org.

-George Handley, Chair, August 10, 2020

I have determined that conducting meetings of the Governing Board of the Redevelopment Agency of Provo City is subject to the same risks identified above based on the facts stated herein. Therefore, I adopt the same procedures listed above for meetings of the RDA Governing Board.

-David Sewell, RDA Chair, August 10, 2020

* As amended by HB5002, *Open and Public Meetings Act Amendments*, (2020 Fifth Special Session), Utah Code Annotated (UCA) 52-4-207(4) provides that a public body may convene and conduct an electronic meeting without an anchor location if the chair of the public body:

- (a) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
- (b) states in the written determination described in Subsection (4)(a) the facts upon which the determination is based;
- (c) includes in the public notice for the meeting, and reads at the beginning of the meeting, the information described in Subsections (4)(a) and (b); and
- (d) includes in the public notice information on how a member of the public may view or make a comment at the meeting.

UCA 52-4-207(5) states that a written determination described in Subsections (4)(a) and (b) expires 30 days after the day on which the chair of the public body makes the determination.

<https://le.utah.gov/~2020S5/bills/static/HB5002.html>

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 9/1/2020 12:00:00 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/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

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/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.

Pending minutes – awaiting approval

Please note: these minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, March 31, 2020

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

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor Bill Fillmore
Councilor Shannon Ellsworth
Councilor Travis Hoban
Councilor David Sewell
Councilor David Shipley
Mayor Michelle Kaufusi

Prayer

The prayer was given by Councilor David Harding.

Business

1. A presentation on Provo City's Vehicle Replacement 5 Year Plan. (20-007) (0:05:38)

John Borget, Director of Administrative Services, presented a background on the City's vehicle replacement program as part of the City's fleet services. Mr. Borget explained that during the recession in 2008, fleet replacement was not a priority due to limited funds. Mr. Borget explained the loan program that provides the main constraint for vehicle replacement. He outlined the proposed fiscal year 2021 vehicle replacement plan list and shared details.

Councilor George Handley asked about the possibilities for purchasing electric vehicles when possible and what the potential financial or other limitations there might be. Nancy Bean, Fleet Manager, shared details on past electric vehicles that the City has tested in various types of city operations. Councilors David Sewell and David Harding shared comments in support of exploring a formal policy about purchasing alternative fuel vehicles. Staff also shared details of the electric vehicle charging stations to be installed throughout the City.

Motion: George Handley moved to bring a proposed fleet policy and purchase of alternative fuel vehicles to the next Work Meeting for the Council to discuss, amend to their satisfaction, and send forward. Seconded by David Sewell.

Vote: Approved 7:0.

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2. A presentation to the Municipal Council in order to provide information regarding Public Infrastructure Districts (PIDs). (20-063) ([0:36:48](#))

Randall Larsen, Gilmore & Bell, shared an overview of Public Infrastructure Districts (PID) as a mechanism to fund large improvements. The developers of the medical school in Provo have some significant challenges with the property as it was a former landfill and it has required significant capital to mitigate the conditions of the property to make it suitable for development. PIDs are allowed under state code and they operate as a mechanism for an entity to fund their infrastructure improvements (though ownership of the infrastructure remains with the City or utility entity). Mr. Larsen explained the legal intricacies of creating a PID and how it operates. This tool has only become permitted in Utah by the legislature in 2019, so it is fairly new.

Councilors shared comments that were generally favorable to the medical school exploring a PID, though they wanted to proceed with caution. If the Council wanted to outline their policies for PIDs, that would be the next step, as the medical school developers anticipated submitting a proposal to the City soon to create a PID. John Nemelka, Wasatch Educational, thanked the City for their willingness to contemplate creating a PID, as it was a crucial tool for them to be able to complete the medical school project. *Presentation only.*

3. A discussion regarding licensing for restaurants with ancillary breweries. (20-057) ([0:56:57](#))

Hannah Salzl, Policy Analyst, presented. Ms. Salzl shared background information on alcohol licensing. She clarified that cities can only regulate beer and not other types of alcohol. She highlighted some of the differences between Provo City's regulations and those of the State Department of Alcoholic Beverage Control (DABC). Ms. Salzl noted that in regards to previous questions on the issue, the Public Works department did not have any infrastructure concerns with ancillary breweries; there are already provisions in place that would require pre-treatment of wastewater if it were warranted due to a particular kind of land use. Ms. Salzl shared details of various options for regulatory frameworks.

Councilors shared comments and asked questions, including:

- Councilor George Handley asked about the differences between state and city code. Brian Jones, Council Attorney, clarified that the differences have been split into two separate ordinances; one ordinance would address general housekeeping items to bring the city into alignment with state code based on changes to the state code. The other ordinance included items in which the City was more restrictive than the state.
- Councilor Shannon Ellsworth clarified the main differences between the two proposals; the first would change only the F license, while the second proposal contemplated creating an F license as well as further changes to B (restaurants) and C (bars) licenses.
- Councilor David Harding shared additional information about the second proposal.
- Councilor David Sewell shared recommendations on limiting the density of alcohol outlets, which has been shown to mitigate factors in the harms of alcohol use. He felt this was a worthwhile approach to explore, but he noted that density was an ineffective

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measure unless the Council considered all types of alcohol outlets together. He preferred a holistic review of the various policies and ordinances.

- Ms. Ellsworth felt that it was important to get a new license type for brewpubs into place quickly. She was concerned that including the other license types would negatively impact businesses; she wanted the regulations to be appropriately business-friendly.
- Councilor Bill Fillmore preferred to take a comprehensive approach for the review. He noted that the community group pursuing a referendum would likely pursue a referendum on whatever licensing component was passed by the Council.
- Councilor Travis Hoban was concerned if the proposal would prohibit a business from opening at a prime location, simply because a neighboring restaurant has a beer license.
- Mr. Harding explained that the committee hoped to consider these kinds of ramifications during their discussions. He favored a holistic approach.
- Councilor David Shipley was against making licensing harder for restaurants. He was in favor of simplifying and consolidating city code to align with state code, but he was concerned about the implications of density restrictions. He wanted to be cautious to make sure that if restaurants are included in those figures that the results would not push out restaurants that we want to have in our community. Mr. Shipley liked the intent of the density proposal, but he did not understand all the practical impacts at this point.
- Mr. Handley did not necessarily want to limit restaurants, but he thought the CDC data was important and compelling, regarding the avoidance of creating drinking districts.
- Ms. Ellsworth reiterated that the first proposal did not concern restaurants. If there were a referendum initiative, she thought it would be helpful for the public to understand that the referendum was just about brewpubs.

Mr. Jones added some further clarification on this discussion. If the committee proposed applying a density restriction to brewpubs that would not apply to restaurants, the land use ordinance needed to clearly articulate the differences between those uses and their findings about those differences. Mr. Jones also noted that if the Council were to go with the second proposal, he recommended splitting it into two ordinances to be approved in the same meeting—one ordinance would create the Class F license and impose density restrictions; the other would address the inconsistencies between city and state code. If members of the public pursued a referendum initiative, that could be isolated to the Class F license ordinance, while still allowing for the revisions needed to bring City code into compliance with the State's regulations.

Councilors discussed the topic further and shared additional comments, including:

- Mr. Hoban thought the state evaluated the relationship between density and population; he wondered if there was a reason the committee was looking at distance versus population.
- Ms. Ellsworth shared background information on this question. There are two ways to restrict density: by population or by physical proximity. Initially, the proposal had been to use both, but now she just recommended using distance. She noted that regulating by population can be somewhat arbitrary; as Provo's population grows, it could permit more and more locations to sell alcohol or beer. In contrast, by using a distance measure, the total number of outlets eventually maxes out. The way the distance requirements are crafted can still leave room for flexibility (such as not permitting establishments to be next-door neighbors but allowing them to locate across the street from each other).

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- The entire subcommittee agreed that they did not want a district for bars; both proposals would exclude that kind of district formation.

Mr. Jones also clarified that the citizen group was likely not going to pursue getting signatures for a referendum on the previously approved land use ordinance; because the signature threshold was lower for the licensing issue, the current speculation was that the group may submit a new referendum petition once the Council passed licensing provisions. Mr. Jones noted that the possibility could have strategic implications that the Council may wish to consider or simply be aware of as they move forward with decisions. He clarified that if the licensing issue were passed after April 30, then any referendum on that item would not appear on the ballot until November 2021, which would draw out the discussion considerably. Mr. Fillmore thought in any event that it would be helpful for citizens to understand the issues in aggregate, so that they could make more knowledgeable decisions in casting a ballot.

Motion: David Harding moved that the Council direct the subcommittee to come forward by April 14 with a proposal that would create a Class F license to address brewpubs and align and streamline city code to reflect the state code. Seconded by George Handley.

Substitute Motion: Shannon Ellsworth moved to instruct the Alcohol Licensing subcommittee to create a proposal for a Class F brewpub license before April 14, and after April 14 to create a proposal that would conform the Class B and C licenses to state code and address any other necessary or desired updates before October 1. Seconded by Travis Hoban.

Ms. Ellsworth clarified the intent of her substitute motion; it would handle the code cleanup after April 14 and would not instruct the committee to create densities, as she was not comfortable instructing the committee to address anything related to Class B and C licenses. Mr. Fillmore asked Mr. Jones for clarification about whether a business could obtain a license that would then have vested rights prior to the Council's implementing density restrictions. Mr. Jones said that could be a new possibility, as the subsequent regulation could only be applied to new applications. Ms. Ellsworth did not think there was going to be a large influx of applicants; in Springville and Lehi, where brewpubs have been permitted for several years, each city has only received one or two applications in that time frame. Ms. Ellsworth expressed that she was interested in limiting brewpubs based on proximity and she thought it would require a more thoughtful exploration than would be possible by April 14.

Mr. Handley called for a vote on the substitute motion:

Vote: Failed 3:4, with George Handley, David Harding, Bill Fillmore, and David Sewell opposed.

Mr. Handley called for a vote on the original motion:

Vote: Approved 6:1, with Bill Fillmore opposed.

4. A presentation from the Joaquin Parking Committee. (20-074) (2:08:57)

Hannah Salzl, Policy Analyst, presented. She noted that the tentative cost analysis for the program would be included in a budget presentation the following week by Gary McGinn, Director of Community and Neighborhood Services. Ms. Salzl outlined the parking program

Pending minutes – awaiting approval

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Councilors expressed appreciation to the committee for their work, as this looked like a great approach to the parking issues in Joaquin. Ms. Salzl and David Harding, Joaquin Parking Committee Chair, answered additional questions about various aspects of the program:

- The \$30 permit fee would be for a year.
- Staff were evaluating mobile payment systems; a similar system was used at the Provo Airport. Ideally, the solution could be scalable to downtown in the future. The intent was to have a payment process that was user-friendly, allowing users to pay by phone, over the internet, or through an app. Metered parking would be set at a dynamic market rate.
- Under the program, permits would be transferable. The current plan is for landlords to purchase passes and allocate them to students (thus the landlord would deal with transferring passes to new tenants).
- Ms. Ellsworth asked whether there were a mechanism to restrict the number of parking spots for landlords who did not provide adequate parking for their tenants. Ms. Salzl suggested further discussion outside of the Work Meeting. *Presentation only.*

5. A discussion regarding updating the General Plan. (20-068) ([2:22:37](#))

Robert Mills, Planner, presented. He shared recommendations from the Planning Commission regarding the long-term planning for the city, to simplify and update the General Plan to make it more relevant. The City would employ a consultant for the new General Plan through the Community and Neighborhood Services Department.

Councilors shared comments and feedback. Councilor Shannon Ellsworth liked the idea of having a high-level general plan that still provided enough depth to guide land use decisions. Ms. Ellsworth expressed confidence in the Planning Commission members and their professional expertise; she was also in favor of empowering the Planning Commission to do more long-range planning as opposed to handling administrative decisions and paperwork. Councilor Bill Fillmore also expressed support for a new General Plan with fresh perspectives. Councilor George Handley supported Ms. Ellsworth's and Mr. Fillmore's comments. Mr. Handley felt it was important to communicate to the Administration that this was a priority to the Council so that it could be included in the budget. Councilor David Harding also supported the approach presented. He hoped that the City's exceptional planning staff would also be an asset to the process with their expertise as they know Provo's needs best. *Presentation only.*

Administration

6. A resolution appropriating \$4,900,526 in the Airport Fund for the acquisition of land near the airport, applying to fiscal year ending June 30, 2020. (20-067) ([2:30:56](#))

Tara Riddle, Property Manager, presented. Ms. Riddle shared background details of the Durrant property near the Provo Airport. The final purchase price is \$165,000 per acre. Ms. Riddle outlined the earnest payment and closing costs. They would like to close on the property on or

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before June 1, 2020. Mr. Durrant has started terminating the agricultural leases on the property. Mr. Durrant will also be responsible for removing the environmentally sensitive items. The City as purchaser will remove remaining structures after tenants have been removed.

Steve Gleason, Airport Manager, highlighted additional reasons for the property acquisition. Activities currently taking place on the property present security risks for TSA as well as FAA violations. The airport has reached capacity for corporate hangars, so expansion in neighboring areas is advantageous. Mr. Gleason also noted that when the City purchases property for the airport, it can be used toward matching requirements for FAA grants. Mr. Gleason explained more background details about FAA grants and the City's matching requirements. Mr. Gleason also outlined the potential uses of this property in addition to a grant-match funding source.

John Borget, Administrative Services Director, shared background details regarding fund balance, which allows cities to build some savings or a buffer into their budgets to prepare for a rainy day (which could be a recession, lower revenues, natural disaster, legal claims, etc.). The State has placed upper and lower limits on fund balance. If purchased using fund balance, the City's fund balance would drop to 17% or to its fiscal year 2012 level. It could also possibly impact the City's bond rating. It would take several years to build the general fund back up to its current level, which could also set the City back financially in a recession or another unforeseen event. Mr. Borget shared some other potential funding sources: selling another property owned by the city, using fund balance for an outright purchase, or an interfund loan over 10 years from the Energy Department. Mr. Gleason added that the property would likely not generate revenue immediately, but they would want to get the property up and running for commercial leases, which would bring in several revenue sources through fuel, use, and leases.

Councilor George Handley commented that he was not comfortable using fund balance at this time and he would be more supportive of pursuing an interfund loan. In response to a question from Councilor Travis Hoban, Mr. Borget expressed reservations about using fund balance given the financial uncertainty at present. Mr. Borget noted that if the Council wished to pursue an interfund loan, that it would need to be set for a future date to be properly noticed.

Motion: George Handley moved to request staff to bring back a proposal for an interfund loan from the Energy Department to fund this land purchase and that the Council consider it in an upcoming Council Meeting. Seconded by Bill Fillmore.

Vote: Approved 7:0.

7. An update on the City Center Project. (20-013) (3:07:27)

Scott Henderson, project manager, presented. Mr. Henderson shared some of the unique characteristics and challenges of this project. Chief Jim Miguel, Provo Fire Department, shared background information on the fire station in central and downtown Provo. As density continues to increase downtown, the Fire Department would like to do their first-ever Provo Fire & Rescue Facilities and Staffing plan, to assess the needs of the growing community for fire services. As more growth occurs in west Provo, there are also impacts for the airport and broader community needs to consider. The Fire Department would be asking the Council to fund a study to

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determine the best locations for fire stations based on different growth and density patterns. Given the potential redevelopment of the downtown site, they believed they needed a fire station downtown, but wanted to ensure that it was located properly, realizing that a location slightly to the north or west may have implications for their future planning.

David Walter, Redevelopment Division Director, highlighted potential uses of the property downtown. Mr. Henderson invited the architect, Brent Tippetts of VCBO, to share further details on the facility design. In response to a question from Councilor George Handley, Mr. Tippetts addressed the sustainable elements of the building design and operation. Councilor Shannon Ellsworth asked about the exterior of the building and what pedestrian-friendly elements it featured. Mr. Tippetts shared more details about the access points, parking, and ADA accessibility. Councilor David Harding was concerned about a couple of areas which seemed cramped in the renderings. Ms. Ellsworth also shared comments on the open stairs concept, which she noted may not be well-suited to users wearing skirts or dresses. Ms. Ellsworth loved that the architects had added a parents' lounge. Mr. Tippetts and Mr. Henderson thanked the Council for their comments and feedback. *Presentation only.*

Policy Items Referred from the Planning Commission

- 8. A brief explanation and overview for the Municipal Council on the Central Corridor Transit Study. The Transportation and Mobility Advisory Committee is also invited to participate with the Council. (20-065) (3:42:10)**

Dixon Holmes, Assistant CAO, and Mary DeLaMare-Schaffer, UTA Regional Manager, presented. Ms. DeLaMare-Schaffer reviewed the ridership statistics for UVX. Before the coronavirus pandemic, they were regularly reaching over 12,000 boarding riders on average per day. Even during the pandemic, UVX has continued to serve critical populations, notably the non-student contingent of the community. Since transit projects are expensive, this Central Corridor Transit Study will identify future transit needs of Utah County, building on Mountainland Association of Governments' Regional Transportation Plan, the success and continuation of UVX, and existing transit service in the area. Ms. DeLaMare-Schaffer also noted the importance of working with cities for growth patterns and land use decisions that were mutually beneficial with transportation improvements. Councilors were supportive of the efforts and shared their comments to that effect. *Presentation only.*

- 9. An ordinance amending the Provo City General Plan relating to The Transportation Master Plan. Citywide Application. (PLGPA20200038) (4:01:24)**

Shane Winters, Traffic Engineer, introduced the presentation. Mr. Winters referenced the revisions to the Transportation Master Plan based on feedback from the Council. They wished to see whether the revisions sufficiently addressed the Council's concerns so that the master plan could move forward. Mr. Winters noted that the consultants have considered the Council's feedback and incorporated their comments, while not overhauling the draft plan entirely. Mr. Winters invited questions and comments from Councilors.

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Councilors shared comments including:

- Councilor Shannon Ellsworth was concerned about connectivity in south Provo, particularly the East Bay and southeast areas on opposite sides of the train tracks. Mr. Winters explained that the old city dump, railroad tracks, and the railroad switching yard present significant barriers to direct connectivity. Mr. Winters explained that any connection points would need to be grade-separated; due to having the switching yard, the distance makes that kind of project even more expensive. Mr. Winters noted that these same challenges exist for southward expansion of the Frontrunner. Although the east-west connectivity is difficult, he noted recent improvements in collaboration with UDOT on 300 South and the trail system on South State Street, which will help with north-south connectivity. He also noted that 1860 South was in good condition and no further improvements were planned there. Ms. Ellsworth registered her concern about connectivity, accessibility, and mobility for this area of the City; she simply worried that if it was not made a priority, the challenges would always exist.
- Councilor David Harding suggested referencing the bicycle master plan directly.
- Councilor Travis Hoban shared his concerns about the \$70 million line item for 820 North. He felt the data did not justify the expense to widen that section, as it is projected to have sufficient capacity even in 2040 and 2050. Mr. Hoban thought that the community would be more broadly supportive of a bridge over the train tracks, which would do a lot more to increase access in that area. Mr. Winters addressed Mr. Hoban's questions as well as some from other Councilors. The 820 North project has been split into three phases, to better illustrate the distinct elements of the broader project: the 900 West bridge replacement; widening 820 North from 500 West to Geneva Road in the sections outside of the bridge [to make the road consistently 3-lanes through this corridor]; and a grade-separated crossing for the railroads and UTA. The grade-separated crossing alone would cost between \$20 million and \$30 million.
- Mr. Hoban thanked Mr. Winters for clarifying the unique phases of the project. Mr. Hoban was still concerned about the exorbitant expense of the second phase to widen that corridor; he worried that this large funding allocation was not necessary based on data and he worried that the City would continue to make choices based on this inaccurate assumption. Even if the project were grant-funded, that would still represent an opportunity cost to the City of not having grant funds for other projects.
- Wayne Parker, CAO, shared some insight about the long-range planning process for the General Plan and transportation planning. Mr. Parker noted that as the City works on a rewrite of the General Plan, it would be a critical opportunity to reevaluate the transportation perspective embodied in the General Plan. Engineering staff offered additional clarification about the past process which brought the Transportation Master Plan to its current iteration, including impact fee and capital projects plans and studies.
- Councilor George Handley was interested in less specific language for some of the longer-term projects; he suggested that those ambitions be expressed more with policies and principles. His intent was not to compromise future projects and funding, but to acknowledge that priority of specific projects may change based on changes to the guiding principles employed by the City. Mr. Handley also felt strongly that the City needed to aggressively pursue and promote alternative modes of travel other than cars.
- Councilor David Harding noted that as Provo is the heart of Utah County, it would be

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important to find alternatives to 820 North for regional connectivity; it was important to keep the entire county in mind when considering transportation and connectivity in Provo, as there were implications for Provo's daytime traffic.

- Vern Keeslar, consultant with Parametrix, clarified that the 820 North project does not at this time contemplate a connection to I-15 or changes in land use/redevelopment; any of these factors would impact the accuracy of their modeling and projections.

Presentation only. This item will be brought back to a future Council Meeting.

Closed Meeting

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Adjournment

Adjourned by unanimous consent.

PENDING MINUTES

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PROVO MUNICIPAL COUNCIL

Work Meeting

12:30 PM, Tuesday, April 14, 2020

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

Agenda ([0:00:00](#))

Roll Call

The following elected officials were present:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor David Sewell
Councilor David Shipley
Councilor Travis Hoban
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Mayor Michelle Kaufusi

Prayer

The prayer was offered by Councilor David Sewell.

Business

1. A presentation from Provo Power regarding their 5-year Strategic Plan and their Action Plans. (20-066) ([0:11:15](#))

Travis Ball, Provo Power Director, presented. Mr. Ball shared projections and a timeline for resource generation for different energy sources. As resources and contracts expire, Provo Power hopes to move to more renewable sources. The Energy Board set a renewable energy goal for 50% by 2030. Mr. Ball shared additional details about the way energy resources are calculated and he shared specific examples of sources that are part of the City's energy portfolio. He noted that the cost-effectiveness of many renewable has improved drastically in recent years. Mr. Ball thanked the Council and Sustainability Committee who have been instrumental partners in moving toward this goal. Councilors applauded the advances of the Energy Department and the progress that has been made toward sustainability. Councilor Bill Fillmore asked whether the Energy Department would welcome a more aggressive goal set by the Council. Mr. Ball indicated that it was certainly the Council's prerogative to do so. **Presentation only.**

Administration

2. A presentation regarding the adoption of policies allowing for the use and establishment of Public Infrastructure Districts (PIDs). (20-063) ([0:44:58](#))

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Dixon Holmes, Assistant CAO, presented. Mr. Holmes shared background information about this item and the state law which recently created PIDs as a funding mechanism. Randy Larsen, Gillmore & Bell, gave additional insight into the political and legal parameters for PIDs. In response to a question from Councilor Shannon Ellsworth about what made this situation unique, Mr. Holmes shared context on the project. The site is a former landfill and the City is requiring improvements in the public right-of-way; a great deal of remediation is needed in order to make the improvements. Mr. Holmes explained that the developer would still pay all of the costs, but that this was a funding mechanism to make the process feasible, given the extraordinary costs associated with remediation of the former landfill. Mr. Holmes also explained that implementing a PID was a discretionary decision on the part of the city.

Brian Jones, Council Attorney, offered additional clarification. He noted that while this item was related to the golf course/medical school, it could be helpful for the Council to consider this in the context of a broader policy direction and criteria. Staff have evaluated the process for creating a PID. The Administration's intent is to create an internal directive or policy that describes the process by which they will accept and review applications to later bring to the Council for approval. There is not a decision point for the Council at this time; they wished to get feedback from the Council about the process of a PID. Mr. Jones clarified that they are operating from the assumption that state law authorizes the City to create PIDs; they are not presuming a certain position or receptiveness of PIDs on the part of the Council. Simply put, if a request comes to the City, it is helpful have a sense of what process was in place. Ms. Ellsworth noted that there are thousands of special service districts in the state which have very little oversight—what made a PID different and what kind of oversight, accountability, and transparency a PID would have? Mr. Jones explained that part of any formal request would include the governing documents for the proposed PID, which would provide oversight.

Mr. Larsen added that a PID is different from a special service district—it doesn't have operation and maintenance expenses, zoning or permitting functions, or set fees; it is simply a legal mechanism to set a property tax and once paid off, it goes away. A PID creates separation from the City and places liability for the debt on the PID. It is a unique type of entity with limited abilities: to charge the authorized level of property tax, issue bonds, and repay bonds.

Several Councilors expressed that this seemed like an appropriate tool for the medical school. However, many were concerned if this became a frequent request. Mr. Jones clarified that the Council is already authorized by state code to create a PID, but the discussion was raised in case the Council wanted to create a more formal policy. Mr. Holmes explained that a PID request would be much like a Planning Commission item in that the administrative staff would review it and bring a recommendation to the Council. Having any criteria in place before applicants approach the City is helpful for the Administration so that they can review applications against any predetermined City standards. *Presentation only.*

Policy Items Referred from the Planning Commission

3. An ordinance amending Provo City Code to establish a Critical Hillside Overlay (CH) Zone. Citywide application. (PLOT20200077) ([1:07:41](#))

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Brandon Larsen, Planner, presented. He aided the Foothills Protection Committee in the drafting of this ordinance. The committee studied Salt Lake County's FCOZ (foothills and canyons overlay zone) and examples in other Utah jurisdictions in creating legislation appropriate to the needs of Provo's foothill region. Mr. Larsen outlined elements of the Critical Hillside Overlay Zone (CHOZ), including slope protection requirements, ridgelines, detention basins, streets, trail and trailhead dedications, tree and vegetation protection, design standards, and rights-of-way.

Councilors asked questions and shared comments, including:

- Councilor Shannon Ellsworth appreciated the attention to aesthetics; she suggested that this should be done throughout the City and not just in foothill areas. She noted that the Bureau of Land Management specifies colors of buildings, pipelines, etc. in their visual resource management plans so that those elements blend in with the surrounding landscapes. She also suggested editing language in the ordinance so that it was gender-inclusive (e.g., human-made).
- Regarding the possible rezone of areas which have not yet been annexed into the City, Mr. Larsen explained that staff would be bringing a future General Plan amendment which would address the policies for future annexations. Land in this general area would typically be annexed into the city as part of the CH overlay. Bill Peperone, Development Services Director, suggested that a reference to this effect would also be helpful on the annexation policy map in the General Plan.
- Ms. Ellsworth also shared comments on the feel of the built environment; Mr. Larsen clarified that some requirements are contingent on the building code. Ms. Ellsworth suggested that retaining walls have steps at 4 feet instead of 8 feet, which creates a cave-like feel for ground floor dwellings; stepped walls would allow for more natural grading.
- Ms. Ellsworth also suggested that trail planning should also involve the long-range planning division, in addition to the parks and recreation staff and engineers. She noted an abundance of photos emphasizing lawn and turf; hopefully native plantings can be encouraged and emphasized instead. She also noted that large power poles have been excavated around the base, creating eyesores in developments in the foothills. She felt this was a development pattern which should not be continued.
- Councilor David Harding asked about the timing and whether the Council could take a few more weeks to solidify the items in question. Councilor George Handley explained that the committee hoped to pass legislation before April 29 in order to have it passed within the six-month window of time for pending legislation.
- Mr. Harding shared comments on several illustrations of cluster development as having photos and visuals of what was or was not allowed was very helpful.
- Councilor Bill Fillmore thought that Ms. Ellsworth had made some great suggestions for refinements to the ordinance; he wondered how best to incorporate these into the ordinance within the necessary time frame. Mr. Handley felt these items could be incorporated in time to bring them back to the Council Meeting the following week.
- Several Councilors had questions related to the boundaries of the CHOZ area; Mr. Larsen suggested these questions could be raised during the presentation of the next item.
- Mr. Handley asked Mr. Larsen to elaborate on the process for getting input and feedback from property owners and the broader community. Mr. Larsen explained that comments varied; many people were supportive of these foothill protection efforts. Others were concerned about the impacts to properties included in this designation. Bill Peperone,

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Development Services Director, explained the challenges with public feedback; there are always going to be people who are late to the process and felt that they did not have adequate time to voice their concerns. He noted, though, that there were many thoughtful comments presented at the Planning Commission hearing.

- Mr. Handley clarified that this was not meant to be an exhaustive ordinance for protection of the foothills; it was one piece of the broader foothill protection efforts and intended to be a rigorous set of standards in the critical hillside areas that already exist. He noted that there will still questions related to the broader foothill area, including areas outside of city boundaries which may be considered for annexation, Provo and South Fork Canyons, and broader discussions of the future General Plan overhaul.
- Mr. Peperone explained that some language would be added to the General Plan map to better communicate the intent to the public, by designating what land was under federal versus private ownership. Gary McGinn, Community and Neighborhood Services Director, added some comments about the annexation policy discussion.
- Councilor David Sewell asked about property owners whose property crosses the boundary of the proposed CHOZ designation. He wondered whether it would make it less confusing to adjust the boundary line for these properties where there was not a significant elevation difference or change. He acknowledged the advantage of using a uniform height standard for the area, but he thought it was challenging where specific properties were impacted and it could be confusing to property owners.

Presentation only. This item was already scheduled for the Council Meeting on April 14, 2020.

4. An ordinance amending the Zone Map classification of multiple East Bench properties to include them in the Critical Hillside Overlay (CH) Zone. Citywide application. (PLRZ20200078) ([1:53:02](#))

Brandon Larsen, Planner, also presented this item. He explained that the 4875' elevation was a key boundary in this proposal because this relates to the City's ability to provide water. Mr. Larsen explained that they have also tried to illustrate the division between private and public land; they tried to include all privately owned with exception of BYU property at the Y trailhead.

The Planning Commission had concerns about some other foothill areas in Provo that were not included. Mr. Larsen explained the challenges to objectivity; the 4875' elevation and distinction between private and public property helped to make the result more objective. He also explained the challenges with mapping. For instance, the Utah State Hospital parcel actually extends far into and up the mountainside; they did not want to include all of this area, so the elevation of 4750' was used to cut through the Utah State Hospital property. Approximately 2060 acres were included in the proposed boundaries after adding additional land recommended by the Planning Commission, however owners of the added properties did not receive notices as other property owners did prior to the Planning Commission hearing.

Mr. Larsen shared a map showing a bird's eye view of the proposed zone boundaries. He addressed a question from Councilor David Sewell, noting that it was a challenge for individual property owners trying to refer to this broad map. Mr. Larsen worked closely with Rachel Luke, Rock Canyon Neighborhood Chair, to create some maps that would be of more utility to property owners so they could see how their specific property lines would be impacted. Mr. Larsen

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Councilor David Harding asked if there was any concern about whether the land east of the Utah State Hospital was at risk of future development. Staff clarified that the slope requirements in Title 15 of Provo City Code restrict development in those areas. Councilor Shannon Ellsworth suggested that since the state hospital parcel is such a large tract of land, that development guidelines for that area would be critical. She suggested that perhaps the City should make a blanket statement about federal public land being largely protected if it became part of the city. Mr. McGinn would be addressing these issues in the work his department was bringing back. ***Presentation only. This item was already scheduled for the Council Meeting on April 14, 2020.***

5. An ordinance amending the Provo City General Plan relating to the Transportation Master Plan. Citywide application. (PLGPA20200038) ([2:22:20](#))

Shane Winters, Engineer, presented. Mr. Winters welcomed several staff members and consultants who were participating in the discussion. They hoped to address various comments and feedback they received regarding the Transportation Master Plan (TMP). Mr. Winters shared the two main concerns which had been raised: mobility issues with 820 North and exploring additional mobility throughout the City. He explained that they have proposed adding an additional section to the TMP to memorialize and specifically identify the additional studies and information which has been requested for the future. They wanted to ensure that they continue to look at very valid points raised by the Council. The additional studies table was created based on comments or additional studies that were suggested to them, including an I-15 Provo North Interchange Study by UDOT, Provo Travel Demand Modeling study, 2230 North Corridor study, and an 820 North Railroad crossing study.

Mr. Winters acknowledged other suggestions received regarding 600 South, 500 North, and 900 South and introducing additional connectivity in these areas of the City. He explained some of the complications with adding additional connectivity in the City; they recommend completing a Provo Travel Demand modeling and see what that does—anything that is added to the map will change the current volumes shown on the map. The city engineers wanted to have better information about the impacts for overall connectivity and mobility, so they could make informed decisions with the proper context sensitivity.

Councilor George Handley asked about the plans for 1450 East in the Oak Hills area and the connector street proposed in 2025. He had concerns about adding this connector, as it would encourage more traffic on a road that already has serious safety concerns. He wondered whether it would be better to put mitigation measures in place first, evaluate the impact, and then decide on the connector. Mr. Winters acknowledged that they have had both positive and negative feedback on the mitigation measures; the neighborhood struggled to come to an agreement about mitigation measures and it has been challenging to reach a consensus. Mr. Winters shared more details on the traffic counts they did on 1450 East; their projections show that making the connector would not increase traffic counts significantly but would provide mobility which was

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Councilor David Harding appreciated the efforts of the city engineers; they have been very responsive to concerns and questions raised by the Council. He sees the wisdom in the path forward with identifying future studies, but he was concerned that development coming in the near future along 600 South will make it more difficult to incorporate appropriate connectivity in the future. He hoped that development in the interim would not complicate possible connections. Mr. Winters noted that if there was a high priority for certain studies, they can move those forward; it would be driven by the Council's rating of its importance. Councilor Travis Hoban also thanked the engineering team for their responsiveness in identifying creative ways to accomplish these questions and goals. Mr. Winters also addressed questions about 820 North and the proposed bridge. They wanted to make sure the bridge is a project that moves forward, as it is a critical project they need to address. ***Presentation only. This item was already scheduled for the Council Meeting on April 14, 2020.***

Business

6. A discussion regarding a policy statement asking the Administration to pursue alternative fuel vehicles where possible when purchasing new vehicles for the city's fleet. (20-075) ([2:46:15](#))

Council Chair George Handley introduced this item. Mr. Handley shared a draft policy, which was designed to allow enough flexibility that the City could meet their operational needs:

Whereas as the Provo City Council, we are guided by the principles of our General Plan related to the stewardship of natural resources and of our quality of life. For this reason, we believe it is our responsibility to promote policies that will specifically contribute to improved air quality in Utah Valley.

Therefore, going forward, the policy of Provo City, when replacing automobiles and other fleet vehicles, is to purchase electric and other alternative fuel vehicles rather than standard gasoline or diesel vehicles, where not imprudent.

We request the Administration report to the Municipal Council annually on the application of this policy.

Wayne Parker, CAO, responded to Councilors' questions about the City's fleet. Some operations are not practical applications for electric vehicles, such as large trucks, dump trucks, and snowplows. There is some terrain in the City that is steep and dangerous to safely ascend or

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descend in an electric vehicle. Mr. Parker acknowledged that as technology improves, costs decrease, and the availability of alternative fuel improves, more options were becoming available to them. He said that in the annual report, the Administration could share their rationale behind each vehicle acquired. Mr. Parker also shared examples of where electric vehicles were working well and other areas of the City organization that could incorporate electric vehicles.

Councilor Shannon Ellsworth asked whether the policy would change anything for the Administration. Mr. Parker said the annual report was a new element and he suggested that they would incorporate the hierarchy into their requisition process. Councilor David Sewell asked whether the Administration had any estimates on the fiscal impact of this policy, as he did not want it to present an undue burden and wanted to be sensitive to budget needs. Mr. Parker shared more detail on the analysis they will conduct; the capital cost is just one factor. They also look at the vehicles' operations and maintenance, efficiency, miles per gallon, etc. All these elements are factors in the lifecycle decision, practicality, and total cost of ownership. They already generally approach things this way, so this policy will simply formalize that process. If a vehicle purchase is not cost-effective or prudent, they will simply need to define why that was the case.

Motion: Bill Fillmore moved to adopt the policy statement. Seconded by David Sewell.

Vote: Approved: 7:0.

7. Ordinances amending Provo City Code regarding beer regulations to streamline it and bring it into alignment with state regulations (20-076) and amending Provo City Code regarding beer licenses and regulations to create a Class "F" license. (20-057) ([2:57:41](#))

Brian Jones, Council Attorney, briefly presented the changes and invited questions from the Council before ceding the time to the committee members to share their proposals. Councilor Bill Fillmore asked a series of clarifying questions about the proposals; he felt the cleanup ordinance was prudent, but he had concerns about the second portion of the proposal. Mr. Jones explained that the Class F license was new and applied specifically to brewpubs. He suggested that when the ordinance was passed, that the Council should articulate the difference between restaurants and brewpubs in the preamble. Mr. Jones indicated that there were no demographic or geographic restrictions on alcohol licensing besides what was in State code. Mr. Jones explained that since this was related to licensing, it was not the same situation as land use laws where property owners may have vested rights.

Councilors shared other questions and comments, including:

- Councilor Shannon Ellsworth was partial to having the other restrictions in place before approving the F license; she wanted businesses to be fully aware of the limits in place so they had accurate expectations.
- Councilor David Sewell offered clarification on what the committee recommended; the committee was unanimous in wanting to have the Council hear the two proposals and in their recommending approval of the cleanup ordinance. However, the committee was not unanimous in recommending adoption of the brewpub ordinance.
- Gary McGinn, Community and Neighborhood Services Direction, suggested that due to the lengthy process of obtaining state and federal licenses for brewing, the Council would likely have time to put the additional restrictions into place in the interim.

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- Councilor David Harding referred to the previous direction from the Council on timing; the deadline for referendums meant that anything passed after April 15 that was brought to a referendum would not appear on the ballot until November 2021. He and others were concerned about dragging out the process for that long. Mr. Harding also desired to have a timely response to the interest of a restaurant owner in the community. Mr. Harding thought the cleanup ordinance was straightforward and that the class F license was consistent with the charge given the committee.
- Councilor David Sewell expressed that his preference was to regulate alcohol outlet density at the same time as the licensing component, however the committee felt that they did not have time to prepare that proposal in time to meet the deadline set by the Council.
- Mr. Jones added that another option could be for the Council to approve the class F license before April 15 in order to meet the deadline for referendums, but to stipulate an effective date for later in the year; the additional regulations would be approved before that effective date. He noted that this was an idea and the committee had not made any formal recommendation on this approach. Mr. Fillmore said that this addressed his concern about a restaurant owner acquiring quasi-vested rights by obtaining a license before the referendum results, if the licensing provision were then to be overturned. Mr. Jones noted that part of the indeterminate nature of this proposal was because the committee first wished to see if there was consensus around additional regulation.
- Mr. Sewell thought it would be important to determine whether a Council majority wanted to explore density regulation. He was interested in doing so, based on recommendations from the CDC.

Motion: David Sewell moved that the Council instruct the Alcohol Licensing Committee to explore regulation of alcohol outlet density and bring back a recommendation. Seconded by George Handley.

Mr. Fillmore suggested that the committee explore demographic or population-based restrictions, as well as density/proximity limitations. He felt Provo was a unique city with unique needs and he thought it would be prudent to explore regulation that went beyond national norms. Mr. Sewell clarified that the CDC did not actually recommend a specific density, just the recommendation that it be regulated. The CDC highlights three ways to do so: by population, distance, or a more sophisticated gravity-based model. Mr. Handley was not comfortable making a motion as specific as what Mr. Fillmore suggested; he felt that first the Council should determine whether a majority wanted density regulations and then the committee could return with specific proposals. Mr. Fillmore expressed that he did want to address the question of a delayed effective date. Mr. Sewell indicated that was a separate issue that could be addressed at the Council meeting that evening. Ms. Ellsworth asked whether alcohol outlet also meant restaurants; several Councilors expressed that they were not interested in additional restrictions for typical restaurants that serve alcohol. Councilor Travis Hoban asked whether this motion was specific to the F license; Mr. Harding asked that the committee have flexibility in exploring that.

Vote: Approved 4:3, with David Shipley, Travis Hoban, and Shannon Ellsworth opposed.

This item was already scheduled for the Council Meeting on April 14, 2020.

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8. A discussion regarding Council Budget Priorities for Fiscal Year 2020-2021. (20-007) ([3:44:25](#))

Cliff Strachan, Council Executive Director, presented. Mr. Strachan shared background information on the State's budget and special legislative session, impacts to property and sales tax, and various considerations with the coronavirus pandemic. He indicated that the intent of this discussion was for the Council to determine what priorities or principles they wanted to see reflected in the Mayor's proposed budget. Mr. Strachan shared a list of the priorities set by the Council at their priority retreat:

Values:

- Healthy environment
- Responsible government
- Thriving commerce
- Vibrant community

Priorities:

- General Plan/Vision
- Inclusive outreach/community-building
- Enhance gateways to the City
- Research park – economic incubator
- Housing sustainability
- Natural amenities: Plan, Preserve, Promote

The Administration has been doing a lot of work with the Council's priorities and supplemental requests to present a balanced budget. Due to the impacts of the pandemic, they anticipate a budget gap of \$1.4 million in fiscal year 2020 and \$2.4 million the next year. Wayne Parker, CAO, shared their concerns about the status of the budget for this and next year. The Mayor continues to meet with department directors to explore solutions for the shortfall. They have identified six general areas with opportunities for cost reductions:

- Employees and compensation (hiring freezes, wage freezes, and employee benefits)
- Global or across-the-board cuts (a certain % or certain categories like travel and training)
- Capital-to-operations (generally not a sound budget principle, but using one-time money to cover some areas could help for the short-term)
- Position reassignments (there may be some areas where certain positions could be reassigned to be grant-funded)
- Longer-term solutions (exploring long-term solutions such as efficiency analyses, privatized operations, retirement incentives, or other savings opportunities)
- Use of the rainy-day fund

Mr. Parker noted that there have been a large proportion of delinquencies on utility bills in the last few weeks. Councilor George Handley was concerned about delinquencies; he wanted to find ways to support community members who were experiencing financial challenge with making ends meet. He wondered whether the City had a policy to be lenient on those deadlines; obviously utility revenues were critical to the City as well, but he did not want to use this against residents struggling financially during the pandemic.

Mr. Parker asked for any feedback the Council had on the six general areas the Administration identified. Mr. Parker noted that the Administration did not want to cause undue alarm among City employees and the broader community, so they would continue to explore solutions internally in order to identify their highest priority. Councilors shared comments, including:

- Councilor David Sewell suggested that with personnel, it was better to start with attrition before making cuts. If wage freezes were necessary, they should be relatively short-term.

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He also thought trying to keep full-time employees and reducing part-time and seasonal positions would be better where possible. Councilor Bill Fillmore echoed this sentiment.

- Councilor David Harding wanted to be sure that any actions taken now would not set the City back too far in the future.
- Mr. Handley was grateful for the City's past prudence in shoring up the fund balance. He thought it was important to keep this option in consideration, as these were unprecedented times and could be an appropriate time to utilize this resource. ***Presentation only.***

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.

Motion: Bill Fillmore moved to close the meeting. Seconded by Shannon Ellsworth.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval

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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, April 21, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Councilor Travis Hoban
Councilor David Sewell
Councilor David Shipley
Mayor Michelle Kaufusi, arrived 12:15 PM

Prayer

The prayer was given by Councilor Travis Hoban.

Business

1. A discussion regarding gathering neighborhood feedback on land use applications. (20-078) (0:10:21)

Karen Tapahe, Council Community Relations Coordinator, presented. She reviewed how the program operates to obtain feedback from neighborhood residents on land use items. During the pandemic, receiving feedback in the traditional manner has not been possible. Council staff have proposed utilizing Open City Hall as a digital platform to obtain neighborhood feedback. Ms. Tapahe shared an example of a typical project proposal and what residents would see. This would also be an easy process to continue even after the pandemic; the proposal was considered previously to relieve neighborhood chairs from having to coordinate frequent meetings on development proposals. There is also an added benefit of being able to reach residents who may be unable to attend a specific meeting, as there is a longer window for submitting comments.

Councilors briefly discussed the proposal. Councilor Shannon Ellsworth thought that this process could offer better transparency. Both departments that handle land use applications had favorable feedback about using Open City Hall for neighborhood feedback; it would allow for more consistency in what is presented to residents as well as the nature of their feedback. Councilor George Handley asked Ms. Tapahe to illustrate the process step-by-step. Ms. Tapahe indicated

Pending minutes – awaiting approval

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Motion: Bill Fillmore moved to authorize staff to exempt planning proposals from the policy for Council approval of Open City Hall topics, to post these planning topics as they arrive, and to report back to the Council with the results as usual. Seconded by Shannon Ellsworth.

Cliff Strachan, Council Executive Director, addressed a concern from Councilor David Harding about the policy for the Council to review Open City Hall topics. Council Chair Handley then called for a vote on the proposed motion.

Vote: Approved 7:0.

Policy Items Referred from the Planning Commission

2. **A discussion regarding updates to an ordinance amending Provo City Code to establish a Critical Hillside Overlay (CH) Zone. Citywide application. (PLOT20200077) ([1:43:02](#))**

Brandon Larsen, Planner, presented. Due to an issue with the legal noticing of this item, it would not be coming to a Council Meeting until mid-May. Meanwhile, however, staff wished to share an update with the Council. Bill Peperone, Development Services Director, highlighted several revisions (retaining walls and ridgeline requirements) which would be added based on committee discussion and Council feedback. Mr. Larsen and Mr. Peperone invited any additional comments or concerns from Councilor. Councilor Shannon Ellsworth asked for further clarification on what the ordinance says regarding power lines. Mr. Peperone indicated that Provo Power does not permit construction underneath its power lines. Larger connecting lines, typically owned or operated by regional utilities, typically had vertical setbacks in the foothill areas. Council Chair George Handley thanked staff for their efforts in preparing this ordinance. **Presentation only.**

Administration

3. **A discussion regarding the FY 2020-2021 budget. (20-007) ([0:35:17](#))**

Pending minutes – awaiting approval

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Wayne Parker, CAO, introduced this item. The Administration wished to come to the Council with a policy discussion about the budget given the unique circumstances of the coming fiscal year. The full financial implications of the pandemic are still unclear. Due to the impacts to businesses, utility consumption in commercial sectors was down. Mr. Parker explained the challenges with protecting revenue while responsibly conducting services in city facilities. The budget planning process is particularly complicated by the uncertainties of the pandemic, as many of the projections and estimates used for financial planning at the City are in a more fluid state at present (such as utility usage/revenue, building permits, etc.). The restoration of the economy to its previous levels will take some time and happen much more gradually.

In the meantime, Mr. Parker explained they were trying to define the economic changes, estimate the length and pace of needed recovery, and were discussing procedures with other agencies to understand the available resources and how others have been impacted. Mr. Parker also explained that the Administration hoped to identify several strategies for bringing the budget into balance, along with the associated pros and cons of each approach. Next, they planned to work with department directors to identify potential solutions in their respective department budgets. Overwhelmingly, department directors favored a more surgical approach that would be sustainable in the long-run and would preserve full-time employment.

Mr. Parker invited discussion with the Council. Councilor David Shipley asked about the forecast for sales tax; Mr. Parker indicated that the Amazon sales tax collection took effect last October and they hoped that it would continue to provide a substantial benefit to the City. Regarding the use of fund balance, Mr. Parker noted that the City was in a good position with its savings, but that using a lot of fund balance would have an impact to the City's bond rating and future financial options. Councilor Shannon Ellsworth asked whether the City could expect any stimulus relief from the federal government. Mr. Parker said the City has received a one-time increase in CDBG funds, which would largely be used to supplement needs of the business community in disadvantaged areas. Councilor George Handley was concerned about negative ramifications for the City's public safety operations and hoped that they would not be impacted by the budget shortfalls. Councilor David Sewell suggested that the City plan for at least two years of significant budget impacts since the situation was currently so uncertain. In response to questions from Councilor Bill Fillmore, Mr. Parker highlighted the City's typical financial review process. Mr. Fillmore thanked the Administration for their thoughtful and thorough approach. Councilor David Harding wondered if there were a way to hold off on some of the Council's budget priorities until the City had a better sense of the financial forecast. Mr. Parker shared that during the 2008 recession, the Council adopted a 'thaw' list as part of the budget, which prioritized the reintroduction of items back into the budget as revenues and funds allowed. Mr. Handley thanked Mr. Parker and the Administration and indicated that the Council would be prepared to thoughtfully respond to their forthcoming budget proposal. ***Presentation only.***

4. An Administrative update. (20-079) ([1:53:51](#))

Mayor Michelle Kaufusi shared an administrative update with the Council. She reiterated Mr. Parker's comments regarding the budget planning process and the great cooperation of the department directors in the process. They planned to begin with a conservative budget that could be expanded if necessary later on, but the intent was to err on the side of caution initially. Mayor

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Kaufusi said that many large events in Provo and the Utah Valley have already been cancelled for the upcoming summer. All of this would have economic impacts on the community. She has been in contact with the Governor and other Utah mayors frequently during the pandemic, assessing steps to reopen and precautions which should be in place. A couple Councilors shared comments on the pandemic and the reopening guidelines as they applied to City facilities. Mayor Kaufusi noted that as testing has increased, there was a commensurate increase in infection rates as well. She was following closely the Governor's recommendations and hoped that in May there would be more developments for reopening. ***Presentation only.***

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. ***None requested.***

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval

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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, May 05, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

Agenda ([0:00:00](#))

Roll Call

The following elected officials participated:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor David Sewell
Councilor Travis Hoban
Councilor Shannon Ellsworth
Councilor David Shipley
Councilor Bill Fillmore
Mayor Michelle Kaufusi

Prayer

Councilor David Shipley offered the prayer.

Approval of Minutes

January 21, 2020 Work Meeting
March 5, 2020 Council Retreat
Approved by unanimous consent.

Business

1. A discussion regarding beer licensing regulations and density restrictions. (20-077) ([0:16:18](#))

Councilor Shannon Ellsworth shared an overview of her proposal regarding the Class F license. Ms. Ellsworth shared information and recommendations from the Brewers Association and American Planning Association. She outlined the restrictions in her proposal, which were even more restrictive than she preferred but represented a compromise. She outlined each of the restrictions with the accompanying data that informed the recommendation:

- Employees under 21 cannot work as brewers or participate in brewing process (this is already a requirement under state law)
- Upper limit to production of no more than 15,000 barrels per year (one barrel = 31 gallons). This was recommended by the APA and would ensure that manufacturing was

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indeed an ancillary use remaining subordinate to the primary restaurant use. In response to a question from Councilor Bill Fillmore, Ms. Ellsworth indicated that her intent was to indicate (perhaps in the definition of a brewpub) that this production was limited to onsite sale for those who dined on-premises.

- Prohibit all outdoor equipment and storage for brewpubs (an APA recommendation)
- Area used for brewing, bottling, and kegging should not exceed 30% of total floor area of commercial space; this was a pretty typical regulation and similarly worked to ensure that manufacturing and production were an ancillary use. Since storage would need to be indoors, she wanted to allow flexibility up to 30%.
- Require minimum separation between similar uses, not less than 200 feet, except in manufacturing zones, and permit no more than three Class F licenses per single incidence of a zone, excluding manufacturing. (Both numbers—200 feet and 3 licenses—could be further discussed or refined). 400 feet was a typical city block in Provo.
- The facility must have off-street or alley-accessible loading dock. Service truck loading and unloading would be restricted to the hours between 8 AM and 8 PM.

Councilors discussed the provisions. Councilor George Handley liked these restrictions as they were accompanied by clear rationale and precedents. He was concerned if the distance could still permit several brewpubs in close proximity. Ms. Ellsworth expressed her concern about being too restrictive downtown if it created issues for the Riverwoods or the mall. Councilor Bill Fillmore was interested in getting more data with which to make this decision. Ms. Ellsworth shared details from Springville's criteria; the population density-basis seemed more arbitrary, but the distance provision seemed to be more straightforward. Ms. Ellsworth noted that her proposals only applied to what makes the Class F license distinct.

Councilor David Harding outlined his proposal. Mr. Harding reviewed the basics of local consent, which the Council had previously delegated to the Mayor. He proposed a reevaluation of the local consent policy to consider alcohol outlet density as a deciding factor in granting licenses. Councilors George Handley and David Shipley were both disinclined to revisit local consent; they were not aware of existing issues with the current local consent policy. Mr. Shipley felt that the City needed a straightforward approach for the Class F license. It seemed problematic for the Council to review every single application for a restaurant or alcohol license, as it could create a chilling atmosphere for local business and unnecessarily raise contention in the community. Mr. Shipley noted that Provo already had a cap on bars—one per 60,000 residents. He thought the CDC data on bars might be more generalized and not necessarily appropriate to Provo. Mr. Shipley expressed his support for the basic regulations on brewpubs as outlined by Ms. Ellsworth. Ms. Ellsworth noted that there was not a problem with restaurants in Provo. The Planning Commission was trying to move away from doing routine administrative work; with a strong process in place, staff could make consistent, informed decisions allowing policymakers to focus on more significant issues. She reminded the Council of advice from Bill Hultstrom, United Way of Utah County CEO and President, at the Council retreat—he advised creating a process and then trusting the process. Ms. Ellsworth did not think the Council should micromanage every application; they should move forward with a proposal that was well-defined, intuitive, and addressed the problem at hand (of regulating the Class F license).

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Councilor David Sewell suggested that any Councilors who haven't, should read the CDC guide for Measuring Alcohol Outlet Density. He felt that the CDC shared convincing rationale for the importance of measuring and tracking alcohol outlet density, as well as several methods for doing so. Mr. Fillmore expressed his appreciation to the Committee for their work and for the rationale they provided for their proposals. Mr. Harding shared issues he found with each of the restrictions that Ms. Ellsworth had proposed.

Ms. Ellsworth asked what additional refinement the Council as a whole wished to see and she wondered whether that could be accomplished by the subcommittee. In response to a question from Mr. Handley about regulating density, Brian Jones, Council Attorney, clarified that the State regulates alcohol licenses based on the distance from specified public amenities such as a park or religious institution. Mr. Fillmore felt that the Council still needed to continue to discuss the proposals in Work Meetings. Mr. Handley asked whether the subcommittee had obtained sufficient feedback to return to their discussions at the committee level. Mr. Harding was interested in talking to business owners in affected areas, as well as working with GIS to model some sample densities. Ms. Ellsworth felt that with two tracks of thinking (one proposal to regulate only Class F licenses, while the other would regulate bars, brewpubs, and restaurants), that the Committee needed more focus or clarity. Cliff Strachan, Council Executive Director, indicated that Hannah Salzl, Policy Analyst, could work with the Council to gather feedback about the two specific proposals which could be shared with the committee. **Presentation only.**

2. A discussion regarding the Council Code of Ethics and the use of social media during Council meetings. (20-082) ([1:24:48](#))

Cliff Strachan, Council Executive Director, introduced the discussion. Mr. Strachan referenced the Utah League of Cities and Towns' training on the ethics act and indicated that the Council had the option of adopting a formal ethics policy into the Council Handbook which would indicate that the Council would work with the City's Human Resources department to complete the annual conflict of interest disclosure.

Motion: David Sewell moved to adopt the following statement and to insert it at an appropriate place within the Provo City Municipal Council Handbook as the policy of the Council, applicable to Council members, the Municipal Council Executive Director and full-time employees in the Council Office: *"The Municipal Officers' and Employees' Ethics Act" (Utah Code §10-3-1301 et seq.), applies to municipal councilors and the municipal council's staff. The Council considers it a best practice to revisit and remind the councilors and council staff of the limits and responsibilities of our unique positions. It is the policy of the Provo City Municipal Council that every Council member, the Municipal Council Executive Director, and all full-time employees of the Municipal Council complete and file annually with the City the Administrative Code of Ethics and Conduct and the Gift & Conflict of Interest Disclosure forms provided by the Administration generally to city officers and employees.*" Seconded by Bill Fillmore.

Vote: Approved 7:0.

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Brian Jones, Councilor Attorney, introduced the second half of the discussion. He reiterated that there was already an established process for the Council to receive public comments as part of the formal record of the meeting. Recently, activity on social media and YouTube comments have raised some issues. Staff recommended that Councilors not engage in social media regarding Council business while Council meetings were underway. Council Chair George Handley asked for clarification about whether it would be appropriate to communicate with staff regarding a question related to the meeting using text messages. Mr. Jones advised that if staff shared information that influenced the Council's deliberations, it would be best to officially read that information into the record.

3. A discussion regarding Provo City's goal of renewable energy. (20-043) (1:50:31)

Council Chair George Handley presented. In discussions with Travis Ball, Provo Power Director, he has said that a goal of achieving 60% green, renewable, and no-carbon sources by 2030 was both a realistic goal, but also one that would help the City to stretch. Mr. Handley highlighted information from Mr. Ball's memo on what qualified as different sources to meet the specific criteria stated in the goal. This is part of the City's larger approach to sustainability. Several Councilors discussed the need to formulate a broader sustainability plan for the City. Brian Jones, Council Attorney, indicated the Council could implement this policy in one of several ways; he noted that resolutions were typically better to indicate the City's position to outside entities. The Council handbook would also be an appropriate place to adopt this type of policy.

Motion: Bill Fillmore moved to adopt into the Council handbook, and refer to the Energy Board, a goal of achieving 60% green, renewable, and carbon-free power sources by 2030. Seconded by Shannon Ellsworth.

Vote: Approved 7:0.

Administration

4. 2020-2024 Five-Year Consolidated Plan and First Year Action Plan (PY2020) Approval of CDBG & HOME funding recommendations. (20-080) (2:00:17)

Dan Gonzalez, Management Analyst, presented on upcoming projects for CDBG, CDBG Public Services, and HOME. Mr. Gonzalez shared more details on a few notable projects:

- Use of CDBG to fund one code enforcement officer who would focus on code inspections and enforcement in several CDBG-eligible neighborhoods
- Repayment of Section 108 loan for Duncan Aviation construction
- Grant to Utah Regional Housing to facilitate projects with their Community Land Trust
- Down-payment assistance projects
- Administrative costs of administering programs, as permitted

Mr. Gonzalez responded to questions from Councilors. Councilor Bill Fillmore asked about the formula used to divide CDBG funds between different agencies. Mr. Gonzalez explained that the recommendations for projects were determined by a committee for each funding source. The CDBG-related funds were allocated to projects in Provo. The HOME Consortium was comprised

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of several agencies, of which Provo was the lead entity, and funds were allocated to Orem, Utah County, and Provo, with input from each member entity. Councilors were interested in who was on the committee for each entity; Mr. Gonzalez did not have a list of participants with him, but he indicated that there were some neighborhood chairs, local business owners, and non-profit organizations involved. Mr. Gonzalez also answered questions regarding the COVID-19 funding received by CDBG. Keith Morey, Economic Development Division Director, was also present and clarified some of the criteria associated with the COVID-19 funds. ***Presentation only. This item was already scheduled for a public hearing at the Council Meeting on May 5, 2020.***

5. Small Business Loan Program in response to COVID-19. (20-081) ([2:42:48](#))

This item was presented by Keith Morey, Economic Development Division Director; David Walter, Redevelopment Division Director; and Dixon Holmes, Assistant CAO. They outlined a general format for a small business loan program which could help existing businesses continue to succeed and grow, despite financial setbacks that many may have experienced as a result of the pandemic. They have tried to structure the program to benefit businesses in many areas of the City, not just the CDBG-eligible areas. Councilors asked questions and discussed the proposal:

- Councilor Shannon Ellsworth shared her concern about the potential opportunity costs of using funds for non-CDBG areas.
- Councilor George Handley appreciated the creativity of this solution; he did not think it made sense to retain funds for redevelopment when existing business sectors were struggling. He thought that the principles identified demonstrated appropriate caution.
- Several Councilors asked for more clarification on what the vision was for the program. Most Councilors voiced some concerns with having the loans be forgivable, the liability for the City, and a general desire to target resources for businesses that had a better chance of remaining viable in the long run. With forgivable loans, there would be a lot of applications no matter what.
- Councilor Bill Fillmore suggested that the terms of the loan could be very favorable, but still require some accountability from the borrowers.
- Councilor David Shipley suggested a payment deferral program.
- Councilor David Sewell suggested implementing a low interest rate and deferring the initial repayment.
- Councilor David Harding suggested a matrix factoring in the number of employees.

Mr. Holmes explained that the intent with these loans was to try to help where they could, realizing that this was only a small amount of funding to help a business bridge gaps between other funding sources. If a business was already likely to fail at this point, this funding would not help much to allay their greater financial struggles. Mr. Morey added that they had tried to build a lot of flexibility into the program, realizing that there were many kinds of businesses with many kinds of needs and they wanted the program to be as useful as possible. This conversation was helpful to direct their efforts towards identifying necessary criteria. This item would come back to a future Council meeting for the appropriation of the associated funds, at which time they would review the final parameters of the program with the Council. ***Presentation only.***

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Policy Items Referred from the Planning Commission

6. **An ordinance amending Provo City Code Chapter 14.27 (M1 - Light Manufacturing Zone) regarding permitted uses and yard requirements. Citywide application (PLOT20200117) (3:10:38)**

Robert Mills, Planner, presented. The proposal was to amend the M1 zone to add certain uses which would impact Christensen Oil. Mr. Mills reviewed the proposed additions, a removed conditional use, and neighborhood feedback. Mr. Mills noted that this was not typically a zone recommended adjacent to a neighborhood, but the business has been there for over 70 years and has attained a legal non-conforming status. These changes would put in place additional safety measures onsite as well as in other M1 Zones. If the Council felt that it would be more appropriate to limit these changes to this specific site, they could draft language to that effect. Mr. Mills invited Lynn Schofield, Fire Marshal, to present. Mr. Schofield gave a background on the past history of this site and project, noting that there were no code violations at Christensen Oil. Mr. Schofield explained why the Fire Department felt that changing from a non-conforming use to a permitted use would benefit the site and the neighborhood. Councilors asked questions. Councilor George Handley asked about the estimate for relocating the operation. Councilor David Harding did not think that the City should do that. In response to another question from Mr. Handley, Mr. Mills explained that there were no safety concerns with the operation's location; simply, there are often logistical issues and the factor of attractiveness which would typically avoid locating the M1 zone next to a residential area. Mr. Harding shared concerns about applying these changes to all M1 zones in the City; he requested a visual of all the affected areas of the City prior to the Council making a decision in their later meeting. ***Presentation only. This item was already scheduled for the Council Meeting on May 5, 2020.***

Closed Meeting

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Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval

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PROVO MUNICIPAL COUNCIL

Town Hall on the Critical Hillside Overlay Zone for Foothills Protection - Minutes

7:00 PM, Thursday, May 07, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

Roll Call (0:00:00)

The following elected officials and city staff members participated:

Council Chair George Handley, conducting
Councilor David Sewell
Councilor David Shipley
Councilor Shannon Ellsworth
Cliff Strachan, Council Executive Director
Hannah Salzl, Policy Analyst
John Magness, Policy Analyst
Karen Tapahe, Community Relations Coordinator
Elizabeth VanDerwerken, Council Executive Assistant
Marylis Fantoni, Council Intern
Brandon Larsen, Planner
David Day, Development Engineering Coordinator

Town Hall Agenda

Council Chair George Handley introduced the topic for the town hall. After the City responded to a gravel pit operation in Provo Canyon, City officials became aware that there were many areas of the foothills that were vulnerable to irreparable damage. Knowing that there is finite land within the city of Provo and development was likely in the remaining undeveloped areas of Provo, City officials wished to better define appropriate standards to balance the ecological, geologic, and aesthetic issues, as well as a desire for preserved open space. The intent was not to limit or eliminate development, but to provide a well-defined avenue for any such development to take place. Council members and staff have consulted similar legislation in Salt Lake and other parts of the state. The Council held this town hall to facilitate continued public dialogue on the related issues and to be able to respond to concerns from the public about the standards and development in the foothills. Mr. Handley explained that no final action would be taken at this town hall; a draft would go to the Planning Commission on May 13. There would be opportunities prior to and during that meeting for public comment, after which the draft would proceed to the Council with the Planning Commission's recommendation. Likewise, the Council would hold one or more public hearings on the consideration of the ordinance.

The draft proposal was prepared under the direction of a Council subcommittee with the assistance of City staff. The committee consulted with several property owners during the process of drafting their proposal, as well as visiting specific properties, and obtaining public feedback. Mr. Handley noted that a previous public hearing had resulted in a notification error as the City erred on the side of being inclusive. The committee has appreciated the public

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1. A presentation regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOT20200077 and PLRZ20200078)

Brandon Larsen, Planner, presented on the Critical Hillside Overlay Zone. The intent of the zone was to protect the aesthetics and ecology of Provo's foothills by establishing prudent development standards for those areas. It was not a means to prohibit development; it was an overlay of additional requirements related to the aesthetics and ecology of hillside areas, to ensure that future additions or new development would be appropriate to the overall character of the area. Mr. Larsen highlighted some changes to the ordinance that were made or adjusted based on public feedback. He also highlighted the requirements of the overlay zone and showed a map of the proposed overlay area. Due to the size of the area, it was not possible to provide detailed maps to each of the individual property owners, but Mr. Larsen indicated they could work with staff to learn more about the impacts to their specific parcels.

2. A question and answer period regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOT20200077 and PLRZ20200078)

Throughout the question-and-answer period, constituents shared feedback with the Council. Many were appreciative of the Council's efforts, both in developing these foothill protections, and for the town hall which has helped to address additional points of concern. Some questions were submitted anonymously or were summarized to reflect a composite of several similar questions. Mr. Larsen indicated that a revised map showing the outlined zone would be available on Open City Hall or property owners could contact staff to request a copy.

Angela Mourik, Provo, was in favor of foothill protection and minimal development. She felt that agricultural areas of the foothills should remain such to keep the foothills from experiencing significant damage and change on a large scale. Kaye Nelson, Provo, commended the Council on their vision for the future. She was grateful for the Council's desire to preserve open space, views of the foothills, and to keep the mountains beautiful and accessible.

Which property owners did the subcommittee specifically consult in the area?

Mr. Handley shared the names of a number of property owners who were involved in the committee's outreach: Scott and Ginny Smith, Mr. Perry, Janie Gillespie, Emily Freeman (of the Grow family), and other property owners with questions about specific properties.

Do these restrictions apply to the land behind Alaska Avenue? (Jessica Jindra, Provo)

Mr. Larsen explained that any previously subdivided parcels in that area have been eliminated from the map. A significant portion of the CH zone above Alaska Avenue is comprised of property that has not been platted or subdivided, so it would be included in the overlay zone.

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What protections are in place for maintaining views? How is this supported by the landscaping and reforestation requirements or standards? (Derek Bentley, Provo)

Mr. Larsen explained that there is a preference for maintaining natural and native vegetation, such as scrub oak. The committee gave a lot of thought to protecting views; that has been the intent of preserving ridgelines and prohibiting ridgelines from being developed.

The new map includes small islands of land which would be part of the overlay. Why are these areas included since they are surrounded by existing developed property?

Mr. Larsen explained that the proposed area began with the elevation of 4875' and then was further divided to include private property and to exclude public land. Subdivided lots and developed parcels were also excluded. What was left after these further designations is reflected on the map—these are properties that are not platted or not part of existing subdivisions. These are also areas with steep slopes so it would be appropriate for these development standards to be applied. Without the overlay in place, future development of those properties may have otherwise been ecologically or aesthetically unsatisfactory. Mr. Larsen added that the original overlay area had cut across some properties due to the elevation line. Based on feedback from some of the property owners, some amendments were made to the proposed area.

Will the new overlay require wildland-fire interface design for new development? Will there be more restrictive or more intensive requirements for building construction in this zone?

Bill Peperone, Development Services Director, indicated that development in this area would follow the existing standards established for sensitive lands and fire prevention.

How does this proposal impact properties that previously or currently operate as gravel pits? Development is often a tool to reclaim such areas; what distinctions are made between native or virgin hillside versus areas of blight or scarring from past uses? (Steve Turley, Provo)

Mr. Handley clarified that the proposed ordinance was not intended to prohibit development, but to institute standards for development in the foothills. Mr. Peperone indicated that if Mr. Turley had concerns about the proposed language, staff would be happy to review those items with him.

What is considered a developed parcel versus an undeveloped parcel? Does this mean the overlay would not apply to existing homes? (Kyle Matthews, Provo) What about an existing home on a lot with steep grades that is demolished to rebuild a new home?

Mr. Larsen explained that a developed parcel has gone through the process of being platted. Any property that already had buildings on it was also exempt. In the case of a homeowner owning their home as well as the vacant lot next-door, Mr. Larsen explained that since the vacant neighboring lot had already been platted, it was considered exempt from the overlay area. If an existing home were demolished, the new home would simply be subject to the existing building codes and standards; it would not fall under the CH overlay.

What is the background of this ordinance? Where did the idea for this change come from and who is promoting it? Are city staff trying to push this through?

Mr. Handley explained that these were comprehensive standards for the entire foothills area. The proposal originated with the City Council. A Council subcommittee has worked on the proposal. The subcommittee has been assisted by City staff with expertise in these areas, but only

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Councilors are voting members of the subcommittee. Mr. Handley explained that the committee was only an advisory entity; the proposal would go to the full Council for consideration and deliberation. Mr. Handley commended the City staff; they stand independent of the political process and have been great partners in tackling this project for the Council.

Is there a limit to terracing height or number?

The height limit is 8 feet and there is a limit of three terraces.

If a developer dedicates trail areas to the City, how do the resulting density bonuses work? What restrictions are in place to regulate density? (Julie Hollingworth, Provo)

Mr. Larsen explained that the density would be restricted by the underlying zone. Most areas in the foothills were zoned as single-family residential, agricultural, or public facilities. He was not aware of any existing zoning that would permit condominiums. Mr. Larsen explained the trail dedication process in more detail; any trail dedications would be evaluated by the City for desirability and how it fit into the overall trail system. If a proposed trail were undesirable, the City could reject that proposal. Mr. Handley added that any resulting density bonuses would be very modest; the intent was simply to provide compensation to developers who would be proponents of creating public trailways.

How will the new Critical Hillside Overlay Zone impact the area in and around the Evans gravel pit at the end of Alaska Avenue? (Christian Jensen, Provo)

Mr. Peperone explained that the gravel pit in question was located within the jurisdiction of Utah County. The overlay zone would not apply to it unless and until that parcel were annexed into the city boundaries of Provo.

There is a 15-acre section of property behind Timpview High School comprised of steep ravines and drainage area. Since protecting ecology is one of the purposes of the overlay, why has this been exempted from the overlay zone? (Paul Perry, Provo)

Mr. Larsen indicated that properties were exempted if they were part of a subdivision plat or if they had buildings on them. There may still be existing properties with large acreage which have a single home or perhaps with it a secondary home, but because the properties were already partially developed, they were omitted from the overlay area. These properties would still be subject to any sensitive lands or geotechnical requirements for further development on those properties, regardless of whether or not it was included in the Critical Hillside overlay zone.

What is the development review process for properties in the CH overlay zone?

The development review process will be the same; projects will be assessed according to the current process, simply with the additional requirements of the CH overlay in place. There are no added processes or committees during the development review. Similarly, there are no additional bonding requirements for properties in the CH overlay zone; existing bonding requirements will be followed, as already constituted in Title 15 of the Provo City Code.

Why not include on the map property that is City-owned or in the Orem or Utah County jurisdiction that may someday come into Provo City? (Sharon Memmott, Provo)

Mr. Peperone indicated that the Community and Neighborhood Services Department intended to review and amend the City's Annexation Policy Map to address land in neighboring jurisdictions

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Adjournment

Mr. Handley thanked everyone who participated, and he reiterated the committee's promise to do their best to address specific questions or concerns. He was grateful for the help and expertise of staff in developing these protections. The town hall was adjourned.

Pending minutes – awaiting approval

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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

3:30 PM, Tuesday, August 04, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

Agenda ([0:18:00](#))

Roll Call

The following elected officials were present:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor David Sewell
Councilor Travis Hoban
Councilor Bill Fillmore
Councilor Shannon Ellsworth
Councilor David Shipley
Mayor Michelle Kaufusi, arrived 3:45 PM

Prayer

The prayer was given by Hannah Salzl, Policy Analyst.

Approval of Minutes

March 10, 2020 Work Meeting
Approved by unanimous consent.

Administration

1. A discussion regarding an interlocal agreement with Utah County on CARES Act Funding. (20-108) ([0:22:38](#))

Wayne Parker, CAO, presented. Mr. Parker shared details about the funding available from the CARES Act through Utah County, the general limitations, and the types of eligible projects. He noted that the funding could not be used as revenue replacement for cities. Typically, it needed to be applied to projects or expenses not already budgeted for that were necessary due to COVID-19 and which would result in benefits to residents prior to the end of 2020. Mr. Parker also highlighted the terms proposed by Utah County in the interlocal agreement regarding administration of the funds; many of these conditions went above and beyond the requirements of the CARES Act, so the Administration wished to explore the implications of the terms of agreement. The additional restrictions from the County generally related to the City's taking responsibility for properly expending the funds and documenting their expenditures. The City

Pending minutes – awaiting approval

Please note: these minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.

was currently going through a rigorous process to determine what purchases or projects would be eligible. The process included an internal process, review with the City's external auditors, and a later review with County staff.

Mr. Parker shared the general areas in which they have proposed that funds be allocated:

- 16% for Equipment (including PPE and other capital equipment)
- 6% for Technology (software and hardware)
- 3% for Cleaning costs
- 4% for Community-based projects
- 7% for Reimbursement of previously incurred expenses, overtime related to COVID, sick leave for exposed or quarantined employees
- 60% for capital improvements related to social distancing (efforts to ensure employees and residents are socially distanced while conducting city business/activities)
- 4% for Miscellaneous/projects that didn't fit cleanly into the above categories

The largest single project proposed among the expenditures related to expanding and equipping the existing airport passenger terminal to accommodate social distancing. Mr. Parker shared background details on the current terminal facility and the space needs; the current facility does not have adequate space to facilitate social distancing of family groups for flights returning to full capacity in the future. The only practical way to do the project was to acquire the entire TAC Air building and remodel it, at a cost of about \$4.5 million (just over half of the total CARES funding the City will receive). While expensive, it was a critical project to ensure the continued viability of the Provo Airport, its commercial flights, and the safety and well-being of the airline customers. Mr. Parker noted that most other projects were relatively small in comparison.

Mr. Parker noted that the CARES Act was not a static situation and the Treasury Department was releasing new guidance almost weekly. Based on current knowledge, the Administration felt they have identified a prudent course, but Mr. Parker wanted to note the general uncertainty at play. Mr. Parker also noted the possibility of a second stimulus package from the federal government which may include provisions to help state and local governments respond to loss of revenue due to the pandemic. Mr. Parker noted that revenue replacement was the best possible scenario, as there were no strings attached into how the City could use that funding. Mr. Parker noted that the Administration continues to monitor several areas of potential CARES fund usage. Mr. Parker also outlined the several levels of audits the City anticipated for auditing proper usage of CARES funding. Mr. Parker responded to questions from Councilors:

- Councilor David Harding asked whether the Council needed to approve the project list. Mr. Parker explained that the only action required of the Council was approval of the interlocal agreement with Utah County; grant funds when received by the City were considered already appropriated for their designated purposes.
- Councilor David Shipley asked whether TAC Air was amenable to the proposed airport solution. Mr. Parker indicated that they have had some general conversations with TAC Air and were currently obtaining an appraisal on the facility. TAC Air was likely to use the funding from the sale of their building to construct a new facility elsewhere at the airport, so they could stay on in their role as fixed base operator and continue servicing the Provo Airport. Mr. Shipley asked whether this provided any other equity for the

Pending minutes – awaiting approval

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airport and if the project could be completed by the year-end. Mr. Parker said that typically the City cannot use federal dollars to match a federal grant; the upgraded facility could not be used as a grant match in the future due to this limitation. Mr. Parker said it would be a stretch, but they were confident that they could complete the project in 2020.

- In response to a question from Councilor Ellsworth about the working relationship with Utah County, Mr. Parker explained that they have been good partners in the process. Both Utah County and Salt Lake County have followed the State's approach by designating funds according to population.
- In response to a question from Councilor George Handley, Mr. Parker explained that they anticipated the need to practice social distancing at the airport would continue even after the pandemic slowed. Even if social distancing were no longer required, the Airport is very conscious of not wanting to put customers in an uncomfortable circumstance; they wanted to do all they could to reassure travelers. Regarding the long-term viability of the facility, Mr. Parker noted that they anticipated there would be opportunities down the road for the Airport operations to relocate to this building and free up space for the Fire Department in their current shared facility.

Presentation only. This item was already scheduled for the Council Meeting on August 4, 2020.

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.

Motion: Dave Harding moved to close the meeting. Seconded by Shannon Ellsworth.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

PROVO MUNICIPAL COUNCIL STAFF REPORT



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

SUBJECT: A joint discussion with the Planning Commission regarding the process of updating the General Plan. (20-068)

RECOMMENDATION: Discussion and direction.

BACKGROUND: At the March 5, 2020 Council retreat, Council Members discussed updating the City's General Plan and talked about setting aside money in the FY 2021 budget to pay for the update to the General Plan. At the March 31, 2020 Work Meeting, the Community and Neighborhood Services Department made a presentation about updating the General Plan. Their presentation included what would go into the updated General Plan. As part of the FY 2021 budget, the Council set aside money to update the General Plan.

The Council has discussed getting input for the Planning Commission on what they would like to be included in the General Plan update. The Community and Neighborhood Services Department is currently working on developing an RFP for a General Plan update.

FISCAL IMPACT: Included in the FY 2021 budget

PRESENTER'S NAME: Robert Mills, Provo City Planner

REQUESTED DURATION OF PRESENTATION: 60 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-068

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 08-18-2020

SUBJECT: A presentation regarding an update from Valley Visioning. (20-111)

RECOMMENDATION: Presentation only.

BACKGROUND: Leota Coyne with Envision Utah will give the Council an update on the Valley Visioning project

FISCAL IMPACT: None

PRESENTER'S NAME: Leota Coyne, Envision Utah Planning Intern

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-111

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 08-18-2020

SUBJECT: A discussion regarding ranked-choice voting. (20-113)

RECOMMENDATION: Information only. If the Council desires further action, a motion or direction to staff may be necessary.

BACKGROUND: In 2018, the Utah State Legislature approved the creation of a ranked-choice voting (RCV) pilot program. RCV is an election method where voters rank their preferred candidates. If no candidate receives more than 50% of the votes in the top ranking, the votes from the candidate in last place move to those voters' second choices. The process continues until a candidate has received a majority.

The program is expected to run through 2026. Six cities initially opted in, but four dropped out. Payson and Vineyard held very successful RCV elections in 2019. The Provo City Council in 2018 determined that there was not enough time to sufficiently educate voters about the new election method but committed to exploring it for the 2021 elections.

FISCAL IMPACT: TBD

PRESENTER'S NAME: Stan Lockhart, Utah Ranked Choice Voting

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-013

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 08-18-2020

SUBJECT: A discussion regarding face masks in public with regards to COVID-19. (20-114)

RECOMMENDATION: Information only. If the Council desires further action, a motion or direction to staff may be necessary.

BACKGROUND: Some Councilors have asked for a further discussion about what actions the City and/or Council can take to promote the wearing of face masks to slow the spread of COVID-19, especially as BYU and UVU students begin to return to Provo.

FISCAL IMPACT: TBD

PRESENTER'S NAME: Councilor George Handley

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-114

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: NLA
Department: Development Services
Requested Meeting Date: 08-18-2020

SUBJECT: An ordinance amending Provo City Code to correct an inconsistency and clarify accessory living spaces as a permitted accessory use in the PRO-R-9 Limited Density Residential (LDR) Zone. Citywide Application. (PLOTA20200162)

RECOMMENDATION: The Planning Commission has recommended approval (8:0).

BACKGROUND: Provo City Community and Neighborhood Services requests amendments to Provo City Code Section 14.50(9).020(5)(d) to clarify that accessory dwelling units are permitted in the PRO-R-9 LDR zone on lots with detached single-family homes that meet the requirements of Chapter 14.30 of the Code.

FISCAL IMPACT: None

PRESENTER'S NAME: Robert Mills

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20200162

**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: August 12, 2020**

ITEM 1* The Community and Neighborhood Services Department requests an ordinance text amendment to Provo City Code Section 14.50(9).020(d), relating to the removal of accessory dwellings as a permitted accessory use in the PRO-R-9 LDR zone. Citywide application. Austin Taylor (801) 852-6423 ataylor@provo.org PLOTA20200162

Applicant: Provo City Community and Neighborhood Services

Staff Coordinator: Austin Taylor

***Council Action Required:** Yes

Related Application(s):

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 26 at 5:00 p.m.*
2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: Section 14.50(09).020(5)(d) of the Provo City Code, related to the PRO-R-9 Zone, lists “accessory living spaces” as a permitted accessory use; however, Section 14.50(9).140(5)(a) states “no accessory apartment or second kitchens shall be permitted in any dwelling unit.” City staff became aware of the inconsistency in the text and submitted an amendment application to correct it.

Staff Recommendation: Staff recommends the Planning Commission forward a positive recommendation of the proposed amendment to the Municipal Council.

OVERVIEW

Provo City Community and Neighborhood Services requests amendments to Provo City Code Section 14.50(9).020(5)(d) to clarify that accessory dwelling units are permitted in the PRO-R-9 LDR zone on lots with detached single-family homes that meet the requirements of Chapter 14.30 of the Code.

FINDINGS OF FACT

- Section 14.50(9).020(5)(d) states that “accessory living spaces” are a permitted accessory use.
- Section 14.50(9).140(5)(a) states that “no accessory apartment or second kitchens shall be permitted in any dwelling unit.”
- There are currently seven (7) parcels in the PRO-R-9 zone.
- None of the six (6) dwelling units in the zone currently have an accessory apartment.
- Parcels must be at least 6,000 square feet in area to qualify for an accessory dwelling unit (Provo City Code 14.30.030 (2) (b) (iv) (A)).
- Only properties with single-family detached residential units qualify for an accessory dwelling unit (Provo City Code 14.30.030 (2) (b) (ii) and (iii)).
- Four (4) of the seven (7) parcels do not meet the minimum lot size for accessory dwelling units.
- One (1) vacant parcel is being developed as a duplex and will not qualify for an accessory dwelling unit.
- Two (2) parcels have detached single-family residences with lots greater than 6,000 square feet and are therefore eligible to have an accessory dwelling unit.

STAFF ANALYSIS

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

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

following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

The purpose of this ordinance text amendment is to refine the requirements for an accessory apartment in the PRO-R-9 zone and improve the consistency ordinance regulations.

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

The public benefits from clearer city code and from the potential for two additional accessory dwelling units in this zone.

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

Goal 1.4.8.4 of the General Plan states that Provo City will “Maintain and encourage good quality, sustainable housing and infill developments.” This amendment clarifies how accessory dwelling units may be allowed as permitted uses in the PRO-R-9 LDR zone. In many ways, accessory apartments can help to “maintain and encourage good quality, sustainable housing and infill development” in Provo.

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

The proposed amendment is consistent.

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

No hindrances to attaining General Plan policies.

(f) Adverse impacts on adjacent landowners.

No adverse impacts on adjacent landowners are anticipated because of the proposed text amendment. This amendment does add the potential for two new accessory apartments in this zone which could house more people who own cars. However, property owners who build an accessory

apartment are required to provide sufficient off-street parking on their property to help mitigate adverse impacts in the neighborhood.

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

This ordinance text amendment neither changes the zoning nor General Plan Map.

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

There are no anticipated conflicts because there are no changes to the General Plan or to the General Plan Map.

CONCLUSIONS

This change will clarify city code that accessory dwelling units are allowed in the PRO-R-9 zone, but only on lots greater than 6,000 square feet and that have only a single-family detached home on them.

STAFF RECOMMENDATION

Based on the foregoing facts and analysis, staff recommends forwarding a positive recommendation of the proposed ordinance text amendment to the Municipal Council.

14.50(9).020

Permitted Uses.

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the Low Density Residential PRO zone.
- (2) All uses listed herein are listed by number (as designated in the Standard Land Use Code published and maintained by the Planning Commission). Specific uses are identified by a four (4) digit number in which all digits are whole numbers.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in the Low Density Residential PRO zone, subject to the limitations set forth herein.
- (4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the Low Density Residential PRO zone:

Use No.	Use Classification
1110	One-family dwelling – detached
1112	One-family dwelling – attached (family occupancy only)
1112	Twin Home (One-family dwelling - semi-detached, family occupancy only)
4811	Electric Transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4841	Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4864	Combination utilities right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4873	Storm drain right-of-way (predominantly-covered pipes or boxes)

(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the Low Density Residential PRO zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- (a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, and similar structures that are customarily used in conjunction with and incidental to a principal use or structure.
- (b) Vegetable and flower gardens and noncommercial orchards.
- (c) Home occupations subject to the regulations of Chapter 14.41, Provo City Code.
- (d) Accessory ~~living spaces~~ apartments in conjunction with an owner-occupied single-family detached dwelling subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030, Provo City Code.
- (e) Household pets, provided no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(Enacted 2005-28, Am 2020-04)

14.50(9).140

Other Requirements.

- (1) *Landscaping.* All unimproved areas shall be landscaped as required by Chapter 15.20, Provo City Code.
- (2) *Trash Storage.* See Section 14.34.080, Provo City Code.
- (3) *Fencing Standards.* Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

- (a) *Front Yard.* Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.
-

(b) *Side Yard.* Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet, except within required front yard setback.

(c) *Rear Yard.* Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.

(d) *Grade Differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

(e) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

(f) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such fences do not create a hazard or violation of other sections of the Provo City Code. All other exceptions shall obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.

(4) *Utility Easements.* Easements of not less than eight (8) feet in width shall be required as set forth in Section 15.03.220, Provo City Code, unless written approval is granted by the appropriate utility company to reduce the easements.

(5) *Occupancy Restrictions.*

(a) Each unit shall be limited to family occupancy or two (2) batching singles as defined by Section 14.06, Provo City Code. ~~No accessory apartment or second kitchens shall be permitted in any dwelling unit.~~

(b) Prior to the issuance of a Certificate of Occupancy for a dwelling unit, a permanent notice shall be placed on the electrical box within the unit indicating maximum allowable occupancy of the unit based on the approved occupancy consistent with a recorded parking and occupancy or development agreement. This notice shall be located on a six (6) inch by six (6) inch (6"x6") metal or plastic plate permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

(Enacted 2005-28)

ORDINANCE 2020-.

AN ORDINANCE AMENDING PROVO CITY CODE TO CORRECT AN INCONSISTENCY AND CLARIFY ACCESSORY LIVING SPACES AS A PERMITTED ACCESSORY USE IN THE PRO-R-9 LIMITED DENSITY RESIDENTIAL (LDR) ZONE. CITYWIDE APPLICATION. (PLOT20200137)

WHEREAS, Provo City Code Section 14.50(9).020(5)(d), related to the PRO-R-9 Limited Density Residential (LDR) Zone, lists “accessory living spaces” as a permitted accessory use, and Section 14.50(9).140(5)(a) incorrectly states “no accessory apartment or second kitchens shall be permitted in any dwelling unit;” and

WHEREAS, two of the seven lots in the zone meet the requirements for accessory dwelling units; and

WHEREAS, on August 12, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 8:0; and

WHEREAS, on August 18, 2020, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code Sections 14.50(9).020 and 14.50(9).140 are hereby amended as set forth in Exhibit A.

PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

47 C. The Municipal Council hereby directs that the official copy of the Provo City
48 Code be updated to reflect the provisions enacted by this ordinance.
49

50 D. This ordinance shall take effect immediately after it has been posted or published
51 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
52 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.
53

54 END OF ORDINANCE.

Exhibit A

14.50(9).020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the Low Density Residential PRO zone.

(2) All uses listed herein are listed by number (as designated in the Standard Land Use Code published and maintained by the Planning Commission). Specific uses are identified by a four

(4) digit number in which all digits are whole numbers.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in the Low Density Residential PRO zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the Low Density Residential PRO zone:

Use No.	Use Classification
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4841	Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4864	Combination utilities right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of

the activity)

4873 Storm drain right-of-way (predominantly-
covered pipes or boxes)

(5) *Permitted Accessory Uses*. Accessory uses and structures are permitted in the Low Density Residential PRO zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, and similar structures that are customarily used in conjunction with and incidental to a principal use or structure.

(b) Vegetable and flower gardens and noncommercial orchards.

(c) Home occupations subject to the regulations of Chapter 14.41, Provo City Code.

(d) Accessory ~~living spaces~~ ~~apartments~~ in conjunction with an owner-occupied single-family detached dwelling subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030, Provo City Code.

(e) Household pets, provided no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

...

14.50(9).140

Other Requirements.

(1) *Landscaping*. All unimproved areas shall be landscaped as required by Chapter 15.20, Provo City Code.

(2) *Trash Storage*. See Section 14.34.080, Provo City Code.

(3) *Fencing Standards*. Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

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connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.

(b) *Side Yard.* Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet, except within required front yard setback.

(c) *Rear Yard.* Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.

(d) *Grade Differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

(e) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

(f) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such fences do not create a hazard or violation of other sections of the Provo City Code. All other exceptions shall obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.

(4) *Utility Easements.* Easements of not less than eight (8) feet in width shall be required as set forth in Section 15.03.220, Provo City Code, unless written approval is granted by the appropriate utility company to reduce the easements.

(5) *Occupancy Restrictions.*

(a) Each unit shall be limited to family occupancy or two (2) batching singles as defined by Section 14.06, Provo City Code. ~~No accessory apartment or second kitchens shall be permitted in any dwelling unit.~~

(b) Prior to the issuance of a Certificate of Occupancy for a dwelling unit, a permanent notice shall be placed on the electrical box within the unit indicating maximum allowable occupancy of the unit based on the approved occupancy consistent with a recorded parking and occupancy or development agreement. This notice shall be located on a six (6) inch by six (6) inch (6"x6") metal or plastic plate permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

Provo City Planning Commission

Report of Action

August 12, 2020

ITEM 1* The Community and Neighborhood Services Department requests an Ordinance Text Amendment to Provo City Code Section 14.50(9).020(d), relating to accessory dwellings as a permitted accessory use in the PRO-R-9 LDR zone. Citywide Application. Austin Taylor (801) 852-6423 ataylor@provo.org PLOTA20200162

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 12, 2020:

RECOMMEND APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Dave Anderson

Second By: Lisa Jensen

Votes in Favor of Motion: Dave Anderson, Daniel Gonzales, Brian Henrie, Robert Knudsen, Deborah Jensen, Lisa Jensen, Laurie Urquiaga, Ally Jones

Deborah Jensen was present as Chair.

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

STAFF PRESENTATION

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

- The amendment is applicable only to the subject PRO Zone area.
- The amendment provides clarification to the text of the zone and reduces inconsistencies.

NEIGHBORHOOD AND PUBLIC COMMENT

- No public comment was received during or prior to the Planning Commission meeting.

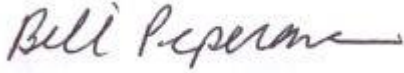
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commission members felt the amendment was straight forward and helped to add clarity to the text.



Planning Commission Chair



Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

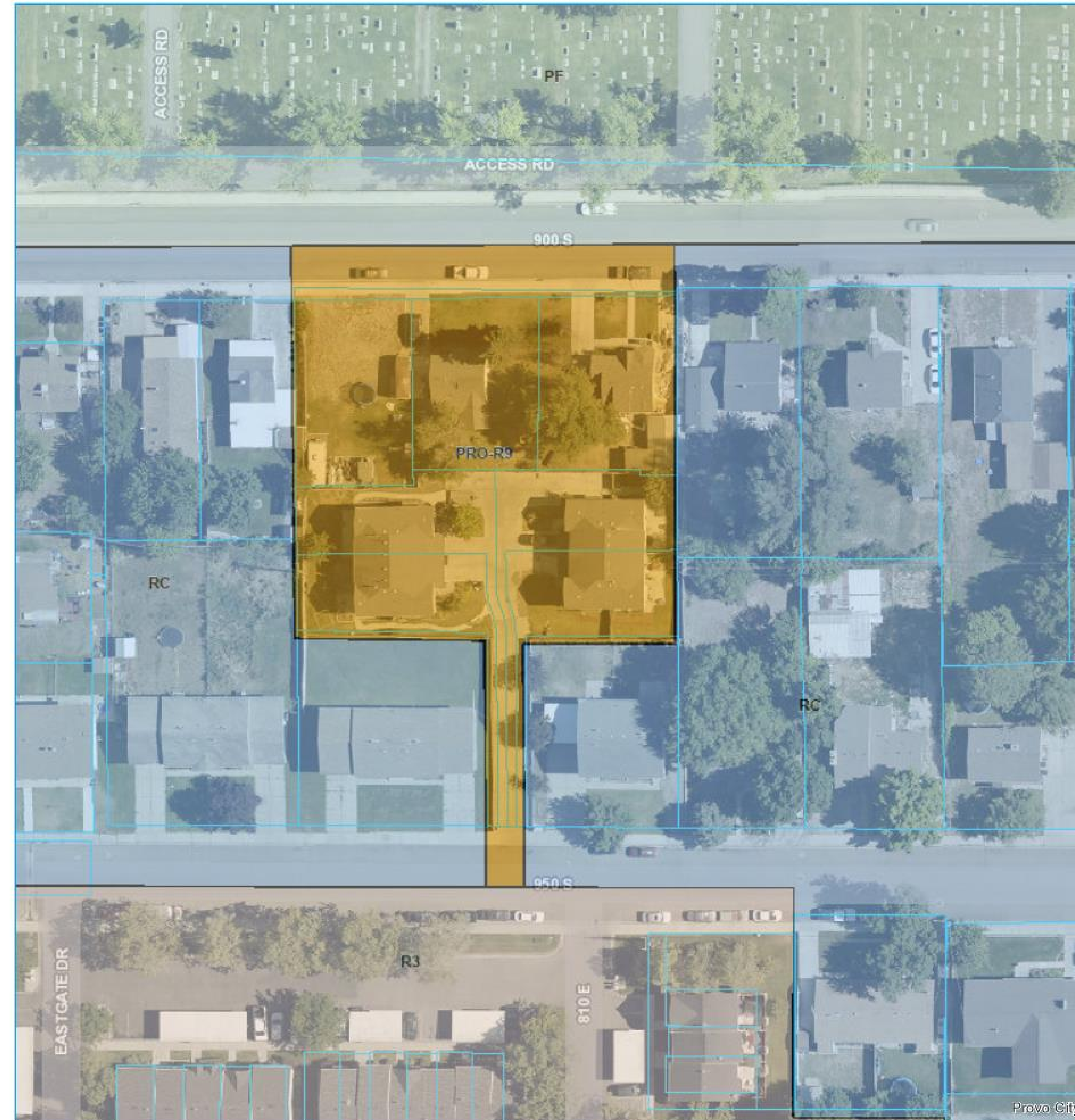
ITEM 1*

The Community and Neighborhood Services Department requests an Ordinance Text Amendment to Provo City Code Section 14.50(9).020(d), relating to accessory dwellings as a permitted accessory use in the PRO-R-9 LDR zone.

Citywide Application

PLOTA20200162

Provo Map



0 0.0075 0.015 0.03 mi

Author: Provo City Date: 8/12/2020

This map is for graphical representation only and not for construction or defining feature locations.

14.50(9).020

Permitted Uses.

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the Low Density Residential PRO zone.
- (2) All uses listed herein are listed by number (as designated in the Standard Land Use Code published and maintained by the Planning Commission). Specific uses are identified by a four (4) digit number in which all digits are whole numbers.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in the Low Density Residential PRO zone, subject to the limitations set forth herein.
- (4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the Low Density Residential PRO zone:

Use No.	Use Classification
1110	One-family dwelling – detached
1112	One-family dwelling – attached (family occupancy only)
1112	Twin Home (One-family dwelling - semi-detached, family occupancy only)
4811	Electric Transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4841	Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4864	Combination utilities right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4873	Storm drain right-of-way (predominantly-covered pipes or boxes)

(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the Low Density Residential PRO zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- (a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, and similar structures that are customarily used in conjunction with and incidental to a principal use or structure.
- (b) Vegetable and flower gardens and noncommercial orchards.
- (c) Home occupations subject to the regulations of Chapter 14.41, Provo City Code.
- (d) Accessory ~~living spaces~~ apartments in conjunction with an owner-occupied single-family detached dwelling subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030, Provo City Code.
- (e) Household pets, provided no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(Enacted 2005-28, Am 2020-04)

14.50(9).140

Other Requirements.

- (1) *Landscaping.* All unimproved areas shall be landscaped as required by Chapter 15.20, Provo City Code.
- (2) *Trash Storage.* See Section 14.34.080, Provo City Code.
- (3) *Fencing Standards.* Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.
- (a) *Front Yard.* Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.

(b) *Side Yard.* Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet, except within required front yard setback.

(c) *Rear Yard.* Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.

(d) *Grade Differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

(e) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

(f) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such fences do not create a hazard or violation of other sections of the Provo City Code. All other exceptions shall obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.

(4) *Utility Easements.* Easements of not less than eight (8) feet in width shall be required as set forth in Section 15.03.220, Provo City Code, unless written approval is granted by the appropriate utility company to reduce the easements.

(5) *Occupancy Restrictions.*

(a) Each unit shall be limited to family occupancy or two (2) batching singles as defined by Section 14.06, Provo City Code. ~~No accessory apartment or second kitchens shall be permitted in any dwelling unit.~~

(b) Prior to the issuance of a Certificate of Occupancy for a dwelling unit, a permanent notice shall be placed on the electrical box within the unit indicating maximum allowable occupancy of the unit based on the approved occupancy consistent with a recorded parking and occupancy or development agreement. This notice shall be located on a six (6) inch by six (6) inch (6"x6") metal or plastic plate permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

(Enacted 2005-28)

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: NLA
Department: Development Services
Requested Meeting Date: 08-18-2020

SUBJECT: An ordinance amending Provo City Code to reduce the minimum lot depth in the Low Density Residential (LDR) and Very Low Density Residential (VLDR) Zones. Citywide Application. (PLOT20200208)

RECOMMENDATION: The Planning Commission has recommended approval (7:0).

BACKGROUND: The applicant owns the property located 189 S 500 W. This property has an area of 0.25 acres and the applicant would like to obtain the necessary zoning to establish two (2) approximately 5000 SF lots (the minimum lot area in the VLDR and LDR zones for a detached one-family dwelling in 5000 SF). The applicant has submitted a concept plan for the two (2) lots, but the shape of the subject property will not allow him to establish two (2) lots that meet the minimum 90-foot lot depth of the VLDR Zone. The lot depth requirement is the same for the VLDR and LDR zones. For comparison, the R1.10 Zone (10,000 SF lot area minimum) has a minimum lot depth requirement of 90 feet, whereas the R1.6 and R1.7 zones (6000 SF and 7000 SF lot area minimum respectively) have a minimum lot depth requirement of 75 feet.

FISCAL IMPACT: TBD

PRESENTER'S NAME: Brandon Larsen (801) 852-6408 jblarsen@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOT20200208

***ITEM # 2** Jeffrey Rands requests Ordinance Text Amendments to the Low Density Residential (LDR) and Very Low Density Residential (VLDR) zones to reduce the minimum lot depth from 90 feet to 75 feet. Citywide Impact. Brandon Larsen (801) 852-6414 jblarsen@provo.org PLOTA20200208

Applicant: Jeffrey R. Rands

Staff Coordinator: Brandon Larsen

Parcel ID#: City Wide

***Council Action Required:** Yes

Related Application(s): PLRZ20200124,
PLCP20200184

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is August 26, 2020, 6:00 P.M.
2. **Recommend Denial** of the proposed ordinance amendment. This action would not be consistent with the recommendations of the Staff Report. In the event of a recommendation of denial, the Planning Commission should establish new findings.

Relevant History: The applicant is proposing to split the lot located at 189 S 500 W. A rezone of the property (to the VLDR Zone) and approval of a concept plan is needed to facilitate the applicant's desired lot split. The proposed lots do not meet the minimum lot depth requirement of the VLDR Zone.

Neighborhood Issues: This is a city-wide application. Staff has not received any feedback from citizens or neighborhood chairs.

Summary of Key Issues:

- The applicant is proposing a text amendment to reduce the required minimum lot depth of the LDR and VLDR zones from 90 feet to 75 feet. He has proposed two (2) lots that do not meet the required minimum lot depth of the VLDR Zone.
- The applicant is proposing to reduce the lot depth requirement for both the LDR and VLDR zones.

Staff Recommendation: Staff recommends forwarding a positive recommendation to the Municipal Council for the language proposed in Attachments 3 and 4, relating to the minimum lot depth of the LDR and VLDR zones.

OVERVIEW

The applicant owns the property located 189 S 500 W. This property has an area of 0.25 acres and the applicant would like to obtain the necessary zoning to establish two (2) approximately 5000 SF lots (the minimum lot area in the VLDR and LDR zones for a detached one-family dwelling in 5000 SF). The applicant has submitted a concept plan for the two (2) lots, but the shape of the subject property will not allow him to establish two (2) lots that meet the minimum 90-foot lot depth of the VLDR Zone. The lot depth requirement is the same for the VLDR and LDR zones.

For comparison, the R1.10 Zone (10,000 SF lot area minimum) has a minimum lot depth requirement of 90 feet, whereas the R1.6 and R1.7 zones (6000 SF and 7000 SF lot area minimum respectively) have a minimum lot depth requirement of 75 feet.

Findings of Fact

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

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

(a) *Public purpose for the amendment in question.*

This proposal offers the property owners in the LDR and VLDR zones more flexibility in developing their lots. Flexibility is an important consideration with these zones because they are frequently applied to lots that on which smaller, residential in-fill and redevelopment projects are proposed and executed.

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

It seems unequitable to allow the R1.6 and R1.7 zones to have a lesser lot depth than the LDR and VLDR lots for detached one-family dwellings when the LDR and VLDR zones have a lesser minimum area requirement than the R1.6 and R1.7 zones.

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

Staff is not aware of conflicts between the policies, goals, and objectives of the General Plan and the applicant's proposal.

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

Staff is not aware of timing and sequencing issues with the proposal.

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

Staff is not aware of issues related to the proposal that would hinder or obstruct attainment of the General Plan's policies.

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

Staff is not aware of potential adverse impacts to neighbors in relation to this proposal.

STAFF ANALYSIS

Staff believes it would be more equitable if the lot depth requirement of the LDR and VLDR zones for detached one-family dwellings more closely matched the R1.6 Zone requirement, as opposed to the R1.10 Zone requirement. Flexibility is an important consideration in relation to the LDR and VLDR and staff believes loosening the lot depth requirement for lots for detached one-family dwellings, only, is an acceptable change to the requirements of the subject zones.

STAFF RECOMMENDATION

Staff recommends forwarding a positive recommendation to the Municipal Council for the language proposed in Attachments 3 and 4, relating to the minimum lot depth of the LDR and VLDR zones.

ATTACHMENTS

1. **Attachment 1 – Applicant's Proposed Amendment: Lot Depth Requirements, LDR Zone**
2. **Attachment 2 – Applicant's Proposed Amendment: Lot Depth Requirements, VLDR Zone**
3. **Attachment 3 – Staff's Revised Amendment: Lot Depth Requirements, LDR Zone**
4. **Attachment 4 – Staff's Revised Amendment: Lot Depth Requirements, VLDR Zone**

Attachment 1 – Applicant’s Proposed Amendment: Lot Depth Requirements, LDR Zone

14.14A.030

Lot Standards.

Lots within the LDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 15 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: 9075 ft

(6) Max. Lot Coverage: 50%

Attachment 2 – Applicant’s Proposed Amendment: Lot Depth Requirements, VLDR Zone

Lots within the VLDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 7 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: 9075 ft

(6) Max. Lot Coverage: 50%

Attachment 3 – Staff’s Revised Amendment: Lot Depth Requirements, LDR Zone

14.14A.030

Lot Standards.

Lots within the LDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 15 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: 90 ft

One-family detached dwelling: 75 ft

(6) Max. Lot Coverage: 50%

Attachment 4 – Staff’s Revised Amendment: Lot Depth Requirements, VLDR Zone

Lots within the VLDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 7 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: 90 ft

One-family detached dwelling: 75 ft

(6) Max. Lot Coverage: 50%

ORDINANCE 2020-.

AN ORDINANCE AMENDING PROVO CITY CODE TO REDUCE THE MINIMUM LOT DEPTH IN THE LOW DENSITY RESIDENTIAL (LDR) AND VERY LOW DENSITY RESIDENTIAL (VLDR) ZONES. CITYWIDE APPLICATION. (PLOT20200208)

WHEREAS, it is proposed that Provo City Code Sections 14.14A.030 and 14.14F.030 be amended to reduce the minimum lot depth from 90 to 75 feet for one-family detached dwellings in the Low Density Residential (LDR) and Very Low Density Residential (VLDR); and

WHEREAS, an applicant is proposing to split the lot located at 189 South 500 West and rezone the property to the VLDR Zone, but the proposed lots do not meet the minimum lot depth required by that zone; and

WHEREAS, on August 12, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 7:0; and

WHEREAS, on August 18, 2020, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code Sections 14.14A.030 and 14.14F.030 are hereby amended as set forth in Exhibits A and B, respectively.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

47 C. The Municipal Council hereby directs that the official copy of the Provo City
48 Code be updated to reflect the provisions enacted by this ordinance.
49

50 D. This ordinance shall take effect immediately after it has been posted or published
51 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with
52 Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.
53

54 END OF ORDINANCE.

Exhibit A

14.14A.030

Lot Standards.

Lots within the LDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 15 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: ~~90 ft~~

One-family detached dwelling: 75 ft

All other permitted uses: 90 ft

(6) Max. Lot Coverage: 50%

Exhibit B

14.14F.030

Lot Standards.

Lots within the VLDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 15 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: ~~90 ft~~

One-family detached dwelling: 75 ft

All other permitted uses: 90 ft

(6) Max. Lot Coverage: 50%

Provo City Planning Commission

Report of Action

August 12, 2020

Item 2* Jeffrey Rands requests Ordinance Text Amendments to the Low Density Residential (LDR) and Very Low Density Residential (VLDR) zones to reduce the minimum lot depth from 90 feet to 75 feet. Citywide Impact. Brandon Larsen (801) 852-6408 jblarsen@provo.org
PLOTA20200208

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 12, 2020:

RECOMMENDATION OF APPROVAL

On a vote of 7:0, the Planning Commission recommended approval of the above noted application.

Motion By: Lisa Jensen

Second By: Robert Knudsen

Votes in Favor of Motion: Laurie Urquiaga, Ally Jones, Daniel Gonzales, Lisa Jensen, Brian Henrie, Dave Anderson, Robert Knudsen; Deborah Jensen did not vote

Deborah Jensen was present as Chair.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in Staff's presentation to the Planning Commission included the following: The applicant proposes a text amendment to facilitate his concept plan (reduce the minimum lot depth in the LDR and VLDR zones from 90 feet to 75 feet). The lots proposed in his concept plan do not meet the minimum lot depth requirement of the VLDR Zone. Staff presented alternative language at the meeting that was proposed by the City Attorney's Office.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- Staff is not aware of public comment on this item.

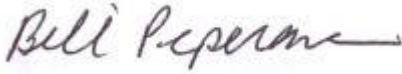
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission recommended approval of this item—specifically the language proposed by the City Attorney's Office, as presented at the meeting and attached herein as Attachments "A" and "B." They noted other requirements in the LDR and VLDR Zone they would like considered for amendment, such as the minimum lot area. The Planning Commission even mentioned the idea of eliminating the lot depth requirement and reducing some setback requirements. They also questioned whether some of the Lot Standards in the LDR and VLDR should be varied from one another.



Planning Commission Chair



Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

**Attachment “A”: Reduction to Minimum Lot Depth Requirement for the LDR Zone—Language
Recommended by the Planning Commission**

**Attachment “B”: Reduction to Minimum Lot Depth Requirement for the VLDR Zone—Language
Recommended by the Planning Commission**

Attachment “A”: Reduction to Minimum Lot Depth Requirement for the LDR Zone—Language Recommended by the Planning Commission

14.14A.030 Lot Standards.

Lots within the LDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached:	5,000 sf
Twin home/duplex:	8,000 sf
One-family attached:	10,000 sf

(2) Housing Density Maximum: 15 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: ~~90 ft~~

One-family detached dwelling: 75 ft

All other permitted uses: 90 ft

(6) Max. Lot Coverage: 50%

**Attachment “B”: Reduction to Minimum Lot Depth Requirement for the VLDR Zone—Language
Recommended by the Planning Commission**

14.14F.030 Lot Standards.

Lots within the LDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached:	5,000 sf
Twin home/duplex:	8,000 sf
One-family attached:	10,000 sf

(2) Housing Density Maximum: 7 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: ~~90 ft~~

One-family detached dwelling: 75 ft

All other permitted uses: 90 ft

(6) Max. Lot Coverage: 50%

ITEM 2*

Jeffrey Rands requests Ordinance Text Amendments to the Low Density Residential (LDR) and Very Low Density Residential (VLDR) zones to reduce the minimum lot depth from 90 feet to 75 feet.

Citywide Impact

PLOTA20200208

LDR & VLDR zones

Reduce Minimum Lot Depth from 90 feet to 75 feet

LDR

14.14A.030 Lot Standards.

Lots within the LDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 15 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: ~~90 ft~~

One-family detached dwelling: 75 ft

All other permitted uses: 90 ft

(6) Max. Lot Coverage: 50%

VLDR

14.14F.030 Lot Standards.

Lots within the VLDR zone shall be developed according to the following standards:

(1) Min. Lot Area:

One-family detached: 5,000 sf

Twin home/duplex: 8,000 sf

One-family attached: 10,000 sf

(2) Housing Density Maximum: 7 dwelling units per gross acre.

(3) Min. Lot Frontage: 35 ft

(4) Min. Lot Width: 40 ft

Corner Lot: 50 ft

(5) Min. Lot Depth: ~~90 ft~~

One-family detached dwelling: 75 ft

All other permitted uses: 90 ft

(6) Max. Lot Coverage: 50%



500 WEST STREET

N00°00'13"E 82.50'

18.51'

65.08'

30.26'

1

5,889 SF

22.84'

56.56'

200 SOUTH STREET

N90°00'00"W 132.00'

N17°44'10"E
37.37'

8.00'

35.96'

8.00'

5.00'

PROPOSED LOT SPLIT LINE

04-046-0006
RANDS, LYNNETT & JEFFERY
189 S 500 WEST

2

5,000 SF

75.44'

HALL, JESSICA & MARK
165S 500 WEST

S00°00'00"E 82.50' 04-046-0019
STONE, CHALA & ELLERY
462 W 200 SOUTH



SCALE: 1" = 20'



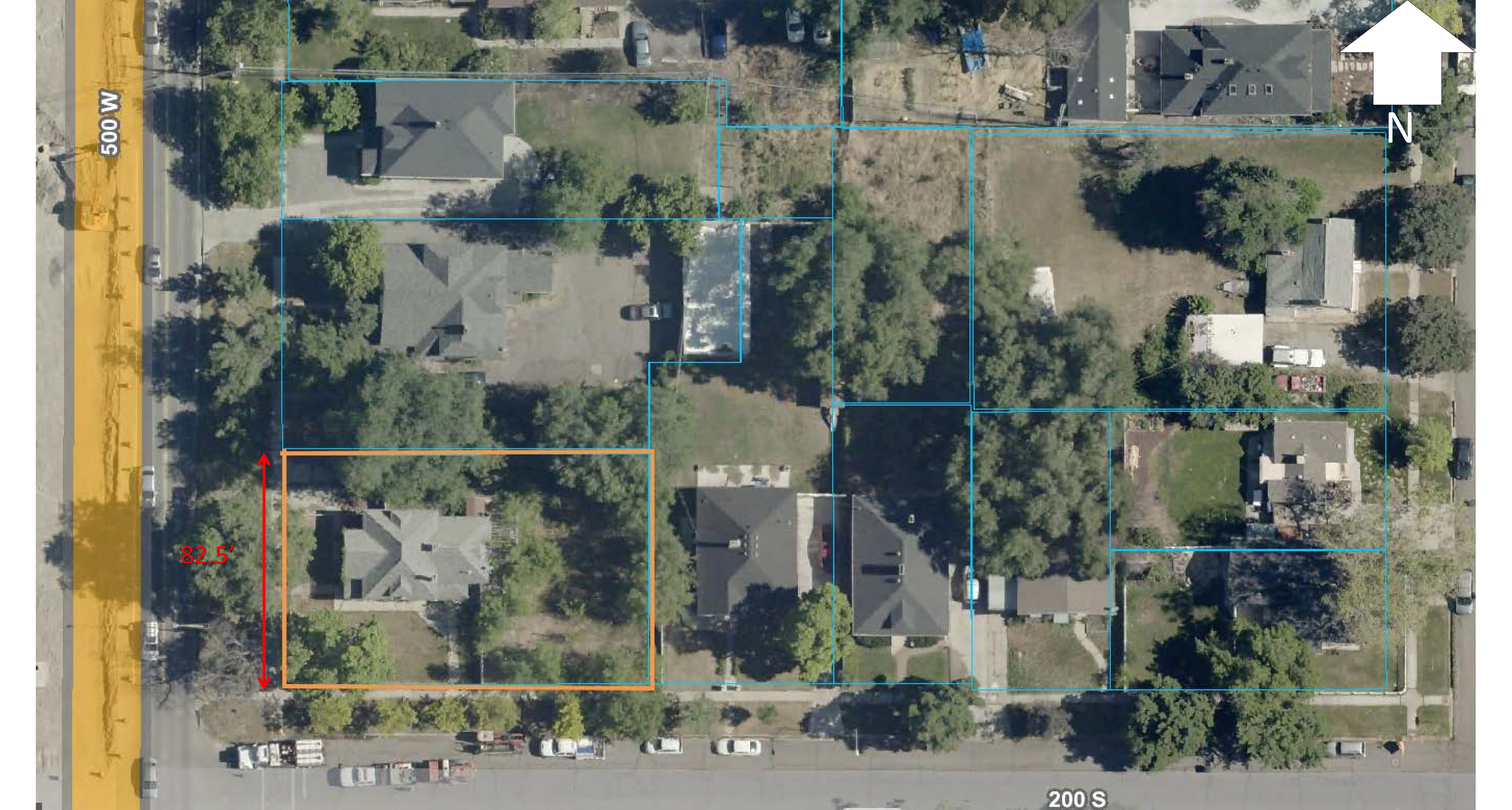
189 S 500 W
LDR REZONE
LOT SPLIT EXHIBIT

DATE:

06/09/2020

FIGURE:

EXHIBIT



500 W

82.5'

200 S

N

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: NLA
Department: Development Services
Requested Meeting Date: 08-18-2020

SUBJECT: An ordinance amending the zone map classification of approximately 14 acres of real property, generally located at 1164 South 1600 West, from Agricultural (A1.5) to Residential (R1.7). Sunset Neighborhood. (PLRZ20180029)

RECOMMENDATION: The Planning Commission has recommended approval (6:2; Lisa Jensen and Robert Knudsen opposed).

BACKGROUND: The applicant, after working tirelessly to refine their development proposal, is proposing a zone map amendment to rezone approximately 14 acres of land from the A1.5 Zone to the R1.7 Zone. The subject land is located in the Southwest area of the City at approximately 1150 S 1600 W. The applicant has submitted an accompanying concept plan for a 40-lot subdivision. The R1.7 Zone allows for a minimum lot area of 7,000 SF; however, the majority of the proposed lots (29 of 40) have an area of more than 9000 SF. The subject property is surrounded by land in the A1 Zone; however, a subdivision in the R1.8 Zone, which lies approximately 550 feet north of the subject land, has been approved and is currently being developed.

FISCAL IMPACT: TBD

PRESENTER'S NAME: Brandon Larsen (801) 852-6408 jblarsen@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20180029

Planning Commission Hearing Staff Report Hearing Date: August 12, 2020

ITEM # 5* Robert Sunderlage requests a Zone Change from A1.5 to R1.7 to allow for a 40-lot, single-family subdivision for property located at approximately 1164 S 1600 W. Sunset neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLRZ20180029

Applicant: Robert Sunderlage

Staff Coordinator: Brandon Larsen

Property Owner: Zions Commercial Investment LLC, Elaine B. Stubbs, and Nancy Marie Valerga

Parcel ID#: 21:040:0064 & 21:040:0065

General Plan Designation: Residential

Current Zoning: A1.5 (Agricultural Zone)

Proposed Zoning: R1.7 (Residential Zone)

Acreage: 14.04

Number of Properties: 2

Number of Lots: 40

Current Legal Use: The property is vacant

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 26, 2020, 6:00 P.M.*
2. **Recommend Denial** of the proposed zone map amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History:

The applicant has been working to refine its development plans for the subject property for several years. Earlier plans included more land and many more lots than the forty (40) currently proposed. The applicant has taken input from City staff and the Sunset neighborhood to bring their development plans more in harmony with the land use policies of the Southwest area.

Neighborhood Issues:

The applicant has presented multiple development plans to the Sunset Neighborhood. The Neighborhood expressed concerns with the density of prior plans. The applicant revised their plans and is proposing a development that is substantially in harmony with the Southwest area density called for in the General Plan.

Summary of Key Issues:

- The subject property is surrounded by land lying in the A1 Zone. However, land in the R1 Zone lies approximately 380 feet to the east.
- The adopted Southwest Area Future Land Use map designates the subject land as Residential. This map appears to call for a density of four (4) units per acre (net) for land that has a Residential land use designation.
- After review by the Coordinator Review Committee, it appears no City departments is opposed to the proposed zone map amendment.

Staff Recommendation:

Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for a zone change from the A1.5 to R1.7 Zone.

OVERVIEW

The applicant, after working tirelessly to refine their development proposal, is proposing a zone map amendment to rezone approximately 14 acres of land from the A1.5 Zone to the R1.7 Zone. The subject land is located in the Southwest area of the City at approximately 1150 S 1600 W.

The applicant has submitted an accompanying concept plan for a 40-lot subdivision. The R1.7 Zone allows for a minimum lot area of 7,000 SF; however, the majority of the proposed lots (29 of 40) have an area of more than 9000 SF.

The subject property is surrounded by land in the A1 Zone; however, a subdivision in the R1.8 Zone, which lies approximately 550 feet north of the subject land, has been approved and is currently being developed.

The proposed development area is located in a High-Water Table Area and all requirements of Section 15.05.170 of the Provo City Code must be met. Further, the southwest corner of the subject property lies in the 100-year floodplain (a 1% annual chance of flooding). All applicable floodplain requirements must be met.

As for access to the subject land, both 1150 S and 1600 W appear to terminate at the northeast corner of the rezone area. One member of the public has voiced concerns about the City approving more development that would utilize 1600 West. This individual notes that 1600 West is very narrow; however, 1600 West is not the only road that would access the development area and staff believes many individuals would also use 1150 South to travel to and from the development.

Utility infrastructure would need to be expanded to support additional residences on the subject property. Providing sewer to this area seems to be of particular concern; the Public Works Department notes that “it appears that sewer generally can be installed in this area to meet Provo City Standards.” Public Works has cautioned the developer that more thorough details (regarding utilities) would need to be provided to demonstrate that all City standards can be met. More detailed development information is required at the plat application stage.

General Plan Policies

Section 1.2.9.3.f of the General Plan establishes a policy that “overall density of the Southwest area should average four units to the acre.” The applicant is requesting R1.7 Zoning and has submitted an associated concept plan that is substantially in harmony with the above policy. The applicant has been working on its development plan for many years and the City has recently adopted 2020 road standards. With the updated road standards, the proposed development would slightly exceed (4.3 net units to acre) the area density policy, which has been modified by the Southwest Area Future Land Use map to call for *net* density of four (4) units to the acre. The applicant has noted the increased amount of right-of-way required for their development with the new road standards, and has designed its development according to the new road standards, but has requested the City approve the same number of lots (40) they

proposed prior to the updated road standards. If the proposed development uses the new road standards and complies with the net density policy, they would only be able to develop 37 lots.

FINDINGS OF FACT

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

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (responses in bold)

(a) Public purpose for the amendment in question.

The public purpose is to provide additional housing opportunities in the Southwest area of Provo, which helps to alleviate the strain related to a lack of housing stock in the City and region.

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

This proposal offers the benefit noted above, as well as the specific zone requested (R1.7) allows the developer to offer a wider variety of lot sizes to the public. The associated concept plan has lots that range from approximately 7200 SF to approximately 13,400 SF.

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

This proposal appears to be in substantial harmony with the General Plan, particularly Article 1.2.9. The proposed amendment will facilitate the construction of 40 new single-family residences. Section 1.2.9.3.b of the General Plan states the following: “Detached single-family homes should be the predominant housing type and the use of other types should augment and not detract from the single-family feel of the area.” This development will contribute to the desired single-family feel of the area.

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

The necessary infrastructure, including roads and sewer, must be constructed to facilitate the construction of single-family residences on the subject land. The Public Works Department is supportive of the rezone of this property to a residential designation, but cautions that more details are needed to demonstrate sewer service can be provided to the subject property. Again, Public Works has stated that “it appears that sewer generally can be installed in this area to meet Provo City Standards.”

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

Section 1.2.9.6.d of the General Plan states the following: “Development may be limited or deferred depending on the availability of adequate municipal infrastructure (such as sewer, storm drainage, water, etc.).” As noted above, the Public Works Department believes sewer can generally be provided to the proposed development area, but the developer would need to provide more details to demonstrate the ability provide sewer to the area. The plat application process provides a developer the opportunity to demonstrate compliance with the City’s development standards.

Section 1.2.9.6.c of the General Plan states the following: “Discourage rezoning of land that is surrounded by agricultural zoning.” Some of the surrounding (northeast of the property) agriculturally zoned property has the appearance of RA or R1 development. The vicinity of the proposed development area appears to be transitioning to residential.

(f) Adverse impacts on adjacent land owners.

An increase in traffic would result if the proposed development is established. 1600 West (north of the development area) appears to be narrow. Staff notes that this property can also be accessed by 1150 South, which appears to be much wider than 1600 West.

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

The zoning for this property is suited to be either agricultural or residential, as there appear to be both uses in the immediate vicinity; however, staff notes that this area appears to be transitioning to residential. The Residential General Plan land use designation appears to be appropriate for the area.

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

The General Plan Map and policies appear to support residential development in the area.

STAFF ANALYSIS and CONCLUSION

The proposed zone map amendment, with the proposed concept plan, appear to be appropriate for the area. The concept plan helps to demonstrate that the land will be developed in substantial harmony with the policies of the General Plan, including those related to density. The vicinity of the subject property appears to be transitioning to residential use. There is a housing stock shortage and this development will help to ease the pressure from this shortage.

STAFF RECOMMENDATION

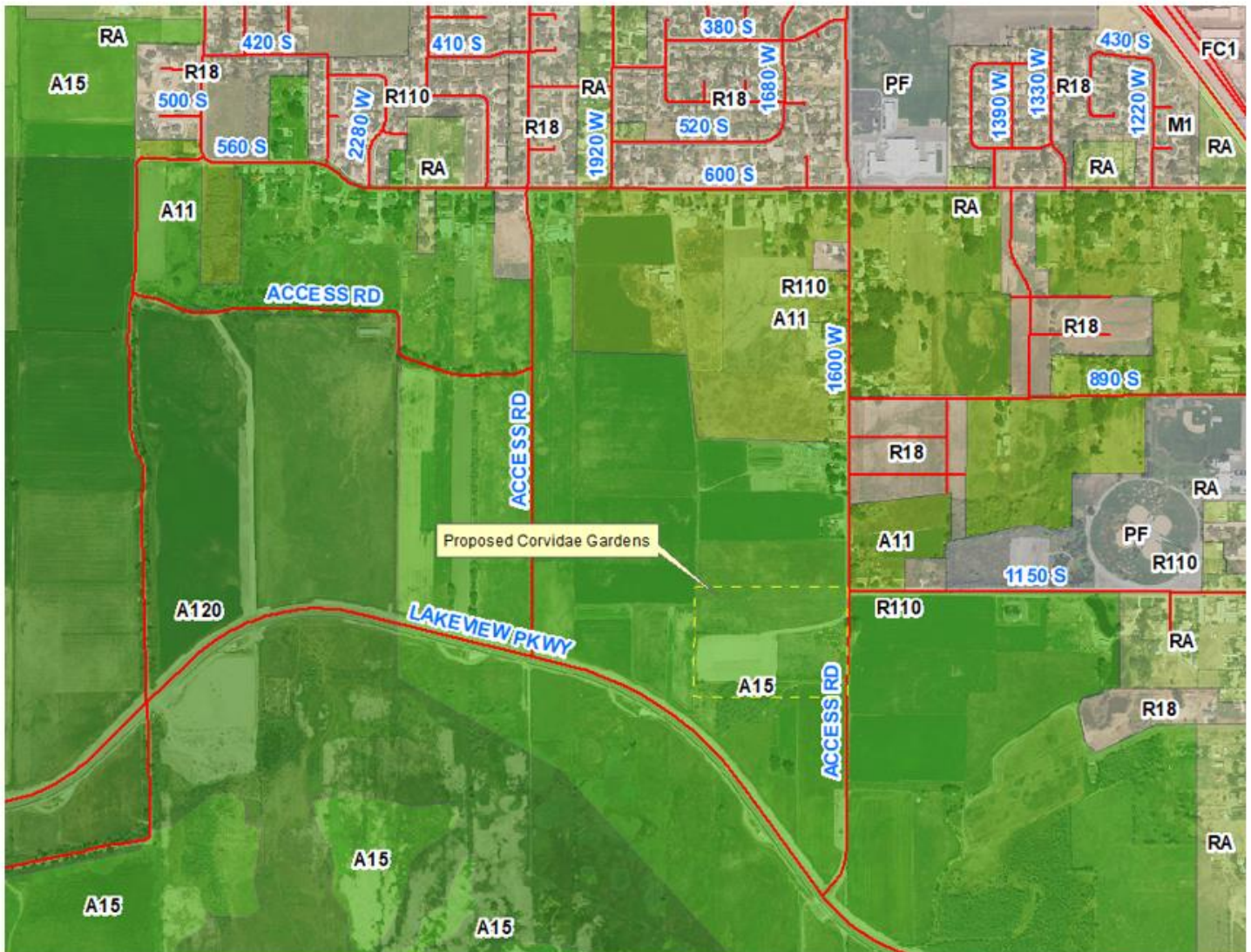
Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for a zone change from the A1.5 to R1.7 Zone.

ATTACHMENTS

1. Current Zoning
2. Proposed Zoning
3. Concept Plan

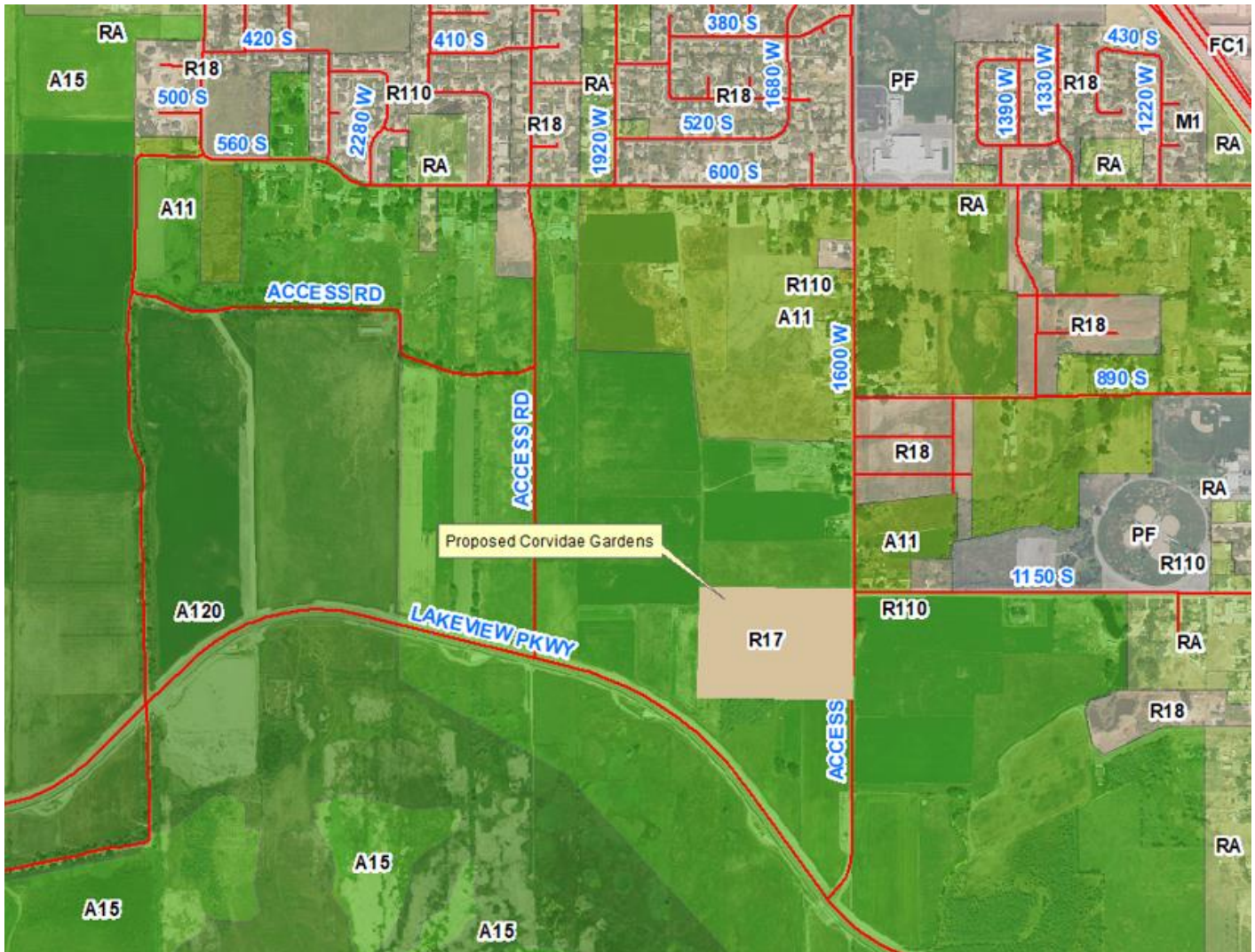
ATTACHMENT – Current Zoning

Current Zoning: A1.5 (Agricultural)

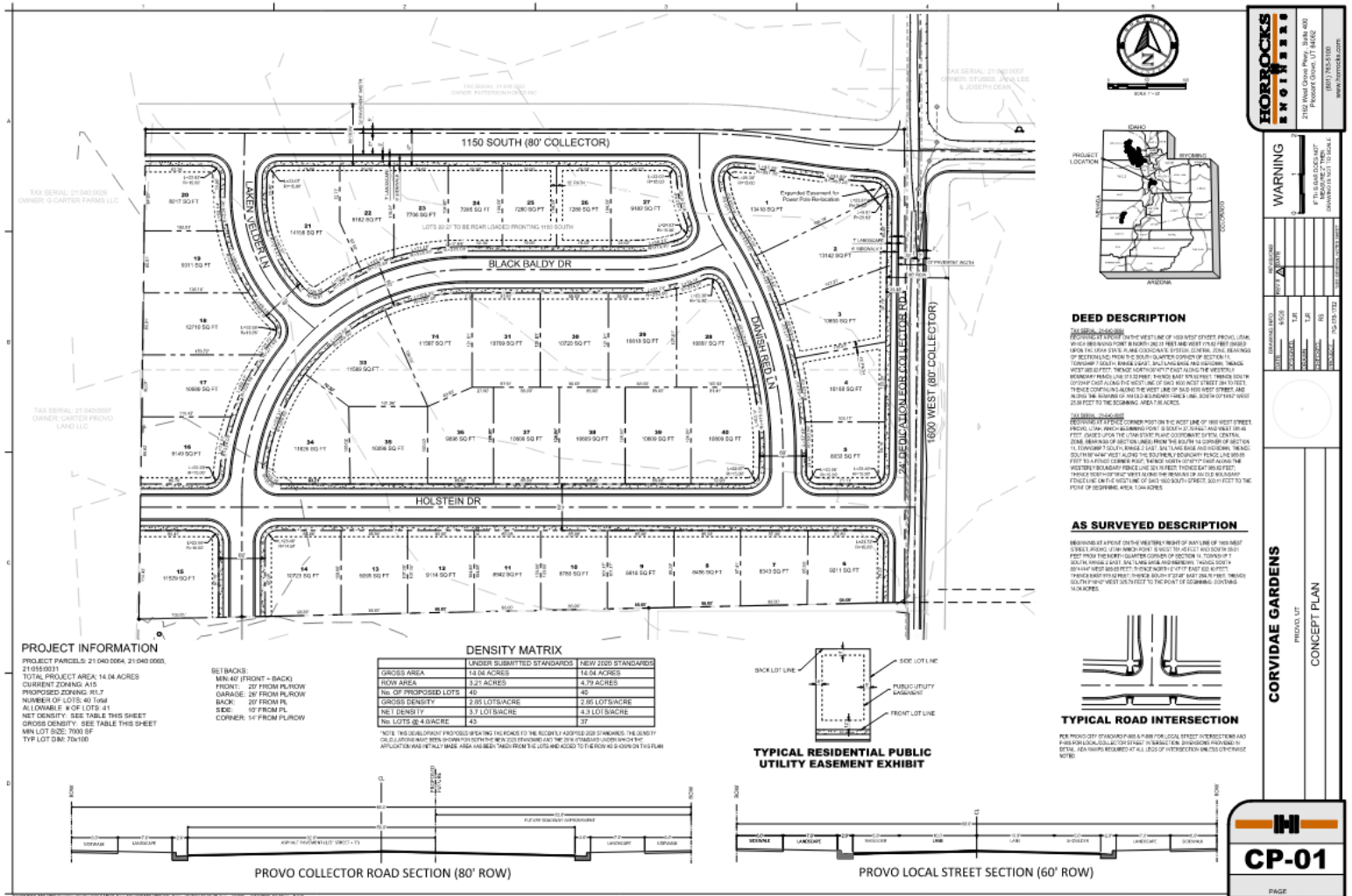


ATTACHMENT – Proposed Zoning

Proposed Zoning: R1.7 (Residential)



ATTACHMENT – Concept Plan



ORDINANCE 2020-

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 14 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 1164 SOUTH 1600 WEST, FROM AGRICULTURAL (A1.5) TO RESIDENTIAL (R1.7). (PLRZ20200124)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 14 acres of real property, generally located at 1164 South 1600 West (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from the Agricultural (A1.5) to the Residential (R1.7) Zone; and

WHEREAS, on August 12, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and at such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:2; and

WHEREAS, the Planning Commission's recommendation was based on the project design presented to the Commission; and

WHEREAS, on August 18, 2020, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

PART I:

The classification on the Zone Map of Provo, Utah is hereby amended from the Agricultural (A1.5) to the Residential (R1.7) Zone for approximately 14 acres of real property generally located at 1164 South 1600 West, as described herein.

PART II:

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

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be

48 unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

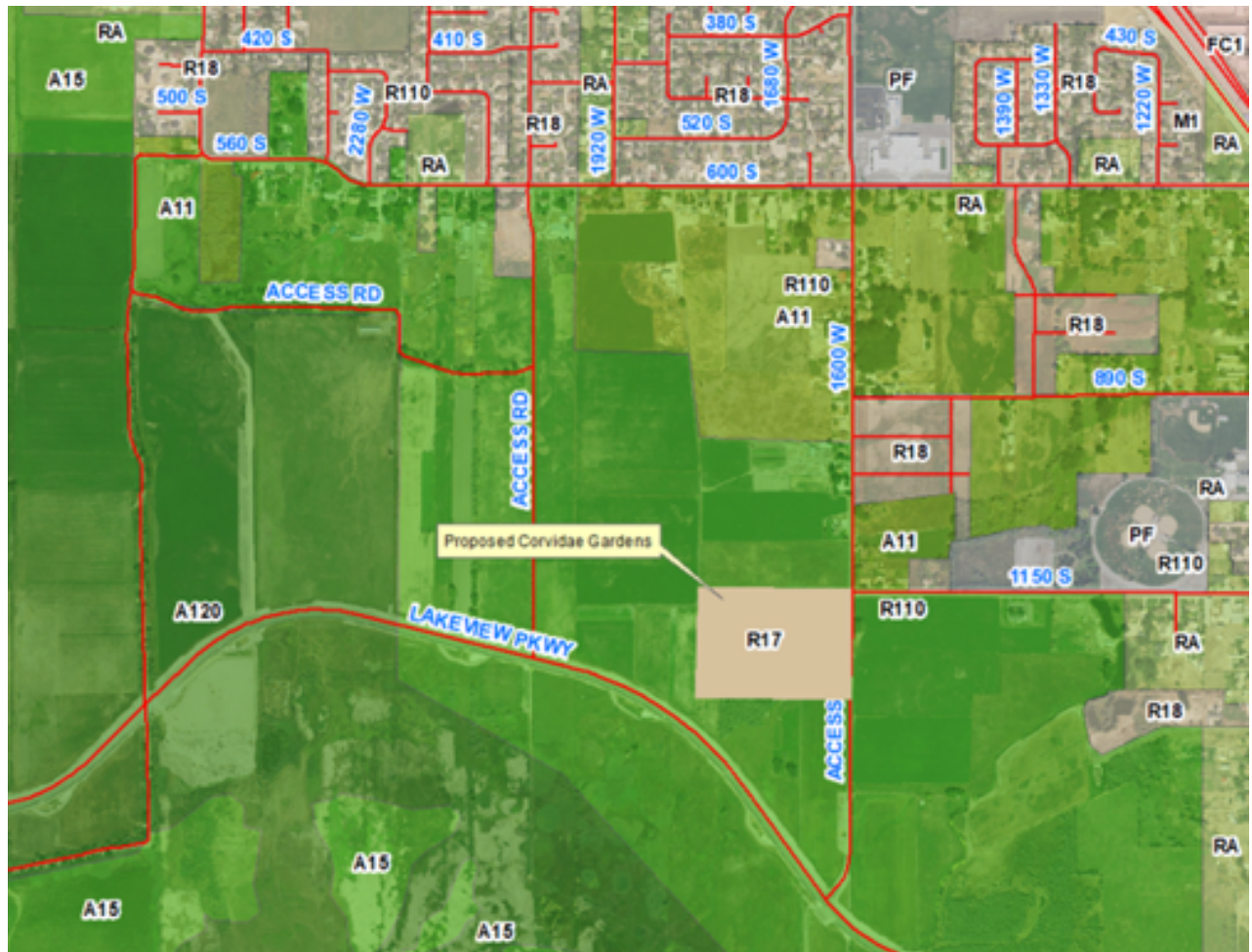
49
50 C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City,
51 Utah be updated and codified to reflect the provisions enacted by this ordinance.

52
53
54 D. This ordinance shall take effect immediately after it has been posted or published in
55 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code
56 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

57
58 END OF ORDINANCE.

Exhibit A

Proposed Zoning



Provo City Planning Commission

Report of Action

August 12, 2020

Item 5* Robert Sunderlage requests a Zone Change from A1.5 to R1.7 to allow for a 40-lot, single-family subdivision for property located at approximately 1164 S 1600 W. Sunset Neighborhood.
Brandon Larsen (801) 852-6408 jblarsen@provo.org PLRZ20180029

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 12, 2020:

RECOMMENDATION OF APPROVAL

On a vote of 6:2, the Planning Commission recommended approval of the above noted application.

Motion By: Dave Anderson

Second By: Brian Henrie

Votes in Favor of Motion: Laurie Urquiaga, Ally Jones, Brian Henrie, Dave Anderson, Daniel Gonzales, and Deborah Jensen

Votes against the Motion: Lisa Jensen and Robert Knudsen

Deborah Jensen was present as Chair.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the R1.7 Zone is described in the attached Exhibit "A"

RELATED ACTIONS

The Planning Commission approved the related concept plan as Item #6

RECOMMENDED DENSITY

4.3 units/acre

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in Staff's presentation to the Planning Commission included the following: The 14-acre subject property is located in an area that appears to be transitioning to residential use. There are other residentially zoned lands near this property, including the somewhat recently approved Kelshaw Lane development. The Southwest Area Future Land Use map calls for residential development in the area.

APPLICANT RESPONSE

This application has been in process for quite a while and the applicant has worked to try to bring their development plans in harmony with City plans and the Neighborhood's (Sunset) vision for the area. He spoke to concerns related to providing sewer to the property and noted that he has identified a solution that he believes is workable now—raise the property to get depth to lay sewer lines. The applicant spoke to the aesthetics of raising the development site and asserted that grades would be dealt with in a gradual manner. The raised site would give opportunities for daylight basements.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- No comments or questions for this item were received from the public at this meeting.

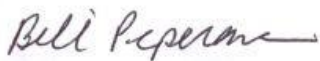
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission recommended approval of this item to the Municipal Council. It appeared that those who voted in favor of this application were sympathetic to concerns with narrow roads and challenges to provide sewer to the area, but felt the benefits of the development out-weight the costs. Some Commission members expressed concerns with the safety of children traveling to and from school on 1600 West. One Commission member was concerned with the density possibilities related to R1.7 zoning and the message that would be sent to the community if R1.7 zoning were given for the property by the City. It appeared many other Commissioners did not share this concern.



Planning Commission Chair



Director of Development Services

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

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

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

Exhibit “A”

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

COM N 262.31 FT & W 779.82 FT FR S 1/4 COR SEC 11, T7S, R2E, SLM; W 985.62 FT; N 47'17"E 310.32 FT; E 979.52 FT; S 23'48"E 284.70 FT; S 18'42"W 25.60 FT TO BEG. AREA 7 ACRES

And

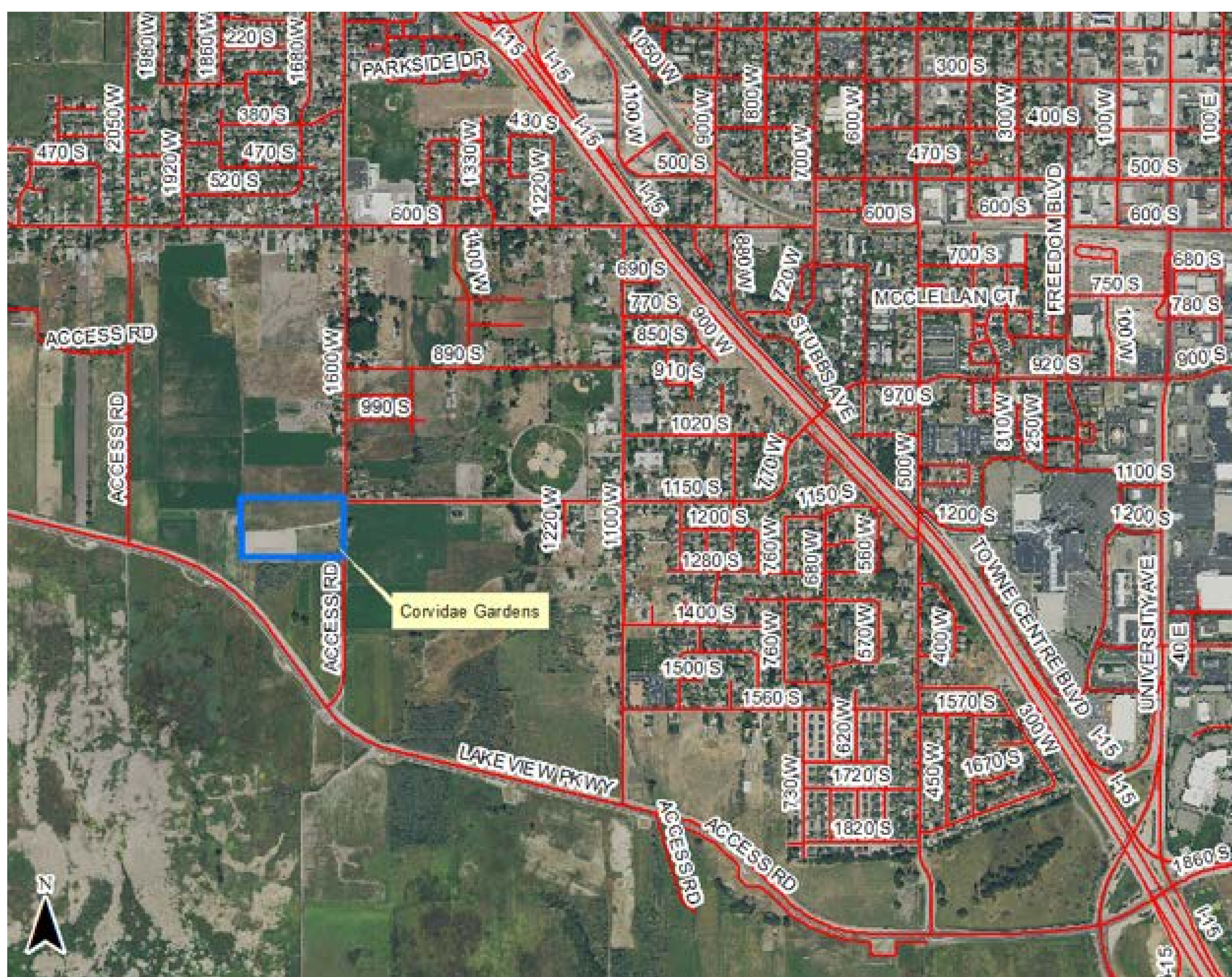
COM S 37.79 FT & W 781.45 FT FR S 1/4 COR SEC 11, T7S, R2E, SLM; S 88 DEG 44'44"W 988.65 FT; N 47'17"E 321.78 FT; E 985.62 FT; S 18'42"W 300.11 FT TO BEG. AREA 7.044 ACRES

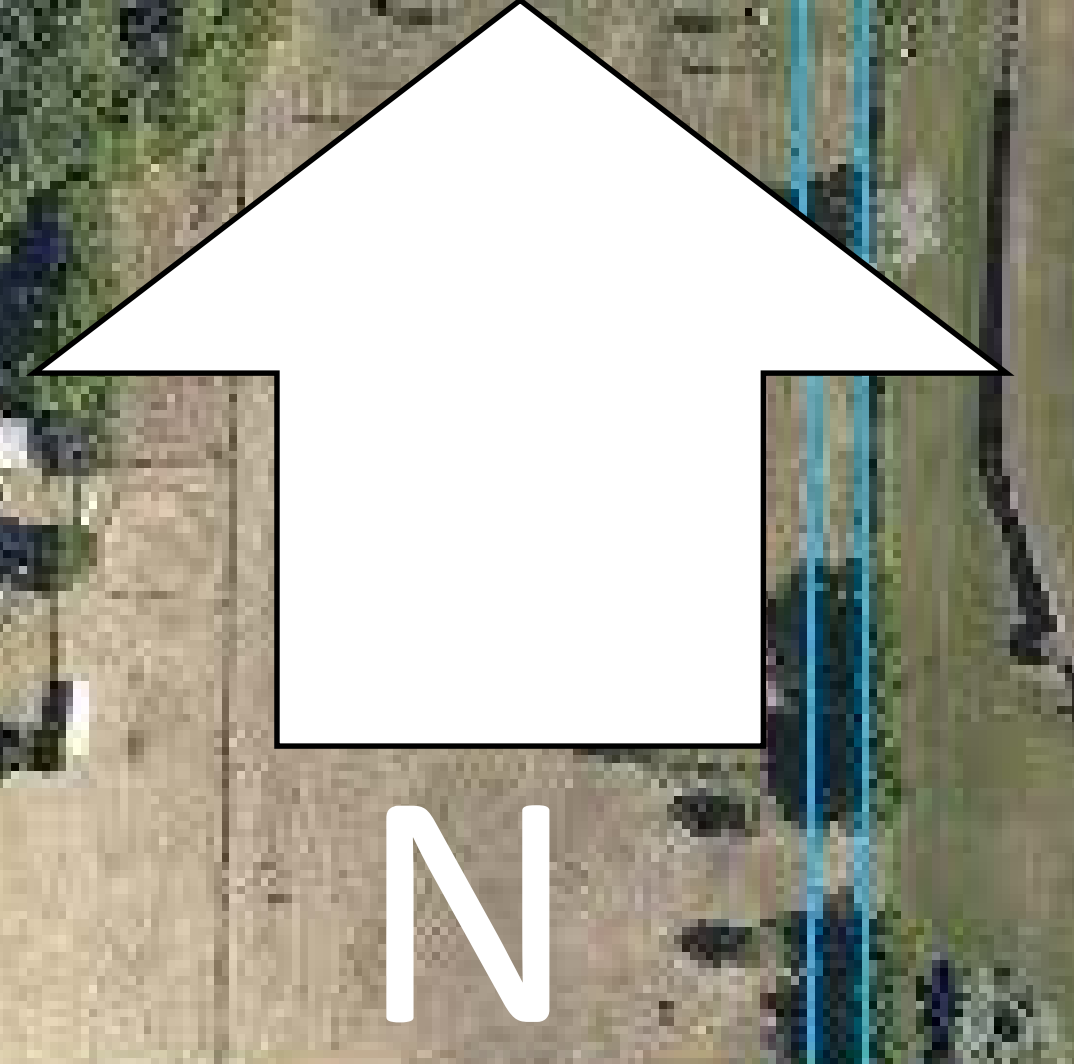
ITEM 5*

Robert Sunderlage requests a Zone Change from A1.5 to R1.7 to allow for a 40-lot, single-family subdivision for property located at approximately 1164 S 1600 W.

Sunset Neighborhood

PLRZ20180029



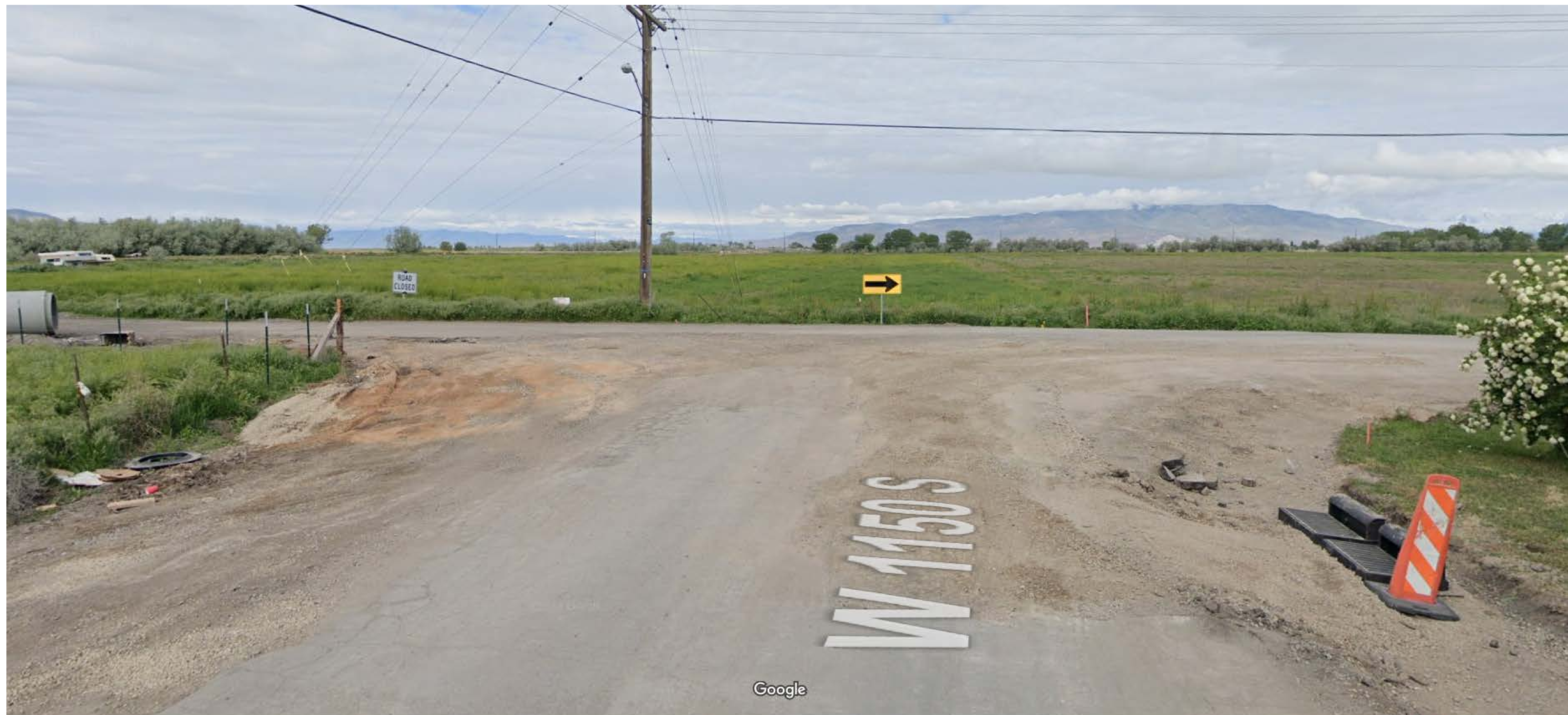


940 S
Kelshaw Lane
30 Lots
990 S

1480 W

Approx. 7
acres

Approx. 7
acres



Google

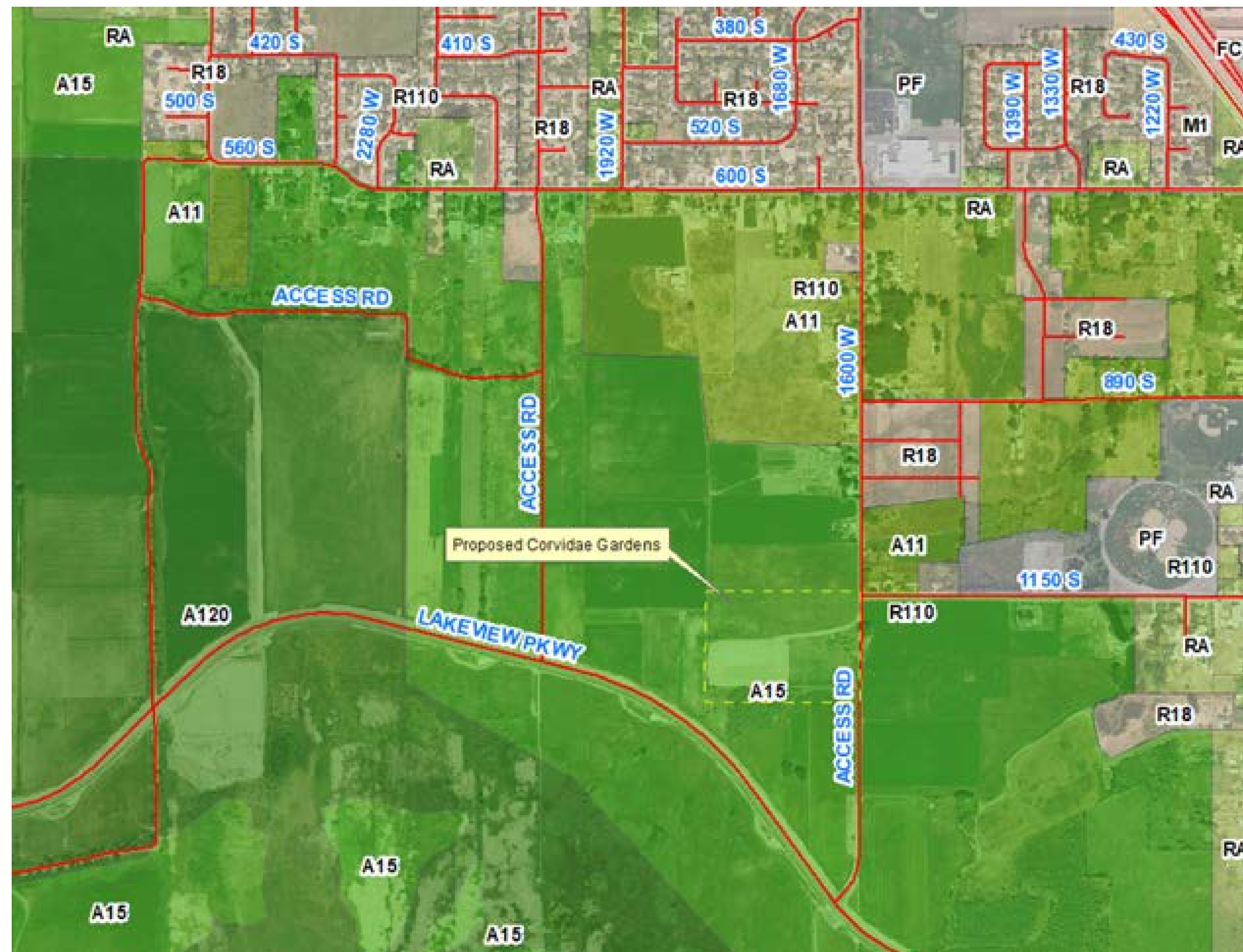


Google

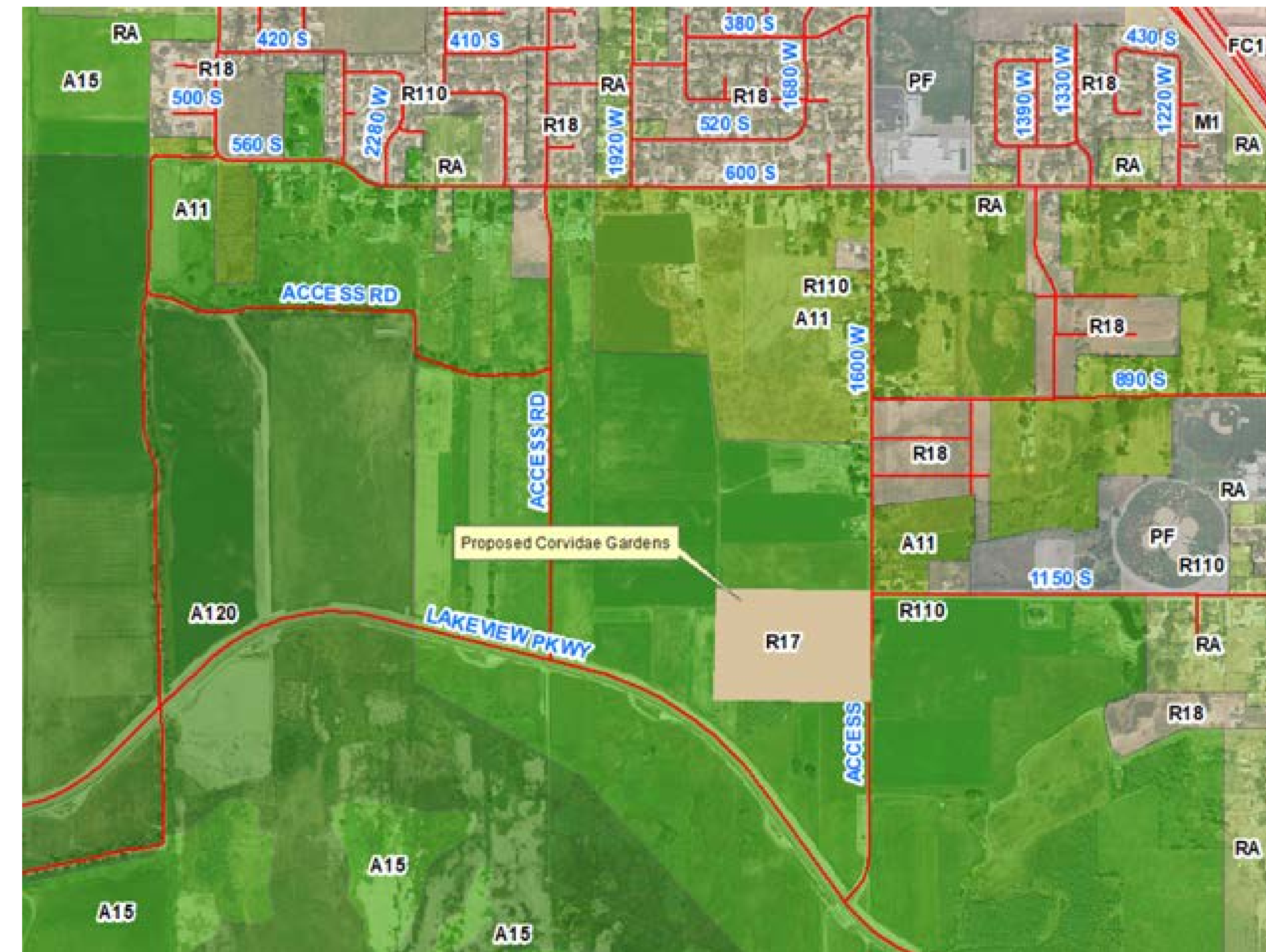
Corvidae Gardens

Rezone: A1.5 Zone to R1.7 Zone

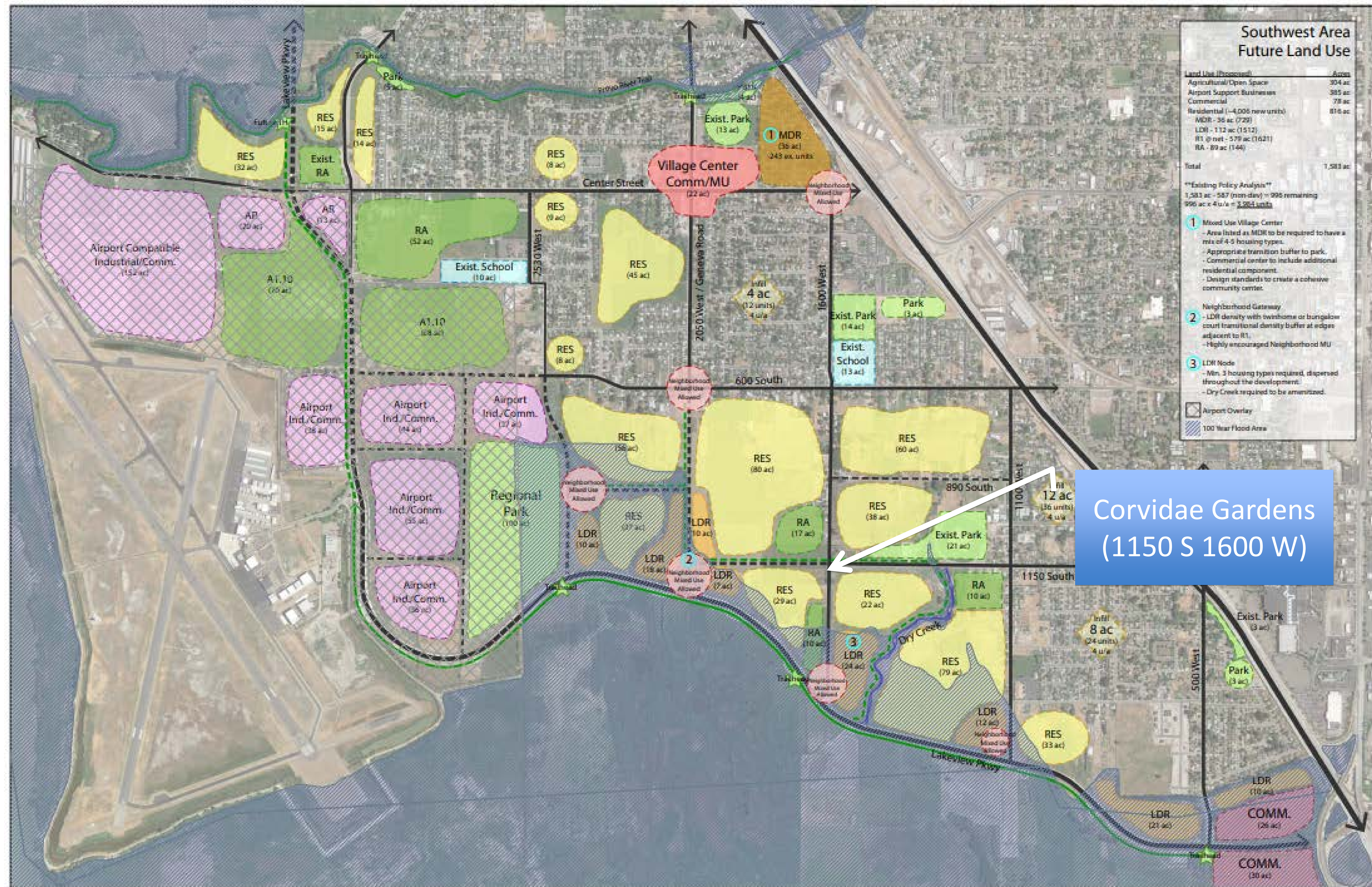
**Current Zoning: A1.5
(Agricultural)**



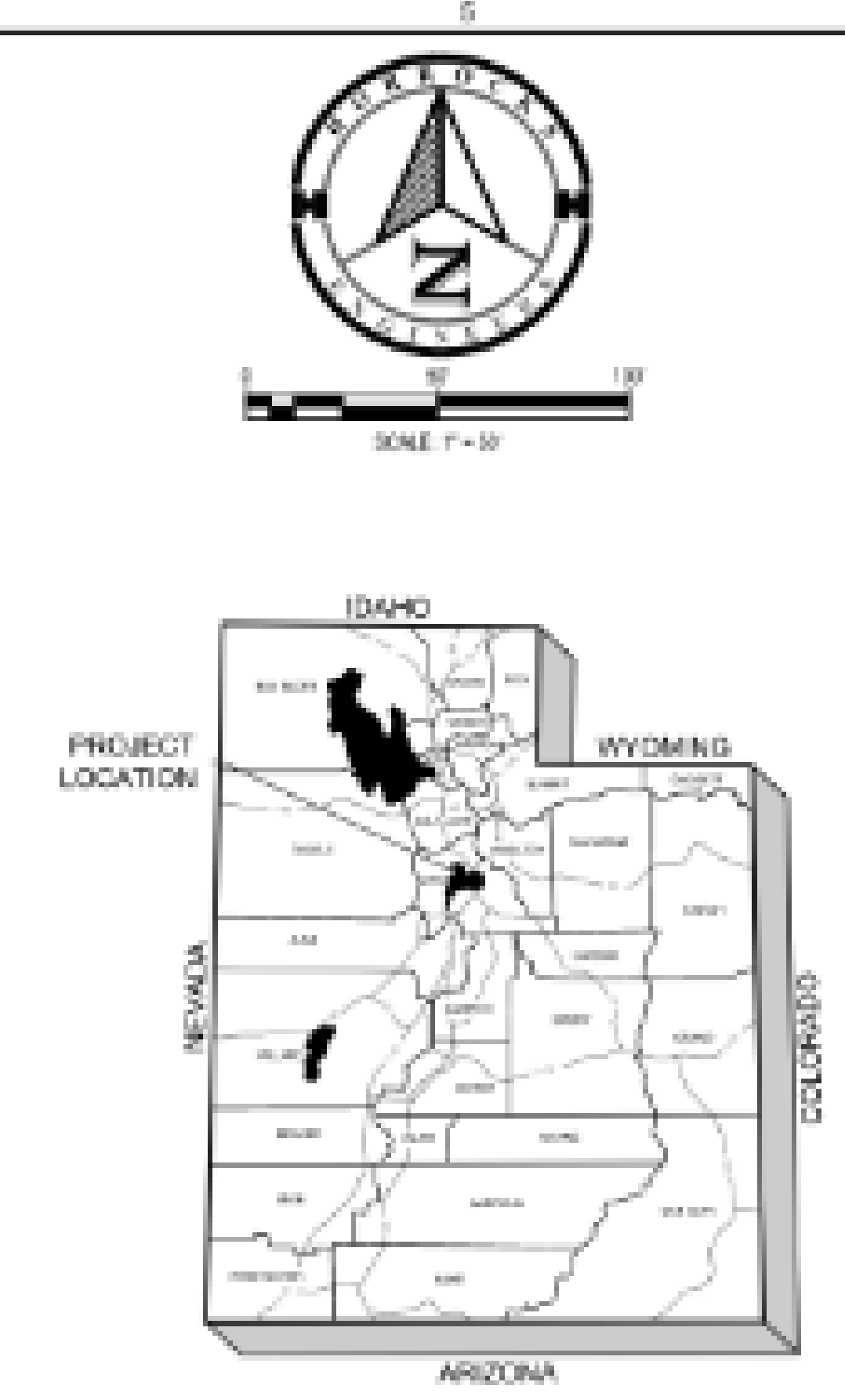
**Proposed Zoning: R1.7
(Residential)**



*The General Plan designation is Residential.

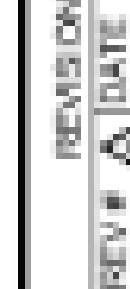


Corvidae Gardens
(1150 S 1600 W)



WARNING

IF THIS TAPE DOES NOT MEASURE 3" THEN DRAWING IS NOT TO SCALE

	DATE	DESIGNED BY	REV #	REV DATE	REVISIONS
	6/5/20	TUR			
		DRAWN			
		TUR			
		38			
PROD. DET.			PG. 116-1700		

CORVIDAE GARDENS
PROVINCIAL UT
CONCEPT PLAN

CP-01

PROVO LOCAL STREET SECTION (60' ROW)

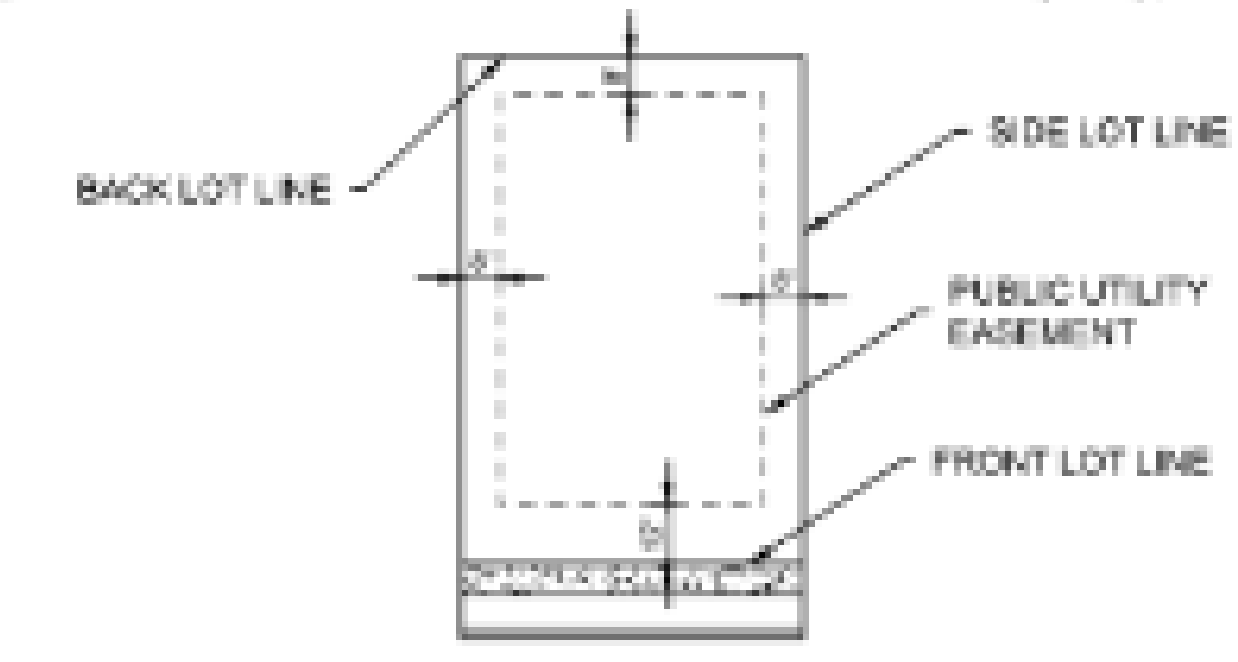


PROJECT INFORMATION
PROJECT PARCELS: 21-040-0084, 21-040-0085, 21-055-0031
TOTAL PROJECT AREA: 14.04 ACRES
CURRENT ZONING: A15
PROPOSED ZONING: R1.7
NUMBER OF LOTS: 40 Total
ALLOWABLE # OF LOTS: 41
NET DENSITY: SEE TABLE THIS SHEET
GROSS DENSITY: SEE TABLE THIS SHEET
MIN LOT SIZE: 7000 SF
TYP LOT DIM: 70x100

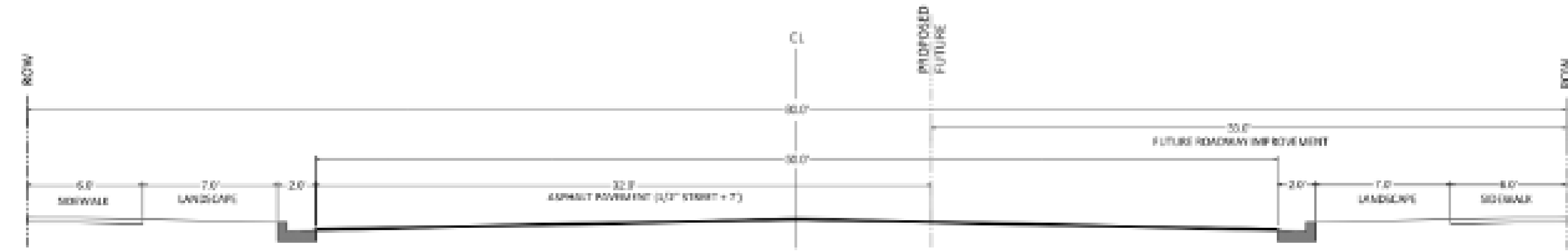
SETBACKS:
MIN: 40' (FRONT + BACK)
FRONT: 20' FROM PUROW
GARAGE: 26' FROM PUROW
BACK: 20' FROM PL
SIDE: 10' FROM PL
CORNER: 14' FROM PUROW

DENSITY MATRIX		
	UNDER SUBMITTED STANDARDS	NEW 2020 STANDARDS
GROSS AREA	14.04 ACRES	14.04 ACRES
ROW AREA	3.21 ACRES	4.79 ACRES
No. OF PROPOSED LOTS	40	40
GROSS DENSITY	2.85 LOTS/ACRE	2.85 LOTS/ACRE
NET DENSITY	3.7 LOTS/ACRE	4.3 LOTS/ACRE
No. LOTS @ 4.0/ACRE	43	37

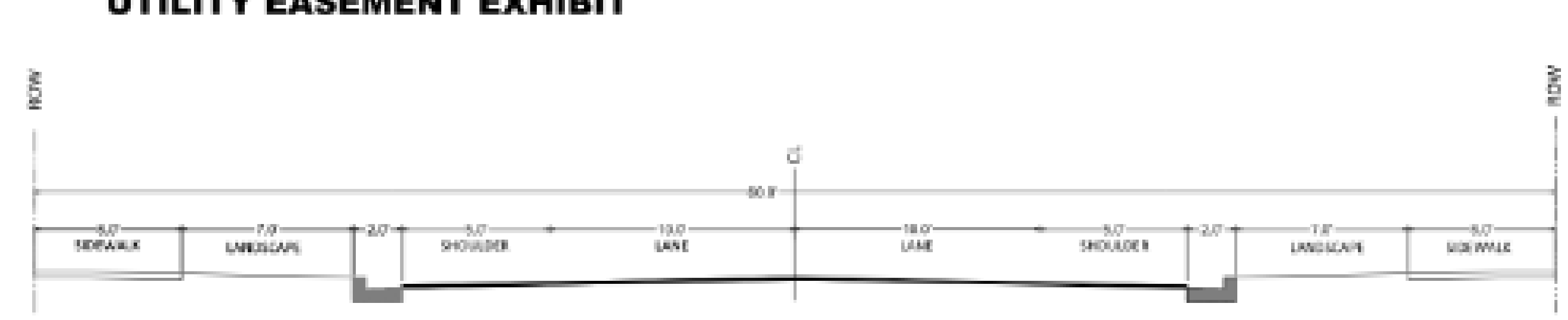
NOTE: THIS DEVELOPMENT PROPOSER UPDATES THE ROADS TO THE RECENTLY ADOPTED 2020 STANDARDS. THE DENSITY CALCULATIONS HAVE BEEN SHOWN FOR BOTH THE NEW 2020 STANDARD AND THE 2010 STANDARD UNDER WHICH THE APPLICATION WAS INITIALLY MADE. AREA HAS BEEN TAKEN FROM THE LOTS AND ADDED TO THE ROW AS SHOWN ON THIS PLAN



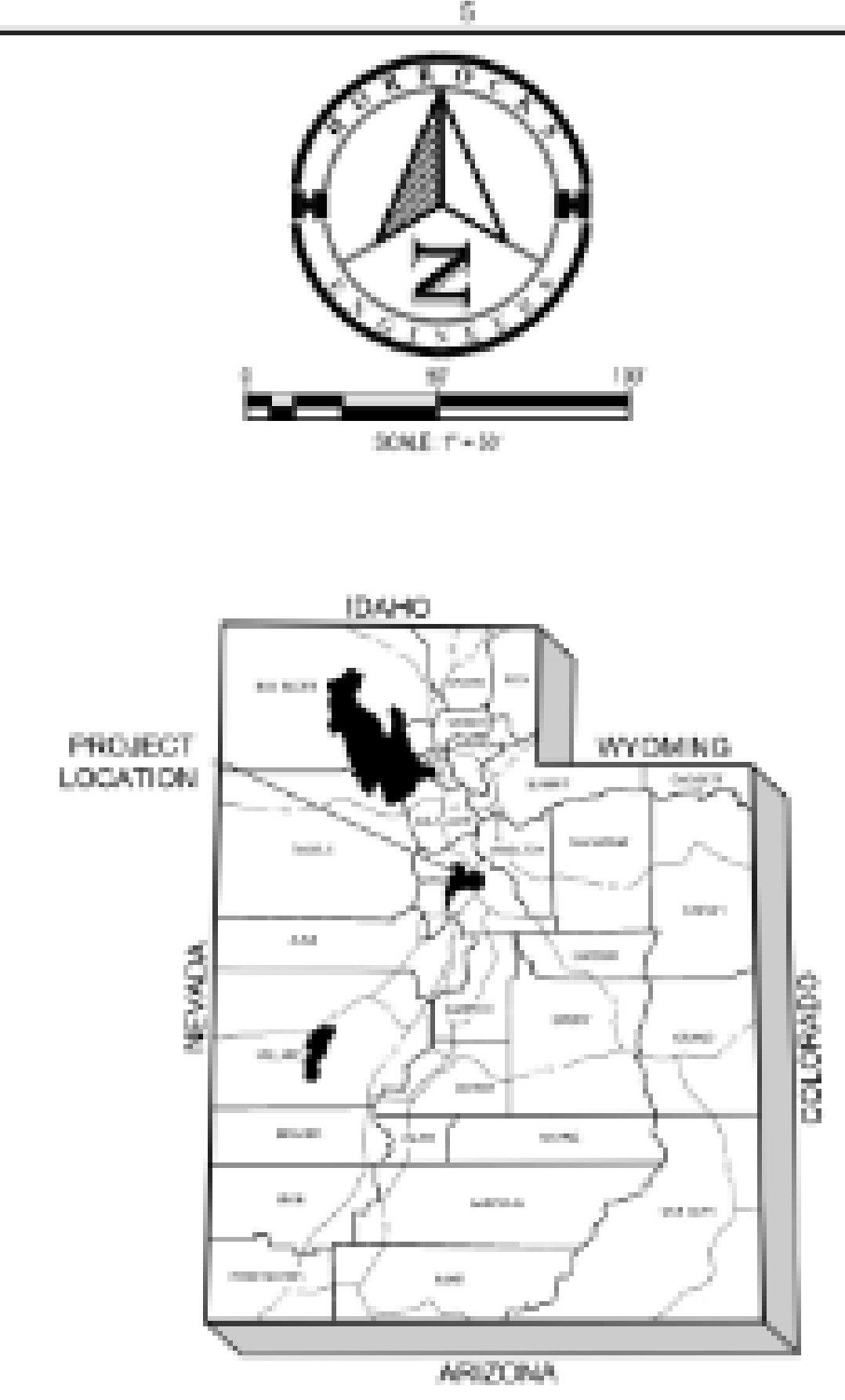
TYPICAL RESIDENTIAL PUBLIC UTILITY EASEMENT EXHIBIT



PROVO COLLECTOR ROAD SECTION (80' ROW)



PROVO LOCAL STREET SECTION (60' ROW)



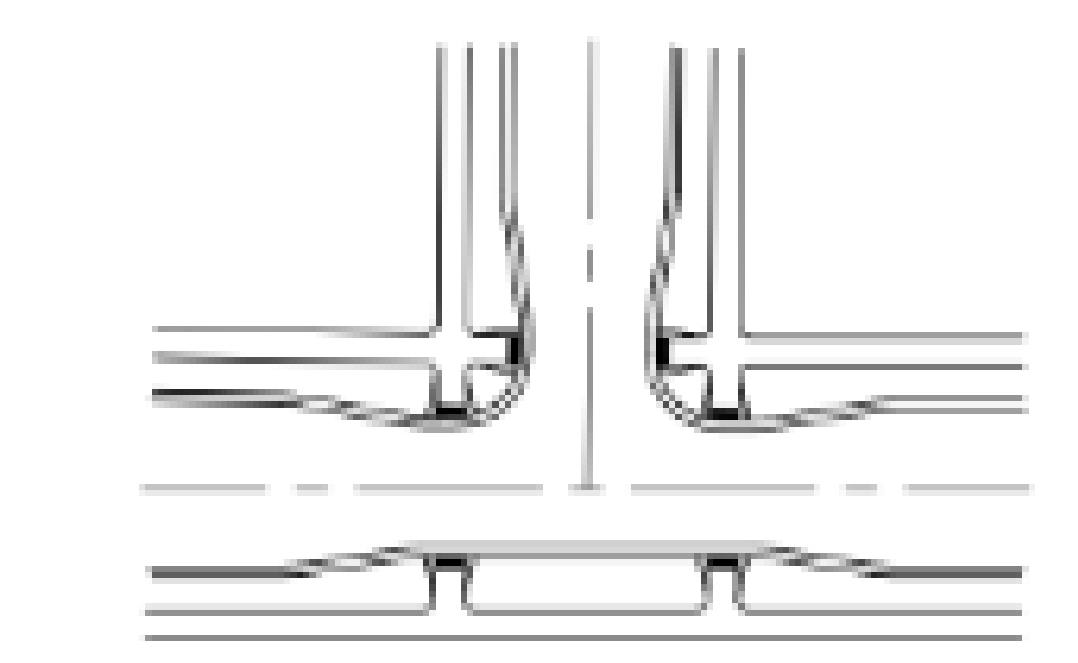
DEED DESCRIPTION

TAX SERIAL: 21-040-0084
BEGINNING AT A POINT ON THE WEST LINE OF 1600 WEST STREET, PROVO, UTAH, WHICH BEGINNING POINT IS NORTH 262.31 FEET AND WEST 779.82 FEET (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE WEST 265.62 FEET; THENCE NORTH 00°47'17" EAST ALONG THE WESTERLY BOUNDARY FENCE LINE 310.32 FEET; THENCE EAST 979.32 FEET; THENCE SOUTH 00°32'41" EAST ALONG THE WEST LINE OF SAID 1600 WEST STREET 284.70 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID 1600 WEST STREET, AND ALONG THE REMAINS OF AN OLD BOUNDARY FENCE LINE, SOUTH 08°18'42" WEST 25.46 FEET TO THE BEGINNING, AREA 7.00 ACRES.

TAX SERIAL: 21-040-0085
BEGINNING AT A FENCE CORNER POST ON THE WEST LINE OF 1600 WEST STREET, PROVO, UTAH, WHICH BEGINNING POINT IS SOUTH 32.79 FEET AND WEST 351.18 FEET (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINE) FROM THE SOUTH 1/4 CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 88°44'44" WEST 1.01 ALONG THE SOUTHERLY BOUNDARY FENCE LINE 98.85 FEET TO A FENCE CORNER POST; THENCE NORTH 87°47'17" EAST ALONG THE WESTERLY BOUNDARY FENCE LINE 321.79 FEET; THENCE EAST 98.60 FEET; THENCE SOUTH 08°18'42" WEST ALONG THE REMAINS OF AN OLD BOUNDARY FENCE LINE ON THE WEST LINE OF SAID 1600 WEST STREET, 306.11 FEET TO THE POINT OF BEGINNING, AREA 1.84 ACRES.

AS SURVEYED DESCRIPTION

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 1600 WEST STREET, PROVO, UTAH, WHICH POINT IS WEST 171.45 FEET AND SOUTH 35.05 FEET FROM THE NORTH QUARTER CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 88°44'44" WEST 88.85 FEET; THENCE NORTH 0°34'17" EAST 832.10 FEET; THENCE EAST 979.32 FEET; THENCE SOUTH 0°32'41" EAST 284.70 FEET; THENCE SOUTH 08°18'42" WEST 325.76 FEET TO THE POINT OF BEGINNING, CONTAINS 14.04 ACRES.



TYPICAL ROAD INTERSECTION

PER PROVO CITY STANDARD P-608 & P-609 FOR LOCAL STREET INTERSECTIONS AND P-610 FOR LOCAL COLLECTOR STREET INTERSECTION. DIMENSIONS PROVIDED IN DETAIL. ADA RAMPS REQUIRED AT ALL LOSSES OF INTERSECTION UNLESS OTHERWISE NOTED.

HORROCKS
ENGINEERS

21632 West Grove Place, Suite 400
Pleasant Grove, UT 84062
(801) 763-5100
www.horrocksenr.com

WARNING

IF THIS BAR DOES NOT
MEASURE 2" THEN
DRAWING IS NOT TO SCALE

REV#	DATE	REVISIONS

DRAWING INFO

DATE: 06/26
DESIGNED: TJR
DRAWN: TJR
CHECKED: RS
PROJECT: PG-118-102
SHEET: 001

CORVIDAE GARDENS

PROVO, UT

CONCEPT PLAN

CP-01

PAGE

DENSITY MATRIX

	UNDER SUBMITTED STANDARDS	NEW 2020 STANDARDS
GROSS AREA	14.04 ACRES	14.04 ACRES
ROW AREA	3.21 ACRES	4.79 ACRES
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NET DENSITY	3.7 LOTS/ACRE	4.3 LOTS/ACRE
No. LOTS @ 4.0/ACRE	43	37

*NOTE: THIS DEVELOPMENT PROPOSES UPDATING THE ROADS TO THE RECENTLY ADOPTED 2020 STANDARDS. THE DENSITY CALCULATIONS HAVE BEEN SHOWN FOR BOTH THE NEW 2020 STANDARD AND THE 2016 STANDARD UNDER WHICH THE APPLICATION WAS INITIALLY MADE. AREA HAS BEEN TAKEN FROM THE LOTS AND ADDED TO THE ROW AS SHOWN ON THIS PLAN

14.04 gross acres – 4.79 acres (for roads) = 9.25 net acres; 9.25 net acres x 4 unit per acre = 37 Units w/ 2020 Road Standards = 4.3 net units/acre