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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 participation and the refinements they have been able to make to the proposal as a result. Mr.

Handley outlined changes to the Council's meeting procedures during the coronavirus pandemic; the adaptations have allowed the government to continue to operate and the Council was consciously wanting the public to be engaged in the process, which was why they held this town hall. Mr. Handley indicated that if any members of the public did not receive answers to their questions during the town hall, that the committee would be happy to follow-up with answers.

1. A presentation regarding the proposed Critical Hillside Overlay Zone and where it would be applied. (PLOTA20200077 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. (PLOTA20200077 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 virginal 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 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

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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 which could possibly be annexed. They also intend to amend the General Plan to indicate the intent for land annexed into the City. In sum, these factors would be addressed elsewhere in City documents, simply not in this ordinance.

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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.