

#### PROVO MUNICIPAL COUNCIL

#### Redevelopment Agency of Provo Regular Meeting Agenda

6:00 PM, Tuesday, January 04, 2022

Hybrid meeting: <a href="https://www.youtube.com/provocitycouncil">https://www.youtube.com/provocitycouncil</a> or 351 W.

Center Street, Provo, UT 84601

This meeting will be conducted as a hybrid meeting, with some in-person components as well as continued virtual meeting access. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: <a href="youtube.com/provocitycouncil">youtube.com/provocitycouncil</a> and <a href="facebook.com/provocouncil">facebook.com/provocouncil</a>. If one platform is unavailable, please try the other. If both services are down or unavailable, after a reasonable (but short) time waiting to see if the services resume, the remainder of the meeting will be postponed to the next week, with appropriate public notice given of the rescheduled date. If you do not have access to the Internet, you can join via telephone following the instructions below. The in-person meeting will be held in the **Council Chambers**.

#### TO MAKE A VIRTUAL PUBLIC COMMENT:

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

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

January 04 Council Meeting: Dial 346 248 7799. Enter Meeting ID 812 5282 7654 and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: 522211.

#### **Decorum**

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

0	pening	Ceremony
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**Roll Call** 

**Prayer** 

Pledge of Allegiance

#### **Public Comment**

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

#### **Action Agenda**

- 1. The election of the Municipal Council Chair and Vice-chair. (22-001)
- 2. A resolution acknowledging the election of the Chair and Vice-chair of the Provo Municipal Council for calendar year 2022. (22-001)
- 3. An ordinance amending Provo City Code to adopt policies and procedures for the dedication of private streets and utilities. Citywide Application. (PLOTA20210360).
- 4. A resolution adding a home located at 1115 East 640 South to the Provo Landmarks Register (PLLN20210394)
- 5. A resolution supporting the environmental protections for Utah Lake. (21-122)

#### **Redevelopment Agency of Provo**

- 6. The election of the Redevelopment Agency Chair and Vice-chair. (22-001)
- 7. A resolution acknowledging the appointment of the Chair and Vice-chair of the Redevelopment Agency of Provo City for calendar year 2022. (22-001)

#### **Adjournment**

#### **Hybrid Meeting Protocol**

For the past year, the Provo City Municipal Council has been meeting without an anchor location, pursuant to Utah's *Open and Public Meetings Act*, and has instead conducted all meetings online. Notwithstanding the ongoing coronavirus pandemic and Utah County's high level of coronavirus transmission, the Municipal Council has determined to hold its meetings at an anchor location AND online. We invite interested persons to participate:

- in the Council Chambers located at the City Center building; OR
- online by watching the live broadcasts at <u>youtube.com/provocitycouncil</u> and <u>facebook.com/provocouncil</u>.

We encourage attendees to maintain appropriate health protocols such as wearing masks and social distancing. Public comment may be received in person OR online (by calling in or logging onto the Zoom Webinar) which are detailed in meeting notices and agendas, and on the broadcasts. Follow the instructions provided on public notices of each meeting.

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

Materials and Agenda: agendas.provo.org

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

The next Council Meeting will be held on Tuesday, January 18, 2022. The meeting will be conducted **in a hybrid format**. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are 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 <a href="mailto:evanderwerken@provo.org">evanderwerken@provo.org</a> at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at <a href="mailto:youtube.com/ProvoCityCouncil">youtube.com/ProvoCityCouncil</a>.

#### **Notice of Telephonic Communications**

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

#### **Notice of Compliance with Public Noticing Regulations**

This meeting was noticed in compliance with Utah Code 52-4-207(4), 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 <u>agendas.provo.org</u>. Council meeting agendas are available through the Utah Public Meeting Notice website at <u>utah.gov/pmn</u>, which also offers email subscriptions to notices.

# PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMAGNESS
Department: Recorder

**Requested Meeting Date:** 

**SUBJECT:** The election of the Municipal Council Chair and Vice-chair. (22-001)

**RECOMMENDATION:** No formal action required.

**BACKGROUND:** Per Provo City Code Section 2.50.020(2), the Council is required to elect a Chair and Vice-chair. The current (2021) Council Chair conducts the Council Meeting until after the election process is completed for the new (2022) Council Chair. In addition to Provo City Code, the Municipal Council Rules help to establish and clarify the process for the election of the new Chair and Vice-chair.

Once upon the item for Chair election, the Chair asks for nominations from Council Members for a new Chair (no second is required for a nomination). By Provo City Code, no discussion shall be had regarding the nomination. When all nominations have been made, the Chair then calls for a separate vote on each nominee in the order of their nomination. As soon as any nominee receives four or more votes, that nominee is elected as the new Chair and more votes are held. If no nominee receives four or more votes in the first round of voting then subsequent rounds of voting will continue until a majority vote is accomplished.

The current Chair then repeats the process for the office of Vice-chair.

**FISCAL IMPACT:** None

**PRESENTER'S NAME:** Councilor Dave Shipley

**REQUESTED DURATION OF PRESENTATION: 5 minutes** 

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:** 

**CITYVIEW OR ISSUE FILE NUMBER: 22-001** 

# PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMAGNESS
Department: Council

**Requested Meeting Date:** 

**SUBJECT:** A resolution acknowledging the election of the Chair and Vice-chair of the

Provo Municipal Council for calendar year 2022. (22-001)

**RECOMMENDATION:** Approve Resolution as written

**BACKGROUND**: Per Provo City Code, the municipal council rules help establish and clarify the process for the election of new Chair and Vice-Chair. Immedediatly following the conclusion of the leadership election for Chair and Vice-Chair, the council will consider a resolution acknowleding the election of the Municipal Council Chair and Vice-Chair for the calander year. The new Chair and Vice-Chair then exchange seats withthe outgoing leadership. The newly elected Chair assumes leadership and conducts the remainder of the council meeting. The Chair shall occupy the center seat and the Vice-Chair shall occupy the seat to the left of the Chair.

FISCAL IMPACT: none

PRESENTER'S NAME: Councilor Dave Shipley

**REQUESTED DURATION OF PRESENTATION:** 5 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:** 

**CITYVIEW OR ISSUE FILE NUMBER**: 22-001

1	RESOLUTION 2020		
2			
3	A RESOLUTION ACKNOWLEDGING THE ELECTION OF THE CHAIR AND		
4	VICE-CHAIR OF THE PROVO MUNICIPAL COUNCIL FOR CALENDAR		
5	YEAR 2021. (22-001)		
6	WHENEAG B. G. G. L. G. J. G. S. A. S.		
7	WHEREAS, pursuant to Provo City Code Section 2.50.020(2), the Municipal Council is		
8	required to elect a Council Chair and Council Vice-chair for calendar year 2022; and		
9	WHEDEAC in a duly noticed multipersoning held on January 1 2022 the individuals		
10	WHEREAS, in a duly noticed public meeting held on January 4, 2022, the individuals		
11 12	listed below were nominated and elected by majority vote to each position.		
13	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as		
14	follows:		
15	ionows.		
16	PART I:		
17	<u></u>		
18	A. The election of as Chair and as Vice-chair of the Municipal		
19	Council of the City of Provo, Utah for calendar year 2022 is hereby acknowledged.		
20			
21	B. Each election shall be subject to acceptance by the persons named herein.		
22			
23	PART II:		
24			
25	This resolution shall take effect immediately.		
26			
27	END OF RESOLUTION.		





### **Provo City** (Legal)

Staff Memorandum

## Ordinance for Dedication of Private Streets to Public Ownership

December 8, 2021 Planning Commission

#### **Department Head**

Brian Jones (801) 852-6143

#### **Memorandum Author**

Matthew Griffiths (801) 852-6359

# Case File # (if applicable)

N/A

#### **Purpose of Proposal**

 To move forward on a Provo City Code ordinance establishing criteria and procedures for petitions that request dedication of privately owned streets to public (City) ownership.

#### **Action Requested**

Approval of proposed ordinance.

#### **Relevant City Policies**

• Provo City Code Chapter 15.23.

#### Description of this item (at least 2 paragraphs)

- The City has recently received multiple requests from owners (mainly HOAs) of private roads in Provo that their streets and/or utilities be converted to public ownership. However, the City Code does not currently have a procedure in place for accomplishing this, nor does it list factors to consider when evaluating such a request. The proposed ordinance achieves both objectives. It creates a new Chapter with three Sections.
- Section 15.23.010 explains the purpose of the new Chapter.
- Section 15.23.020 contains the dedication policy, which is

divided into 11 subsections.

- The requirements for submitting a petition under subsection (1) include obtaining signatures from all applicable property owners, or in the case of an HOA, those with authority to legally bind the HOA. The petition must state reasons for the request and explain how dedication is in the public interest. Public Works and Development Services will then evaluate the petition and identify deficiencies, if any. Petitioners may elect to have the City Council consider appropriation of certain costs to remedy deficiencies. Once all deficiencies have either been corrected or the Council has authorized appropriation of funds to correct them, the petition is forwarded to the Coordinators Review Committee (CRC) executive team for final approval.
- Subsection (2) gives factors to be considered when determining whether dedication is in the public interest.
- Subsection (3) explains certain standards which, if not met, will disqualify a private street from being approved for public ownership.
- Subsections (4), (5), and (6) explain that the City will not pay the cost of certain improvements and lay out other possible funding options for those improvements.
- Subsection (7) explains that if a private street was created as part of a planned development, an amendment to the development approved by the City Council is required before the street can be dedicated to public ownership.
- Subsection (8) explains that a street may require an evaluation or audit to ensure it complies with ADA standards.
- Subsection (9) states that the City will not take ownership of a street that does not allow for public access.

- Subsection (10) states that the City will not take ownership of a street targeted for redevelopment.
- Subsection (11) explains that no specific rights or guarantees for use of the street will be conveyed to private street owners once the street becomes publicly owned.
- Section 15.23.030, the last Section in the Chapter, explains that the Mayor may adopt additional procedures necessary to implement this policy.
- The procedures and requirements in the dedication policy are intentionally strict because of the potential downsides to the City in accepting such a dedication. There would be, of course, additional City cost and labor in having to maintain and repair roads and utilities that in some cases have been privately owned for decades. Additional staffing may be required. Some utilities do not have current equipment (water meters, etc.) and in some cases would require extensive work to meet City standards. Some private roads do not have sidewalks on one or both sides of the street, and some roads/utilities may be difficult to access by repair and maintenance crews.

## CHAPTER 15.23 DEDICATION OF PRIVATE STREETS TO PUBLIC OWNERSHIP

#### Sections:

15.23.010 Purpose 15.23.020 Policy

15.23.030 Administrative Procedures

#### 15.23.010 Purpose.

This Chapter establishes policies and procedures for the dedication of private streets and utilities to public ownership. Private alleys are not eligible for dedication under this Chapter.

#### 15.23.020 Policy.

- (1) Property owners may request that existing private streets and/or utilities be considered for dedication to public ownership, using the following process:
  - (a) The request must come in the form of a private dedication petition, which must be signed by property owners representing one hundred percent (100%) of the total linear frontage of the street and 100% of the ownership of the utility. In the case of a Homeowners Association (HOA), the petition must be signed by the board of trustees representing the owners or those with express authority to legally bind the HOA.
  - (b) By signing the petition, each petitioner agrees it is that petitioner's intent to dedicate the street or utility that is the subject of the petition to public ownership.
  - (c) The petition shall set forth the reasons for the proposed dedication and explain how dedicating the street or utility is in the public interest.
  - (d) The City's Public Works and Development Services departments will review the request and identify any deficiencies, including, but not limited to, ways in which the street or utilities do not satisfy the factors set forth in this Chapter and potential costs, liabilities, or logistical/maintenance/infrastructure problems the dedication may impose on the City if approved. If no deficiencies are identified, or all identified deficiencies have been corrected, the petition will be forwarded for final approval as provided in subsection (1)(g).
  - (e) The identified deficiencies will be communicated to the petitioners. Petitioners may choose to correct any or all of the identified deficiencies at their own expense prior to the Municipal Council review described in subsection (1)(f).
    - (i) No later than 30 days after receiving the list of deficiencies from the Public Works and Development Services departments, petitioners must notify the City in writing whether petitioners elect to correct deficiencies or request the petition be forwarded to the Municipal Council for consideration of an appropriation.
    - (ii) If petitioners elect to correct deficiencies, they must notify the City in writing when the corrective work is complete. The Public Works and Development Services departments will then review the request again as set forth in subsection (1)(d).

- (iii) The process set forth in subsections (1)(d)-(e) will repeat until no further deficiencies are identified or until petitioners elect to submit the deficiencies to the Municipal Council for review.
- (f) Upon election by the petitioners, any deficiencies identified through the City's review and uncorrected by the petitioners will be reviewed by the Municipal Council to consider appropriation of the estimated costs necessary to remedy the deficiencies. However, the Council may not appropriate money to correct deficiencies that this Chapter specifically states will not be paid for by the City. If all remaining deficiencies associated with a petition are of this type, the petition will not be sent to the Municipal Council for review and will be deemed rejected.
  - (i) If the Municipal Council does not authorize the appropriation, the petition shall be deemed rejected and the street or utilities will not be dedicated to public ownership.
  - (ii) If the Municipal Council authorizes the appropriation, the petition will be forwarded for final approval as provided in subsection (1)(g).
- (g) Upon referral under subsection (1)(d) or (1)(f), the petition will be considered by the Coordinators Review Committee (CRC) Executive Committee, consisting of the Chief Administrative Officer and directors of the following departments: Public Works, Development Services, Parks and Recreation, Fire, and Energy. The CRC Executive Committee will decide whether to grant final approval of the petition under subsection (1)(h).
- (h) Dedication to public ownership may be approved by the CRC Executive Committee only if a finding has been made that dedication is in the public interest and all the conditions in subsection (3) have been met. The mere fact that the conditions in subsection (3) are met does not guarantee that the street will be approved for public ownership.
- (2) The following factors, among others, may be considered by the CRC Executive Committee in determining whether dedication is in the public interest:
  - (a) The street provides or can provide access to open space, public facilities/uses, or other public amenities.
  - (b) The street provides or can provide an improvement to the surrounding pedestrian or vehicular circulation pattern.
  - (c) The street provides or can provide an identified planning goal as noted in the adopted master plan for the neighborhood.
  - (d) Dedicating the street or utility to public ownership will encourage reinvestment in the community.
  - (e) Dedicating the street or utility to public ownership will improve water conservation in the community.
  - (f) Dedicating the street or utility to public ownership will increase maintenance efficiency for City workers.
  - (g) Dedicating the street or utility to public ownership will mitigate a hazardous condition and/or will lead to an improvement in health or safety conditions in the community.
  - (h) Dedicating the street or utility to public ownership will enhance public safety for the

community and surrounding area (e.g. access, certified maintenance, and use of fire hydrants for a high-risk fire danger area).

- (3) Private streets and utilities will not be approved for public ownership unless:
  - (a) The street surface features and/or utilities meet current City standards, the petitioners have received funding to bring them up to current City standards, or it is demonstrated that the key objectives of current City standards are already being met by existing conditions.
    - (i) In determining whether street surface features meet these requirements, the CRC Executive Committee may specifically consider:
      - (A) The street's grade, surface, and width as they relate to health, safety, and the ability of the City to provide services;
      - (B) Fire Code standards; and
      - (C) Current state and federal standards, such as those contained in the Americans with Disabilities Act of 1990 (ADA).
  - (b) Deteriorated retaining walls and other private property features abutting the proposed public ownership have been removed, repaired, or replaced by the property owners to ensure public safety.
  - (c) The City is able to safely and efficiently provide services (fire protection, garbage collection, snow removal, etc.) along the street.
- (4) Except as described in subsection 1(f), the City will not pay the cost of underground or surface improvements to bring the street or utilities into compliance with subsection (3). The burden is on the private street property owners to fund necessary improvements.
  - (a) Private street property owners may pursue funding options to bring the street and/or utilities into compliance with subsection (3) through the City's community development block grant (CDBG), capital improvement program (CIP), or special assessment area (SAA) programs if the private street was not expressly created in a platted subdivision.
- (5) If matching funding is requested from the City through the CDBG or CIP programs, or through creation of an SAA, the request will be considered through the routine processes for allocation of those funds and will not be given priority.
- (6) The City will not agree to split the ownership of utilities and streets unless the public interest in dedication is compelling.
- (7) If a private street was created as part of a planned development:
  - (a) The City will not pay or share the cost of repairing or improving the street. However, property owners may pursue funding options as described in subsection (4)(a).
  - (b) An amendment to the planned development is required.
  - (c) The amendment process will be reviewed by the planning commission with a recommendation forwarded to the Municipal Council.

- (d) The petition for dedication for such a street will only be forwarded to the CRC Executive Committee for final approval under subsection (1)(h) if the Municipal Council approves the amendment.
- (8) The City may determine that a street proposed to be dedicated requires an evaluation or audit to ensure compliance with ADA standards as described in subsection (3)(a)(i). Petitioners will be responsible for funding any evaluation or audit deemed necessary.
- (9) The City will not take ownership of a street that does not allow public access.
- (10) The City will not take ownership of a street that is targeted for redevelopment as identified in a City master plan.
- (11) No specific rights or guarantees for use of the street, such as on street parking, are conveyed to private street owners when a private street becomes publicly owned.

#### **15.23.030** Administrative Procedures.

The Mayor is authorized to adopt additional, consistent administrative procedures necessary to implement this policy.



PUBLIC WORKS

TEL 801 852 6780 1377 S 350 E PROVO, UT 84606

#### Public Works Staff Report Hearing Date: 12/8/2021

PLOTA20210360 - Ordinance Text Amendment

#### **Item #1 Summary:**

Matthew Griffiths requests an Ordinance Text Amendment to Title 15, to add a new chapter establishing policies and procedures for the dedication of private streets and utilities. City-wide application.

#### **Staff Recommendation:**

Public Works has reviewed the Ordinance Text Amendment, and recommends **Approval**.

Dave Decker, Public Works Director David Day, Development Engineering Coordinator

1		ORDINANCE 2021	
2	ANT	DRIBLINGE AMENDRIC BROWN CITY CODE TO A DORT BOLIGIES	
3	AN ORDINANCE AMENDING PROVO CITY CODE TO ADOPT POLICIES		
4		PROCEDURES FOR THE DEDICATION OF PRIVATE STREETS AND	
5	UIIL	LITIES. CITYWIDE APPLICATION. (PLOTA20210360)	
6	WILL	EDE AS it is an an accept that Draws City Code Chanton 15 22 he are stady and	
7	WHE	EREAS, it is proposed that Provo City Code Chapter 15.23 be enacted; and	
8 9	WHE	DEAS on December 8, 2021, the Planning Commission held a duly noticed public	
10	WHEREAS, on December 8, 2021, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission		
11	_	d approval to the Municipal Council by a vote of 9-0; and	
12	recommende	a approval to the Mullicipal Council by a vote of 7-0, and	
13	WHE	REAS, on December 14, 2021, the Municipal Council met to ascertain the facts	
14	regarding this matter and receive public comment, which facts and comments are found in the		
15		I of the Council's consideration; and	
16	puelle receiv	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
17	WHE	EREAS, after considering the Planning Commission's recommendation and facts and	
18	comments presented to the Municipal Council, the Council finds (i) Provo City Code should be		
19	amended as described herein and (ii) the proposed amendment reasonably furthers the health,		
20		eneral welfare of the citizens of Provo City.	
21			
22		7, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as	
23	follows:		
24			
25	PART I:		
26	D		
27	Provo	O City Code Chapter 15.23 is enacted as set forth in Exhibit A.	
28			
29	PART III:		
30 31	rani III.		
32	A.	If a provision of this ordinance conflicts with a provision of a previously adopted	
33	11.	ordinance, this ordinance shall prevail.	
34		oramanee, and oramanee shan prevan.	
35	B.	This ordinance and its various sections, clauses and paragraphs are hereby	
36	В.	declared to be severable. If any part, sentence, clause or phrase is adjudged to be	
37		unconstitutional or invalid, the remainder of the ordinance shall not be affected	
38		thereby.	
39			
40	C.	The Municipal Council hereby directs that the official copy of the Provo City	
41		Code be updated to reflect the provisions enacted by this ordinance.	
42		<u>-</u>	
43	D.	This ordinance shall take effect immediately after it has been posted or published	
44		in accordance with Utah Code 10-3-711, presented to the Mayor in accordance	
45		with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.	

#### 47 <u>END OF ORDINANCE.</u>

#### Exhibit A

## CHAPTER 15.23 DEDICATION OF PRIVATE STREETS TO PUBLIC OWNERSHIP

#### Sections:

15.23.010 Purpose15.23.020 Policy15.23.030 Administrative Procedures

#### 15.23.010 Purpose.

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#### 15.23.020 Policy.

- (1) Property owners may request that existing private streets and/or utilities be considered for dedication to public ownership, using the following process:
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  - (b) By signing the petition, each petitioner agrees it is that petitioner's intent to dedicate the street or utility that is the subject of the petition to public ownership.
  - (c) The petition shall set forth the reasons for the proposed dedication and explain how dedicating the street or utility is in the public interest.
  - (d) The City's Public Works and Development Services departments will review the request and identify any deficiencies, including, but not limited to, ways in which the street or utilities do not satisfy the factors set forth in this Chapter and potential costs, liabilities, or logistical/maintenance/infrastructure problems the dedication may impose on the City if approved. If no deficiencies are identified, or all identified deficiencies have been corrected, the petition will be forwarded for final approval as provided in subsection (1)(g).
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    - (ii) If petitioners elect to correct deficiencies, they must notify the City in writing when the corrective work is complete. The Public Works and Development

Services departments will then review the request again as set forth in subsection (1)(d).

- (iii) The process set forth in subsections (1)(d)-(e) will repeat until no further deficiencies are identified or until petitioners elect to submit the deficiencies to the Municipal Council for review.
- (f) Upon election by the petitioners, any deficiencies identified through the City's review and uncorrected by the petitioners will be reviewed by the Municipal Council to consider appropriation of the estimated costs necessary to remedy the deficiencies. However, the Council may not appropriate money to correct deficiencies that this Chapter specifically states will not be paid for by the City. If all remaining deficiencies associated with a petition are of this type, the petition will not be sent to the Municipal Council for review and will be deemed rejected.
  - (i) If the Municipal Council does not authorize the appropriation, the petition shall be deemed rejected and the street or utilities will not be dedicated to public ownership.
  - (ii) If the Municipal Council authorizes the appropriation, the petition will be forwarded for final approval as provided in subsection (1)(g).
- (g) Upon referral under subsection (1)(d) or (1)(f), the petition will be considered by the Coordinators Review Committee (CRC) Executive Committee, consisting of the Chief Administrative Officer and directors of the following departments: Public Works, Development Services, Parks and Recreation, Fire, and Energy. The CRC Executive Committee will decide whether to grant final approval of the petition under subsection (1)(h).
- (h) Dedication to public ownership may be approved by the CRC Executive Committee only if a finding has been made that dedication is in the public interest and all the conditions in subsection (3) have been met. The mere fact that the conditions in subsection (3) are met does not guarantee that the street will be approved for public ownership.
- (2) The following factors, among others, may be considered by the CRC Executive Committee in determining whether dedication is in the public interest:
- (a) The street provides or can provide access to open space, public facilities/uses, or other public amenities.
- (b) The street provides or can provide an improvement to the surrounding pedestrian or vehicular circulation pattern.
- (c) The street provides or can provide an identified planning goal as noted in the adopted master plan for the neighborhood.
- (d) Dedicating the street or utility to public ownership will encourage reinvestment in the community.
- (e) Dedicating the street or utility to public ownership will improve water conservation in the community.
- (f) Dedicating the street or utility to public ownership will increase maintenance efficiency for City workers.
- (g) Dedicating the street or utility to public ownership will mitigate a hazardous condition and/or will lead to an improvement in health or safety conditions in the community.

- (h) Dedicating the street or utility to public ownership will enhance public safety for the community and surrounding area (e.g. access, certified maintenance, and use of fire hydrants for a high-risk fire danger area).
- (3) Private streets and utilities will not be approved for public ownership unless:
  - (a) The street surface features and/or utilities meet current City standards, the petitioners have received funding to bring them up to current City standards, or it is demonstrated that the key objectives of current City standards are already being met by existing conditions.
    - (i) In determining whether street surface features meet these requirements, the CRC Executive Committee may specifically consider:
      - (A) The street's grade, surface, and width as they relate to health, safety, and the ability of the City to provide services;
      - (B) Fire Code standards; and
      - (C) Current state and federal standards, such as those contained in the Americans with Disabilities Act of 1990 (ADA).
  - (b) Deteriorated retaining walls and other private property features abutting the proposed public ownership have been removed, repaired, or replaced by the property owners to ensure public safety.
  - (c) The City is able to safely and efficiently provide services (fire protection, garbage collection, snow removal, etc.) along the street.
- (4) Except as described in subsection 1(f), the City will not pay the cost of underground or surface improvements to bring the street or utilities into compliance with subsection (3). The burden is on the private street property owners to fund necessary improvements.
  - (a) Private street property owners may pursue funding options to bring the street and/or utilities into compliance with subsection (3) through the City's community development block grant (CDBG), capital improvement program (CIP), or special assessment area (SAA) programs.
- (5) If matching funding is requested from the City through the CDBG or CIP programs, or through creation of an SAA, the request will be considered through the routine processes for allocation of those funds and will not be given priority.
- (6) The City will not agree to split the ownership of utilities and streets unless the public interest in dedication is compelling.
- (7) If a private street was created as part of a planned development:
  - (a) The City will not pay or share the cost of repairing or improving the street. However, property owners may pursue funding options as described in subsection (4)(a).
  - (b) An amendment to the planned development is required.
  - (c) The amendment process will be reviewed by the planning commission with a recommendation forwarded to the Municipal Council.

- (d) The petition for dedication for such a street will only be forwarded to the CRC Executive Committee for final approval under subsection (1)(h) if the Municipal Council approves the amendment.
- (8) The City may determine that a street proposed to be dedicated requires an evaluation or audit to ensure compliance with ADA standards as described in subsection (3)(a)(i). Petitioners will be responsible for funding any evaluation or audit deemed necessary.
- (9) The City will not take ownership of a street that does not allow public access.
- (10) The City will not take ownership of a street that is targeted for redevelopment as identified in a City master plan.
- (11) No specific rights or guarantees for use of the street, such as on street parking, are conveyed to private street owners when a private street becomes publicly owned.

#### **15.23.030** Administrative Procedures.

The Mayor is authorized to adopt additional, consistent administrative procedures necessary to implement this policy.

#### **Provo City Planning Commission**

## Report of Action

December 08, 2021

\*ITEM 1 Matthew Griffiths requests an Ordinance Text Amendment to Title 15, to add a new chapter establishing policies and procedures for the dedication of private streets and utilities. City-wide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20210360

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 08, 2021:

#### RECOMMENDED APPROVAL

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Lisa Jensen Second By: Ally Jones

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

Dave Anderson, Peter Fife, Miles Miller Laurie Urquiaga 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.

#### **TEXT AMENDMENT**

The text of the proposed amendment is attached as Exhibit A.

#### **STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

#### CITY DEPARTMENTAL ISSUES

• The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

#### NEIGHBORHOOD MEETING DATE

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

#### NEIGHBORHOOD AND PUBLIC COMMENT

Neighbors or other interested parties were present or addressed the Planning Commission.

#### **CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Mrs. Hatfield stated her support for the intent of the ordinance but is not in favor of the current version and would like to see some changes in the text.
- Ms. Gibbons stated her support for the Quail Valley HOA to be able to have their roads and utilities be public.

#### APPLICANT RESPONSE

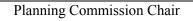
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Provo staff clarified that Quail Valley HOA was the start of the proposed ordinance, but the language was written in a way that it will be able to apply to any future request.
- Staff believes that the language gives the right amount of discretion to staff to use current City standards and staff judgement in determining that best choice for the City.

#### PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

• The Planning Commission asked staff about the ability to take aged infrastructure and what the costs to the City would be. They wanted to ensure that the City would not have the burden of up-front costs when roads or infrastructure go from private to public. They determined that if the Public Works and Legal staff are confident in the language, then they support it.



Director of Development Services

Bell Peperane

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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.

<u>Legislative items</u> 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

# 

Matthew Griffiths requests an Ordinance Text Amendment to Title 15, to add a new chapter establishing policies and procedures for the dedication of private streets and utilities.

Citywide Application
PLOTA20210360

## CHAPTER 15.23

## DEDICATION OF PRIVATE STREETS TO PUBLIC OWNERSHIP

## Sections:

15.23.010 Purpose

15.23.020 Policy

15.23.030 Administrative Procedures

## 15.23.010 Purpose.

This Chapter establishes policies and procedures for the dedication of private streets and utilities to public ownership. Private alleys are not eligible for dedication under this Chapter.

## 15.23.020 Policy.

- (1) Property owners may request that existing private streets and/or utilities be considered for dedication to public ownership, using the following process:
  - (a) The request must come in the form of a private dedication petition, which must be signed by property owners representing one hundred percent (100%) of the total linear frontage of the street and 100% of the ownership of the utility. In the case of a Homeowners Association (HOA), the petition must be signed by the board of trustees representing the owners or those with express authority to legally bind the HOA.
  - (b) By signing the petition, each petitioner agrees it is that petitioner's intent to dedicate the street or utility that is the subject of the petition to public ownership.
  - (c) The petition shall set forth the reasons for the proposed dedication and explain how dedicating the street or utility is in the public interest.
  - (d) The City's Public Works and Development Services departments will review the request and identify any deficiencies, including, but not limited to, ways in which the street or utilities do not satisfy the factors set forth in this Chapter and potential costs, liabilities, or logistical/maintenance/infrastructure problems the dedication may impose on the City if approved. If no deficiencies are identified, or all identified deficiencies have been corrected, the petition will be forwarded for final approval as provided in subsection (1)(g).
  - (e) The identified deficiencies will be communicated to the petitioners. Petitioners may choose to correct any or all of the identified deficiencies at their own expense prior to the Municipal Council review described in subsection (1)(f).
    - (i) No later than 30 days after receiving the list of deficiencies from the Public Works and Development Services departments, petitioners must notify the City in writing whether petitioners elect to correct deficiencies or request the petition be forwarded to the Municipal Council for consideration of an appropriation.
    - (ii) If petitioners elect to correct deficiencies, they must notify the City in writing when the corrective work is complete. The Public Works and Development Services departments will then review the request again as set forth in subsection (1)(d).

- (iii) The process set forth in subsections (1)(d)-(e) will repeat until no further deficiencies are identified or until petitioners elect to submit the deficiencies to the Municipal Council for review.
- (f) Upon election by the petitioners, any deficiencies identified through the City's review and uncorrected by the petitioners will be reviewed by the Municipal Council to consider appropriation of the estimated costs necessary to remedy the deficiencies. However, the Council may not appropriate money to correct deficiencies that this Chapter specifically states will not be paid for by the City. If all remaining deficiencies associated with a petition are of this type, the petition will not be sent to the Municipal Council for review and will be deemed rejected.
  - (i) If the Municipal Council does not authorize the appropriation, the petition shall be deemed rejected and the street or utilities will not be dedicated to public ownership.
  - (ii) If the Municipal Council authorizes the appropriation, the petition will be forwarded for final approval as provided in subsection (1)(g).
- (g) Upon referral under subsection (1)(d) or (1)(f), the petition will be considered by the Coordinators Review Committee (CRC) Executive Committee, consisting of the Chief Administrative Officer and directors of the following departments: Public Works, Development Services, Parks and Recreation, Fire, and Energy. The CRC Executive Committee will decide whether to grant final approval of the petition under subsection (1)(h).
- (h) Dedication to public ownership may be approved by the CRC Executive Committee only if a finding has been made that dedication is in the public interest and all the conditions in subsection (3) have been met. The mere fact that the conditions in subsection (3) are met does not guarantee that the street will be approved for public ownership.
- (2) The following factors, among others, may be considered by the CRC Executive Committee in determining whether dedication is in the public interest:
  - (a) The street provides or can provide access to open space, public facilities/uses, or other public amenities.
  - (b) The street provides or can provide an improvement to the surrounding pedestrian or vehicular circulation pattern.
  - (c) The street provides or can provide an identified planning goal as noted in the adopted master plan for the neighborhood.
  - (d) Dedicating the street or utility to public ownership will encourage reinvestment in the community.
  - (e) Dedicating the street or utility to public ownership will improve water conservation in the community.
  - (f) Dedicating the street or utility to public ownership will increase maintenance efficiency for City workers.
  - (g) Dedicating the street or utility to public ownership will mitigate a hazardous condition and/or will lead to an improvement in health or safety conditions in the community.
  - (h) Dedicating the street or utility to public ownership will enhance public safety for the

community and surrounding area (e.g. access, certified maintenance, and use of fire hydrants for a high-risk fire danger area).

- (3) Private streets and utilities will not be approved for public ownership unless:
  - (a) The street surface features and/or utilities meet current City standards, the petitioners have received funding to bring them up to current City standards, or it is demonstrated that the key objectives of current City standards are already being met by existing conditions.
    - (i) In determining whether street surface features meet these requirements, the CRC Executive Committee may specifically consider:
      - (A) The street's grade, surface, and width as they relate to health, safety, and the ability of the City to provide services;
      - (B) Fire Code standards; and
      - (C) Current state and federal standards, such as those contained in the Americans with Disabilities Act of 1990 (ADA).
  - (b) Deteriorated retaining walls and other private property features abutting the proposed public ownership have been removed, repaired, or replaced by the property owners to ensure public safety.
  - (c) The City is able to safely and efficiently provide services (fire protection, garbage collection, snow removal, etc.) along the street.
- (4) Except as described in subsection 1(f), the City will not pay the cost of underground or surface improvements to bring the street or utilities into compliance with subsection (3). The burden is on the private street property owners to fund necessary improvements.
  - (a) Private street property owners may pursue funding options to bring the street and/or utilities into compliance with subsection (3) through the City's community development block grant (CDBG), capital improvement program (CIP), or special assessment area (SAA) programs if the private street was not expressly created in a platted subdivision.
- (5) If matching funding is requested from the City through the CDBG or CIP programs, or through creation of an SAA, the request will be considered through the routine processes for allocation of those funds and will not be given priority.
- (6) The City will not agree to split the ownership of utilities and streets unless the public interest in dedication is compelling.
- (7) If a private street was created as part of a planned development:
  - (a) The City will not pay or share the cost of repairing or improving the street. However, property owners may pursue funding options as described in subsection (4)(a).
  - (b) An amendment to the planned development is required.
  - (c) The amendment process will be reviewed by the planning commission with a recommendation forwarded to the Municipal Council.

- (d) The petition for dedication for such a street will only be forwarded to the CRC Executive Committee for final approval under subsection (1)(h) if the Municipal Council approves the amendment.
- (8) The City may determine that a street proposed to be dedicated requires an evaluation or audit to ensure compliance with ADA standards as described in subsection (3)(a)(i). Petitioners will be responsible for funding any evaluation or audit deemed necessary.
- (9) The City will not take ownership of a street that does not allow public access.
- (10) The City will not take ownership of a street that is targeted for redevelopment as identified in a City master plan.
- (11) No specific rights or guarantees for use of the street, such as on street parking, are conveyed to private street owners when a private street becomes publicly owned.

## 5.23.030 Administrative Procedures.

The Mayor is authorized to adopt additional, consistent administrative procedures necessary to implement this policy.

From: RaDene Hatfield

Sent: Monday, December 6, 2021 12:56 PM

**To:** Aaron Ardmore

Cc: Harlan Hatfield; Amber Gudmundson; Tom Sturtevant; David Sewell; Bill Fillmore

Subject: A message for Planning Commission regarding the proposed ordinance amendment to Title 15

#### Dear Planning Commission:

First, we want to express our thanks for the work of the Commission and City staff in addressing private to public infrastructure transfers. We are writing to try to identify the issue we see with the current version of the dedication ordinance.

After reviewing and commenting on several drafts by now, we see that the drafters' primary position is that private property is ineligible for transfer to the city unless it meets current standards. This is appropriate for newly constructed assets. Developers and owners should not be permitted to build off spec assets and then turn them over to the City.

But a "current standards" criteria is inappropriate for assets that were adequately designed before current standards existed. So long as older assets were adequately designed in their era and have been maintained since the time of construction, such assets are of no greater burden to the city than other older assets already owned and maintained by the City. Indeed, that defines most of the City. Unless the transfer criteria take into account the change in city standards over time, the dedication ordinance will serve no real purpose because all but the very most recently designed and constructed assets will be outside of the ever-evolving "current standards."

On the other hand, there are important public goods achieved by transferring to public ownership adequately designed and reasonably maintained older assets. Professional oversight and management of infrastructure is a basic responsibility of city government for good reason--groups of citizens are not well equipped to take care of roads and utilities. That is a fundamental purpose for the taxes that citizens are required to pay. Public safety, transportation, fire suppression, water conservation, drinking water quality, sewage removal, and other critical goods are diminished over time without the City's professional oversight. Concerns about more City work or incrementally more potential future costs do not outweigh the public goods achieved by dedication of adequate infrastructure, even if designed and constructed in an earlier time.

We ask that you not dismiss the seriousness to the City and its citizens of a contaminated water system that could have been avoided or a conflagration because of an inoperable fire hydrant that could have been prevented. The public interests are best served by a dedication ordinance that is not limited solely to current standards but allows for incorporation of assets adequately designed when constructed and reasonably maintained since then. The current version of the dedication ordinance that will be presented to you on Wednesday evening is antithetical to these public interests.

Respectfully, Harlan & RaDene Hatfield

Provo, Utah

# PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: NLA

**Department:** Development Services

**Requested Meeting Date:** 01-04-2022

**SUBJECT:** A resolution adding a home located at 1115 East 640 South to the Provo

Landmarks Register (PLLN20210394)

**RECOMMENDATION:** To be heard at the January 4, 2022 Work & Council Meeting. Please see supporting documents. Landmarks Commission recommended approval (4:0)

**BACKGROUND**: Cindy Caldwell has nominated their house located at 1115 East 640 South to be placed on the Provo Landmarks register. City staff and the Landmarks Commission review these types of nominations for compliance with the requirements and standards set forth in Provo City Code 16.05.020. The Landmarks Commission will review the documentation for completeness, accuracy, and compliance with the "Criteria for Designating Historic Properties to the Provo Landmarks Register" per 16.05.030(3) and make its recommendation to the Municipal Council.

#### **FISCAL IMPACT:**

PRESENTER'S NAME: Dustin Wright (801) 852-6414 dwright@provo.org

**REQUESTED DURATION OF PRESENTATION: 10 minutes** 

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:** 

CITYVIEW OR ISSUE FILE NUMBER: PLLN20210394



# Landmarks Commission Staff Report

#### DEVELOPMENT SERVICES Hearing Date: December 15, 2021

\*ITEM # 2 Cindy L Caldwell requests Landmarks Nomination for a home at 1115 East 640 South, in the R1.8 (One-Family Residential) zone. Provost Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLLN20210394

Applicant: Cindy L Cladwell

Staff Coordinator: Dustin Wright

Property Owner: CALDWELL, ROBERT

DAVID SR & CINDY LEE (ET AL)

Parcel ID#: 22:032:0003

Acreage: 0.37

Current Zone: R18

Council Action Required: Yes

#### **ALTERNATIVE ACTIONS**

- Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is January 19, 2022, at 12:30p.m.
- Recommend denial of the requested Landmarks Nomination. This action would not be consistent with the recommendations of the Staff Report. The Landmarks Commission should state new findings.

#### **Current Legal Use:**

Single Family Residence

#### **Relevant History:**

The property is not currently listed on the National Register of Historic Places, but the current property owner/applicant has provided research and data gathered for the property. This research could be used in requesting the property to be listed on that register.

#### **Neighborhood Issues:**

No issues have been presented to staff.

#### **Summary of Key Issues:**

- The Landmarks Commission will consider if the proposed nomination meets the criteria for designating property to the landmarks register.
- If the Landmarks Commission will have their recommendation sent to the Municipal Council to make the final decision on the nomination.

#### **Staff Recommendation:**

Staff recommends that the Landmarks Commission forward a positive recommendation to the Municipal Council to approve the home located at 1115 E 640 South to be placed on the Provo City Landmarks Register.

#### **BACKGROUND**

Cindy Caldwell has nominated their house located at 1115 East 640 South to be placed on the Provo Landmarks register. City staff and the Landmarks Commission review these types of nominations for compliance with the requirements and standards set forth in Provo City Code 16.05.020. The Landmarks Commission will review the documentation for completeness, accuracy, and compliance with the "Criteria for Designating Historic Properties to the Provo Landmarks Register" per 16.05.030(3) and make its recommendation to the Municipal Council.

#### FINDINGS OF FACT

- 1. The applicant is the property owner and is permitted by 16.05.030(1) to nominate this property to be considered for the Landmarks Register.
- The applicant has provided Intensive Level Survey documentation for the nominated property.

#### **STAFF ANALYSIS**

Section 16.05.020, Criteria for Designating Properties to the Landmarks Register, outlines specific requirements that must be met for a property to be designated. The section reads as follows: (staff responses in bold)

Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets the first three (3) criteria below, and at least one (1) of the other criteria outlined in numbers (a) through (f) below:

(1) It is located within the official boundaries of Provo City;

The property is located in Provo at 1115 East 640 North.

(2) It is at least fifty (50) years old; and

The applicant has submitted documentation that shows construction of the house circa 1885, 136 years old.

(3) It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original

location to one (1) that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the building or structure when viewed from the public way.

No additional stories have been created. There were additions done in the 1920's and 1940's on the back of the house. A new roof was added that covered the original house and the additions. The additions on the back are like most properties that change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The research states that there used to be a porch on the west side of the home that was removed when the south side of the home became the front. The roof pitch has not likely been altered on the original structure construction. Overall, the structure appears to maintain its historic integrity.

(a) It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties listed on or determined to be eligible for the National Register must still retain their integrity;

The property has not been listed on the National Register of Historic Places. They have provided their research and Historic Site Form that they could use to nominate the property for the National Register.

- (b) It is associated with events that have made a significant contribution to the broad patterns of the history of the City, State, or Nation;
- (c) It is associated with the lives of persons significant in the history of the City, State, or Nation;

The Milner-Wright home was built in 1885 for Benjamin F Milner by Joab Collier, a brick mason from England. Charles Wright and his wife Julia purchased the home, and what had become a dairy farm, in 1918 from James O Stewart. Charles Wright became a well-known dairy farmer in Provo. They operated this business of delivering bottled unpasteurized milk to the door here in Provo. He was a member of the Federated Dairies group, board member of the East Union Upper Irrigation, and charter member of the Provo riding club. By the late 1950's, federal regulations for the dairy industry caused the Wrights to close the business which had provided for their family for 40 years. They sold their equipment, cows, most of their farm, and a few building lots to their children. They donated part of the ground for the Provo

10th and 16th Ward Chapel on 745 S Utah Ave which was completed in 1962. Charles lived there until his death in 1971. Julia died in 1969.

(d) It embodies the distinctive characteristics of a rare or unique type, period, or method of construction; or that represents the work of an architect or builder recognized as a master in the field; or that possesses high artistic values or style; or that represents a significant and distinguishable entity whose components may lack individual distinction;

Cross-wing or "T-cottage style" was built in two stages. The west wing, or the cross bar of the T, of the Milner-Wright home was completed in 1885. Collier spread a large patch of mortar on the interior chimney in the attic where he etched his name and the date he completed it, November 27, 1885. The east wing was added a few years later. A small frame work room for milk bottling was added to the NE corner in 1920's, and in the 40's, indoor plumbing was added as well as a cinder block bedroom on the North side of the home.

The kiln-fired clay brick for the Milner-Wright home came from Thomas Cook, who "was one of Provo's most important brick manufacturers of the 1880s. All three of his brick plants lay along the road between Provo and Springville. [They] furnished bricks for the main building at the Utah State Hospital, the Provo Tabernacle, the Old Utah County Courthouse, the smokestack of the Provo Woolen Mills, and many of the city's older brick homes."

- (e) It has yielded or may be likely to yield, information important in prehistory or history (archeological sites, for example); or
- (f) Because of its prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City, and contributes to the distinctive quality or identity of its neighborhood or the City.

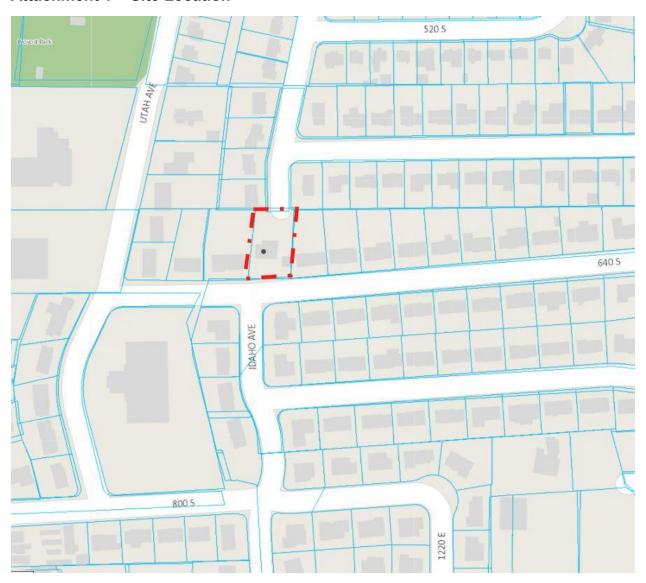
#### STAFF RECOMMENDATION

Staff recommends that the Landmarks Commission forward a positive recommendation to the Municipal Council to approve the home located at 1115 E 640 South to be placed on the Provo City Landmarks Register.

#### **ATTACHMENTS**

- 1. Site Location
- 2. Photographs
- 3. Historic Site Form

#### **Attachment 1 – Site Location**

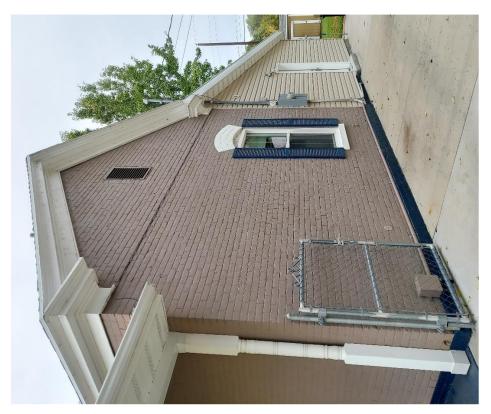


#### Attachment 2 – Photographs













**Attachment 3 – Historic Site Form** 

(See separate attachment)

## **HISTORIC SITE FORM**

Name of Property: Milner-Wright-Caldwell Home

**Address:** 1115 E 640 S, Provo, Utah 84606

**Current Owner and Address**: Robert and Cindy Caldwell, address is the same

## **Legal description:**

1918

Commencing at a point 0.87 chain North of the quarter section corner between Sections 7& 8, in Township 7 South Range 3 East of the Salt Lake Base and Meridian; thence West 9.00 chains; thence South 13°45! West 0.90 chain; thence West 0.29 chain; thence North 0.23 chain; thence West 4.89 chains; thence North 0.75 chain; thence West 8.48 chains; to the County road; thence along the East side of county road North 29° West 3.24 chains; thence East 57.48 chains; thence South 14° East 4.19 chains more or less to quarter section line; thence West 13.99 chains; thence North 0.87 chain; thence West 20.00 chains to the place of beginning. Area 17.92 Acres. Together with 12 shares of stock in Upper East Union Canal Co., and all other water rights pertaining to said land.

1985

the following described tract of land in State of Utah:

UTAH

County,

Commencing at the Southwest corner of Lot 10, Plat "C", Hillsdale Heights, Subdivision, Provo, Utah, said point being located 89.27 feet North and 398.68 feet West of the East quarter corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence South 85°43'30" West along the North boundary of 640 South Street, Provo, Utah 102.30 feet; thence North 6°14' East along the East side of a concrete wall 171.67 feet; thence East along a fence line and the South line of Highland Terrace Subdivision, Plat "C", Provo, Utah 93.78 feet; thence South 3°39' West along a fence line and the West line of said Lot 10, Plat "C", Hillsdale Heights Subdivision 163.36 feet to the point of beginning. (Situate in the Southeast of the Northeast of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian.)

LESS: Any portion lying within 670 South Street.

Status/Use: building, eligible/contributing, residential originally and currently

**Building Style/Type:** Built in the Utah residence vernacular common from 1880-1910, the cross-wing or "T-cottage style", it has one story and a small cellar under one room of the home with an outside entrance.

**Building material:** Foundation is stone and mortar. Original walls are kiln-fired clay brick. Two minor additions consist of a bedroom of cinder block added in the 1940's; and of an office, laundry room, and ½ bath of wood frame.

**Alterations:** The home originally had a front porch on the West side. This was removed when the porch on the South side became the front of the home. This porch roof, posts, and balustrade were removed and the roof and posts replaced in 1995. At this time the original front door on the West side was removed and the door opening

framed in and closed. The door was restored and became an interior door. The balustrade was replaced with a PVC one in 2020.

The office/laundry/bath addition replaced a lean-to on the back of the home used for washing milk bottles as a dairy, then as a storage/laundry room. We replaced it in 2015, building it up to code with concrete footings. The plumbing and electricity were also installed according to current code. At this time, we replaced the entire roof of the original home and the two additions so it was one continuous roof instead of three separate ones.

**Outbuildings:** Sometime in the 40's or 50's, Wright moved a small wood frame "garage" located on State Street by towing it on skids with a tractor and relocating it near the home. In 2006, a microburst from the West lifted one side of it since it was only sitting on the ground. We tore it down that summer and rebuilt a proper free standing garage with electricity, a concrete floor and footings in the same location. We also built a storage shed at the back of our property.

**Architect/builder:** Joab Collier, a brick mason from England, residing in Provo in the late 1800's. The main purpose of this property was agricultural. The main owner, Charles Wright, contributed significantly to the community with his dairy, and to the religious and social history of the area.

## **History:**

History of the Milner-Wright-Caldwell Home 1115 E 640 S, Provo, Utah

The Milner-Wright home was built in 1885 for Benjamin F Milner by Joab Collier, a brick mason from England. Benjamin, a farmer and the son of the Honorable John B Milner, was born in Provo in 1855. He married Sarah E Kinsmen, from Logan, in 1886. They had 4 of their 7 children while living here until the farm was sold in 1894.

From 1894 until 1918, the home and farm, which covered approximately 20 acres, was owned by several different individuals. Charles Wright and his wife Julia purchased the home, and what had become a dairy farm, in 1918 from James O Stewart. Charles lived there until his death in 1971. Julia died in 1969. After Charles' death, his son, John M Wright acquired the home by decree. A year later, John's sister and husband, Mary W and Ned M Morgan, acquired it by quit claim deed. Robert D and Cindy L Caldwell, current owners, purchased the home in 1985, its 100<sup>th</sup> anniversary. By the time of his death, Mr Wright had sold or donated his surrounding property, retaining .37 acres on which the home still stands.

Born in Charleston, Utah, in 1885, Charles Wright became a well-known dairy farmer in Provo. He and Julia had around 30 cows that they milked by hand until they could buy milking machines. "Wrights dairy became a big business... delivering bottled unpasteurized milk to the door". He was a member of the Federated Dairies group, board member of the East Union Upper Irrigation, and charter member of the Provo riding club. By the late 1950's, federal regulations for the dairy industry caused the Wrights to close the business which had provided for their family for 40 years. They sold their equipment, cows, most of their farm, and a few building lots to their children.

Charles Wright was an active member of the Church of Jesus Christ of Latter-day Saints. He served as YMMIA Superintendent, president of the genealogy committee, and chairman of the Bonneville Ward and Provo Utah Stake Old Folks Committees. He donated part of the ground for the Provo 10<sup>th</sup> and 16<sup>th</sup> Ward Chapel on 745 S Utah Ave which was completed in 1962.

For Charles and Julia Wright, "A beautiful climaxing party to 50 years of wedded life came in May of 1956 when an open home at their home helped them celebrate their Golden Wedding Anniversary. At this time they received congratulatory messages from Elias L Day, Atty at Law; Arthur V Watkins, State Senator; J Bracken Lee, Governor

of Utah; Wallace F Bennett and William A Dawson, Representatives from Utah."<sup>3</sup> (Former Provo mayor, Lewis Billings, is one of Wright's great-grandchildren.)

Built in the Utah residential vernacular common from 1880-1910, the cross-wing or "T-cottage style" was often built in two stages- a single section of a cross wing, then the other wing added at a later time. The West wing, or the cross bar of the T, of the Milner-Wright home was completed in 1885. Collier spread a large patch of mortar on the interior chimney in the attic where he etched his name and the date he completed it, November 27, 1885. The East wing was added a few years later. A small frame work room for milk bottling was added to the NE corner in 1920's, and in the 40's, indoor plumbing was added as well as a cinder block bedroom on the North side of the home. In 2015, the frame workroom was replaced with a larger frame room built to code and a half-bath added. At this time, the roof of the home and the two additions were replaced with one continuous roof.

The kiln-fired clay brick for the Milner-Wright home came from Thomas Cook, who "was one of Provo's most important brick manufacturers of the 1880s. All three of his brick plants lay along the road between Provo and Springville. [They] furnished bricks for the main building at the Utah State Hospital, the Provo Tabernacle, the Old Utah County Courthome, the smokestack of the Provo Woolen Mills, and many of the city's older brick homes."<sup>4</sup>

The home and farm were located on the East side of the "Springville road", across from the Provo City Cemetery, and faced West with a lane leading to the home. When Wright started selling his property, the South side became the front of the home facing what is now 640 South Street.

Another historic home, around the corner from the Milner-Wright home, is the home of Daniel Graves (1806-1892). It is a two-story English style home built in 1865.

### List of documents included:

Milner-Wright-Caldwell

- 1. Chain of Title
- 2. Warranty Deed of 1882, Holdaway to Milner
- 3. Milner obituary from 1926
- 4. Warranty Deed of 1918, Stewart to Wright
- 5. Parcel plot of property in 1902 and today by Utah County Recorder
- 6. Property legal description, 1918
- 7. Polk City Directory, Provo, 1915-1916- Dairies, Stewart
- 8. Polk City Directory, Provo, 1922- Wright farmer
- 9. Polk City Directory, Provo, 1929- Dairies, Wright
- 10. Wright Dairy stats article from Family Search
- 11. Quit Claim Deed of 1959, Wright to The Church of Jesus Christ of Latter-day Saints

<sup>&</sup>lt;sup>1"</sup>Julia Edora Mecham (1886)", told in part in 1958 to Rosella Rieske and Carrol Sorenson

<sup>&</sup>lt;sup>2</sup> Obituary of Charles Wright, The Herald, Provo, UT. Mon, Dec 13, 1971, pg 4

<sup>&</sup>lt;sup>3</sup> "The Story of Charles Wright (1885)", History told to Rosella Rieske and Carrol Naylor in 1958

<sup>&</sup>lt;sup>4</sup> https://jacobbarlow.com/2017/10/04/several-brick-manufacturing-companies-once-operated-in-provo/

- 12. Quit Claim Deed of 1963, Wright to Beesley
- 13. Quit Claim Deed of 1965, Wright to The Board of Education
- 14. Wright obituary from 1971
- 15. Warranty Deed of 1985, Morgan (son-in-law of Wright) to Caldwell
- 16. Warranty Deed of 1985 schedule B
- 17. Trust Deed of 1985, Morgan & DeGraw (Morgan's daughter) to Caldwell
- 18. Utah County Plats map, Section 7, Township 7, Range 3
- 19. Home footprint on lot, 2010
- 20. Floor plan pre-1940 and 2015
- 21. Parcel color map, 2021
- 22. Aerial photo parcel map, 2021
- 23. Research log spreadsheet with links

### List of photos included:

## Milner-Wright-Caldwell

- 1. Benjamin Franklin Milner
- 2. Joab Collier, mason
- 3. Date of home in attic
- 4. View of area from Y Mountain, 1930
- 5. Charles and Julia Wright, about 1930
- 6. Chas. Wright Dairy milk bottle cap
- 7. View of home from Provost Elementary before opening day, 1949
- 8. View of Provost Elementary from Wright property, 1949
- 9. Charles and Julia Wright 50<sup>th</sup> anniversary, 1956
- 10. Home and farm, Eastern view, 1960s
- 11. Home and "garage", 1985
- 12. Original front door
- 13. Original front door restored
- 14. South side of home, 2021
- 15. West side of home, 2021
- 16. North side of home, 2021
- 17. East side of home, 2021
- 18. West side of garage, 2021
- 19. View of home and garage from sidewalk on 640 S, 2021

## Provo City Landmarks Commission Report of Action

December 15, 2021

\*Item 2 Cindy L Caldwell requests Landmarks Nomination for a home at 1115 East 640 South, in the R1.8 (One-Family Residential) zone. Provost neighborhood. PLLN20210394

The following action was taken by the Landmarks Commission on the above described item at its regular meeting of December 15, 2021:

## RECOMMENDED APPROVAL

On a vote of 4:0, the Landmarks Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jeff Ringer Second By: Jaisa Bishop

Votes in Favor of Motion: Jeff Ringer, Jaisa Bishop, Mathew Christensen, Jessie Embry

Votes Opposed to Motion: None

Mathew Christensen was present as Chair

• Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Landmarks Commission determination <u>is generally consistent</u> with the Staff analysis and determination.

## **STAFF PRESENTATION**

The Staff Report to the Landmarks Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

## NEIGHBORHOOD AND PUBLIC COMMENT

No comments we made during the public comment period.

## **APPLICANT RESPONSE**

Key points addressed in the applicant's presentation to the Landmarks Commission included the following:

- The applicant explained the reasons for wanting to be on the Landmarks Register were that it would be an honor and pay tribute to the families that built and lived in the home before.
- The applicant is also interested in placing the home on the National Register of Historic Places.

### LANDMARKS COMMISSION DISCUSSION

Key points discussed by the Landmarks Commission included the following:

• The applicant responded to questions from the Commission about the storm cellar door, condition of the home when they purchased the property, and if there are other historic homes in the area. The applicant said there is an older home in the area. The original front door has been saved and is now an interior door in the home.

Landmarks Commission Chair

Bell Peperare

Director of Development Services

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

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

<u>Administrative decisions</u> of the Landmarks Commission (items not marked with an asterisk) **may appeal** that decision to the Mayor, subject to the procedures in Section 3.06.010, Provo City Code.

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

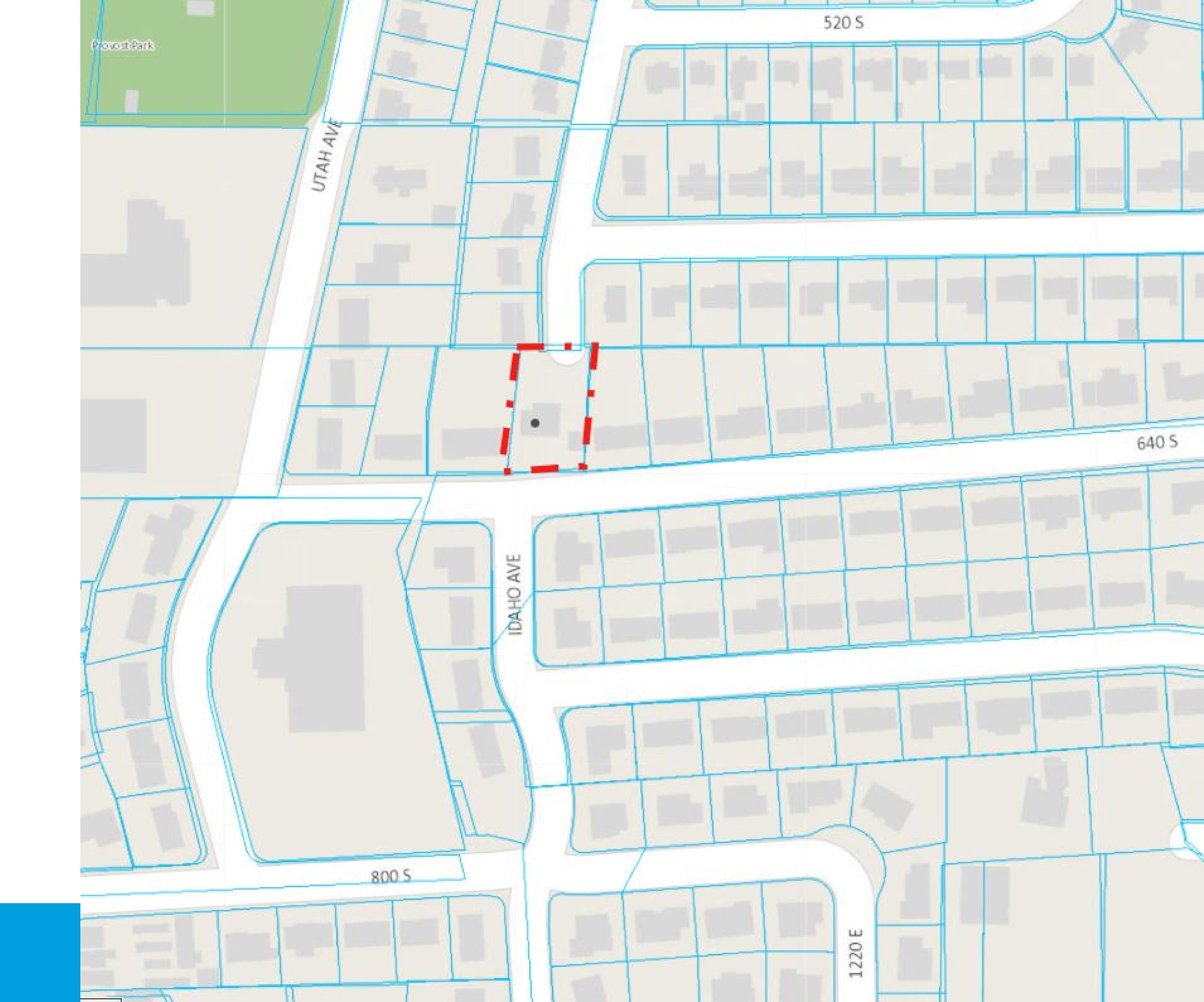
## ITEM 2\*

Cindy L Caldwell requests Landmarks Nomination for a home at 1115 East 640 South, in the R1.8 (One-Family Residential) zone.

Provost Neighborhood

PLLN20210394

## 1115 E 640 S



# Milner-Wright Home



# South



# Morth



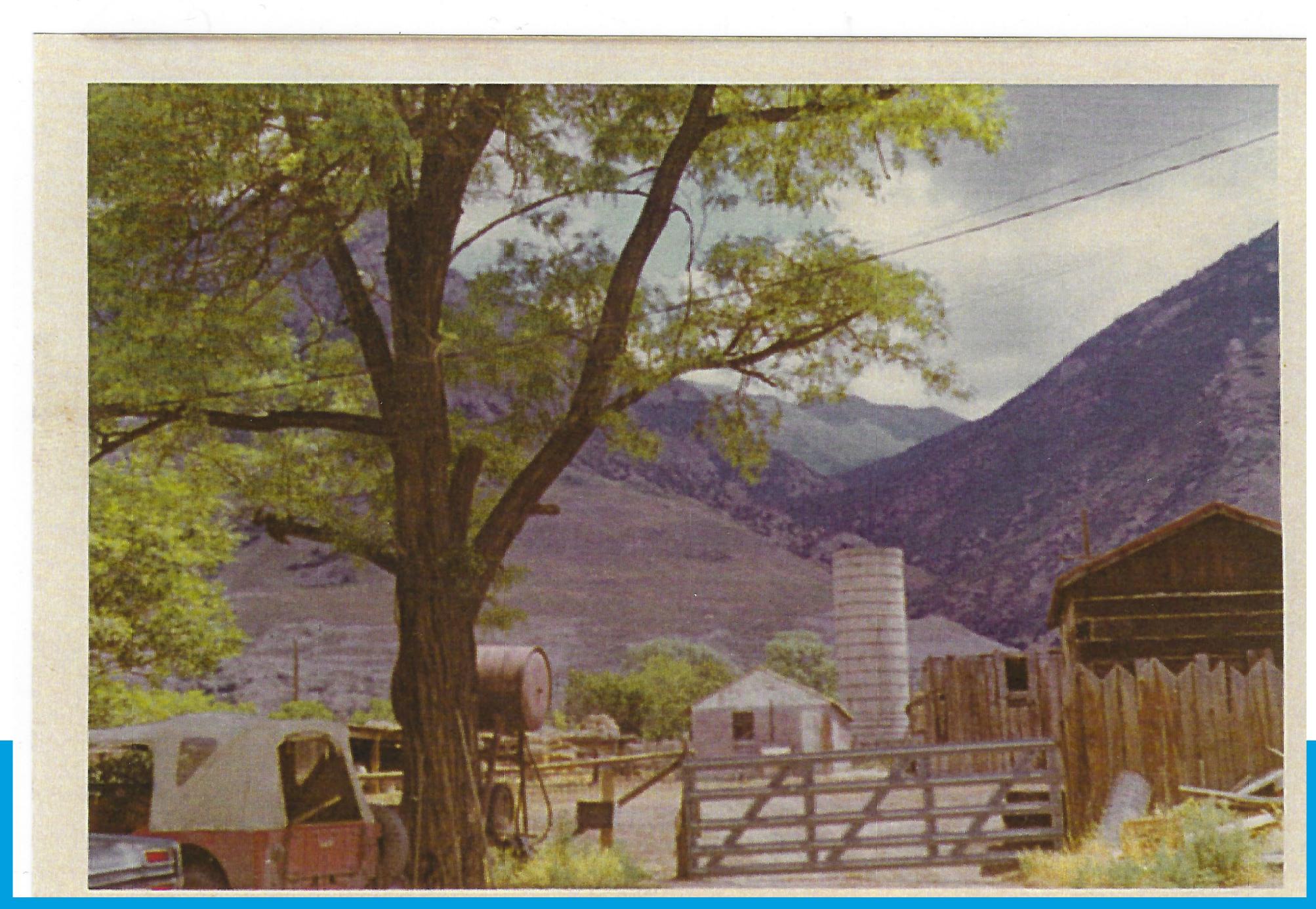
# V/CST





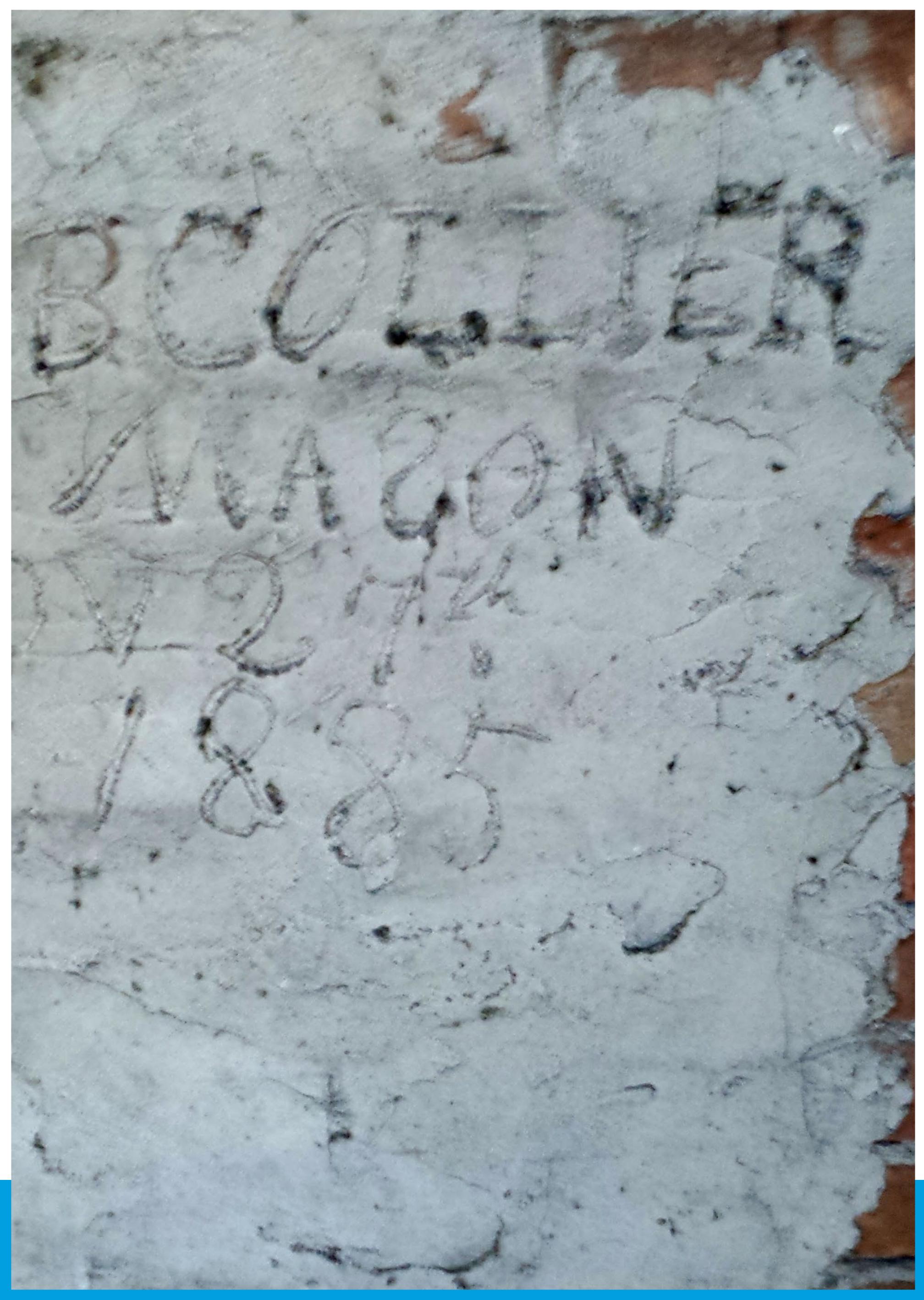












1	RESOLUTION 2022-
2	
3 4	A RESOLUTION ADDING A HOME LOCATED AT 1115 EAST 640 SOUTH TO THE PROVO LANDMARKS REGISTER (PLLN20210394)
5	
6 7	WHEREAS, it is proposed the house located at 1115 East 640 South, as shown in Exhibit A, be added to the Provo Landmarks Register; and
8	
9 10 11	WHEREAS, on December 15, 2021, the Landmarks Commission held a duly noticed public meeting to consider the proposal, and at such meeting the Landmarks Commission recommended approval to the Municipal Council by a vote of 4:0; and
12	
13 14 15	WHEREAS, on January 04, 2022, The Municipal Council met to ascertain the facts regarding this matter and received public comment, which facts and comments are found in the public record of the Council's consideration: and
16	
17 18 19 20	WHEREAS, after considering the Landmarks Commission recommendation and facts and comments presented to the Municipal Council, the Council finds (i) that the structure should be added to the Provo Landmarks Register as proposed, and (ii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
21	
22	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as follows::
23	
24	PART I:
25 26 27	The structure located at 1115 East 640 South, as shown in Exhibit A, is hereby added to the Provo Landmarks Register and notice thereof shall be recorded with the Utah County Recorder's Office
28	
29	PART II:
30	This resolution shall take effect immediately.
31	
32	END OF RESOLUTION.

## EXHIBIT A



## PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:
Department:
Requested Meeting Date:

SUBJECT: A resolution supporting the environmental protections for Utah Lake. (21-

122)

**RECOMMENDATION**: Approve the resolution as written

**BACKGROUND:** Currently, there is a proposal to dredge the bottom on Utah Lake, while the Council has not taken a formal position regarding the project the Council is concerned about the environmental hazards associated with the project. The Council calls on State regulators overseeing Utah Lake to ensure that the water quality and habitat of many species that live in and around the lake are not degraded and great care is taken to protect the natural environment. To that end the Provo Municipal Council support the attached resolution.

FISCAL IMPACT: none

PRESENTER'S NAME: Councilors Handley and Ellsworth

**REQUESTED DURATION OF PRESENTATION:** 10 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:** 

**CITYVIEW OR ISSUE FILE NUMBER: 21-122** 

## PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:JMAGNESSDepartment:Recorder

**Requested Meeting Date:** 

**SUBJECT:** The election of the Redevelopment Agency Chair and Vice-chair. (22-001)

**RECOMMENDATION:** No action is required.

**BACKGROUND:** The same process conducting the election of Chair and Vice-chair is followed for the election of the Redevelopment Agency Chair and Vice-chair. From the explanation on the election of the Council Chair:

Per Provo City Code Section 2.50.020, the Council is required to elect a Chair and Vice-chair. The current (2021) Council Chair conducts the Council Meeting until after the election process is completed for the new (2022) Council Chair. In addition to Provo City Code, the Municipal Council Rules help to establish and clarify the process for the election of the new Chair and Vice-chair.

Once upon the item for Chair election, the Chair asks for nominations from Council Members for a new Chair (no second is required for a nomination). By Provo City Code, no discussion shall be had regarding the nomination. When all nominations have been made, the Chair then calls for a separate vote on each nominee in the order of their nomination. As soon as any nominee receives four or more votes, that nominee is elected as the new Chair and more votes are held. If no nominee receives four or more votes in the first round of voting then subsequent rounds of voting will continue until a majority vote is accomplished.

FISCAL IMPACT: None

PRESENTER'S NAME: RDA Chair Shannon Ellsworth

**REQUESTED DURATION OF PRESENTATION: 5 minutes** 

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:** 

**CITYVIEW OR ISSUE FILE NUMBER: 22-001** 

## PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMAGNESS
Department: Recorder

**Requested Meeting Date:** 

**SUBJECT:** A resolution acknowledging the appointment of the Chair and Vice-chair of

the Redevelopment Agency of Provo City for calendar year 2022. (22-001)

**RECOMMENDATION**: Approve the resolution as written.

**BACKGROUND**: The same process for election of Redevelopment Agency Chair and Vice-chair is followed with exception to the seating clarification found in code for the Municipal Council Chair and Vice-chair:

Provo City Code Chapter 2.50 (Municipal Legislative Code) and the Council Rules clarify and establish the procedure for Council Chair elections. Immediately following the conclusion of the Leadership election for Chair and Vice-chair, the Council will consider a resolution acknowledging the election of the Municipal Council Chair and Vice-chair for the calendar year. The new Chair and Vice-char then exchange seats with the outgoing leadership. The newly elected Chair assumes leadership and conducts the remainder of the Council Meeting. The Chair shall occupy the center seat and the Vice-chair shall occupy the seat to the left of the Chair.

FISCAL IMPACT: None

PRESENTER'S NAME: Councilor Shannon Ellsworth

**REQUESTED DURATION OF PRESENTATION:** 5 minuets

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

**CITYVIEW OR ISSUE FILE NUMBER: 22-001** 

1	RESOLUTION 2021
2	
3	
4	A RESOLUTION ACKNOWLEDGING THE APPOINTMENT OF THE CHAIR
5	AND VICE-CHAIR OF THE REDEVELOPMENT AGENCY OF PROVO CITY
6	FOR CALENDAR YEAR 2021. (22-001)
7	
8	WHEREAS, pursuant to the bylaws of the Redevelopment Agency of Provo City
9	Corporation (the "Agency"), the positions of Chair and Vice-chair must be appointed at the
10	beginning of each calendar year by the Governing Board of the Agency; and
11	
12	WHEREAS, in a duly noticed public meeting held January 4, 2022, the individuals listed
13	below were nominated and appointed by majority vote to each position.
14	NOW THE PROPERTY OF THE PARTY O
15	NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment
16	Agency of Provo City, Utah as follows:
17	DADTI
18	PART I:
19	A. The ameintment of Deand Mamban are Chair and Deand Mamban
20	A. The appointment of Board Member as Chair and Board Member as Vice-chair of the Redevelopment Agency of Provo City for calendar year 2022
21	is hereby acknowledged.
22 23	is hereby acknowledged.
24	B. Each appointment shall be subject to acceptance by the persons named herein.
25	B. Each appointment shall be subject to acceptance by the persons named herein.
26	PART II:
27	THE II.
28	This resolution shall take effect immediately.
29	
30	END OF RESOLUTION.