PROVO MUNICIPAL COUNCIL

Work Meeting

2:30 PM, Tuesday, September 20, 2022
Council Chambers (Room 100)
Hybrid meeting: youtube.com/provocitycouncil or 445 W. Center Street, Provo, UT 84601

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: youtube.com/provocitycouncil and facebook.com/provocouncil. If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

To listen to the meeting by phone: September 20 Work Meeting: Dial 346-248-7799. Enter Meeting ID 823 9027 9432 **and press #. When asked for a participant ID, press #.**

Agenda

Roll Call
Prayer

Minutes for Approval

June 21, 2022 Council Meeting
July 12, 2022 Work Meeting
July 26, 2022 Work Meeting
August 2, 2022 Truth in Taxation Public Hearing
August 23, 2022 Work Meeting
August 23, 2022 Council Meeting
September 6, 2022 Work Meeting
September 6, 2022 Council Meeting

Business

1. An ordinance amending the Zone Map classification of approximately 14.45 acres of real property, generally located at 5544 N River Run Drive, from Research and Business Park (RBP) to Medium Density Residential (MDR). Riverbottoms Neighborhood. (PLRZ20220008)

2. An ordinance amending the General Plan designation from Mixed Use to Commercial for property generally located at 5515 N Edgewood Drive. Riverbottoms Neighborhood. (PLGPA20220004)

3. An ordinance amending the General Plan Map designation from Commercial to Residential for property generally located at 5544 River Run Drive. Riverbottoms Neighborhood. (PLGPA20220007)

4. A resolution adopting the Provo Moderate-Income Housing Supply and Strategies Report. (22-069)

Closed Meeting

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

Adjournment

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

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

The next Work Meeting will be held on Tuesday, October 4, 2022. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. 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 aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

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

Notice of Compliance with Public Noticing Regulations

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 agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

Draft Minutes

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

PROVO MUNICIPAL COUNCIL
Redevelopment Agency of Provo
Stormwater Service District of Provo
Regular Meeting Agenda

5:30 PM, Tuesday, June 21, 2022
Hybrid meeting: youtube.com/provocitycouncil or
351 W. Center Street, Provo, UT 84601

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth	Councilor Bill Fillmore
Councilor Travis Hoban	Councilor Katrice MacKay
Councilor David Shipley	Councilor Rachel Whipple
Chief Administrative Officer Wayne Parker	Mayor Michelle Kaufusi
Interim Council Executive Director John Magness	City Attorney Brian Jones

Conducting: Chair Travis Hoban
Excused: Councilor George Handley

Prayer – Brian Jones

Pledge of Allegiance – Councilor David Shipley

Public Comment – (2:48)

Chair Hoban opened public comment. With none, he closed public comment.

Action Agenda

1. A resolution appointing _____ as the Executive Director for the Municipal Council of the city of Provo, Utah. (22-023)

Continued

2. A resolution consenting to the appointment of individuals to various boards and commissions (22-009) (3:27)

Motion: An implied motion to approve Resolution 2022-30, as currently constituted, has been made by council rule.

Mayor Kaufusi presented and recommended the following for appointment: Jenny Spadafora to the Library Board, Cindy Gagon to the Library Board, Bill Hulterstrom to the Airport Board.

Elizabeth VanDerwerken, Council Executive Office Assistant, clarified the names on the resolution and explained that one of the names Mayor Kaufusi read will be voted on next meeting.

With no other council discussion, Chair Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

3. An Ordinance Creating Two New Mixed-use Zones and Amending Various Sections related to the regulation of those Zones. Citywide application. (PLOTA20220144) (10:12)

Motion: An implied motion to approve an Ordinance, as currently constituted, has been made by council rule.

Javin Weaver, City Planner, presented. He clarified changes made since the last presentation.

Councilor MacKay shared concern for lighted signs close to residential zones.

Mr. Weaver responded that there have not been any complaints on existing backlit signs and said he does not see it being an issue. He added that the brightness of the signs permitted is already regulated by code.

Councilor Whipple asked if there is any consideration for allowing a lit sign if it was across from single family homes.

Mr. Weaver stated that these locations are on collector or arterial roads, so they are primarily not affecting single family homes.

Councilor Whipple shared that she lives on one of these roads and can see the potential for signs to be added. She asked if electronic signs would be permitted in this zone.

Mr. Weaver responded that as it is currently written, it would allow electronic signs. He suggested an amendment to prohibit electronic signs or adding time frames of when the sign could be on.

Councilor MacKay agreed that an amendment is necessary.

Councilor Fillmore asked Mr. Weaver for feedback on the amendments being proposed and discussed.

Chair Hoban asked Brian Jones for information on what the city can prohibit based on law.

Mr. Jones provided history of zones. He explained that the sign committee determined electronic signs could be used citywide except for residential areas. He added that there were provisions in place as far as brightness and hold times. Mr. Jones also clarified that the ordinance to be voted on simply creates

the zones. He stated that future rezones would go through an ordinance process, which is when the council could determine if the permitted signs would be appropriate for the area to be rezoned.

Motion: Councilor Fillmore made motion to continue item to discuss mixed-use zones to determine where signs can be in respect to residential zones and the size of the sign. Councilor MacKay seconded motion.

Councilor Ellsworth asked if public comment is required prior to voting on a motion to continue.

Brian Jones answered that public comment is not required to continue item.

Councilor Whipple thanked staff for their dedicated work and help to make it possible for a mixed-use zone to be created within the city.

Mr. Weaver asked question regarding the type of residential use that Mr. Fillmore would not want the sign facing.

Councilor Fillmore said he would prefer the sign not to face any type of residential use.

Councilor MacKay stated she agreed with Councilor Fillmore.

Councilor Ellsworth asked if all zones and sign ordinances would need to be looked at to address signs facing residential zones or if these recommendations would only apply to the new mixed-use zones.

Councilor Fillmore responded that his intention was not to rewrite all zones but apply it to these new ones.

Chair Hoban shared residents moving into a mixed-use zone would be understanding and acknowledge they are moving into an area that permits signs. He stated his belief that signs are an essential part of mixed-use zones to allow businesses to promote themselves. He shared an example of the Alpine Village structure located on Freedom Blvd.

Councilor Fillmore noted that the example he provided was for an existing zone, but they are discussing the requirements for a new zone.

Councilor Ellsworth also provided an example of a sign located in Orem that affected the surrounding residents.

Chair Hoban shared that he is trying to be sensitive to both uses of the zone.

Councilor MacKay shared the differences between the examples provided by Chair Hoban.

Chair Hoban suggested the council pass a more conservative ordinance now, then expand on things later if necessary.

Councilor Whipple mentioned the Cityview apartments on 300 South. She said this is a perfect example of what a good balance looks like.

Chair Hoban reminded council of the motion by Councilor Fillmore and suggested a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

4. An ordinance amending the zone map classification of approximately 6.3 acres of real property, generally located at 1265 South 500 West, from One-Family Residential (R1.8) to Public Facilities (PF) and OPR. Lakewood Neighborhood. (PLRZ20220121) (33:18)

Motion: An implied motion to approve Ordinance 2022-22, as currently constituted, has been made by council rule.

Mr. Weaver presented.

Chair Hoban opened public comment.

Becky Bogdin, neighborhood chair shared why this rezone is needed and shared what improvements the neighborhood would like to see. She also discussed the master plan from 2016 that included and reminded council that the 2016 master plan was completed prior to the expansion and population increase in the neighborhood.

With no other public comments, Chair Hoban closed public comment.

Councilor Fillmore shared his support for the rezone.

Chair Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

5. An ordinance amending the permitted uses in the West Gateway (WG) zone. Citywide application. (PLOTA20220117) (39:36)

Motion: An implied motion to approve an Ordinance, as currently constituted, has been made by council rule.

Sione Manoa, City Planner, presented.

Councilor Ellsworth asked if the applicant was present in the audience.

Mr. Manoa responded that he did not see the applicant present.

Chair Hoban opened public comment. With none, he closed public comment.

Councilor Shipley shared that he is not in support of changing the entire zone but would be happy to entertain a certain project within the zone.

Councilor MacKay said she believes this would be a poor use of the gateway area.

Chair Hoban asked if the planning commission recommended the applicant request a zone change for his specific parcel.

Councilor MacKay answered that it had been brought up but that the commission had problems with the applicants parcel as well. She mentioned a few of the concerns which include parking, visibility, and presentation.

Councilor Whipple shared her concern and opposition to changing the entire zone.

Councilor Ellsworth stated it was a bold proposal in today's economy.

Councilor Fillmore added that the plan for the West Gateway zone is to enhance the gateway. He recommended the applicant meet with planning to discuss the future of the zone.

Chair Hoban called for a vote.

Vote: The motion failed 0:6 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley, and Whipple opposed and Councilor Handley excused.

6. A resolution approving an Interlocal Cooperation Agreement authorizing Provo City's participation in the Utah Valley HOME Consortium for federal Fiscal Years 2023, 2024, and 2025. (22-054) (48:25)

Motion: An implied motion to approve Resolution 2022-31, as currently constituted, has been made by council rule.

Melissa McNalley, City Planner, gave presentation on what the Utah Valley HOME Consortium is. She explained that Provo is the Lead Entity in the Consortium. She also added what the funds could be used for.

Councilor Shipley asked why some cities choose not to participate.

Ms. McNalley said that surrounding cities are invited to participate each time the program is renewed but some choose not to. She does not know why but speculates some may not understand what the Consortium does.

Councilor MacKay asked about Provo's participation.

Ms. McNalley shared the city has received less applicants in the last couple years.

Councilor MacKay asked if more advertising could be done to attract more applicants in Provo.

Ms. McNalley also shared the home median values and how they create problems for the funding programs. She said they are trying to look into other options for the down payment assistance program.

Chair Hoban opened public comment. With none, he closed public comment.

Chair Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

7. A resolution appropriating $238,557 in various funds and transferring $63,557 from the Legacy CIP Fund. (22-053) **(59:45)**

Motion: An implied motion to approve Resolution 2022-32, as currently constituted, has been made by council rule.

Kelsie Zarbock, Budget Officer, presented.

Councilor Fillmore asked about the actual funding needed for the Peaks Ice Arena.

Councilor MacKay shared her thoughts on Public Works needing their own board to help make these types of decisions.

Chair Hoban asked what the plan is to help recuperate the funds being appropriated.

Ms. Zarbock responded that this year the plan is to use fund balances. She said moving forward, the department would have to find solutions and look into a possible rate increase.

Councilor Shipley suggested that the funding source on Exhibit A be listed as fund balance. He asked if the fund balances being used were from each department's funds or from the general fund.

Ms. Zarbock explained that they were the department's fund balances being used except for the third appropriation for Council.

Chair Hoban opened public comment. With none, he closed public comment.

Councilor Ellsworth asked if the funds being asked for will be used for the Council Chambers and the Work room.

John Magness said this would cover the cost of both. He said that for closed meetings, they would use the laptop, similarly to how it is being done now.

Chair Hoban said he would prefer to improve what we currently have, and more money might be needed later.

Mr. Magness said they could look into improvements for closed meetings.

Councilor Ellsworth suggested that the number be rounded up to $70,000 include those improvements.

Brian Jones reminded staff that appropriations require noticing and the amount cannot be increased.

Chair Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

8. An ordinance adopting a tentative budget for Provo City Corporation for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in the amount of $384,034,697, setting a public hearing to consider a proposed change in the certified tax rate, and amending the Consolidated Fee Schedule and Provo City Code section 4.04.050. (22-016) (1:14:12)

Motion: An implied motion to approve Ordinance 2022-23, as currently constituted, has been made by council rule.

Ms. Zarbock presented updates to the tentative budget and clarified the corrections made since June 7.

Councilor Fillmore asked if Public Works is eight million dollars in deficit.

Ms. Zarbock explained that if you looked at the budget in its entirety, it would not show the deficit. She reiterated that the document she had been presenting from only included the line items of changes made since the last meeting.

Councilor Fillmore asked Wayne to provide context to which projects would not be funded.

Wayne Parker provided more information. He said council would be advised on what project is being put on hold or if other funding sources will be sought for those projects.

Chair Hoban opened public comment. With none, he closed public comment.

Chair Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

The Provo Municipal Council took a 10-minute recess.

9. A Joint Resolution for a Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. (22-050) (1:37:06)

Motion: An implied motion to approve Resolution 2022-33, as currently constituted, has been made by council rule.

Keith Morey, Economic Development Director, presented.

Chair Hoban opened public comment.

Rick Magness, AWA Engineering, said this project has made its way to the top of the project list for AWA. He expressed his thanks to the staff for their support for the project.

Councilor Ellsworth asked if Mr. Magness works for Kroger and is representing the company.

Mr. Magness said he works for the engineering firm that represents all the Kroger and Smiths in the Intermountain West.

Councilor MacKay thanked Mr. Magness for being here to represent the project and said it is good news.

Becky Bogdin, of Provo, shared the neighborhoods support for this project.

Chair Hoban closed public comment.

Councilor Fillmore asked for a firm commitment that this project will be moving forward instead of being a placeholder.

Mr. Magness said yes, this project will move forward.

Chair Hoban thanked staff for their efforts in moving this project forward. He then called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

10. A joint resolution of Provo City Corporation and the Redevelopment Agency of Provo City announcing their intention to prepare a Joint Development Agreement for the development of commercial development in Southwest Provo. (22-050) (1:45:37)

Motion: An implied motion to approve Resolution 2022-34, as currently constituted, has been made by council rule.

Mr. Morey shared that this is the same type of agreement as the previous agenda item. He provided background to the property.

Chair Hoban opened public comment.

Becky Bogdin, of Provo, shared her thoughts on the need for retail property in Southwest Provo. She asked for the staff to take into consideration the residents in the area.

Chair Hoban closed public comment.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

The Provo Municipal Council recessed and convened as the Governing Board of the Provo City Stormwater Service District with Chair Hoban conducting.

Stormwater Service District

11. A public hearing regarding a budget for the Provo City Stormwater Service District for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023. (21-016) (1:51:33)

Ms. Zarbock explained this is the second of two public hearings.

Chair Hoban opened item for public comment. With none, he closed public comment.

Chair Hoban called for a vote.

Mr. Jones indicated that a motion is needed.

Motion: Councilor Shipley moved to adopt the budget for the Provo City Stormwater Service District in the amount of $6,283,912 for fiscal year beginning July 1, 2022 and ending June 30, 2023. Councilor Ellsworth seconded the motion.

Chair Hoban called for a vote on the motion.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Councilor Handley excused.

The Governing Board of the Provo City Stormwater Service District adjourned and convened as the Governing Board of the Redevelopment Agency of Provo City with Chair Ellsworth conducting.

Redevelopment Agency of Provo

12. A public hearing regarding adopting a budget for the Redevelopment Agency of Provo City Corporation for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023, in the

amount of $1,203,488 (22-016). (1:54:27)

Ms. Zarbock explained this is the second of two public hearings.

Chair Ellsworth opened public comment. With none, she closed public comment.

Motion: Board Member Hoban moved to adopt the budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2022 and ending June 30, 2023 in the amount of $1,203,488. Board Member Shipley seconded the motion.

Chair Ellsworth called for a vote.

Vote: The motion was approved 6:0 with Board Members Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Board Member Handley excused.

13. A Joint Resolution for a Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. (22-050). (1:56:48)

Mr. Morey explained that this is the same item that the Council passed earlier this evening for the property located on Geneva Road and Center Street.

Chair Ellsworth opened public comment.

Rick Magness, of AWA Engineering, said though the site has its challenges, the project will be moving forward.

Vice-Chair Whipple asked for a timeline of when the store could be operational.

Mr. Magness shared that their construction schedule is between 13-15 months. He said with all hands on deck, a store could be operational in two years.

Chair Ellsworth called for a motion.

Motion: Board Member MacKay moved to adopt the Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. Board Member Fillmore seconded the motion.

Chair Ellsworth called for a vote.

Vote: The motion was approved 6:0 with Board Members Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Board Member Handley excused.

14. A joint resolution announcing the intention of Provo City and the Redevelopment Agency to prepare a joint development agreement for commercial development of a store in West

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Provo. (22-050) (2:01:02)

Mr. Morey explained that this is the same item that the Council passed earlier this evening for the property located between I-15 and 500 West on Lakeview Parkway.

Chair Ellsworth opened public comment. With none, she closed public comment.

Chair Ellsworth asked for a motion.

Motion: Board Member MacKay made motion for a joint resolution announcing the intention of Provo City and the Redevelopment Agency to prepare a joint development agreement for a commercial development of a store in West Provo. Board Member Hoban seconded the motion.

Chair Ellsworth called for a vote.

Vote: The motion was approved 6:0 with Board Members Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Board Member Handley excused.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:42 PM.

Pending minutes – awaiting approval

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PROVO MUNICIPAL COUNCIL
Work Meeting Minutes

12:00 PM, Tuesday, July 12, 2022
Hybrid meeting: youtube.com/provocitycouncil or 351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials participated:

Council Chair Travis Hoban, conducting
Council Vice-chair George Handley
Councilor Katrice MacKay
Councilor David Shipley
Councilor Rachel Whipple
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Mayor Michelle Kaufusi, arrived 12:20 PM

Prayer

The prayer was offered by Keith Morey.

Approval of Minutes

May 17, 2022 Work Meeting
June 7, 2022 Work Meeting
June 7, 2022 Council Meeting Minutes
June 21, 2022 Work Meeting
Approved by unanimous consent.

Business

1. A presentation regarding the Statistical Survey done in support of the General Plan Update. (22-011) (0:10:25)

Brandon Larson, Planning Supervisor, and Kyrene Gibb, VP of Research at Y2 Analytics, presented. Mr. Larsen gave some background on the survey conducted by Y2 Analytics. Ms. Gibb explained the purpose of the survey, which was to gather responses from residents in a statistically significant manner to better understand what Provo residents want. She reviewed the overall responses about priorities in the future and what residents value about living in Provo. Councilor Shannon Ellsworth said she has seen people in the community interpret "family-

friendly character" in many different ways—it doesn't have a direct translation into policy. Ms. Gibb indicated that safety and amenities contributed to this item. Ms. Gibb reviewed the survey methodology, including sampling methods, mode, and the margin of error. She then reviewed some of the key findings of the survey:

- Overall quality of life in Provo is high
- Housing (availability and affordability) is a big concern for most residents
- Traffic is the biggest transportation concern among residents
- Residents love Provo's parks and recreational spaces; air quality needs improvement
- Residents are satisfied with arts and cultural programs and business development

Ms. Gibb reviewed these findings in more detail, sharing responses to the different questions. Councilor Travis Hoban asked if it was typical for a question like "Provo is the type of community I could see myself spending my whole life in" to have only 50% positive responses. Ms. Gibb clarified this was not unexpected given Provo's high student population. Councilor Katrice MacKay asked about the percentage of students in Provo. She didn't realize the percentage of students was 40%. Councilor Shannon Ellsworth noted that the average age in Provo is 25, which indicates that more than half of the population is under age 25.

Mr. Hoban asked if the question about ease of traveling in the city had more negative responses in a specific area of the city. Ms. Gibb would need to consult the more detailed responses to evaluate that. Mr. Hoban noted that the west side of Provo has a lot of transportation issues.

Ms. Gibb continued presenting on the survey results. The efficiency of city services is highly rated by residents. Neighborhoods throughout Provo are praised for parks and walkability. They drilled down somewhat into neighborhood perception by looking at districts' responses. She noted responses from certain districts that were either higher or lower than average and the disparities in perspective. In the survey, they asked residents about the most important issue facing Provo today and the most important issue in 3-5 years. Many answers for problems today related to housing affordability, parking, traffic, air pollution, and growth. Issues facing Provo in several years often related to infrastructure, schools, and other challenges with growth. For the most important priorities to residents, all items were highly rated, but the most important included traffic flow throughout the city and preserving outdoor recreation opportunities.

Ms. Ellsworth asked if there are some things that won't be reconciled, like conflicting answers about wanting to preserve the tax base and not wanting to diversify the tax base. Ms. Gibb noted that residents are not always consistent. Councilor George Handley shared some observations about active transportation being rated lower but air pollution being rated highly; these issues are connected but residents may not make that connection. Councilor Rachel Whipple asked if increasing home equity was rated low simply due to it being a time when home equity was rising for many homeowners. Ms. Gibb indicated that the responses may signify that it is something residents may not see as the City's role. Councilor Bill Fillmore commented and noted that these are not necessarily the things citizens are listing as their priorities, but simply how these residents ranked these items. Ms. Gibb indicated it was a forced choice lens for what are the highest and lowest overall priorities, versus the things that have more balance between what residents think. Another part of the survey asked which things they think the City does well.

Ms. Ellsworth noted that preserving recreation opportunities is important to residents but they think the City does it well. Equity, diversity, and inclusion was rated low, but residents also rated that they think the city does a poor job.

Ms. Gibb next reviewed some additional tradeoffs in specific issue areas. Residents' attitudes toward growth vary—54% think growth is happening quickly and 39% think growth is happening at an appropriate pace. Community spaces are important in neighborhoods. Residents are highly satisfied with the services the City provides. The things residents would most like to have within walking distance are active transportation routes and public transit routes. More residents expect to drive to amenities such as services, event venues, restaurants, and retail.

Single-family housing is rated as needed by 39% of residents. Mr. Fillmore asked a question on whether to increase quality or quantity of student housing. Mr. Handley asked about Provo residents being more open to density and Ms. Gibb shared some context about Provo compared to other Utah cities. Ms. Whipple was concerned about what "large yards" meant and shared comments on different types of housing with different types of yards or amenities. Ms. Gibb highlighted additional data that compared and contrasted what residents wanted in their own areas versus in other areas in Provo. Many residents thought single-family homes with large yards belonged somewhere in Provo but not necessarily in their own area.

Ms. Gibb highlighted transportation issues. A high-priority issue was reducing traffic congestion. Improving parking accessibility and improving air quality also had at least one third of residents listing this as a high priority. For the remaining items, less than a quarter of residents voted them as the biggest issues. After breaking down responses from students and non-students, data showed that students prioritize parking and transit options.

Regarding recreation amenities, many residents rated preservation of open space as a high priority. Many residents also highly rated more small parks in neighborhoods and more areas to enjoy the lakefront. Improving air quality and improving recycling were both rated highly. Regarding equity and accessibility, a majority of residents indicated that housing availability and affordability for all residents was the most important thing the City could pursue. A diversity and inclusivity committee was rated by 38% of residents as the least important thing the City could do. Arts and culture are important to Provo residents. Connecting to the university community had mixed responses regarding importance and the rating of how well the City does this.

Regarding businesses, growing small businesses was seen as the most important. Mr. Handley suggested some of the responses suggesting the City needs improvement are not necessarily bifurcating the responses; some residents may feel something is a high priority yet they may feel the City is not doing enough. The least important priority to residents regarding economic development was increasing commercial buildings and industrial buildings in Provo.

Ms. Gibb reviewed the demographic breakdown of respondents. Many Provo residents came here for school at one point. Many have family nearby or work in the area. 64% of survey respondents are age 18-34. The Census suggests 68% in Provo's population falls within this age range. Most residents are white and many are married. A total 43% of respondents are at least full- or part-time students. Most respondents are employed full-time. She highlighted additional

statistics regarding the homeowner versus renter breakdown, duration of time in Provo, and time expected to live in Provo. Mr. Hoban indicated they were out of time. He invited Mr. Larsen to present at the next meeting regarding the takeaways from the survey results. Ms. Ellsworth asked that if staff are proposing changes or edits to the General Plan, it would be helpful to see redlined versions. Mr. Larsen indicated they have only high-level recommendations. ***Presentation only.***

2. A presentation regarding parking along Center Street in the Downtown area of Provo (22-052) (1:18:51)

Tom Thorpe, Parking Program Manager, presented. He brought some visual aids which were examples of signage for parking and the City's wayfinding program in Provo. He was asked to primarily focus on Center Street in this discussion regarding available parking, parking enforcement, public access to surface and structured parking, and future plans for parking on Center Street. Mr. Thorpe gave a high-level overview of parking on Center Street, including the spaces available, users (visitors versus employees) of the spaces, and times for patrolling.

Councilor Rachel Whipple asked if extending the permitted parking to 9 PM would change how often they need to patrol. She asked why they conduct enforcement until 10 PM. Mr. Thorpe clarified what they patrol until 10 PM. Councilor Katrice MacKay asked how many businesses asked for longer times for patrol. Quinn Peterson, Downtown Provo Inc. Director, passed on this feedback from businesses. Councilor Travis Hoban asked if this was because of events. During evening events, Center Street parking regularly surpasses 85% full. Councilor David Shipley asked if the PEG parking is done in their building. Some businesses had used some of the parking in that vacant lot for parking but were displaced by the construction. He wondered if PEG indicated how they were going to manage parking. Mr. Thorpe indicated they have submitted their final review online; the garage is gated so they will have some type of payment mechanism. Mr. Thorpe then reviewed the wayfinding. Planning estimates that the project is less than 50% complete. The estimated cost for completion is approximately $300,000.

Mr. Thorpe thought Provo should direct its money towards a parking app. Mr. Shipley asked about putting resources toward an app. Comments have been made in past meetings that the app already exists and is up-and-running; he is confused about what this means. Mr. Thorpe offered some clarification on this; he has talked to Flowbird about using them for a paid parking app. He envisioned that Provo works on an app that would work for the airport, BYU and UVU campus, and other parking throughout Provo. He has talked to Information Systems about doing this in-house or putting out an RFP for this. He thinks that would be a better use of the funds now, and to plan for the wayfinding funding in the future.

Mr. Shipley asked again—the Provo Airport has its first flights going out and he wondered how they are managing parking right now. Mr. Shipley was under the impression that this was already configured and ready to use. Mr. Shipley asked about the costs (up-front and ongoing) for paying another entity for an app. Mr. Thorpe shared some details and how it can vary depending on the company. Ms. MacKay asked how parking was being done at the Airport right now. Mayor Michelle Kaufusi responded that due to supply chain delays, they anticipate having this solution in place the third week of September, which will be similar to the parking lot gates at the Salt Lake International Airport.

Ms. Whipple asked what still needs to be completed for wayfinding. Mayor Kaufusi shared some context about the wayfinding project and how this was expanded beyond Center Street to include additional historic-styled light and sign poles in the broader downtown area.

Ms. MacKay shared her desire for a city app that could handle parking, utilities, and other customer service requests. Mr. Shipley asked for more follow-up information about the City's public parking garages and access. In the past, there have been some complaints about the accessibility and safety of the public parking areas. Development Services staff indicated they would prepare a follow-up report to address these questions. Mr. Thorpe suggested a parking authority would be an ideal model to manage the parking infrastructure so it can be easily upgraded and maintained. Ms. Whipple asked about the electric vehicle charging stations. Mr. Thorpe indicated these were being installed and managed by Provo Power. ***Presentation only.***

3. A presentation from the Housing Committee regarding Accessory Dwelling Units and their expanded use in zones primary zoned for housing. (22-056) (1:47:09)

Melia Dayley, Policy Analyst, presented. At the end of 2021, the Council passed an ordinance to be in compliance with HB82. The Housing Committee has been working on updates to the Accessory Dwelling Unit (ADU) ordinance and are providing several points for specific feedback at this meeting today. Decision points for discussion in this meeting include:

- Occupancy limit
- Permitted use on the west side (internal ADUs only)
- Path 1 for expansion: by neighborhood
- Path 2 for expansion: Street block faces
- Path 3 for expansion: Contiguous property

Councilor Travis Hoban shared a scenario to clarify his understanding of some of the proposal. Councilor David Shipley and Ms. Dayley clarified that this occupancy change only impacts ADUs; other rental housing already permits occupancy of 3. Ms. Dayley added some commentary regarding the State law HB82 and what it said regarding occupancy; Brian Jones, City Attorney, commented about the legality of the City's ADU occupancy. Mr. Shipley clarified that the Council was not unified on an occupancy change from 2 to 3. He gave some insight about past Councilors' opinions on this matter. Councilor Shannon Ellsworth commented on the difficulty of enforcing occupancy. Mr. Shipley added some insight; they will have to enforce based on parking and other factors. The current occupancy limit seems punitive to people who are trying to follow the law. Councilor George Handley recalls that he voted in favor of occupancy of 2 in the past and would like to change his vote to support an occupancy of 3. Councilor Rachel Whipple noted this would make occupancy more consistent for rental units in the city; she felt that it was confusing that ADUs were treated differently.

Councilor Katrice MacKay said she has talked to apartment owners and there are a lot of empty apartments and student housing that is not being used. Provo has unique demographics and she worries if this would push more unmarried students into ADUs and would make it harder for married individuals to find housing.

Brian Jones, City Attorney, explained that small motions from the Council to direct the drafting process help. He reiterated that it is helpful to staff to understand if the majority of Council agrees on individual elements of the proposal, rather than voting the entire proposal up or down.

Motion: George Handley moved to use 3 individuals as the occupancy limit for discussion. Seconded by David Shipley.

Councilor Bill Fillmore said his primary concern is the disproportionate amount of rental housing in Provo. Given that BYU made changes to its housing requirements for students, it is still unknown how this will impact the housing stock in Provo. He is also sensitive to the point raised by Ms. MacKay about small families. Mr. Hoban asked someone from the committee to comment on this.

Ms. Ellsworth explained that with these kinds of issues, they cannot tell people who is allowed to rent their basement or not (i.e., regulating or social engineering the economy to rent to only young couples or only married couples, etc.). She did not think it was justifiable or appropriate in an economic sense. Mr. Fillmore said he was not advocating a discriminatory approach but simply keeping occupancy at 2. Ms. Ellsworth thinks it is not justifiable to keep the occupancy at 2; she felt this flouted the intent of the State legislature. Mr. Shipley did not see a widespread change happening in Provo due to this change. Mr. Shipley thought it would still stay similar due to the number of bedrooms in a unit. He thinks the marketplace will adjust for this and that young couples and young families will still have housing. He thinks hopefully it will encourage student housing to redevelop or renovate to accommodate the market.

Mr. Fillmore reiterated his earlier comments. He thinks this change promotes absentee landlords. Mr. Handley echoed Mr. Shipley's comments; people who intended to rent their home to two people will still rent to two people. Mr. Handley did not want to use Mr. Fillmore's argument as justification for a policy change and he does not think there is any evidence suggesting that change or shift would happen. Mr. Fillmore asked about the status of the housing audit. Mr. Hoban indicated that it is being done at a state level.

Vote: Approved 5:2, with Bill Fillmore and Katrice MacKay opposed.

Ms. Dayley shared more detail on the statewide housing audit. Provo's planning staff did a lot of background work to compile a database. Ms. Dayley reached out to several organizations; the Kem Gardner Policy Institute at the University of Utah and the Department of Workforce Services received funding to conduct a statewide housing audit. Since there is already funding and experts pursuing this project, the City will wait for these results.

Ms. Dayley reviewed the next item for discussion: adding internal ADUs as a permitted use on the west side. Ms. Ellsworth asked what percentage of homes on the west side of I-15 have basements. Ms. Dayley did not have specific data, but she noted that due to the high water table on the west side, many homes did not have basements. Mr. Shipley noted that new construction has been engineered to have basements, but much of the existing housing stock do not. Mr. Shipley shared additional insight about this part of the proposal—the Committee members have had mixed thoughts on expanding ADUs and where to do so. He felt this was a logical and

incremental approach and a good next step that would allow the City to continue to enforce and monitor how ADUs are working. As a committee they have discussed at length education about ADUs, compliance metrics, and how does the City get to what was intended by the state. The alternative is no expansion. He would take anything at this point to get the ball rolling and then explore adding it other places.

Ms. Ellsworth noted that the trend on the west side is for larger acres so she wondered why detached ADUs would not be permitted. Ms. Dayley referenced an issue they discussed in the Committee about capacity on the west side—they wanted to keep this simple while still allowing expansion. Mr. Shipley was not opposed to including external ADUs, but they were just trying to move something forward to expand ADUs. Ms. MacKay said it was important to be consistent with the west side intent statement. She asked if staff received a response on sewer capacity; she thought this was relevant. Ms. Dayley said internal ADUs have already been accounted for in sewer capacity. They would need more data from Public Works if looking into external ADUs.

Mr. Fillmore appreciated the Committee's thoughtfulness on this issue and thanked Mr. Shipley for taking the lead on this expansion on the west side. His only concern was that he views ADUs as a neighborhood issue; he wondered how the committee knew the west side was interested in this. Mr. Shipley said they have not polled the west side, but in his conversations with constituents, when people hear ADUs, most of the people offering pushback were mistakenly interpreting ADUs as duplexes—they do not factor in the legal owner-occupancy requirement. He thinks talking through these issues with residents can help. Mr. Handley said if the Council votes on this now, they are inviting the public to weigh in on it. In the general plan survey responses, district 4 was one of the more favorable districts to ADUs in the city.

Motion: Travis Hoban moved to direct Council staff to include the west side language in an updated ADU ordinance. Seconded by Rachel Whipple.
Vote: Approved 7:0.

In the few remaining minutes, Ms. Dayley outlined several different pathways the Committee proposed for expanding ADUs. They took the designation process for creating an ADU permitted use area from the parking permit area process which already existed in code. The process can be initiated by a Councilor or a resident using one of the three paths. The application must include the proposed boundaries or boundary changes. This application process would apply for any of the three pathways (neighborhood, street block faces, or contiguous property). There is then a public hearing process to determine support after which the Council can pass a resolution or ordinance to adopt the proposed expansion area.

Ms. Dayley explained how the three pathways would work. Mr. Hoban asked about the 66%; they have to get 66% of residents to respond, and then at least 51% of those residents must support the proposal. Hypothetically it would only take 33% of area residents to support it. Mr. Shipley indicated yes, but that it would initiate the process after which more residents would be able to provide input and feedback. Ms. Dayley indicated there had been a few changes to the language. Mr. Handley liked the sound of this proposal—he liked that it gave several options. He could see scenarios in all three pathways where this would be a viable process for neighbors. It

facilitates the process more easily without being binding and allows pockets of the city to move forward with a proposal. He looks forward to having this discussion in a more flushed out way.

Ms. Ellsworth thought this was a bar way too high for citizens—the process for getting an ADU now is very complicated. She doesn't know the last time an ADU application was submitted under the current process because it is so complicated. In her opinion, this was not conservative government when it involves asking a neighbor to approve someone else's property rights. Ms. Whipple agreed it was a high barrier to entry. She liked the multiple pathways that offered a similar process on different scales. She likes that the process accounts for not everyone responding and so that does not derail the process. Some areas of concern raised in the committee were that it could potentially increase the density of people living in an area, which affects property owners and residents. They decided that for enforcement and to be expeditious, they are going to stick with allowing property owners to approve—it is easier to verify property owners based on the tax records for the area. It is harder to verify residents of an area.

Ms. Ellsworth shared additional comments—no other city is doing ADUs this way. Ms. Whipple explained the committee was going this route because there was pushback from two vastly different ends of the spectrum—it places the onus on residents to support or not support specific proposals and gives residents a clearly outlined process so that instead of having the same conversation over and over, the ADU expansion can be moved forward in a way that defers to neighborhood autonomy and community. Mr. Shipley responded to a comment from Ms. Ellsworth, noting this was very different than the current ADU process in place. If there is not a path for a neighborhood or a small group to come together, then the Council will end up spot zoning lots of applications. He thought there needed to be a process beyond spot zoning that would allow ADUs to come forward.

Mr. Fillmore appreciated this neighborhood-based approach. He is inclined to support it and looks forward to a broader discussion. Mr. Hoban asked for clarification about the street block faces. A neighborhood block does not include the people living across the street from you, who are impacted by parking and traffic on that street. By using block faces, it seems more reasonable and logical because those neighbors are most effected by the proposal. Ms. Ellsworth asked how long a block face is according to definition. Ms. Dayley indicated that block faces was not defined in the proposal. Mr. Hoban clarified with an example his understanding of the ratio of property owners required for approval. Ms. Ellsworth also asked about existing duplexes in her neighborhood and how that impacts ADU approvals. Ms. Dayley said the Housing Committee is meeting next week to review the feedback received during this presentation.

Motion: George Handley moved to include the three pathways in a draft (subject to housing committee revisions). Seconded by Rachel Whipple.
Vote: Approved 6:1, with Shannon Ellsworth opposed.

4. A presentation regarding the Renew Choice SharedSolar for Commercial Customers. (22-057) (2:48:07)

Travis Ball, Provo Power Director, presented. Provo Power collaborated with UMPA on a solar farm that can provide more solar power to the City and residents can opt-in on this service. They

have worked with Customer Service to determine a rate structure for commercial customers which they are presenting to the Council.

Councilor Katrice MacKay asked how this rate compared with non-solar power rates. Mr. Ball said opt-in customers are paying slightly more for solar power. The rates cover the cost of depreciation and capital improvements for now, but they made need to adjust some costs impacted by inflation in the future. The rate for power generation is locked for 20 years.

Councilor George Handley asked about the differences between the residential and commercial programs. Mr. Ball explained that commercial rates are structured slightly differently, so customers can request a specific percentage of their usage be from solar. He suggested making that possible for residents as well, which Mr. Ball indicated was a question for the billing team. Mr. Handley liked that 100% solar was an option.

Councilor Rachel Whipple asked since the generation charge was locked, whether the energy charge paid by customers would also remain steady. Mr. Ball explained that there were several different rates that make up the total charge. The locked in generation cost would not change, but if those other elements would change the rate may change slightly. Ms. Whipple asked about the $75 customer service fee—Mr. Ball indicated that only applied when making changes later on. Mr. Ball indicated that all of the Renew Choice programs are outlined at Renewchoice.com.
Presentation only. This item will be scheduled for a future Council Meeting for a vote.

5. A presentation by the Neighborhood Program Review Committee regarding the committee's recommendations for the Neighborhood Program. (22-055) (2:57:12)

Karen Tapahe, Community Relations Coordinator, presented. Ms. Tapahe shared history of the neighborhood program, which was created over 50 years ago and has experienced many changes over the years. She also reviewed the challenges of the current iteration of the program, including low turnout, lack of a code of conduct, meeting locations and meeting access, outsized turnout or demand of certain neighborhoods, and the size of the program with 34 neighborhoods. Ms. Tapahe reviewed the process the Neighborhood Program Review Committee has gone through and she reviewed the proposed changes to the Neighborhood District Program. The program is founded on community building, consistent engagement, and government transparency. The new program would have five districts of 6-8 neighborhoods each. Each neighborhood district would have an executive board. Residents of the district can have a voice in selecting the board leadership. She highlighted some of the feedback received from neighborhood chairs, including concerns about favoritism in the appointment process, how to represent less-engaged neighborhoods, a suggestion to eliminate term limits, the fact that monthly meetings are too often for most neighborhoods, and that district size was too large.

John Magness, Council Interim Executive Director, introduced the changes to the ordinance. This proposal originated with a request to implement a code of conduct for neighborhood chairs that had a lot of negative feedback. As a result, staff have prepared these proposed updates to the program which would build on social capital in neighborhoods. The proposal would rescind the existing chapter of the code and replace it with the proposed ordinance. Mr. Magness outlined the impetus for five districts, which would allow for a more manageable workload for staff who

would be very involved with the program. Mr. Magness outlined the problematic aspects of holding a vote for the neighborhood chair—without having a formal voting system, it created a lot of problematic situations, so that was eliminated from the new program recommendations. Councilor Travis Hoban offered some clarifying comments about neighborhood votes.

Councilor Shannon Ellsworth asked why there would still be situations with informal votes. Mr. Magness said it was just another option for getting feedback. She suggested Open City Hall was a better format and process for getting public feedback. Councilor David Shipley said Open City Hall is still a great tool for getting feedback and taking an informal vote would not preclude them from gathering more formal feedback later. Regarding the question of why they would allow for this informal voting but not informal voting of the chair election, he pointed out that the vote to choose a neighborhood chair was binding and therefore that problem was problematic. With the newly proposed method this still allows the Council discretion.

Councilor Katrice MacKay noted that anyone can respond in Open City Hall. Mr. Magness indicated that for OCH, they primarily rely on the registered responses of residents; it is simply another source of information for the Council's use. Councilor George Handley liked having these informal data points to hear from more Provo residents. Regardless of how people may interpret or perceive these changes, he thought this was trying to open up avenues of communication between the Council and the public. In the past some of the informal methods of communication have not been functioning well in the neighborhoods. He noted that the Council members are elected and are responsive to the citizens—this process is always available.

Mr. Magness reviewed the makeup of the executive board, which would be comprised of a minimum of 7 and maximum of 11 members. This format will allow the Council to give more opportunities to people who may not have been as involved in the past. They will require an orientation for members of the executive board. If there are problems with a member of this board, there is some recourse for the Council to address such issues. The University Neighborhood will still have an appointed chair, Joaquin will still have an apartment owner, and the Downtown neighborhood will still have a business liaison. Mr. Magness reviewed the other sections of the proposed ordinance amendment. The intent is to require the Neighborhood District Program to abide by the Open and Public Meetings Act provisions as well as the Government Records Access and Management Act, along with providing formal training for the board members. Additionally, the matching grant program will be restructured to provide $5000 to each district for a project, subject to Council office approval.

Councilor Rachel Whipple asked whether training would be provided along with a neighborhood council program handbook. Ms. MacKay indicated there would be a focus on education and they could even do a training meeting specific to the matching grants. Mr. Magness indicated that they have $30,000 for matching grants, which includes $5000 for each district, and an additional $1000 per district to use for community events within neighborhood. The use of these funds is administrated by and subject to Council office approval.

Chair Hoban indicated they were almost out of time and he noted several items they still wanted to address—he wondered if the Council would like additional time at a future meeting or to allow the committee to work on the proposal further and receive feedback from neighborhood

chairs. The consensus was that several Councilors wanted to have more discussion so the item would be brought back to the next Work Meeting. Mr. Handley thought the proposal was very close to being ready. He was fine with the committee making some adjustments in the interim. Ms. Whipple asked if the Council could access a more detailed map to better understand the organization of the neighborhood districts. Mr. Magness indicated they could, and rather than naming the districts they will be numbered and are rough coordinated with Council districts.

Ms. Ellsworth suggested that if the Neighborhood Program Review Committee was reviewing ideas or suggestions, they might want to consider comparing the proposed suggestions to all the City's boards and commissions. Others pointed out this was a Council program, not a City board and commission, so there are some differences. Mr. Magness invited the Councilors to read the current ordinance and submit any comments or questions via email. Mr. Fillmore was impressed by work the committee did. He thought they did an exceptional job and thought this through very well. He is supportive, will welcome any suggested refinements from the Council, but thanked the committee for their work. ***Presentation only.***

6. A presentation from the Administration regarding the possible allocation of restricted use funds from the American Rescue Plan Act (ARPA). (22-017) (3:50:57)

Wayne Parker, CAO, presented. Mr. Parker reviewed background information on the American Rescue Plan Act and how the restricted funds can be used. The Administration has recommended two main water and wastewater projects to the Council ARPA Committee. They have also suggested setting aside $10 million for revenue replacement. One of the recommended projects is to supplement the construction costs for the wastewater treatment plant, which has been impacted by construction inflation over the last year. To keep the project on-budget, they eliminated the use of bioreactors in the treatment plant, as this seemed to be the only way to keep the project on-scope and on-budget. The State Department of Environmental Quality has encouraged the City to retain the use of bioreactors and last year granted the City a low-interest loan and a $5 million grant to try and restore the bioreactors. There is a gap of about $3 million to completely fund the bioreactors portion to restore the project to its original scope.

The second project relates to a culinary water treatment plant in Provo and Provo's aquifer storage and recovery (ASR) project. This would fund a 10-million-gallon-per-day water treatment plant with some shelled in improvements that would allow for future expansion to a 30-million-gallon-per-day plant. There are some related improvements that are part of this project to facilitate the ASR component, including additional water lines and pump stations. For those projects the total budget is $72 million and $69 million. They are requesting $19.7 million toward this project. Public Works recently secured an allocation of Utah County ARPA funds of $14 million, and they anticipate applying for a State revolving loan of $38.5 million. They also applied for a federal BRIC grant, which they will hear about in the early fall. This is the initial proposal they shared with the Council's ARPA Committee. Mr. Parker anticipated talking about ARPA funds at upcoming meetings as well, before doing an appropriation in the future.

Councilor David Shipley asked if they had projections for revenues or cost-savings to the City that would result from having in-house water treatment capabilities that would make up for the servicing on that debt payment or whether this project would result in new debt.

Dave Decker, Public Works Director, said there are two potential revenue sources for the treatment plant. Provo River water could supplement groundwater through the ASR program. They may also be able to generate revenue through selling water or leasing water rights as a revenue source. The total treatment cost paid to Central Utah Water (including the power loss charge and carriage agreement) was $500,000. These savings would pay for half the cost of the operation of the treatment plant. Mr. Shipley asked if Public Works felt the rate increases were sufficient to service this ongoing debt as well as the operations without substantial additional increases. Mr. Decker indicated they were pretty confident that with the other revenue sources and savings on outsourcing water treatment, they will be able to cover it. There may still be future small inflationary rate increases in the future.

Mr. Shipley thought the treatment plant represented a security and a sustainability issue for the City. He thought it was important to have conversations about these projects in a public meeting. Mr. Shipley felt that a water treatment plant presented a significant opportunity for the city and he thought the Council should consider it.

Councilor George Handley felt this project was really important for Utah Lake as well as water security in Provo City. He wanted to find out how the City could do this project even if ARPA funds were not available and he was interested in knowing the impact on the City. Mr. Decker explained that the culinary water treatment plant will have the most long-lasting impact on the City of decisions made by the Council and Mayor. It will provide a sustainable supply of water on a long-term basis. Mr. Decker elaborated on the use of the city's Provo River water rights and how this connects into the broader water system in Provo.

Councilor Shannon Ellsworth asked how this project was going to be funded before ARPA funds were available and whether the project costs included land costs and additional infrastructure. Mr. Decker indicated that they had left the options open as to how to pay for this project. Mr. Parker identified several projects that needed to happen in conjunction with the treatment plant: two water lines and a pump station. These would connect the treatment plant to the rest of the water system, which would allow distribution of this water to the rest of the city. One of these water lines would go up to Rock Canyon to facilitate the ASR project. Councilor Bill Fillmore thought this request was prudent planning and contributed to the long-term sustainability of the city. He appreciated Public Works taking initiative on these issues. ***Presentation only.***

7. A presentation on the process for recommending board and commission appointments (22-009) (4:16:46)

Wayne Parker, CAO, reviewed how City boards and commissions work, how they interrelate with departments, the administrative process, and some recommendations they would like to advance. Mr. Parker identified several categories of boards and examples of each:

- Independent boards
- Governing boards
- Quasi-judicial boards
- Advisory boards
- Administrative committees

Mr. Parker shared some details about gender and ethnic diversity on city boards. There are 96 board members, with about 53.1% male and 46.9% female members (while the general population is 49.4% male and 50.6% female). They have 89.6% white, non-Hispanic board members. Mr. Parker also displayed the geographic distribution of board members throughout the City and some population breakdowns for different areas of the City. They are confident that the composition of board members is in rough approximation to Provo's population.

Councilor Rachel Whipple asked what population of the city is north of Center Street versus south of Center Street. Mr. Parker indicated that 74.3% of the city is north of Center Street and 25.6% is south of Center Street. He displayed a graphic that showed the connections between city departments and boards and commissions. Mr. Parker then reviewed the administrative appointment process for board and commission members. He shared some of the factors they consider as they review these vacancies or potential reappointments. They try to stick to a two-term limit where possible and invite new members to become more experienced by participating. Councilor Shannon Ellsworth asked if it was pretty irregular or infrequent that they have to convince people to be on a board. Mr. Parker said it varies. Sometimes they take a more active role recruiting board members. Some boards meet very infrequently while other boards may be more demanding. Mr. Parker outlined their current recruitment approach. Mayor Michelle Kaufusi said the public information officer group is designing a graphic that will be common to all boards and commitments with information about the board member's role with a link to the application. Ms. Whipple asked about the application or appointment process. A more uniform process would also be helpful—she suggested some kind of feedback to the applicants would be helpful. Mr. Parker said they have more suggestions on these items.

Mr. Parker gave more insight into how applicants are vetted and the process for submitting recommendations to the Council. Mr. Parker highlighted some recent challenges, including legal challenges, residency preferences, data-sharing, the advice and consent process, and follow-through with applicants (both those appointed and not appointed). Mr. Parker indicated they would like to review all the boards over the course of the next year and consider changes, including a discussion of residency requirements and standards, streamlining the advice and consent process, submitting nominations to legal review before sending them to Council for advice and consent, using a consistent database between the Council and Administration, doing better public outreach for vacancies, and implementing more systematic responses to applicants from the Administration. Councilor Katrice MacKay said she has heard that people don't get a reply when they applied and so they are usually not sure if their application was even successfully submitted. Mr. Parker indicated they were aware of this problem and were looking at some solutions to this.

Elizabeth VanDerwerken, Council Executive Assistant, reviewed the process outlined in the Council Handbook regarding the Council's advice and consent process. She reviewed the steps in the process as well as some of the resulting challenges. She shared her recommendations for striking several elements in the process in order to streamline the Council's review process. Ms. Ellsworth asked what would happen if the Council submitted feedback late in the review period. Ms. VanDerwerken explained much of the feedback often pertained to compliance issues that would be cleared up earlier by implementing a legal review prior to the Mayor submitting her

recommendations to the Council. Councilor George Handley suggested a more formal process for announcing vacancies so the Council could help identify people that could be nominated.

Mayor Kaufusi indicated her support for the proposed changes; the current process is burdensome and has resulted in a lot of confusion for prospective board members. She indicated the Mayor's Office was also going to improve their process this year.

Motion: Travis Hoban moved to adopt the handbook changes as proposed. Seconded by Katrice MacKay.

Chair Travis Hoban suggested this process go into effect after the board appointments scheduled for that evening had already taken place.

Vote: Approved 7:0.

Closed Meeting

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

Brian Jones – meet some board and commission appointees.

Motion: Travis Hoban moved to close the meeting. Seconded by George Handley.
Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval

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

PROVO MUNICIPAL COUNCIL
Work Meeting Minutes

12:00 PM, Tuesday, July 26, 2022
Hybrid meeting: youtube.com/provocitycouncil or 351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials participated:

Council Chair Travis Hoban, conducting
Council Vice-chair George Handley
Councilor Katrice MacKay
Councilor Shannon Ellsworth
Councilor Rachel Whipple
Councilor Bill Fillmore, arrived 1:20 PM
Mayor Michelle Kaufusi, arrived 12:42 PM

Excused: Councilor David Shipley

Prayer

The prayer was given by Gary Calder.

Business

1. A resolution approving an Interlocal Agreement for the use of surplus water. (22-060) (0:13:19)

Dave Decker, Public Works Director, presented. This interlocal agreement is scheduled for approval at the Council Meeting this evening. For some time, the City has allotted a small amount of water to be used by the South Utah Valley Solid Waste District-contracted landfill west of Utah Lake. Mr. Decker provided additional context about the arrangement and what the water is used for. The landfill ownership recently changed, so a new contract is required.

Councilor Rachel Whipple asked some clarifying questions—Mr. Decker explained that the arrangement is essentially the same, but updated to reflect the new ownership and formalize continuation/renewal of the agreement with them for the next 25 years. Ms. Whipple asked if the City decided in the future that the water is no longer surplus, whether a change application would be required. Mr. Decker indicated it was a small quantity of water, 1 cfs or 100 acre-feet. The City's annual water consumption is 28,000 cfs. ***Presentation only. This item was already scheduled for the Council Meeting on July 26, 2022.***

2. An ordinance amending the zone map classification of approximately 0.44 acres of real property, generally located at 1595 West 600 South, from Agricultural (A1.1) to One Family Residential (R1.8). Sunset Neighborhood. (PLRZ20220191) (0:20:37)

Dustin Wright, Planner, presented. The Planning Commission reviewed this project and forwarded a positive recommendation with two conditions: they recommended a development agreement and that the lots are recorded. The development agreement is no longer needed due to a revision to the proposal. Councilor Travis Hoban expressed concern about this possibly setting a precedent about illegally divided lots. Mr. Wright indicated that staff were not concerned about the precedent since the General Plan recommends residential uses for this area. Councilor Katrice MacKay asked if the General Plan did not recommend residential, how that would have changed the situation. Mr. Wright explained that the applicant would perhaps need to explore other legal routes to rectify the situation. He reiterated that the development agreement was no longer required because the lot was too small to be divided further into two lots. Councilor Shannon Ellsworth thought a new residence would help to elevate this area. ***Presentation only. This item was already scheduled for the Council Meeting on July 26, 2022.***

3. An ordinance amending the zone map classification of approximately 32.6 acres of real property, located at 3701 W Center Street, from Agricultural (A1.10) to Airport Industrial (AI) and authorizing a related development agreement. (PLRZ20210263) (0:26:06)

Dustin Wright, Planner, presented. This item has an associated development agreement which was proffered by the applicant. The applicant's concept plan is to develop this property for three light industrial buildings. The tenants are not yet lined up. Public Works had some concerns about the concept plan, without knowing about future street improvements or utility improvements; the development agreement is intended to address those concerns as the project plan approval moves forward later in the development process.

Councilor Travis Hoban noted some feedback from the neighborhood chair, who suggested diverting large truck traffic off of Center Street to Lakeview Parkway. Mr. Wright said that David Day, Public Works' Engineering Development Coordinator, would be present at the Council Meeting that evening and could speak to this question. Councilor Katrice MacKay asked if this was something that could be included in a development agreement; she noted that children cross the street to attend school, which made semi-truck traffic a concern. Mr. Wright noted that at the concept plan level, they did not know all the impacts of traffic on the development. The development agreement will require that there are specific plans put in place when a project plan proposal comes forward in the future. Brian Jones, City Attorney, addressed this concern and said the development agreement probably could not require that and the agreement terminates upon issuance of the certificate of occupancy and wasn't really the appropriate tool to resolve this problem. Councilor Shannon Ellsworth thought it was important to be business-friendly and there was a large need for industrial uses. Councilor Rachel Whipple asked if the applicant would be completing a traffic study as part of their project plan approval. Mr. Wright noted the applicant could better address that question at the meeting that evening. ***Presentation only. This item was already scheduled for the Council Meeting on July 26, 2022.***

4. A presentation regarding the development of a new Mixed-Use Zone. (22-062) (0:34:04)

Javin Weaver, Planner, presented. The General Plan and many neighborhood and area plans discuss components of mixed use developments. Mr. Weaver shared a series of maps that illustrated areas where mixed use developments were permitted. Mr. Weaver reviewed examples of sign types that were permitted within mixed use zones. Councilor Shannon Ellsworth asked if banners were regulated; Mr. Weaver said there were general regulations that addressed those. In response to a question from Councilor Katrice MacKay, Mr. Weaver indicated that electronic display signs would not be permitted in either of the MU or NMU zones, because of the residential elements of those zones. Mr. Weaver said there was an amendment to make that change which would be heard at the next Planning Commission meeting and then would come to the Council for approval at a future meeting. ***Presentation only. This item was already scheduled for the Council Meeting on July 26, 2022.***

5. A presentation from the Administration regarding the possible allocation of unrestricted use funds from the American Rescue Plan Act (ARPA). (22-017) (0:40:07)

Wayne Parker, CAO, presented. He reviewed the past discussion on restricted use ARPA funds from the last Work Meeting; he noted that his presentation today would focus on the use of unrestricted funds. He noted Fire Chief Jim Miguel was also present to respond to questions. The Administration is working on programming the discretionary funds from the American Rescue Plan Act. Mr. Parker shared details about use of the old City Center building and the process of selecting a new partner for the redevelopment. They are still determining the costs for redevelopment, demolition, and parking, as well as for the Fire Station.

They have estimated the cost of Fire Station 1 to be about $5 million. They had previously allocated about $3.5 million in Legacy CIP funds. With increasing costs to construction and materials, they have proposed to allocate $1.5 million in discretionary ARPA funds, which would get them to the $5 million in expected costs to complete the Fire Station 1 project. They intend to discuss the use of the remaining discretionary funds in a future meeting, but some of the proposals they have submitted to the Council's ARPA Committee relate to constructing a parking lot at the old City Center site and advancing the development of the regional sports park on an accelerated timeline. If the Council is comfortable with the $1.5 million for the Fire Station 1, it would be appropriate to place an appropriation on the agenda of a future Council Meeting.

Councilor Shannon Ellsworth expressed that she did not know if there was consensus among Council members regarding the regional sports park timeline acceleration. Mr. Parker indicated they had anticipated to advance these projects one at a time, as the Council is considering and balancing many needs. Ms. Ellsworth also asked if there was a budget outline for Fire Station 1. Chief Jim Miguel explained that they were working with VCBO Architecture, who had prepared some preliminary plans a couple years ago. They are waiting on the engineers' estimate for the final cost. They had initially provided the architect with an estimated budget of $5 million.

Councilor George Handley asked some clarifying questions; Chief Miguel confirmed that this requested $1.5 million is just for Fire Station 1, and they have already previously appropriated $3

million from Legacy CIP funds under the CARES Act. Mr. Handley asked how this Fire Station 1 would impact the overall redevelopment of the old city center block. He was aware the Administration had requested some funds for parking. Mr. Parker said the parking would be an independent cost and project than the Fire Station 1. Thus far they have only determined the location of Fire Station 1 within the block; the other details of the property redevelopment have not yet been determined. Mr. Handley asked whether the Rock Canyon Master Plan was fully funded, utilizing funds from the County; it would be helpful for him to know whether this master plan and the Slate Canyon Master Plan were fully funded and on what timeline, compared to other needs in the City. Mr. Parker indicated that they could provide that information. In response to a question from Councilor Travis Hoban regarding noise at the fire station, Chief Miguel explained how they have historically operated Fire Station 1 at its current location in the context of the surrounding neighborhood. Councilor Katrice MacKay noted that the Council has not made any decisions yet on which projects to fund with ARPA funds, so it was premature to say whether or not the Council supported something at this time. ***Presentation only.***

6. A presentation regarding the Statistical Survey done in support of the General Plan Update. (22-011) (1:29:55)

Brandon Larsen, Planner, presented. Councilor Shannon Ellsworth asked if the survey results were broken out using the current Council districts or newly adopted districts. Mr. Larsen confirmed it was broken out by current districts. Mr. Larsen highlighted some of staff's takeaways from the survey results, including:

- Focus on congestion and parking in the survey responses
- Focus on having a mix of housing types, including single-family homes
- Residents want to preserve outdoor recreation opportunities
- Air quality, recycling, and the Provo River are key environmental concerns
- Air quality is important to all demographics

Some of the minor repeating themes included:

- Having a place for children and family to live
- Maintain low taxes (rated important but not a top aspect to address)
- Grow local small businesses and the startup community
- Accessibility was rated as important but not a top priority (accessibility in housing, diversity, employment, etc.)

Mr. Larsen reviewed a further breakdown of the data for several types of survey questions by district, highlighting some of the trends observed in the results. Ms. Ellsworth asked about one of the questions about shopping centers; Mr. Larsen clarified that these were answers ranked by the respondents. Councilor Rachel Whipple commented that in her area, there is some shopping and some townhomes, so residents responding to the survey in her area may have answered these were priorities but not in their area since there was existing stock in those types of land uses.

Mr. Larsen indicated that three things seemed to be priorities related to transportation, across all districts: traffic and congestion, air quality, and parking. Mr. Larsen then compared some of the results of the surveys conducted by Y2 Analytics and Design Workshop. Mr. Larsen highlighted some specific suggestions for the General Plan:

- Create specific chapters for land use, housing, and economics
- Reevaluate and revise the top five qualities most important to Provo residents
- Reevaluate and revise top five considerations for future of Provo
- Separate moderate-income housing element and add water element (per new State requirements)
- Remove Future Land Use Map and update General Plan Map
- Stay high-level with elements addressed in other plans and refer the reader to those plans (transportation, sustainability, water, parks, etc.)
- Reevaluate each chapter and key themes in light of new survey data

Councilor George Handley agreed with Mr. Larsen's conclusions. Mr. Handley felt they were pretty close to the final version of the plan with a few tweaks still needed and he felt the survey results reiterated these original findings—it seems they just need to make these adjustments and move forward. Mr. Handley asked if Mr. Larsen had a sense about the timeline for bringing revisions back to the Council. Mr. Larsen anticipated that the revisions would take a couple of months, but they hoped to bring the plan back for the Council to adopt in the early fall. Mr. Handley shared additional comments about the survey results and he hoped this would help the Council and City Administration to proceed with confidence. Ms. Ellsworth was discouraged because she felt they had this same conversation in 2020 and 2021 about the housing, land use, and transportation elements of the General Plan. She asked why they didn't course-correct earlier in the process, having had these conversations earlier. Ms. Ellsworth was in favor of keeping and reworking existing policies into the necessary format. She thought it would be helpful for the Council to review the land use map and water conservation elements as soon as possible. Ms. Whipple shared comments about reorganizing the general plan document and the necessary additions to the policy elements.

Keith Morey, Development Services Assistant Director, suggested that staff could send each completed section to the Council as it was finished. Ms. Ellsworth asked if the Council could have a timeline in place and suggested a joint meeting with the Planning Commission. Council Chair Travis Hoban said they did not need to set the exact timeline and process today but could certainly establish that. ***Presentation only.***

7. A discussion regarding the proposed "Percent-for-the-Arts" program from the Public Art Committee. (22-061) (0:55:31)

Melia Dayley, Policy Analyst, presented. The Public Art Committee is seeking feedback on several specific points. She reviewed the draft policy for the Percent-for-the-Arts program, highlighting the main points of each section of the policy. The Public Art Committee has also circulated the draft policy to Public Works and Parks and Recreation for their feedback. One point on which the committee needed feedback was what would be included as a city facility under the proposal.

Councilor Katrice MacKay asked what projects this would apply to and what percentage. Ms. Dayley explained it would apply to all City projects and the rate was 1%. There are several aspects of the proposal that the committee was seeking feedback about, including whether some projects would not apply and whether there was a floor or ceiling to the percentage. Councilor

Rachel Whipple shared comments about the program and how there was some built-in flexibility with the program which could account for projects that had already incorporated art or for which art would not be appropriate or necessary. She shared several examples of projects that might utilize the floor/ceiling designation—a very small project where the funds would not amount to much, or very expensive projects done through bonds, for instance.

Councilor Katrice MacKay did not think a floor was necessary. She asked for more detail on bonded projects; Ms. Dayley indicated there was some feedback from Dave Decker, Public Works Director, on this point. Ms. MacKay agreed with Mr. Decker's feedback and she also liked the idea of implementing a ceiling on project costs contributed to the fund. Councilor Shannon Ellsworth asked what was the most the City has ever spent on public art. Ms. Dayley was not sure; Ms. Ellsworth wondered if $600,000 (the cost of the city hall fountain) would be a good ceiling or if there were criteria that could be applied. Ms. Ellsworth asked if there were any requirements about the geographic distribution of art. Ms. Dayley said this was addressed in the policy in "Selection and Placement of Art." Ms. Dayley reviewed the contents of this section. Ms. MacKay thought a ceiling of $500,000 seemed appropriate. Councilor Travis Hoban asked what the revenue generator for this in a typical year would look like. Ms. Dayley said it was challenging to calculate, because it varies so much on planned vs. not programmed projects. She could prepare a range, for instance a low year or a high year. Ms. MacKay shared thoughts on perhaps implementing a maximum contribution for a specific department.

Ms. Whipple shared more insight from the committee's perspective about contributions from a specific department. She thought some flexibility would be helpful and noted that large capital projects presented an important opportunity for the City to be able to engage with art installed as a result. She noted that being able to put money into the fund was an important aspect since all the art may not be installed in conjunction with a particular project.

Ms. Dayley continued highlighting the procedures, guidelines, and rules of the program. The budget would be housed under the Covey Center and would be primarily administered by the Arts Council. The Council or a Council committee would also have some input as to the use of the funds. Ms. Dayley highlighted the last three sections of the policy, noting that they worked closely with the Legal Department to draft the provisions. Title and ownership of art described who names the art and who owns it once it is installed. The next section addressed maintenance and security of art, including a designation of funds towards maintenance. The section "rights of the artist" incorporated elements utilized at the State and in several Utah cities regarding artists' rights. Ms. Dayley asked for any other input, questions, or concerns from the Council.

Ms. MacKay asked if staff could email the policy to the Council. Ms. Dayley indicated she would email it out to the Council. Ms. Whipple noted that rights of the artist was an important consideration and an issue that came up when they redid the mural in Maeser Park. Being able to respect the rights of the artist and to have clear boundaries with ownership was very helpful in protecting the legal rights of those involved. Ms. Ellsworth asked if there was a floor or ceiling amount for specific art projects; Ms. Dayley said they could review this with the committee. Ms. Ellsworth welcomed a variety of unique types of art. Ms. Dayley indicated that the committee would bring this item back to a Work Meeting in August. ***Presentation only.***

8. A presentation from the Housing Committee regarding Accessory Dwelling Units and their expanded use in zones primary zoned for housing. (22-056) (2:27:11)

Melia Dayley, Policy Analyst, presented. She reviewed in brief the information that they had presented at the previous Work Meeting, including information about the three pathways for residents to apply for ADUs. Councilor Shannon Ellsworth wondered why they would prohibit someone from asking for spot zoning; the Council may choose not to approve a request, but she thinks people should still be able to ask. Councilor George Handley agreed; he thought that allowing incremental expansion, without allowing local level flexibility, was problematic. Councilor Bill Fillmore asked about the rationale behind the Committee's recommendation. Ms. Dayley indicated that efficiency and contiguous zoning were factors influencing this aspect. Mr. Jones noted that while the Council may not be able to prohibit spot zoning, the policy could certainly signal that spot zoning was discouraged.

Mr. Fillmore asked if that was consistent with Development Services' intentions. Bill Peperone, Development Services Director, clarified that small rezones were not the same as spot zoning. He thought if the Council was uncomfortable with that approach, they should indicate that through their policies and promote the avenues they did encourage; this would not prohibit that type of application but would encourage applicants in other directions. Ms. Ellsworth asked what the fees would be to initiate that type of application. Mr. Peperone said the rezone application fee was about $1100. Ms. Ellsworth thought the Council should keep that in mind. Ms. Ellsworth also asked about whether the committee had explored a process similar to that which is used for major or minor home occupation approvals. The committee did not contemplate that type of approach. Ms. Dayley then reviewed some of the questions regarding the three pathways.

Councilor Travis Hoban had previously asked about what is defined as adjacent neighbors. He wanted to keep options open but wanted to encourage residents to follow the process with the three pathways. He also supported opening up ADUs on the west side. Councilor Katrice MacKay suggested the committee discuss enforcement in conjunction with this proposal. Ms. Ellsworth asked about the annual fees for having an ADU; Ms. Dayley said they just needed to have a rental dwelling license. Ms. Ellsworth thought these pathways were too high of a hurdle. Mr. Fillmore said he has received many emails from constituents on both sides of the issue and he highlighted some of the feedback received from residents of the west side. Mr. Fillmore also asked about enforcement. Ms. Dayley highlighted that the committee's purview was limited to legislative actions, but they could collaborate with the City Administration to review that issue.

Ms. Ellsworth recalled that Development Services staff had expressed last fall that they felt they had the appropriate resources, staff, and tools to conduct enforcement. Councilor Rachel Whipple noted that the General Plan survey demonstrated support for ADUs in districts 1, 2, and 4. She shared additional comments about the available housing stock in the city and thoughts on compliance. Mr. Fillmore thought there were many positive elements with ADUs; he wanted to be sensitive about the detrimental effects. Ms. Ellsworth commented that the City has had ADUs for decades and most other cities have already permitted ADUs in 75% of their city. She invited and encouraged the Council to reach out to elected officials in other cities and to learn about the pros and cons experienced in other cities. Ms. MacKay noted some of the unique aspects of Provo. This proposal would not create more single-family homes but would redistribute how

they are used. Ms. Whipple commented that ADUs are already in place throughout the City where senior citizens have additional dwelling units in the house that allows them to age-in-place. She noted the issues caused by prohibiting ADUs; if ADUs are illegal it makes it less feasible for families to acquire homes in established neighborhoods. Mr. Handley was not aware of any research that suggests that ADUs are harmful to larger families; he was curious about Ms. MacKay's comments on this point. Councilors discussed spot zoning; Mr. Hoban asked if Mr. Peperone needed a formal intent statement from the Council regarding the discouragement of spot zoning. Mr. Peperone indicated that would be helpful somewhere in the ADU document. Brian Jones, City Attorney, noted that this could be incorporated into the preamble of the ordinance and circulated to the Council in advance for review, prior to approval at a future meeting. ***Presentation only.***

9. A discussion of the Neighborhood Program Review Committee regarding the committee's recommendations for the Neighborhood Program. (22-055) (3:07:28)

Council Chair Travis Hoban introduced the item and noted the intent was for the Council to have some public discussion. He thanked the public and neighborhood chairs for their feedback on this proposal. He reiterated that the Council values this program and that it provides a sounding board for decisions that the Council makes. He also expressed appreciation for the services rendered by neighborhood chairs, vice-chairs, and community members to their community. Mr. Hoban noted the Council did not want to eliminate this program or render it ineffective; they hoped to improve the function and intent of the program and the role that it plays.

Karen Tapahe, Community Relations Coordinator, presented. She highlighted recommendations in the current draft of the proposal, including public input, representation of less-engaged neighborhoods, staggering term length on the executive board, executive board term limits, and allowing two vice-chairs. She noted additional comments on items contained in the proposal, including training, communications, and neighborhood identities. Other discussion items include incentives for volunteering, frequency of meetings, and district size. The proposal is tentatively scheduled for the August 9 meeting. Councilor George Handley shared feedback about meeting frequency and indicated he favored monthly standing meetings.

Mr. Hoban invited Council feedback on each discussion point. Councilor Shannon Ellsworth shared her feedback. She did not like having incentives for volunteering; the incentive is the experience of fulfilling one's civic duty. She supported having meetings every two months in order to be more efficient. Regarding district size, she thought 6-8 neighborhoods per district worked—she supported whatever was most inclusive and efficient for staff. Mr. Handley commented on the other discussion points. Ms. Ellsworth suggested they take a yes or no vote on incentives. Mr. Handley asked what the Council had in mind; he appreciated Ms. Ellsworth's comments but he also wanted to make sure people felt appreciated. He did not know what form this should take. Mr. Handley thought the roles should be clearly articulated and a nomination process should be put in place. Mr. Hoban shared comments on the idea behind this question. Mr. Fillmore agreed it was good to show appreciation to volunteers. Ms. Ellsworth suggested being cognizant of what the City is doing with other boards and commissions. Councilor Katrice MacKay agreed with Ms. Ellsworth on incentives and thought it was a can of worms. She thought showing respect and helping neighborhood participants feel empowered was incentive

enough. Brian Jones, City Attorney, commented. He noted that with the separation of powers, this was a Council board. He also noted that money for the incentives needed to come from somewhere. Councilor Rachel Whipple commented on providing childcare as an incentive and to facilitate participation. Mr. Hoban asked the Council to indicate whether or not they supported formalized incentives. Councilor Bill Fillmore was the only one in favor of incentives.

Regarding meeting frequency, Mr. Fillmore thought monthly was too frequent. He and Ms. MacKay both favored meetings every other month. Ms. Ellsworth agreed that less frequent meetings was easier for volunteers and staff. Some neighborhoods might need more frequent meetings based on specific development proposals. Mr. Hoban agreed that having meetings every other month was the direction the Council wanted to go. Regarding district size, Mr. Hoban referenced a comment by Ms. Whipple about having more smaller districts. Mr. Fillmore liked the concept of having five districts and generally aligning them with the Council districts. Mr. Handley was opposed to expanding beyond five districts; he was concerned that having smaller districts diluted the program too much. For the sake of convenience, it would be wonderful for the citywide Councilors to be in communication with the district representatives and connected to those neighborhoods. Mr. Hoban invited the Councilors to respond to a straw poll and who favored keeping it at five districts—most favored keeping it at five districts.

Mr. Hoban moved the discussion along to several other items: training for board members, communications, and neighborhood identities. Ms. Whipple supported using email and other forms of communication as well. She talked about some of the challenges of managing email for volunteer neighborhood chairs. She would love a broader program that easily allows recipients to opt out. Ms. MacKay agreed that communication was important and she was glad the new neighborhood program would better serve residents. Ms. Tapahe clarified what this would entail.

Mr. Fillmore addressed the issue of low participation in certain neighborhoods. The predominant negative feedback they have received is about taking away the informal neighborhood vote. He shared some ideas about how to approach these changes to the neighborhood program and some of the education efforts that might still be needed. Ms. MacKay thought that communication was definitely a big issue with the current neighborhood program. She shared Mr. Fillmore's concern about potentially alienating some residents around the issue of votes at neighborhood meetings.

Mr. Handley shared feedback and his perceptions about some of the issues the neighborhood program has experienced of overly politicized "elections" and communication challenges. He hopes that people will remember by engaging with this program that the best way to have their voices heard is to utilize their elected representatives on the City Council. Ms. Whipple affirmed Mr. Handley's comments and noted that the existing program was not representative, so the Council hoped to address these issues with the program. Ms. Ellsworth appreciated Mr. Handley and Ms. Whipple's comments. She hoped the Council was creating something that was unifying and moderating; referring to these as elections was quite problematic. There are democratic election processes in place through the United States and Utah constitutions; she did not want residents to misunderstand the representative democracy that is already in place due to confusion arising from the neighborhood program. She thought it was important that board members have appropriate training and understand the limits of their role; this education has been provided in the past but has not always been well-attended. She also noted that this program won't be

everything to everyone, nor should it; there are other organizations and entities that are better suited to address certain types of issues. She hoped the committee could compile some metrics and outcomes so that the Council could properly evaluate the program in an objective way in 6-12 months. She also supported implementing a code of conduct. Mr. Hoban thanked the Council for the discussion. ***Presentation only.***

Closed Meeting

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

Brian Jones indicated that a character and competency personnel issue was being brought.

Motion: Travis Hoban moved to close the meeting. Seconded by Katrice MacKay.
Vote: Approved 6:0, with David Shipley excused.

Adjournment

Adjourned by unanimous consent.

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

PROVO MUNICIPAL COUNCIL

Truth in Taxation Public Hearing

6:00 PM, Tuesday, August 02, 2022
Room 200, Municipal Council Chambers
Hybrid meeting https://www.youtube.com/provocitycouncil or 351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials participated:

Council Chair Travis Hoban, conducting
Council Vice-chair George Handley
Councilor Katrice MacKay
Councilor David Shipley
Councilor Rachel Whipple
Councilor Shannon Ellsworth
Councilor Bill Fillmore

Excused: Mayor Michelle Kaufusi

Prayer

Linda Harmon offered the prayer.

Pledge of Allegiance

Councilor Shannon Ellsworth led the pledge of allegiance.

Action Agenda

1. A public hearing regarding setting the real and personal property tax levy for municipal purposes for Fiscal Year 2022-2023. (22-016) (0:14:38)

Karen Tapahe, Community Relations Coordinator, presented. Councilor Shannon Ellsworth what the common questions were from the public. Ms. Tapahe said many members of the public had experienced confusion about the assessed value and had questions about the different taxing agencies. Councilor Rachel Whipple asked Ms. Tapahe to talk through some of the numbers. Ms. Tapahe explained that the Council approved up to a 2.9% increase for the City's general tax. The Council then heard public comments for the public hearing portion of the agenda.

Viviana Alonso, Provo, said her taxes gone up have gone up so she was paying $536 more per year. The Council indicated that staff could help talk her through her bill.

Linda Harmon, Provo, shared her concern that taxes will go up over $500 next year, most of which was for the Provo City School District at a 43% increase. She is on a fixed income and as a senior citizen has no kids in school, but she is paying exorbitant school district taxes.

Pam Jones, Provo, echoed what the last commenter said about residents on fixed or low incomes, who have lost employment, or are otherwise victims of inflation. There is no defense against this situation and she wondered if the Council have determined other ways to cut costs.

Richard Holloman, Provo, has similar concerns. His concern is a matter of trust—this hearing is described as truth in taxation. He felt the explanation of tax increases was unclear or incomplete.

Paula Grace, Provo, said her taxes went up $724 and she wanted to find a resource to perhaps cap her taxes because she's on a fixed income and seeking some help for seniors.

Nevin Andersen, Provo, said he knows the Council is just addressing the Provo City taxes that evening. His taxes actually went down for the city but increased due to the school board taxes. He was in favor of small increases on a regular basis.

Kathleen Christensen, Provo, had questions about the city hall. She thought there should be an accounting of where this money will go and why they need to have such a tax hike when things continue to get worse.

Council discussion and questions (0:48:20)

Councilor George Handley briefly addressed Ms. Christensen's concerns about the old city hall building, noting that it would soon be demolished. Due to supply chain delays, the Council had not moved their meetings into the new city hall but they hope to soon. After that, this building would be leveled and redeveloped.

Councilor Shannon Ellsworth addressed the comment about how taxes are spent in Provo City. She noted that Provo publishes a citizens budget each year, which is a high-level version of the budget. Residents can also read the full budget report and see down to the cent how money is budgeted, which is also available every year. She addressed another comment about tax relief for seniors. She noted that the proper appeal authorities are the Utah State Legislature and the Utah State Tax Commission, who create the rules around how political subdivisions of Utah can tax.

Councilor David Shipley noted that there is a program for seniors over age 66. If someone is on a fixed income and are below a particular income threshold, there are some options through the state, which are administered locally by Utah County. Councilor Rachel Whipple also shared information about these programs—she invited seniors to go to the Utah County Treasurer or Auditor's office at 100 East Center Street. There are five different property tax relief programs, including programs for seniors, for veterans, for indigent individuals, and armed service members. Utah County has more information and applications for those programs.

Mr. Handley also shared additional comments in response to Ms. Christensen's comments. He noted that part of the motivation is the Council has serious concerns about covering the public safety needs in the City. Every single year they need to hire more police officers than they have

money. This modest increase will allow them to cover the salary of one officer. They could consider other ways to cover the gap for the equipment. This tax increase will increase the City's ability to provide public safety for the community.

Mr. Shipley shared additional comments about taxation in Utah. He noted that implementing a cap on property tax within the state would be a decision of the State Legislature. He noted that different states have different policies; this could be changed at the state level. Truth in taxation is also the state's terminology and policy. He thinks it's a good policy to have hearings and share information, but state law dictates that policy. Councilor Travis Hoban addressed the general misunderstanding around property tax bills going up by hundreds of dollars—only a few dollars of such increases are coming from Provo City.

Ms. Tapahe offered additional comments about how the property taxes work at the County level. Mr. Jones also clarified some things about what the county does and is able to do. Mr. Handley noted that costs at the city are going up. Mr. Shipley explained that the alternative is to not raise taxes and keep the status quo, but the city's ability to keep consistent services is costing more. Sales tax has helped with this, but they need sustainable sources of funding for sustainable types of services like public safety that our citizens have come to expect. Ms. Ellsworth explained this in terms of a household economy and how a household budget operates.

Councilor Bill Fillmore said that raising property taxes even in small increments is not fun but the City has to face reality of inflation and increasing costs. The City has to pay more for salaries, infrastructure, and as the City grows they also have more people to serve. In 31 years, Provo has only raised its certified tax rate once. It would be imprudent not to take that seriously and the City cannot go into debt to cover the difference. Provo has been the recipients of some major funding from the federal government and has also benefitted from increases in sales tax revenues, but Provo cannot rely on these only.

Councilor Katrice MacKay noted that a few people asked about appraisal of homes. This has gone up a lot at the County. She appealed it one year with her house and it was a simple process involving sending a letter to Utah County along with comparisons from a realtor.

Ms. Whipple noted there are eight different taxing entities. She is glad she gets one bill from the County so it's consolidated, even though it might be a little more confusing. Provo hasn't raised rates because they know these other entities are raising rates and don't want to pile on. But it means they haven't done anything since 2015 and it isn't a sustainable course of action—this is a modest and measured approach. ***Presentation and discussion only.***

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval

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

PROVO MUNICIPAL COUNCIL
Work Meeting Minutes

3:00 PM, Tuesday, August 23, 2022
Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast: https://www.youtube.com/provocitycouncil

Agenda (0:00:00)

Roll Call

The following elected officials participated:

Council Chair Travis Hoban
Council Vice-chair George Handley
Councilor Katrice MacKay
Councilor David Shipley
Councilor Rachel Whipple
Councilor Bill Fillmore, arrived 3:06 PM
Councilor Shannon Ellsworth, arrived

Excused: Mayor Michelle Kaufusi

Prayer

Justin Harrison offered the prayer.

Business

1. **An ordinance amending the zone map classification of .95 acres from PRO-R22 zone to the LDR (Low Density Residential) zone for property located at 193 West 4800 North, to allow for a 6-unit townhome development. Riverbottoms Neighborhood. (PLRZ20210112) (0:10:50)**

Aaron Ardmore, Planner, presented. Several structures were demolished in 2014 along 4800 North. In 2018, a project plan was submitted to construct a project on this site. Several single-family lots were included in the site plan for this project, which were intended to serve as a buffer between the denser housing units and the surrounding neighborhood. The developer has returned with a proposal for one of the vacant properties at the site. Councilor Katrice MacKay asked if the townhomes would be for sale or rent only. Mr. Ardmore indicated that the developer may reserve a couple of units for personal connections, but the intent was that the units would be for sale. Councilor Travis Hoban asked about the neighborhood feedback. Mr. Ardmore indicated that they had received no negative feedback from the neighborhood. ***Presentation only. This item was previously scheduled for the Council Meeting on August 23, 2022.***

2. A presentation regarding the economic development of Provo City. (22-066) (0:16:00)

Keith Morey, Development Services Assistant Director, presented. Mr. Morey played a video that highlighted some of the economic development successes in Provo. Provo has been a top-performing city in the country for two years in a row. Mr. Morey highlighted some of the accolades and achievements for Provo as a business and community destination. He continued and explained the branding and marketing campaign for the "Provo Advantage." They are developing monthly topics that they are sharing with local community influencers and business leaders. Mr. Morey shared some of the feedback they have received from the local business and development community. He highlighted some of the current major projects in Provo which represent significant investment in the City, as well as some of the future projects they were expecting to move forward in the coming months. Mr. Morey also reviewed recent and current/ongoing redevelopment projects along with the projected economic benefits of these projects. Their outreach efforts include local companies, real estate businesses, and other community partners in the area. Mr. Morey highlighted several additional efforts, including sales tax reimbursement agreements, a business resource guide, support for the startup community, and joint promotional work. Mr. Morey invited questions and comments from the Council.

Council Chair Travis Hoban thanked Mr. Morey for a great presentation and for the work they are doing to be proactive. Councilor George Handley commented on the redevelopment of the old city center building and the typical return on investment for something like that. He asked if the city has been looking at metrics for their return on investment 15 years out, and what would be the loss if this property wasn't converted into a successful multi-use project. Mr. Morey shared some comments on this and indicated they are working on identifying what the current market is, as well as the impacts of inflation on a potential project. They are preparing a new request for proposal for the project redevelopment which will include an economic analysis.

Councilor Bill Fillmore also thanked Mr. Morey for his presentation and their great work in recent years. He agreed with Mr. Handley regarding doing a strong redevelopment project downtown. Mr. Fillmore also commented on implementing an economic development fund. Mr. Morey shared some ideas from other municipalities and entities that Provo could potentially use as ideas for implementing something similar. Mr. Handley also shared some comments on a possible economic development fund—he liked the idea that these City savings could be used in a productive way that would generate a return on investment. ***Presentation only.***

3. A presentation to Council on the 2022 Fireworks Season. (22-048) (1:00:25)

Fire Chief Jim Miguel and Lynn Schofield, Fire Marshal, presented. Chief Miguel thanked Parks and Recreation, Public Works, and Provo Power for their cooperation and partnership over recent months. Mr. Schofield reviewed some of the successes of the 2022 fireworks season, including no significant fire loss and no structure fires. Mr. Schofield shared the results from a survey done of residents neighboring designated firework parks. He then reviewed some of the negative aspects of the 2022 firework season. Mr. Schofield also shared details about several brush fires that occurred in the City. He also highlighted several areas for improvement in future fireworks seasons. This program works very well in Provo as a result of the collaborative

partnerships at the City, the cooperation of Provo residents and guests, and the consistency of the program. Councilor Shannon Ellsworth asked if there was anything they would do differently next year. Mr. Schofield shared comments and indicated one change is that they would have a stronger presence in the areas of most risk.

Councilor George Handley shared some comments on fireworks and some of the negative effects and problems with using them. He was glad the Fire Department was able to channel and regulate the use of fireworks somewhat to a specific window of time. Chief Miguel offered comments on this and he noted if and until there was a major shift in state policy, the City was doing its best to reduce the problems. ***Presentation only.***

4. A presentation regarding the "Safe Streets For All" grant opportunity- Status Update & Further Discussion. (22-065) (1:27:50)

Rob Hunter, Engineer, introduced the presentation. Mr. Hunter shared an update on this item, which was presented to the Transportation and Mobility Advisory Committee at their last meeting. TMAC is supportive of the grant application and their role in overseeing the implementation as it is enacted by Public Works. They planned to present the Safety Action Plan and a resolution for approval at the Work and Council Meetings on September 6, 2022.

Vern Keeslar, Parametrix, also presented. Mr. Keeslar highlighted the components of the Safety Action Plan and gave a broad overview of each section of the plan. One component of the plan relates to equity considerations in transportation. Mr. Keeslar reviewed in more detail the equity considerations and data sources that help inform this evaluation and planning. These metrics seek to highlight transportation disadvantaged Census tracts within the city. He highlighted some examples of the types of factors that resulted in that designation. Of the 28 Census tracts in Provo, 10 of these have four or more applicable categories and are considered transportation disadvantaged. Mr. Keelsar reviewed additional data that is included in the Safety Action Plan, including crash and safety data for various streets and intersections in Provo.

Councilor Shannon Ellsworth asked if all state roads in the City were exempted from using grant funds. Mr. Keeslar indicated that the exemption included all state roads, but there were still potential ways to improve adjacent roads and approaches connecting to state roads using grant funds. Councilor George Handley asked if the data included collisions with animals; Mr. Keeslar indicated if the property damage was over $12,000, those collisions were included. Mr. Keeslar shared a preliminary list of the high-crash locations they have seen in the current data. Councilor Rachel Whipple asked if they could compare data before and after the safety improvements and bicycle infrastructure changes were made to Cougar Boulevard. Ms. Whipple asked if that data showed the project was successful in reducing crashes. Mr. Keeslar indicated they could obtain this data and share it with the Council. In Provo, 72% of fatalities and serious injury crashes occur on about 3% of roads. The intent of the Safety Action Plan is to identify serious dangers and to implement engineering solutions to avoid these types of issues in the future. Councilor Bill Fillmore shared comments on his participation with TMAC, and how TMAC is involved in this process. He asked Mr. Keeslar to highlight the timeline for the grant application. Mr. Keeslar indicated the grant application deadline is September 15. ***Presentation only.***

Closed Meeting

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

Brian Jones, City Attorney, outlined the statutory purpose for the closed meeting, which was to discuss the character and competence of an individual.

Motion: Shannon Ellsworth moved to close the meeting. Seconded by Rachel Whipple.
Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

Pending Approval - Draft Minutes

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

PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda
5:30 PM, Tuesday, August 23, 2022
Council Chambers (Room 100)
445 W. Center Street, Provo, UT 84601 with an online broadcast:
https://www.youtube.com/provocitycouncil

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth	Councilor Bill Fillmore
Councilor George Handley	Councilor Travis Hoban
Councilor Katrice MacKay	Councilor Rachel Whipple
Councilor David Shipley	Mayor Michelle Kaufusi
Chief Administrative Officer Wayne Parker	City Attorney Brian Jones
Council Executive Director Justin Harrison	

Conducting: Chair Travis Hoban

Prayer – Steve Kaufusi

Pledge of Allegiance – Councilor Shipley

Public Comment (14:18)

Chair Hoban asked Justin Harrison to read the public comment preamble. After which, he opened public comment.

With none, Chair Hoban closed public comment.

Consent Agenda

1. A resolution appointing an individual to the Civil Service Commission. (22-009) (16:38)

Motion: An implied motion to approve Resolution 2022-45, as currently constituted, has been made by council rule.

Chair Hoban called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

Action Agenda

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

2. An ordinance amending the zone map classification of .95 acres from PRO-R22 zone to the LDR (Low Density Residential) zone for property located at 193 West 4800 North, to allow for a 6-unit townhome development. Riverbottoms Neighborhood PLRZ20210112 (17:48)

Motion: An implied motion to approve Ordinance 2022-34, as currently constituted, has been made by council rule.

Aaron Ardmore, City Planner, provided summary of what was presented in the work session.

Councilor MacKay shared her excitement for this project. She asked about the parking for the development. She also asked if there were any comments from the neighborhood.

Mr. Ardmore answered that each unit would have 4 spaces which is more than what is required by code. He added that the comments they received were in support of the rezone and plan.

Chair Hoban opened public comment. With none, he closed public comment.

Councilor Ellsworth thanked staff for incorporating comments and concerns regarding the river.

Chair Hoban called for a vote.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, Shipley, and Whipple in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 5:50 PM.

Pending minutes – awaiting approval

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

PROVO MUNICIPAL COUNCIL
Work Meeting Minutes

3:00 PM, Tuesday, September 06, 2022
Hybrid meeting: https://www.youtube.com/provocitycouncil or 455 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials participated:

Council Vice-Chair George Handley, conducting
Councilor David Shipley
Councilor Katrice MacKay
Councilor Rachel Whipple
Councilor Bill Fillmore, arrived 3:19 PM
Councilor Shannon Ellsworth, arrived 4:39 PM
Mayor Michelle Kaufusi, arrived 3:10 PM

Excused: Councilor Travis Hoban

Prayer

Mark Eyo offered the prayer.

Business

1. A presentation regarding the review of Annual Fraud Risk Assessment. (22-067) (0:10:18)

John Borget, Administrative Services Director, presented. Finance staff have completed the self-assessment for the City and Mr. Borget reviewed the questions included in the assessment and the City's responses. In the last few years, the City has implemented some additional measures, such as a fraud hotline and an internal audit, which have been direct efforts to ensure the City is protected against fraud risks. The City's score on the assessment is 384 out of a total 395, which indicates that there is high confidence in the risk prevention measures in place at the city. Part of completing this assessment with the state required this presentation before the Council, which helps also to educate the public about the City's fraud prevention measures. ***Presentation only.***

2. A presentation regarding the Fiscal Year 2022 Budget Carryover Report. (22-068) (0:20:48)

Kelsey Zarbock, Budget Officer, presented. Ms. Zarbock reviewed the carryover process that takes place every year. After the conclusion of the fiscal year on June 30, departments submit

requests of unspent budget funds to be carried over to the new fiscal year. In August and September, Finance compiles and reviews this list of requests, after which it is reviewed by the Mayor. Ms. Zarbock reviewed the common categories of carryovers, including funds encumbered on an old fiscal year purchase order, a historically and universally agreed-upon items, funds related to an ongoing job or commitment, other critical equipment needs, and other.

Ms. Zarbock highlighted a summary of carryovers last year versus this year. The total difference is that there is an additional $1.9 million in carryover requests this year. She noted that this year there were greater budget savings over the course of the fiscal year—budget savings this year were $735,491 higher than budget savings of the previous fiscal year. Ms. Zarbock highlighted the specific items that contributed to the increased requested carryover funds. The higher requests have largely resulted from encumbrances, vehicle replacement funds, carryover of all remaining fire wildland revenue (to assist in continued fire mitigation efforts), the new city hall, innovation funds awarded (but not yet expended), ARPA carryover funds, and about $100,000 to account for several corrections to the current fiscal year budget.

Ms. Zarbock highlighted additional details regarding the budget corrections. She reviewed the largest categories of budget carryovers, which were first the carryovers related to ongoing jobs, projects, programs, or commitments; and second the historically agreed-upon carryovers such as computer and vehicle replacement funds. The third largest category is CIP budgets, as these projects are typically multi-year projects with budgets that get moved forward.

Councilor Rachel Whipple asked about the Parks and Recreation CIP list which seemed to have some mistakes, such as the Covey Center carpet replacement being listed twice. Ms. Zarbock explained there had been some revisions made to this list and it was available in OnBase. Councilor Katrice MacKay asked if there were more detailed documents the Council could review. Ms. Zarbock explained which attachments were made available to the Council.
Presentation only.

3. A presentation regarding the "Safe Streets For All" grant opportunity- Final Discussion. (22-065) (0:35:32)

Dave Decker, Public Works Director, presented. He thanked the project team for their work on this project which demonstrated their ongoing commitment to public safety. The intent for this document was that it would be adopted as an appendix to the Transportation Master Plan. Mr. Decker explained that the intent for this document, beyond its relevance to the current grant application, was that it be utilized as a living document to reflect the ongoing work to address various safety concerns with city streets and sidewalks.

Rob Hunter, Assistant City Engineer, highlighted that the Safety Action Plan is an important document for the City. Vern Kesslar, Parametrix, also presented. They are working on this Safety Action Plan and the concurrent grant application. Mr. Kesslar reviewed the components of the Safety Action Plan and shared some details of each component. The City has a Vision Zero commitment, which means the City commits to implementing proven strategies to reduce fatal and serious injury traffic crashes in the City by 50% by the year 2040. Charles Allen, Parametrix,

highlighted crash data over 2019-2021—he displayed two maps which illustrated different data about crash severity and frequency in a given area.

Councilor Katrice MacKay asked about the 12 fatal crashes reported and whether that figure represented the total number of crashes or total fatalities. Mr. Allen clarified that this figure referred to the total number of crashes. He noted that the distribution of crash severity for Provo was fairly consistent with what they see in most cities. Mr. Allen also shared data about the various crash types which occurred during this three-year period. Councilor Rachel Whipple asked about the crash types involving pedestrians and bicycles—she noted this accounted for a lower percentage among the crash types but she wondered about the fatality levels for these incidents. Mr. Allen indicated he would cover this at a later point in his presentation. These are some of the data points they have been consulting as they strategize on specific mitigation measures the City could pursue to improve safety. One element of the safety analysis referred to the fatal and serious injury crashes by emphasis area (such as the age category of the driver, cause of the incident, etc.). Councilor George Handley asked about whether the categories were mutually exclusive; Mr. Allen confirmed they were not mutually exclusive. Ms. MacKay asked about the "road departure" category—Mr. Allen explained this referred to a driver whose vehicle has gone off the roadway due to drowsy driving or weather, etc. Mr. Allen explained that the highest percentage emphasis area was intersection related—there are many safety features employed intersections in order to properly communicate to drivers who has the right-of-way.

Mr. Allen shared details about the 12 fatal crashes and their key characteristics. He highlighted similarities among these crashes and the types of factors that influenced them. Ms. MacKay asked about one of the projects in the Safety Action Plan. Mr. Allen said the project in question related to red lights and some of the engineering technology available that can adjust the length of the light based on cars that may be in an intersection. Mr. Kesslar clarified that specific projects listed have not had cost estimates prepared yet. Mr. Kesslar and Mr. Allen clarified that the grant application only covers one project, which would have a minimum cost of $5 million. Ms. MacKay asked if there were any strings attached to receiving this grant; Mr. Allen explained there were some grant requirements for the application but not a match requirement.

Mr. Handley noted that there were some concerns that the Safety Action Plan as a whole was more catered toward vehicular safety, rather than cyclist and pedestrian safety. Mr. Hunter indicated that this would be a living document and could be adjusted in the future to include more about pedestrian and cyclist safety—they hope to collaborate with the Transportation and Mobility Advisory Committee on it. Mr. Hunter noted that some of the safety elements referenced in the plan had benefits for vehicles, pedestrians, and cyclists. Ms. Whipple noted one of the possible projects was 300 South between 200 West and University Avenue. She noted that this project was one on the radar of UDOT and she asked if this plan would help influence future projects at the state level. Mr. Allen shared that in his experience, a demonstrated commitment from the City about certain projects generally helped as the City could work as a partner on those projects with the state or other agencies.

Ms. Whipple asked about features such as bike boxes, which would place cyclists at the front of an intersection and could increase safety. Mr. Allen said it was an evolving treatment and many agencies are still determining the use of those features. Ms. Whipple hoped the City engineers

could continue to be responsive as they get feedback from constituents about pedestrian signal length and other features. Ms. MacKay asked again about the strategy with choosing one project. Mr. Allen said they planned to choose a project that would have a lot of impact and make a competitive grant application. Mr. Fillmore asked about how they were choosing the project for the grant application. Gordon Haight, Engineering Division Director, shared some insight into their selection process. They are focusing on a central location for the project in this year's application. The grant will be available for the next five years, so they hope to apply for other projects in future project years. Mr. Fillmore asked an additional question about real-time phase length adjustment and Mr. Allen offered some clarifications about how the technology works. Mr. Haight indicated that their review of a project will include a comprehensive review of the associated intersections. Mr. Kesslar noted two typos in the safety action plan which they would be correcting. ***Presentation only. This item was already scheduled for the Council Meeting on September 6, 2022.***

4. A presentation regarding the city's Moderate-Income Housing Report. (22-069) (1:17:19)

Brandon Larsen, Planning Supervisor, presented. Mr. Larsen reviewed the requirements changed by a recent law passed by the State Legislature. There is an October 1 deadline for adoption of the revised moderate-income housing plan, which will also be added as an element of the General Plan. Mr. Larsen noted that one of the requirements of the state law was a plan for realistically meeting the needs for moderate-income housing units within the next five years. Due to the presence of the UTA Frontrunner station in Provo, there is an additional element required of the City as part of the implementation strategies that are identified in the plan.

Councilor Bill Fillmore asked about a housing audit. Melia Dayley, Policy Analyst, clarified that the State legislature funded a housing audit by several reputable data consultants which is being conducted at a State level. Mr. Larsen reviewed some more of the presentation, noting several of the prescribed strategies in the state code and several that they felt the City was already fulfilling.

Councilor Katrice MacKay asked about waiving impact fees and whether that was an obligation, or the City would look into the feasibility of doing so. Her understanding was that impact fees were not covering the full costs of those utilities. Mr. Larsen explained this would be a high-level strategy; if the Council did not want to include this, it would be helpful to know now. Councilor George Handley asked how specific the Council needed to be at this stage. He felt specific criteria would be needed if the City were going to explore waiving impact fees. Mr. Larsen noted they could remove this from the implementation plan and incorporate it elsewhere as an option in the General Plan if the Council did not want to remove it as an option entirely. Councilor Rachel Whipple thought that providing general fund subsidies should be preserved as an option. Mr. Handley invited comments from the Council on whether to keep this as an option. Ms. McKay thought that the "where possible" language was helpful—as long as the policy kept flexibility for the city, she was fine with it. Several other Councilors agreed. Ms. Whipple suggested narrowing the strategy to limit the fee waivers to those applying to the moderate-income units.

Ms. Whipple asked if they were able to get the number of accessory dwelling units in the city to insert into page 7. Mr. Larsen said this has been difficult information to identify due to the

different ways ADUs have been permitted and managed over the years. Ms. Whipple asked if ADUs were required to disclose to the City as part of the permitting process what rent they were charging. Mr. Larsen did not believe this information was captured. Ms. Whipple also asked about how they factor in student households and incomes; Mr. Larsen said they had some data from the Census but overall they were lacking in a lot of data on this segment of the population. Ms. Whipple asked how student housing (which was often rented by the room with multiple tenants to a room) was accounted for in the City's housing data. Mr. Larsen indicated he could see if their staff member who worked with rental dwelling licenses could look into this. Ms. MacKay indicated that she shared many of Ms. Whipple's concerns. She wondered if the City could work with landlords to demonstrate some of the different data points that could better inform this report for the City. Mr. Handley shared additional comments about the student population. Mr. Handley liked the element of the report which addressed fair housing and landlords. Mr. Larsen continued reviewing the strategies outlined in state code. He explained that the City had until 2025 to complete the station area plans, but staff hoped to work on these as soon as possible. Mr. Larsen invited the Council to review the draft document provided to them and to provide feedback over the course of the next week. ***Presentation only. This item will be scheduled for the Council Meeting on September 20, 2022.***

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code. ***None requested.***

Adjournment

Adjourned by unanimous consent.

Pending Approval - Minutes

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

PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda
5:30 PM, Tuesday, September 06, 2022
Council Chambers (Room 100)
Hybrid meeting: https://www.youtube.com/provocitycouncil or
445 W. Center Street, Provo, UT 84601

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth	Councilor Bill Fillmore
Councilor George Handley	Councilor Katrice MacKay
Councilor Rachel Whipple	Councilor David Shipley
Mayor Michelle Kaufusi	Chief Administrative Officer Wayne Parker
Council Executive Director Justin Harrison	Assistant City Attorney Gary Millward

Conducting: Vice-Chair George Handley
Excused: Chair Travis Hoban

Prayer – Bill Hulterstrom

Pledge of Allegiance – Councilor Shipley

Public Comment (9:27)

Vice-chair Handley opened public comment. With none, he closed public comment.

Presentations, Proclamations, and Awards

1. A presentation regarding Provo's recognition as a 2022 Digital Inclusion Trailblazer by the National Digital Inclusion Alliance. (22-044) (11:23)

John Borget, Director of Administrative Services, presented. He shared that Provo City was selected for this prestigious award on August 22, 2022. He also recognized names of companies who have played a role in getting this award.

Members present took a photo with Council and Mayor Kaufusi.

Action Agenda

2. An election of the Municipal Council Chair and Vice-chair. (22-001) (17:27)

Vice-Chair Handley provided feedback as to the reasoning for the change in leadership. He called for nominations for Council Chair.

Motion: Councilor Shipley moved to nominate George Handley as Council Chair. Motion was seconded by Councilor Fillmore.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

Chair Handley called for nominations for Vice-Chair.

Motion: Councilor Ellsworth moved to nominate Katrice MacKay for Council Vice-Chair. Motion was seconded by Councilor Whipple.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

Chair Handley thanked Councilor MacKay for her willingness to serve as Vice-Chair. He also thanked Councilor Hoban for his leadership as Council Chair over the last year.

3. A resolution consenting to the appointment of individuals to various boards and commissions (22-009) (21:10)

Motion: An implied motion to approve Resolution 2022-46, as currently constituted, has been made by council rule.

Mayor Kaufusi recommended the following for appointment:

- Brittany Hyde — Parks and Recreation Board
- Lynnette Hemsath — Housing Authority
- Karen Salmon — Library Board
- Julie Nichols — Library Board

With no council discussion, Chair Handley called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

4. A resolution adopting a Safety Action Plan in conjunction with the "Safe Streets For All" grant opportunity. (22-065) (23:15)

Motion: An implied motion to approve Resolution 2022-47, as currently constituted, has been made by council rule.

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Rob Hunter, Assistant City Engineer, explained that the Safety Action Plan was presented in the work meeting. He turned the time over to the consultants who helped develop the plan.

Vern Keeslar, Parametrix Consultant, presented the Provo Safety Action Plan.

Charles Allen, Parametrix Consultant, shared the statistics used during the 3-year study.

Vice-Chair MacKay asked what ages are included in the young driver group.

Mr. Allen responded that a young driver would include drivers that are 18 and younger. He added older drivers include drivers that are 64 and older. He explained that some crashes can include multiple groups so there is some cross-over of classifications.

Councilor Ellsworth asked if all the data was from 2019-2021. She mentioned the changes that the pandemic brought during that time frame and asked if that had been taken into consideration.

Mr. Allen responded that the timeframe selected is hard to pinpoint. He said that too long of a timeframe poses issues, as does too short of one. He shared that some of the statistics did go back farther than the three years.

Councilor Fillmore asked for the consultants to identify the few areas that pose the highest risk.

Mr. Allen referred to the map that showed the total crashes during the three-year period and shared which intersections had the most.

Councilor Whipple asked how the plan assesses different traffic patterns as they relate to speed.

Mr. Allen stated that the patterns shown in the plan lend to recommendations for education and enforcement.

Chair Handley reminded Council about the conjunction of the Safety Action Plan and the grant opportunity.

Chair Handley opened public comment.

Kat Linford, of Provo, shared concerns for widening 820 North.

With no other public comments, Chair Handley closed public comment and called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, MacKay, Shipley, and Whipple in favor. Councilor Hoban excused.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:18 PM.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: NLA
Department: Development Services
Requested Meeting Date: 09-20-2022

SUBJECT: An ordinance amending the Zone Map classification of approx 14.45 acres of real property, generally located at 5544 N River Run Drive, from Research and Business Park (RBP) to Medium Density Residential (MDR). Riverbottoms Neighborhood.(PLRZ20220008)

RECOMMENDATION: To be heard at the September 20, 2022 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Dudley & Associates is representing the owner of properties at 5448 and 5544 N River Run Drive, in applying for a Zone Map Amendment. The request is to change the zone from RBP to MDR in anticipation of a new townhome apartment community to be built on the land.

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore (801) 852-6404 aardmore@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20220008

ORDINANCE 2022-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 14.45 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 5544 N RIVER RUN DRIVE, FROM RESEARCH AND BUSINESS PARK (RBP) TO MEDIUM DENSITY RESIDENTIAL (MDR). RIVERBOTTOMS NEIGHBORHOOD. (PLRZ20220008)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 14.45 acres of real property, generally located at 5544 N River Run Drive (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from Research and Business Park (RBP) to Medium Density Residential (MDR); and

WHEREAS, on September 14, 2022, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval of the proposal to the Municipal Council by a 5:0 vote; and

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

WHEREAS, on September 20, 2022, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

PART I:

The classification on the Zone Map of Provo, Utah is hereby amended from the Research and Business Park (RBP) Zone to the Medium Density Residential (MDR) Zone for approximately 14.45 acres of real property generally located at 5544 N River Run Drive, as described herein.

PART II:

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

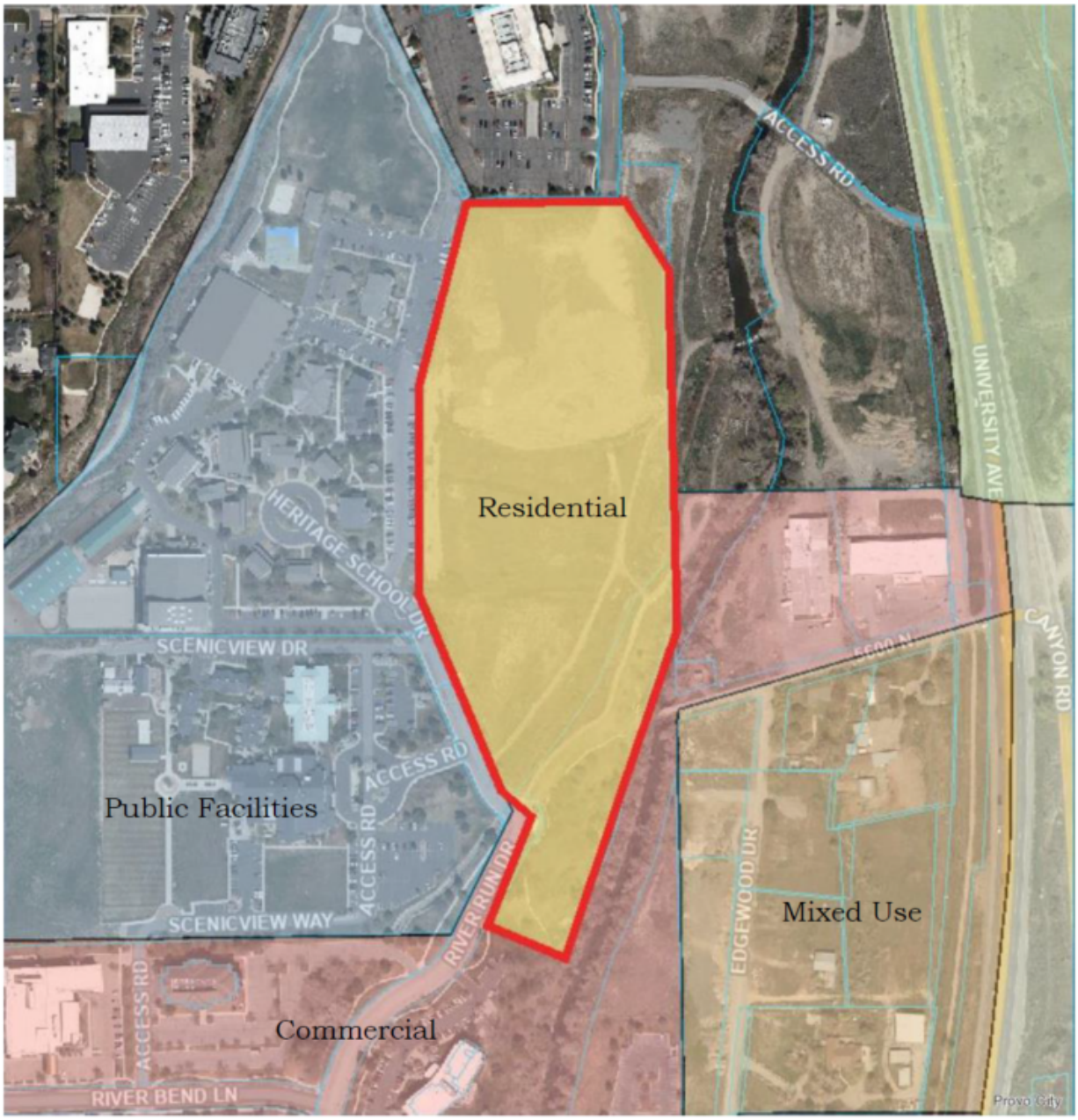
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

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

END OF ORDINANCE

EXHIBIT A – ZONE MAP



provo
DEVELOPMENT SERVICES

Planning Commission Hearing
Staff Report
Hearing Date: September 14, 2022

***ITEM #7** Dudley & Associates requests a Zone Map Amendment from the RBP (Research and Business Park) zone to the MDR (Medium Density Residential) zone to allow for a new multi-family residential district, located approximately at 5544 N River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220008

Applicant: Dudley & Associates

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon River Hold Co. LLC

Parcel ID#: 51:198:0001; 17:057:0058

Acreage: 14.45

Number of Properties: 2

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is September 28th at 6:00 p.m.

2. **Recommend Denial** of the requested Zone Plan Map Amendment. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use: The two properties are vacant and have no established legal uses though the southern property has been improved with landscaping as part of the Riverwoods Business Park Trail.

Relevant History: The current property owner applied for this Rezone, along with a General Plan Amendment and Concept Plan for these two properties to develop into a townhome apartment community in January 2022. Staff has been working through concept plan issues since that time.

Neighborhood Issues: A neighborhood meeting was held on February 3, 2022 and this proposal has been on Open City Hall since that time. The proposal is generally supported, but the following concerns have been expressed:

- The number of units versus green space.
- The occupancy of the townhome apartments.

Summary of Key Issues:

- The overall plan for the area moves the residential off of University Avenue and into a more secluded area.
- The amendment would make way for needed additional housing.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the City Council with the condition that the proffered development agreement is signed.

BACKGROUND

Dudley & Associates is representing the owner of properties at 5448 and 5544 N River Run Drive, in applying for a Zone Map Amendment. The request is to change the zone from RBP to MDR in anticipation of a new townhome apartment community to be built on the land.

The applicants have a related request to amend the General Plan from Mixed Use to Commercial for property just east of the subject property, along Edgewood Drive and University Avenue. A majority of that land is already zoned MDR, so completing these two changes would bring about approximately the same amount of housing that could already be built in the area.

The proposal would enable the applicant to move forward with plans to provide additional housing in the area with 198 townhome apartments. The concept plan associated with the rezone request shows a new public street connecting River Run Drive to 1550 East in Orem, creating a new north-south connection through the area. The plan also provides two large amenity spaces with a clubhouse, pool, and trail connections for the community. While there were concerns with the original proposal shown to the neighborhood, subsequent plans have provided more than the required ten percent (10%) of amenity space for the residential units. Additionally, there was concern over the rental occupancy for the units, but staff believes that having one owner over the entire project will help ensure that it is continually maintained and that issues can be addressed more easily.

ANALYSIS

The same developer is pursuing approval on adjacent properties on the east and west sides of Provo River. The two properties, together, are intended to create a mixed-use development of residential and commercial professional office space. The two projects will initially be connected by an existing pedestrian bridge and staff has asked the developer to preserve sufficient right-of-way so the pedestrian bridge may be widened for vehicular use in the future.

The residential use next to an existing residential group home, and office space with University Avenue frontage make sense from a land-use perspective. Staff is comfortable recommending approval of the Zone Map Amendment for the subject property along with the General Plan Amendment and concept plan applications

because the applicant has already proffered a development agreement to guarantee the layout and density of the residential area.

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

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

Staff response: The public purpose for this change is to provide for additional housing and a variety of housing types in the northeast area of Provo.

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

Staff response: This amendment would enable the applicant to move forward with a townhome apartment community that meets the above purpose.

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

Staff response: Chapter Three of the General Plan lists goals to "encourage healthy and balanced neighborhoods" and "encourage the development of various types of housing inventory" within the city. Staff believes that allowing for residential uses in this location will help to meet these goals.

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

Staff response: There are no "timing and sequencing" issues with this request.

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

Staff response: Since the applicants are proposing a swap of commercial land for residential land in this area, there should not be any hinderance in achieving the goals and policies of the General Plan. Staff believes that having commercial land against University Avenue and this land in the MDR zone will allow the City to more effectively meet the articulated Policies of the General Plan.

> (f) Adverse impacts on adjacent land owners.

Staff response: While increased traffic will impact adjacent land owners with the development of these properties, better access through the area as shown in the related concept plan should mitigate this concern.

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

Staff response: Staff has verified that the zoning and General Plan designation for the area is correct.

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

Staff response: Staff does not see a conflict with the proposed change and the policies of the General Plan but believes that this amendment will be more aligned with the General Plan policies.

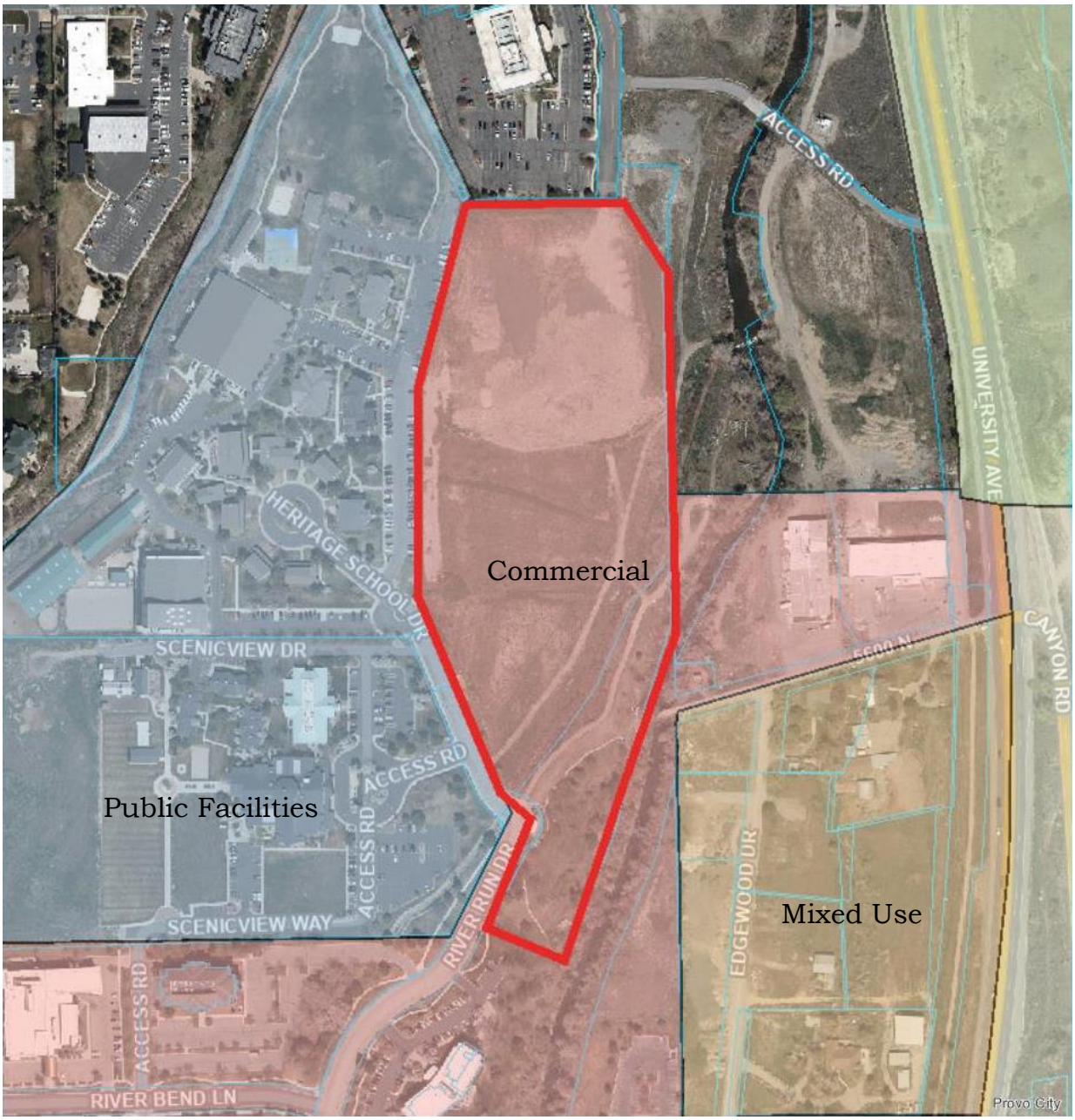
CONCLUSIONS

Staff believes that the proposed Zone Map Amendment furthers the goals of Provo City and should be approved with the proffered development agreement to allow the property owner to move forward with the Project Plans.

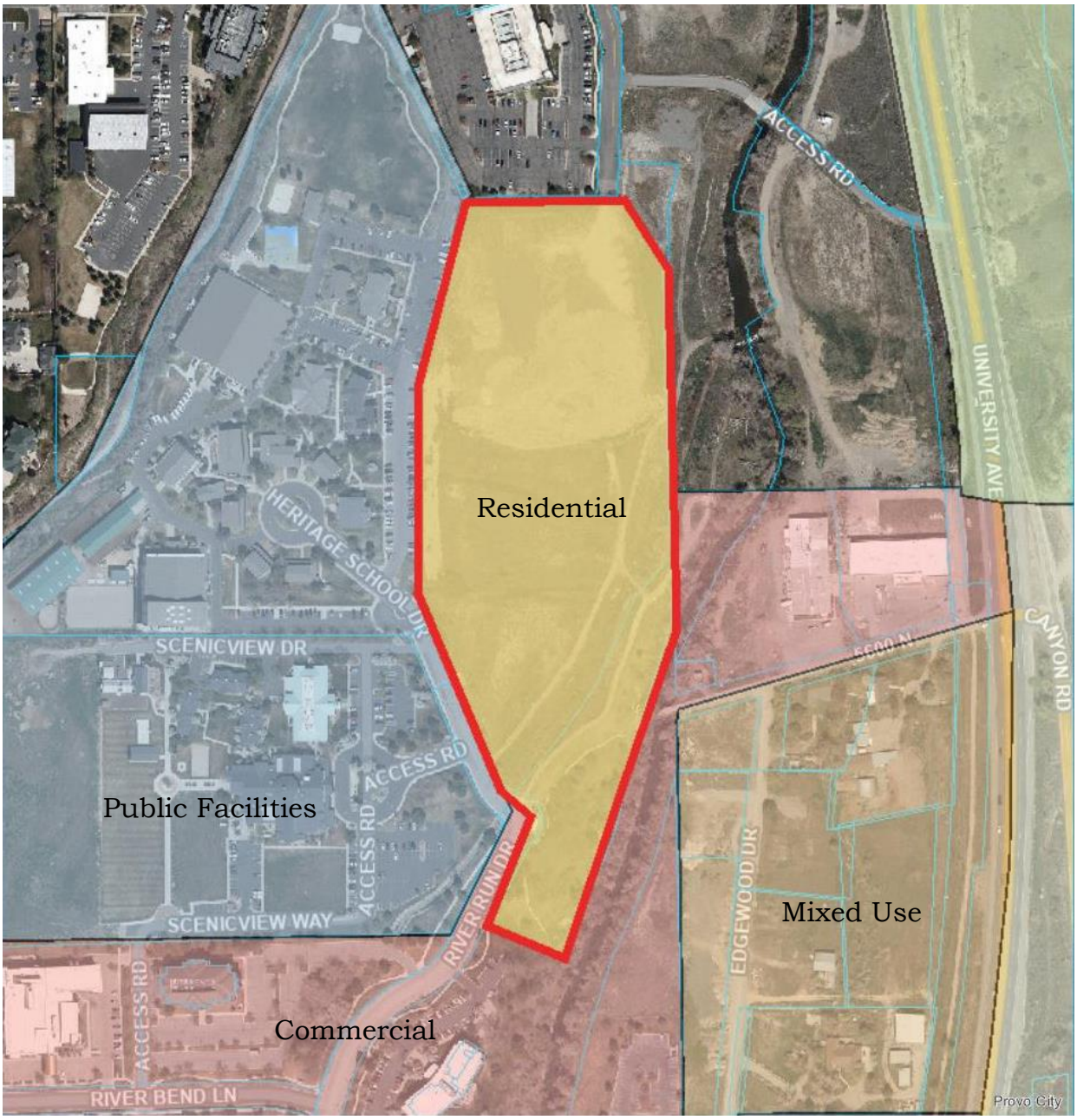
ATTACHMENTS

1. Current General Plan Map
2. Proposed General Plan Map
3. Current Zone Map
4. Concept Site Plan

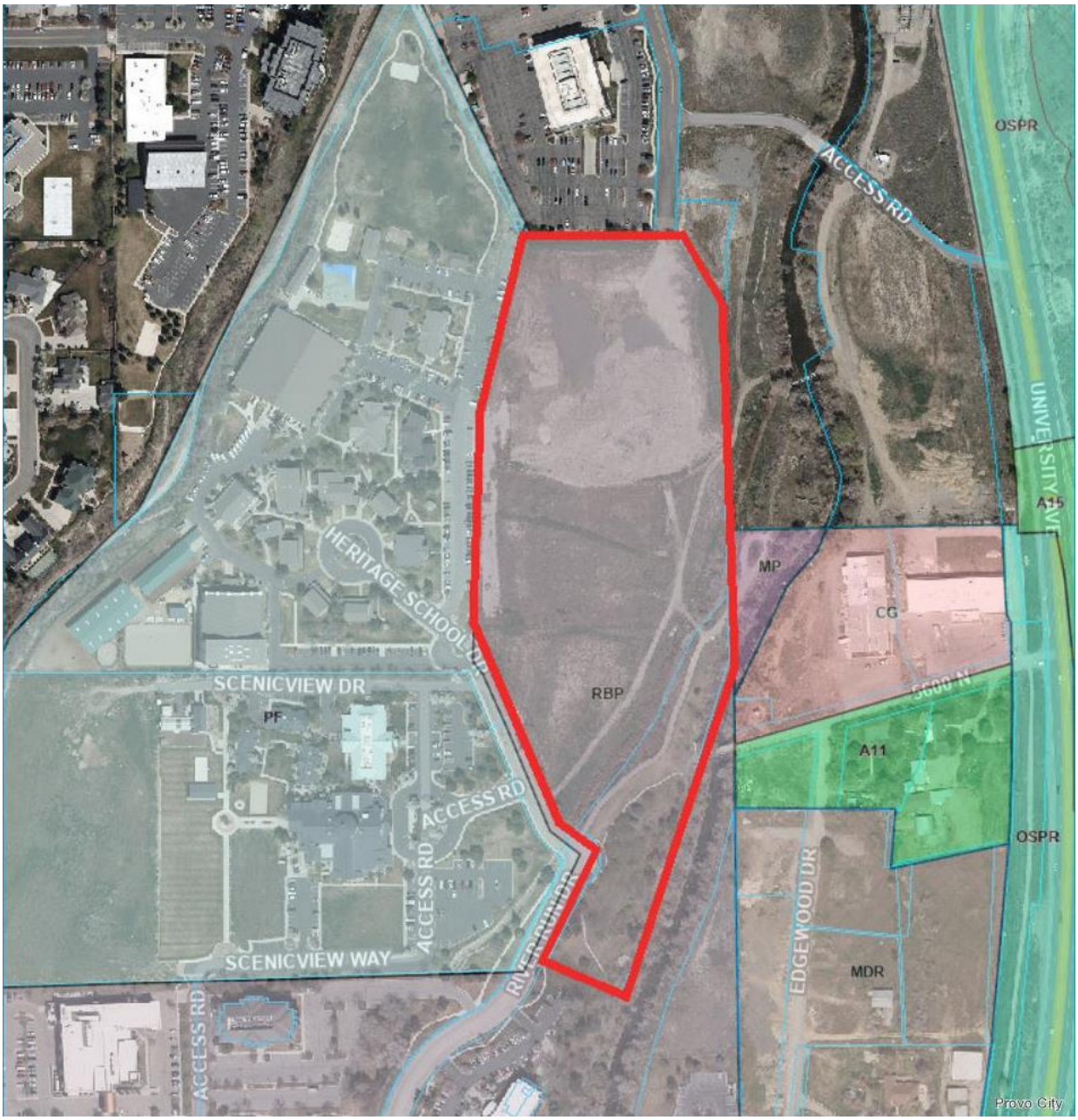
ATTACHMENT 1 – CURRENT GENERAL PLAN MAP



ATTACHMENT 2 – PROPOSED GENERAL PLAN MAP



ATTACHMENT #3 – CURRENT ZONE MAP



ATTACHMENT #4 – CONCEPT SITE PLAN



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

Public Works Staff Report
Hearing Date: 9/14/2022

Zone Map Amendment from the RBP zone to the MDR zone

Item #7 Summary:
Dudley & Associates requests a Zone Map Amendment from the RBP (Research and Business Park) zone to the MDR (Medium Density Residential) zone to allow for a new multi-family residential district, located approximately at 5544 N River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220008

Staff Recommendation:
Public Works staff has no concerns with the requested action, however there are issues that will be resolved with items proffered in a Development Agreement and more detailed drawings that will be part of Project Plan Approval.

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

Provo City Planning Commission

Report of Action

September 14, 2022

*ITEM 7 Dudley & Associates requests a Zone Map Amendment from the RBP (Research and Business Park) zone to the MDR (Medium Density Residential) zone to allow for a new multi-family residential district, located approximately at 5544 N River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220008

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 14, 2022:

RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application with conditions.

Conditions of Approval: That the proffered Development Agreement is signed.

Motion By: Melissa Kendall
Second By: Robert Knudsen
Votes in Favor of Motion: Melissa Kendall, Robert Knudsen, Raleen Wahlin, Andrew South, Daniel Gonzales
Daniel Gonzales 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED
The property to be rezoned to the MDR Zone is described in the attached Exhibit A.

RELATED ACTIONS
The related General Plan Map Amendment (PLGPA20220007) and Concept Plan (PLCP20220014) were also heard at the September 14, 2022 Planning Commission meeting.

DEVELOPMENT AGREEMENT
- Applies - referred applicant to Council Attorney.

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. Staff responded to Planning Commission questions regarding use, density, and design of the site.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 02/03/2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- 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:

- Lynn Martin expressed concerns about access to the river and rental property on the site and hoped to address concerns for her fathers' land near the site.
- Kevin Curtis expressed concerns with increased traffic and impacts on the adjacent specialty schools to the west.
- Karen Harris stated concerns with traffic for the area.
- Ronald Wooley shared concerns with the site fly ash underground from a past coal plant, as well as traffic, trash pickup and parking.
- Jeff Jermaine shared concerns about the fly ash in the ground and has concerns with increased traffic and safety.

APPLICANT RESPONSE

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

- Jason White represented the applicant and illustrated the background, research, and goals that brought this proposal forward. He noted the need for this type of housing in Provo.
- Jim Ivory confirmed that the development will tie to Provo water and will not be a threat to adjacent property water rights.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Melissa Kendall confirmed with staff that the townhomes being rented by one owner would be a benefit for the development and confirmed occupancy for the proposed development.
- Daniel Gonzales inquired what density would currently be allowed in the MDR zoned property against University Avenue compared to what is able to be built on this proposed residential land. He also wanted to confirm that the trail network on the site was going to continue.
- The commission confirmed with staff that the proposal doesn't sit in the flood plain zone.
- Andrew South asked about walkable commercial opportunities, to which the applicant said that future plans will address that need.
- Daniel Gonzales shared that the concerns mentioned will be worked out as the applicant moves through the Project Plan and provides the studies necessary with that review. He is happy to see a concept plan that has a lot of open space along the river.
- The Planning Commission felt confident that the issues will be addressed by the City as the plans move forward. The proposed development agreement locking the developer into the proposed concept density helps the commission feel comfortable moving these applications forward.

Planning Commission Chair

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Commencing at a point located North 00°53'00" West along the Section line 354.20 feet and West 249.91 feet from the Southeast corner of Section 12, Township 6 South, Range 2 East, Salt Lake Base and Meridian: thence North 60°09'16" West for a distance of 178.48 feet to North River Run Drive; thence along North River Run Drive as follows: North 27°21'29" East 148.02 feet to the beginning of a curve, said curve turning to the right through 26°53'31", having a radius of 50.00 feet, and whose long chord bears North 40°48'49" East 23.27 feet to the beginning of a non-tangential curve, said curve turning to the left through 134°58'49", having a radius of 60.00 feet, and whose long chord bears North 13°13'50" West for a distance of 110.85 feet to the beginning of a non-tangential curve, said curve turning to the right through 49°38'46", having a radius of 50.00 feet, and whose long chord bears North 55°53'51" West 41.98 feet to the beginning of a non-tangential curve, said curve turning to the right through an angle of 08°02'10", having a radius of 100.00 feet, and whose long chord bears North 27°03'23" West 14.01 feet, thence North 23°02'18" West 342.70 feet to the beginning of a curve, said curve turning to the left through an angle of 21°55'00", having a radius of 156.00 feet, and whose long chord bears North 33°59'51" West 59.31 feet to a point of intersection with a non-tangential line; thence North 14°29'10" East 18.51 feet; thence North 00°00'00" East 435.12 feet; thence North 13°24'09" East 402.81 feet to the Provo City boundary line as follows: South 89°58'59" East 333.39 feet, South 32°40'33" East 164.1826 feet, South 01°17'21" East 477.7975 feet, thence South 01°17'41" East 137.0172 feet; thence South 01°12'57" East 136.80 feet; thence South 17°27'13" West 187.99 feet; thence South 13°35'43" West 264.65 feet; thence South 21°53'12" West 155.38 feet; thence South 24°26'55" West 132.6600 feet to the point of beginning.

Area = 14.45 Acres

ITEM 7*

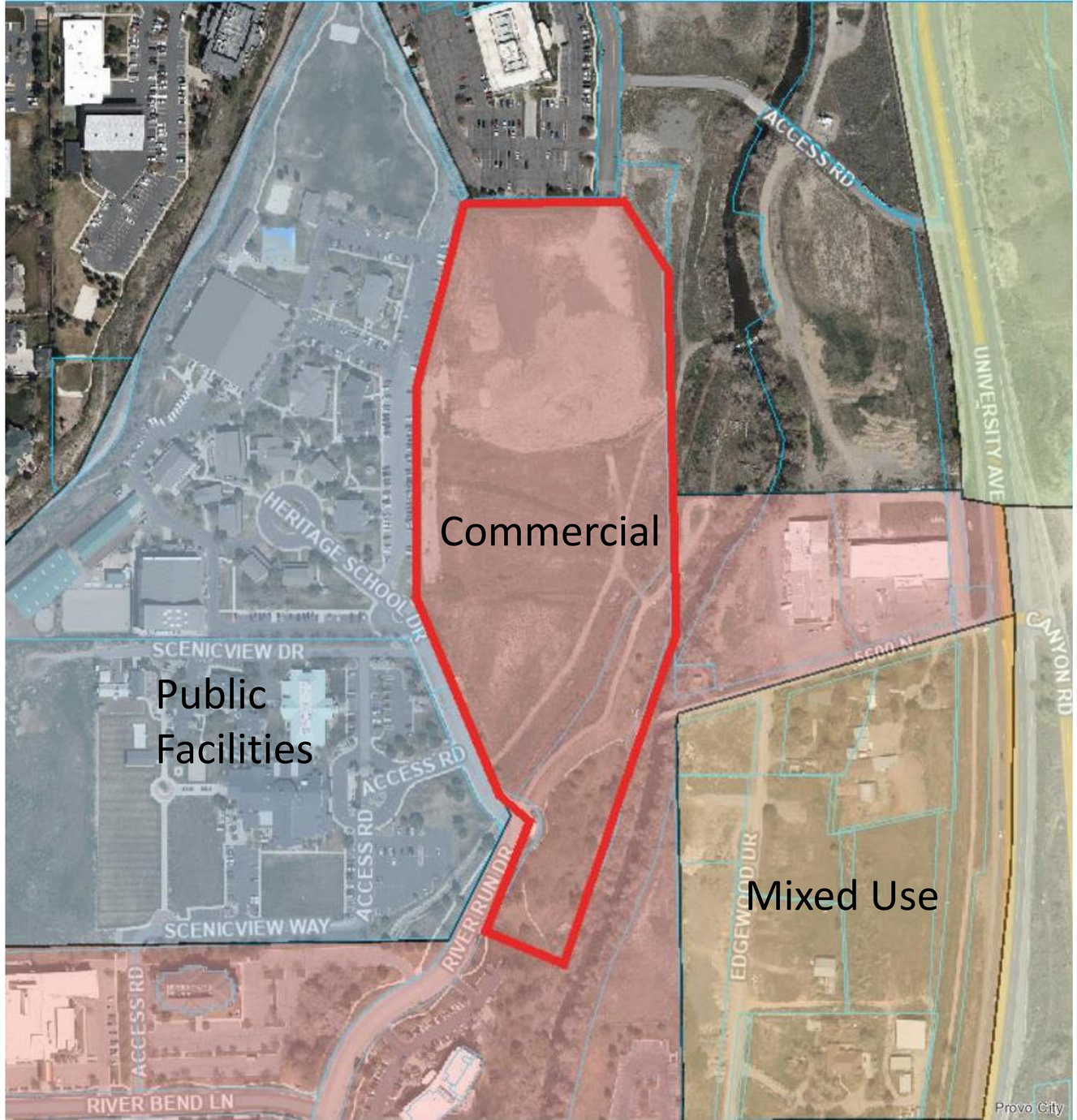
Dudley & Associates requests a Zone Map Amendment from the RBP (Research and Business Park) zone to the MDR (Medium Density Residential) zone to allow for a new multi-family residential district, located approximately at 5544 N River Run Drive.

Riverbottoms Neighborhood

PLRZ20220008

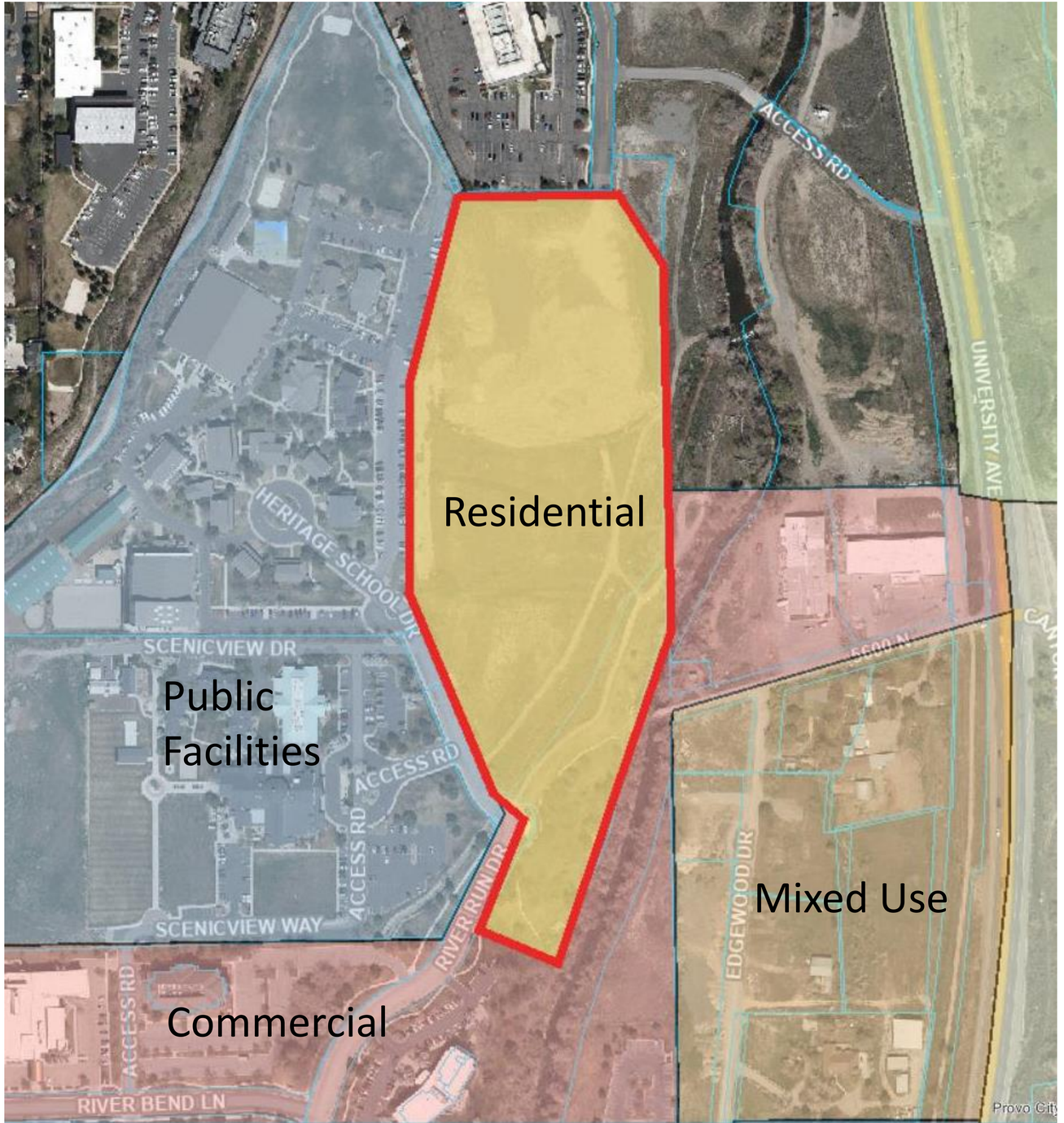
5544 River Run Dr.

- Current General Plan Designation: Commercial
- Current Uses on Properties: Vacant land and Private Park area.



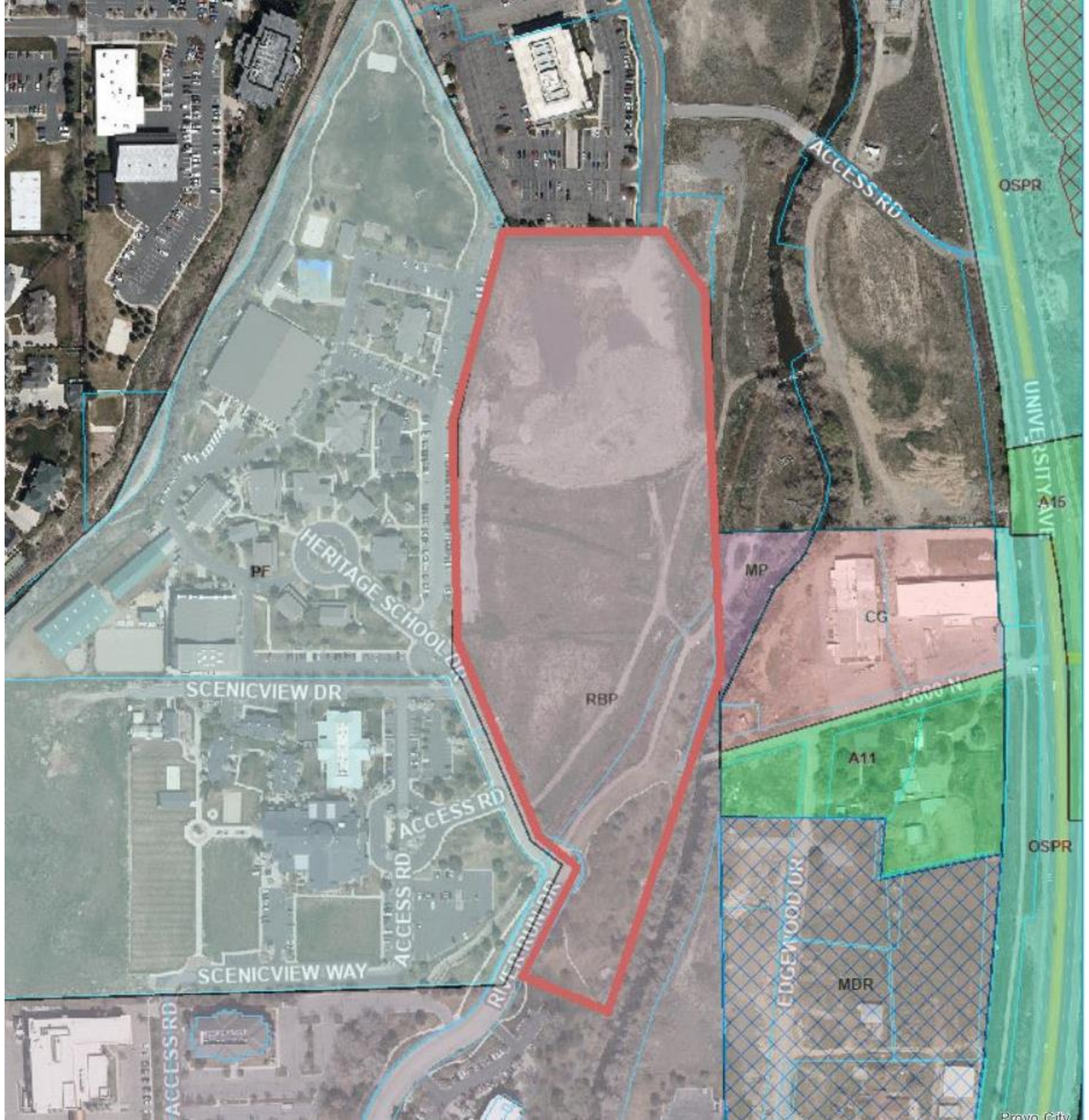
5544 River Run Dr.

- Current General Plan Designation: Commercial
- Current Uses on Properties: Vacant land and Private Park area.
- Proposed General Plan Designation: Residential
- Proposed Use:



5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community



5544 River Run Dr.

- Property Photos









5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community
- 198 New Townhomes
- 35,340 square feet pool and clubhouse areas



RIVER DISTRICT
PROVO | UTAH
FOULGER-PRATT | 21-029
DATE 08 | 03 | 22

1"=50' - 0" SCALE
0 25 50
NORTH

LANDSCAPE PLAN | L1

URBAN ARENA

5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community
- 198 New Townhomes
- 35,340 square feet pool and clubhouse areas



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

PROVO RIVER TOWNHOMES
PROVO | UTAH
FOULGER PRATT | 21-133
DATE 07.22.22

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION B

URBAN ARENA

5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community
- 198 New Townhomes
- 35,340 square feet pool and clubhouse areas



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

PROVO RIVER TOWNHOMES
PROVO | UTAH
FOULGER PRATT | 21-133
DATE 07.22.22

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION A

URBAN ARENA

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: NLA
Department: Development Services
Requested Meeting Date: 09-20-2022

SUBJECT: An ordinance amending the General Plan designation from Mixed Use to Commercial for property generally located at 5515 N Edgewood Drive. Riverbottoms Neighborhood. (PLGPA20220004)

RECOMMENDATION: To be heard at the September 20, 2022 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Dudley & Associates is representing the owner of properties along Edgewood Drive, from 5400 North to 5600 North, in applying for a General Plan Map Amendment. The request is to change the General Plan land use designation from Mixed Use to Commercial in anticipation of a new commercial office development to come to the area.

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore (801) 852-6404 aardmore@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLGPA20220004

ORDINANCE 2022-.

AN ORDINANCE AMENDING THE GENERAL PLAN DESIGNATION FROM MIXED USE TO COMMERCIAL FOR PROPERTY GENERALLY LOCATED AT 5515 N EDGEWOOD DRIVE. RIVERBOTTOMS NEIGHBORHOOD. (PLGPA20220004)

WHEREAS, it is proposed that the General Plan Map be amended; and

WHEREAS, on September 14, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 5:0; and

WHEREAS, on September 20, 2022, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

PART I:

The Provo City General Plan Map is hereby amended as set forth in Exhibit A.

PART II:

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

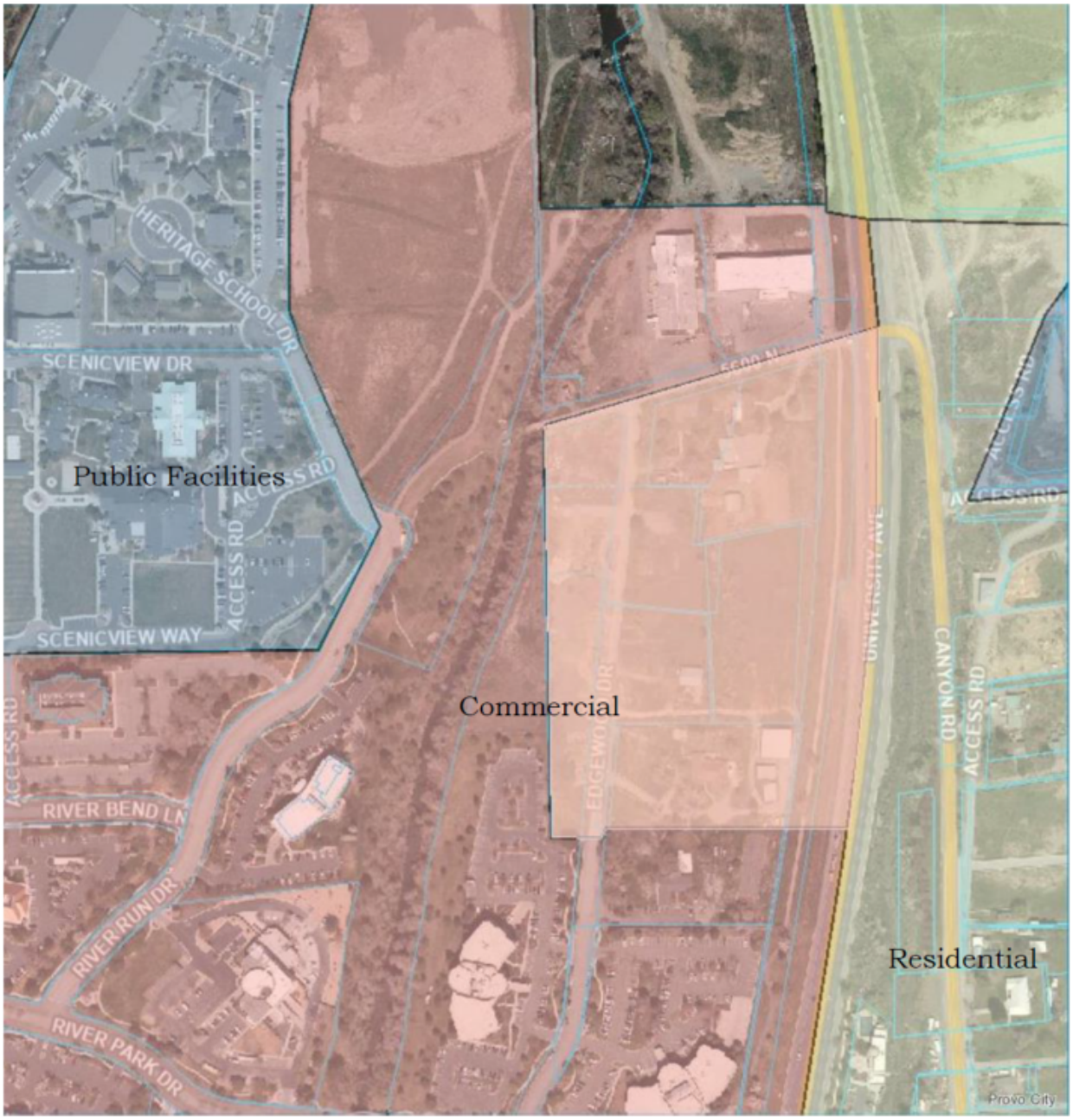
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

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

END OF ORDINANCE.

Exhibit A


HERITAGE SCHOOL DR
SCENICVIEW DR
Public Facilities
ACCESS RD
SCENICVIEW WAY
Commercial
EDGEWOOD DR
UNIVERSITY AVE
CANYON RD
ACCESS RD
RIVER BEND LN
RIVER RUN DR
RIVER PARK DR
Residential
Provo City

DEVELOPMENT SERVICES

Planning Commission Hearing
Staff Report
Hearing Date: September 14, 2022

***ITEM #4** Dudley & Associates requests a General Plan Map Amendment from a Mixed-Use designation to a Commercial designation as part of an overall development plan to establish professional office uses on the site, located approximately at 5515 N Edgewood Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220004

Applicant: Dudley & Associates

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon River Hold Co. LLC

Parcel ID#: 20:014:0045; 20:014:0093; 20:014:0012; 20:014:0064; 20:014:0002; 20:014:0043; 20:014:0014; 20:014:0500

Acreage: 11.7 acres

Number of Properties: 8

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is September 28th at 6:00 p.m.

2. **Recommend Denial** of the requested General Plan Map Amendment. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use: The area is mostly vacant but has two existing residences with some accessory agricultural buildings between Edgewood Drive and University Avenue.

Relevant History: These properties were designated as Commercial until 2013 when the Council at the time changed that to Mixed Use in preparation of a proposed condominium project. Since that time four of these properties have had the homes removed. The current property owner has proposed a master plan for these and adjacent properties to bring in new office and residential uses to the area. The application for this General Plan Amendment, as well as a Zone Map Amendment and Concept Plan were submitted in January 2022 and the applicant has been working with City Staff to refine their proposals since that time.

Neighborhood Issues: A neighborhood meeting was held on February 3, 2022 and this proposal has been on Open City Hall since that time. The proposal is generally supported, but the following concerns have been expressed:

- Height of proposed office buildings.
- Amount of surface parking against University Ave.

Summary of Key Issues:

- The Rezone and Concept Plan are not ready to move forward at this time.
- The General Plan Amendment would return the land to its' initial commercial purpose.

Staff Recommendation: Staff would recommend that the Planning Commission forward a positive recommendation to the City Council.

BACKGROUND

Dudley & Associates is representing the owner of properties along Edgewood Drive, from 5400 North to 5600 North, in applying for a General Plan Map Amendment. The request is to change the General Plan land use designation from Mixed Use to Commercial in anticipation of a new commercial office development to come to the area.

The proposal would reverse the action taken in 2013 when the same area was changed from Commercial to Mixed Use in relation to a mixed-use condominium proposal at the time. In making the change back to a Commercial designation now the applicants could move forward with their designs for multiple commercial buildings in this important gateway into Provo City. The applicants have a related request to amend the General Plan from Commercial to Residential for property just west of the subject property, along River Run Drive, culminating in the same amount of residential and commercial designated land in the area.

ANALYSIS

The same developer is pursuing approval on adjacent properties on the east and west sides of Provo River. The two properties, together, are intended to create a mixed-use development of residential and commercial professional office space. The two projects will initially be connected by an existing pedestrian bridge and staff has asked the developer to preserve sufficient right-of-way so the pedestrian bridge may be widened for vehicular use in the future.

The residential use next to an existing residential group home, and office space with University Avenue frontage make sense from a land-use perspective. Staff is comfortable recommending approval of the General Plan Amendment for the subject property ahead of the zone change and concept plan applications because the City Council would still retain complete discretion when the zone change application is heard by the Council.

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

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

Staff response: The public purpose for this change is to provide for more commercial office space along University Avenue to enhance the economic

viability and tax base for Provo. Additionally, office building at this location will make a better statement as an important entrance to Provo than a multi-family residential development would.

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

Staff response: This amendment would pave the way for the property owners to move forward in designing new commercial office space on these properties in a key corridor of Provo, helping to fulfill the public purpose stated above.

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

Staff response: Chapter Seven of the General Plan lists goals to "foster the entrepreneurial spirit" and "encourage growth" of businesses within the city. Staff believes that allowing for new office space on this underutilized and blighted land would help to meet these goals.

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

Staff response: There are no "timing and sequencing" issues with this request.

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

Staff response: Since the applicants are proposing a swap of commercial land for residential land in this area, there should not be any hinderance in achieving the goals and policies of the General Plan. Staff believes that having commercial land against University Avenue will allow the City to more effectively meet the articulated Policies of the General Plan.

(f) Adverse impacts on adjacent land owners.

Staff response: While increased traffic will impact adjacent land owners with the development of these properties, the proposed General Plan Map Amendment from Mixed Use to Commercial should not increase this impact. Also, vehicular access to the subject property will not be directly onto University Avenue; it will be from 5400 North and 5600 North.

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

Staff response: Staff has verified that the zoning and General Plan designation for the area is correct.

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

Staff response: Staff does not see a conflict with the proposed change and the policies of the General Plan but believes that this amendment will be more aligned with the General Plan policies.

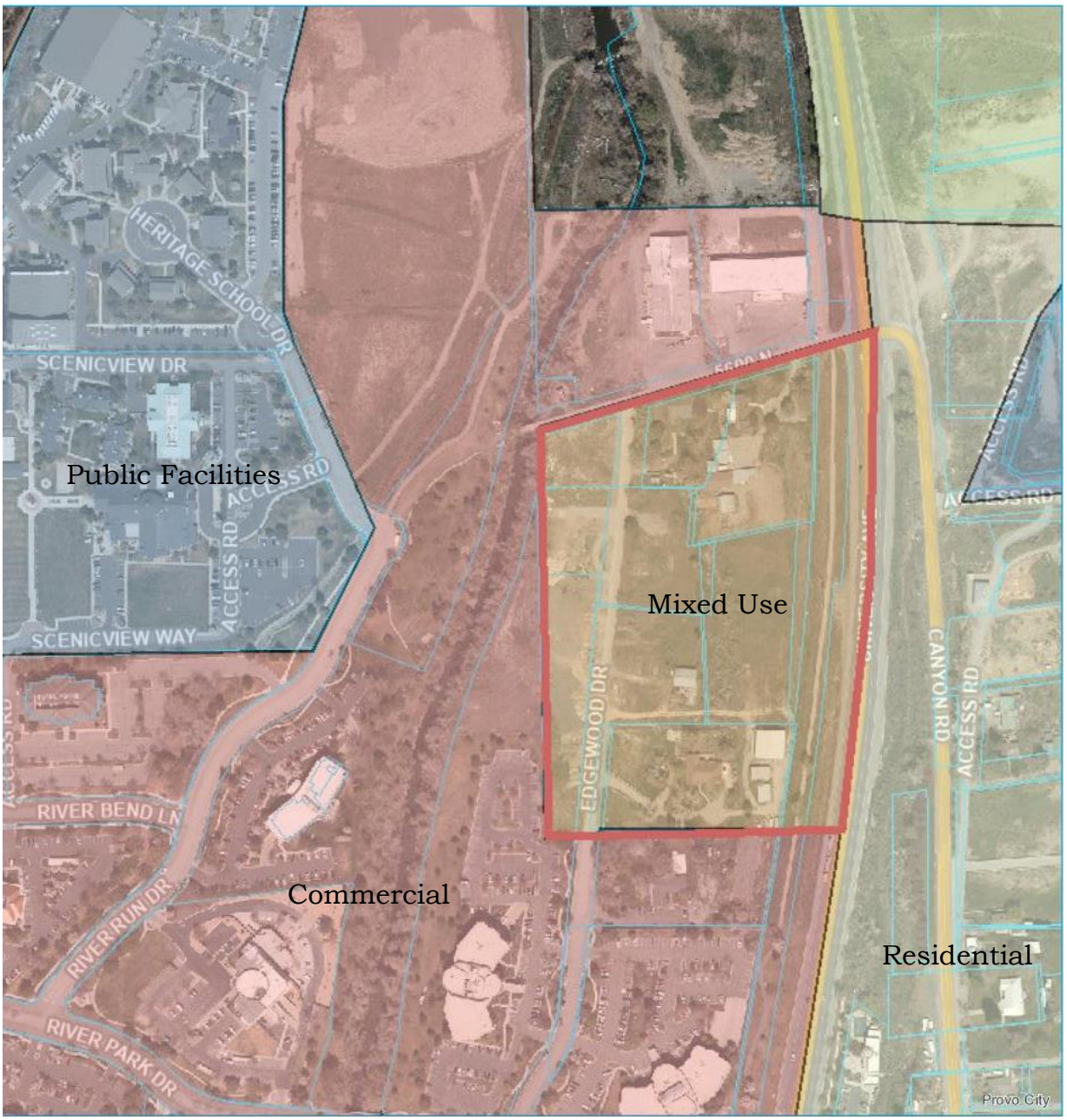
CONCLUSIONS

Staff believes that the proposed General Plan Map Amendment furthers the goals of Provo City and should be approved to allow the property owner to feel confident moving forward with a zone change and concept plans to develop new office space in what is an important gateway into the city.

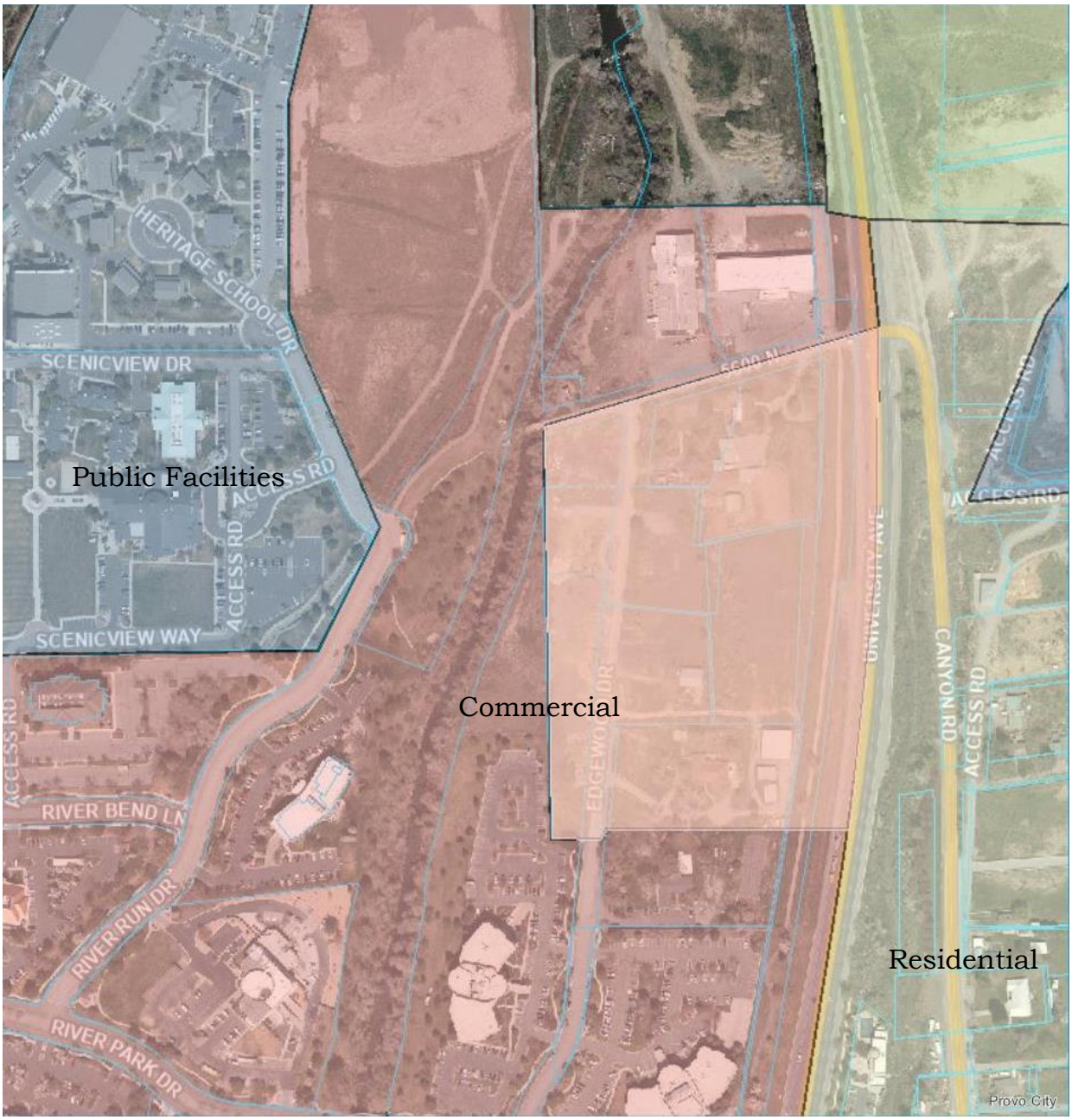
ATTACHMENTS

1. Current General Plan Map
2. Proposed General Plan Map
3. Public Works Staff Report

ATTACHMENT 1 – CURRENT GENERAL PLAN MAP



ATTACHMENT 2 – PROPOSED GENERAL PLAN MAP



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

Public Works Staff Report
Hearing Date: 9/14/2022

General Plan Map Amendment from Mixed-Use to Commercial

Item #4 Summary:
Dudley & Associates requests a General Plan Map Amendment from a Mixed-Use designation to a Commercial designation as part of an overall development plan to establish professional office uses on the site, located approximately at 5515 N Edgewood Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220004

Staff Recommendation:
Public Works staff has no concerns with the requested action.

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

Provo City Planning Commission

Report of Action

September 14, 2022

*ITEM #4 Dudley & Associates requests a General Plan Map Amendment from a Mixed-Use designation to a Commercial designation as part of an overall development plan to establish professional office uses on the site, located approximately at 5515 N Edgewood Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220004

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 14, 2022:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Raleen Wahlin
Second By: Robert Knudsen
Votes in Favor of Motion: Raleen Whalin, Robert Knudsen, Daniel Gonzales, Andrew South, Melissa Kendall
Daniel Gonzales 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE AMENDED
The property to be amended to the Commercial Designation is described in the attached Exhibit A.

RELATED ACTIONS
A future zone map amendment and concept plan will come to the Planning Commission for these properties.

DEVELOPMENT AGREEMENT
- Does not apply at this stage of review or approval.
- May apply with future approvals.

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. Staff gave an overview of the report and related the swap of commercial for residential land across the river with items 5-7 on the September 14, 2022 Planning Commission agenda. Keith Morey also spoke about the overall plan for the properties.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 02/03/2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- 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:

- Robert Harris stated concerns with increased traffic and his water rights on his property.
- Stuart Harris asked about zoning on the adjacent property to the south.
- Lynn Martin asked how this would impact the residential property to the south.
- Jeff Tremaine shared concerns with the proposals to develop the area.

APPLICANT RESPONSE

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

- Jim Ivory represented the applicant and shared information on the request and plans for the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission asked about the homes occupied on the property and if the residents know of the future plans.
- The Commission asked about the occupancy and layout of the future office buildings, as well as access to the river near the site and the pedestrian bridge over the river.
- Daniel Gonzales asked the applicant what other concepts were discussed on the property and noted that the change in 2013 from the Commercial designation was significant.
- Melissa Kendall noted that the office use would be less of an impact on the adjacent properties than a residential use.
- The Planning Commission noted that concerns with site design and traffic will be worked out at a future Project Plan stage.

Planning Commission Chair

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Commencing at a point located South 00°44'56" East along the Section line 9.97 feet and West 27.26 feet from the Southeast corner of Section 12, Township 6 South, Range 2 East, Salt Lake Base and Meridian: thence North 00°04'25" East 812.82 feet; thence North 26°56'16" East 43.77 feet more or less to the south side of 5600 North Street; thence North 75°09'23" East along 5600 North Street 585.73 feet to the beginning of a non-tangential curve along the westerly boundary line of University Ave, said curve turning to the right through an angle of 10°10'43", having a radius of 5706.42 feet, and whose long chord bears South 05°30'31" West 1012.3995 feet to a point of intersection with a non-tangential line; thence North 89°19'07" West 489.91 feet to the point of beginning.

Area = 11.71 Acres

ITEM 4*

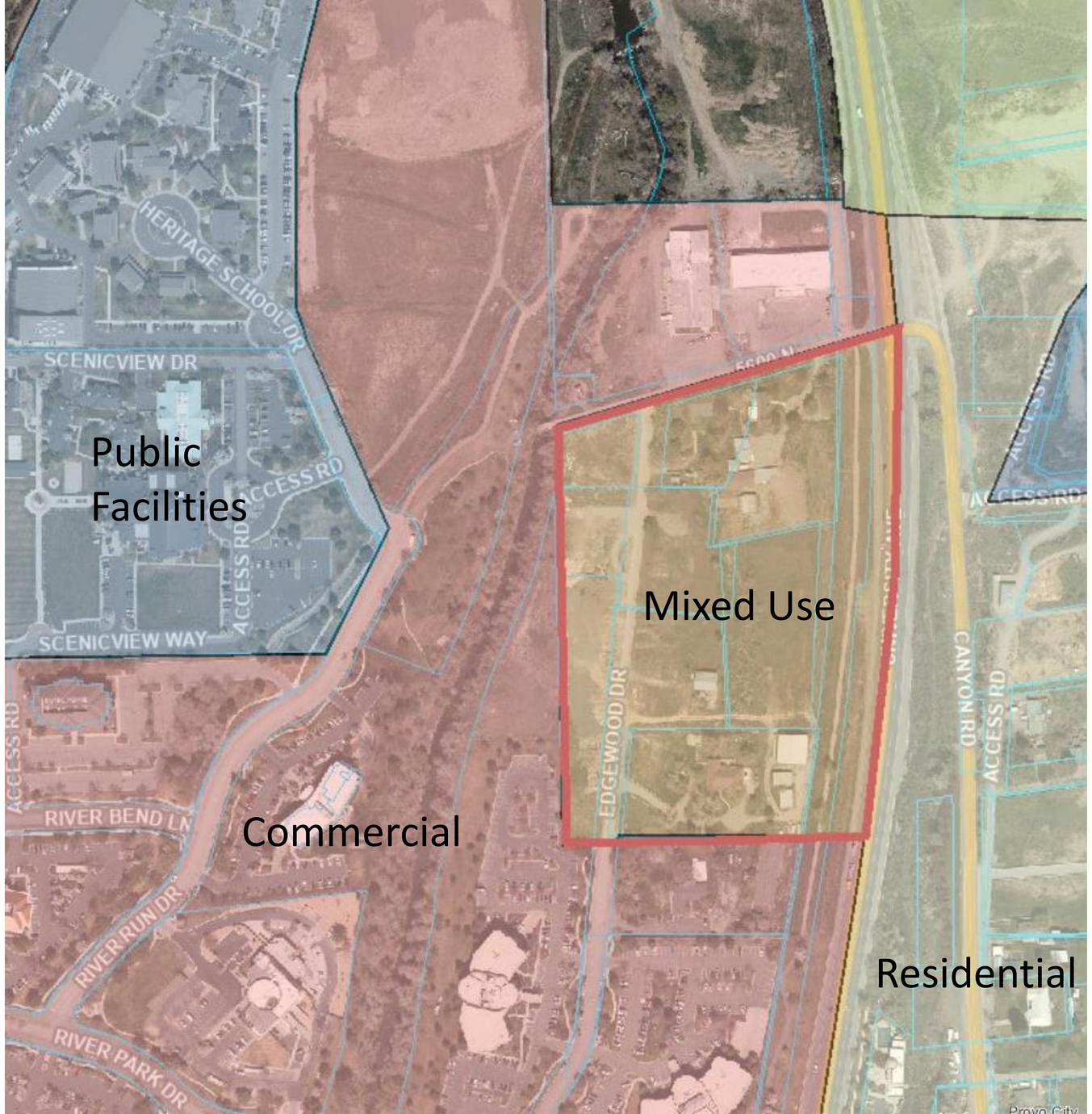
Dudley & Associates requests a General Plan Map Amendment from a Mixed-Use designation to a Commercial designation as part of an overall development plan to establish professional office uses on the site, located approximately at 5515 N Edgewood Drive.

Riverbottoms Neighborhood

PLGPA20220004

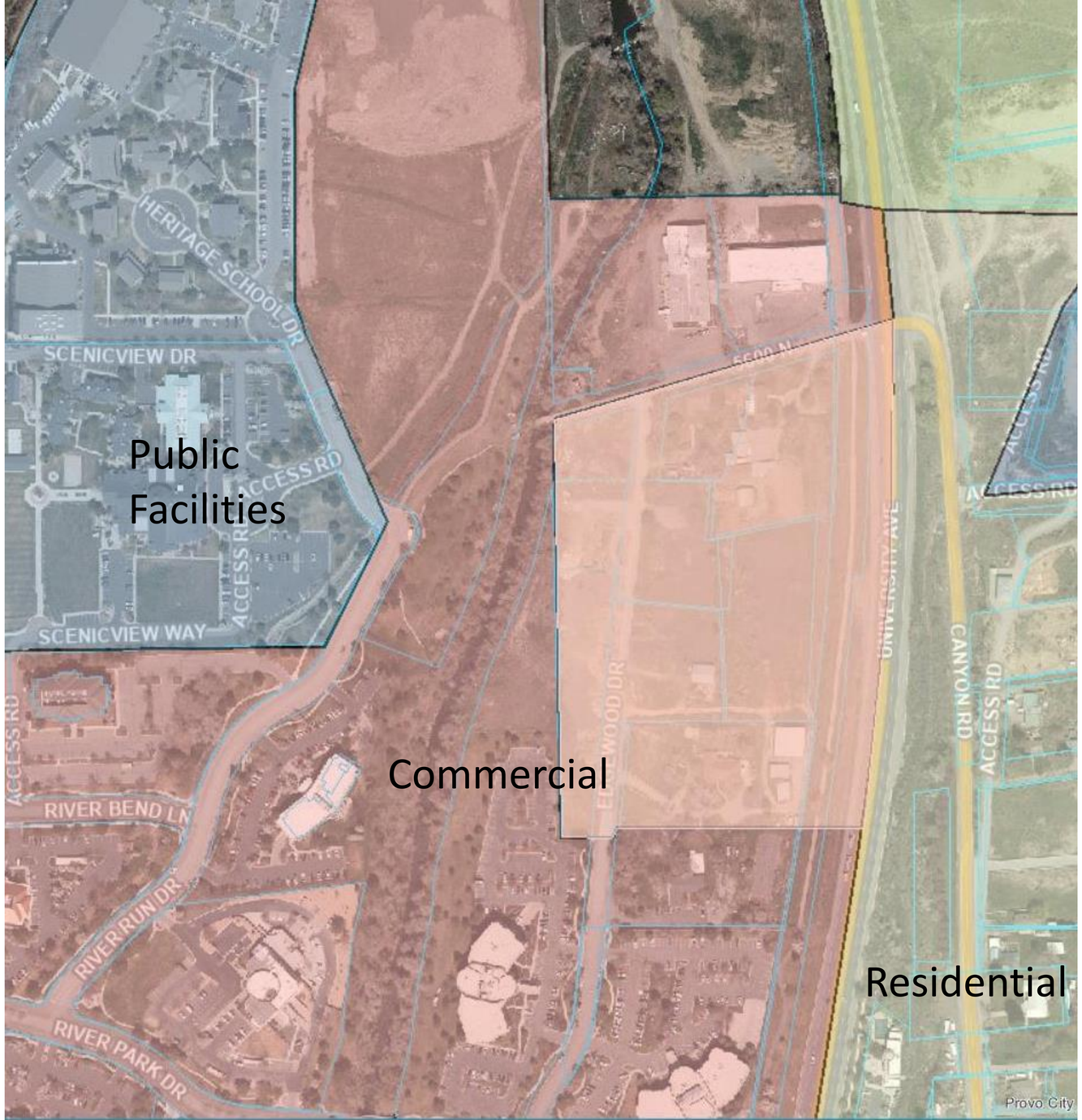
5515 N Edgewood Dr.

- Current General Plan Designation: Mixed Use
- Current Uses on Properties: Two existing one-family dwellings, accessory buildings, and vacant land.



5515 N Edgewood Dr.

- Current General Plan Designation: Mixed Use
- Current Uses on Properties: Two existing one-family dwellings, accessory buildings, and vacant land.
- Proposed General Plan Designation: Commercial



5515 N Edgewood Dr













PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: NLA
Department: Development Services
Requested Meeting Date: 09-20-2022

SUBJECT: An ordinance amending the General Plan Map designation from Commercial to Residential for property generally located at 5544 River Run Drive. Riverbottoms Neighborhood. (PLGPA20220007)

RECOMMENDATION: To be heard at the September 20, 2022 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Dudley & Associates is representing the owner of properties at 5448 and 5544 N River Run Drive, in applying for a General Plan Map Amendment. The request is to change the General Plan land use designation from Commercial to Residential in anticipation of a new townhome apartment community to be built on the land.

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore, Planner

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLGPA20220007

ORDINANCE 2022-.

AN ORDINANCE AMENDING THE GENERAL PLAN MAP DESIGNATION FROM COMMERCIAL TO RESIDENTIAL FOR PROPERTY GENERALLY LOCATED AT 5544 RIVER RUN DRIVE. RIVERBOTTOMS NEIGHBORHOOD. (PLGPA20220007)

WHEREAS, it is proposed that the General Plan Map be amended; and

WHEREAS, on September 14, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 5:0; and

WHEREAS, on September 20, 2022, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

PART I:

The Provo City General Plan Map is hereby amended as set forth in Exhibit A.

PART II:

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

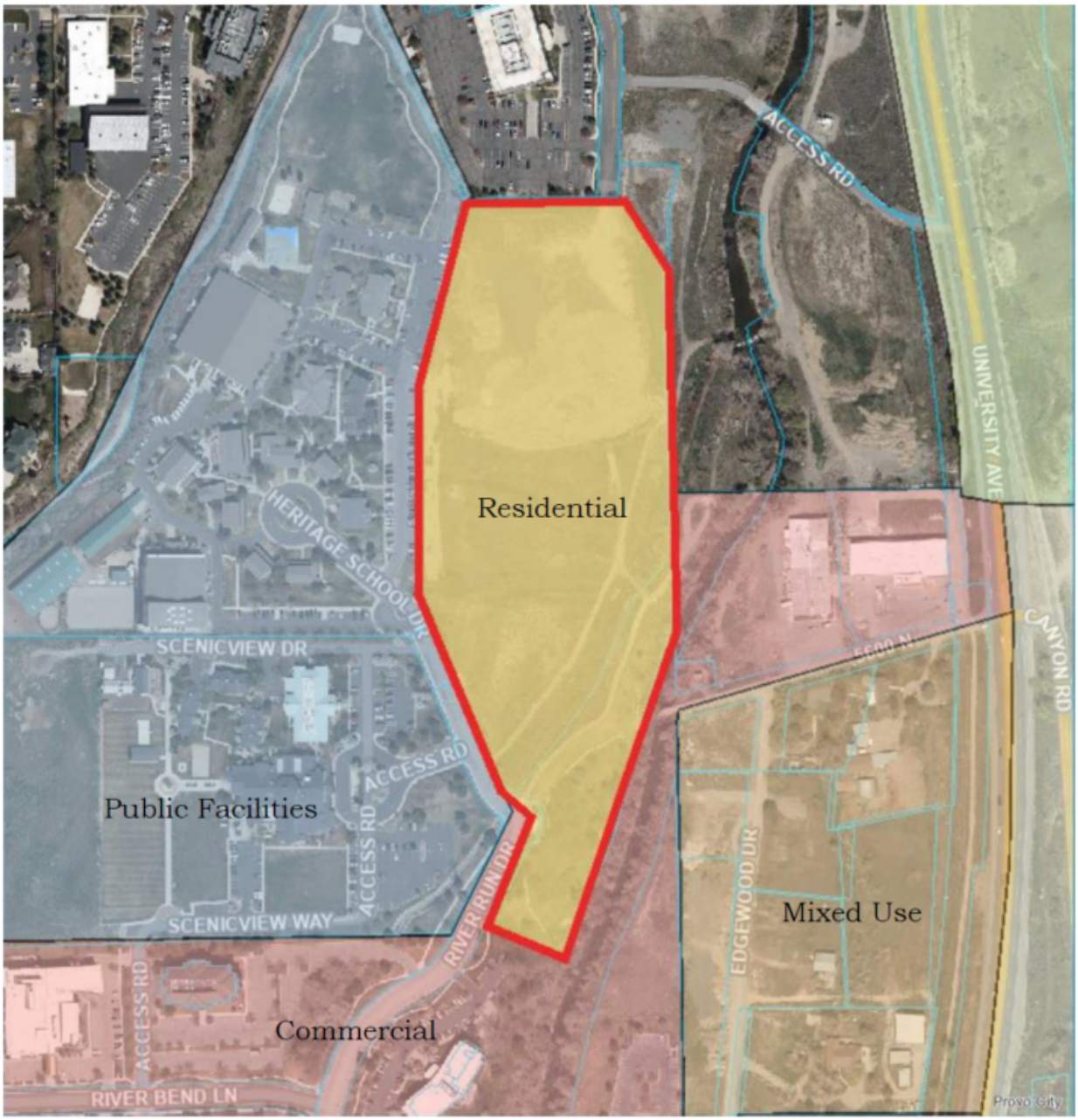
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

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

END OF ORDINANCE.

Exhibit A


Residential
Public Facilities
Commercial
Mixed Use
ACCESS RD
UNIVERSITY AVE
HERITAGE SCHOOL DR
SCENICVIEW DR
ACCESS RD
ACCESS RD
SCENICVIEW WAY
RIVER RUN DR
CANYON RD
EDGEWOOD DR
ACCESS RD
RIVER BEND LN
Provo City

DEVELOPMENT SERVICES

Planning Commission Hearing
Staff Report
Hearing Date: September 14, 2022

***ITEM #5** Dudley & Associates requests a General Plan Map Amendment from a Commercial designation to a Residential designation as part of an overall plan to develop a multi-family residential district, located approximately at 5544 River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220007

Applicant: Dudley & Associates

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon River Hold Co. LLC

Parcel ID#: 51:198:0001; 17:057:0058

Acreage: 14.45

Number of Properties: 2

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is September 28th at 6:00 p.m.

2. **Recommend Denial** of the requested General Plan Map Amendment. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use: The two properties are vacant and have no established legal uses though the southern property has been improved with landscaping as part of the Riverwoods Business Park Trail.

Relevant History: The current property owner applied for this General Plan Amendment, along with a Rezone and Concept Plan for these two properties to develop into a townhome apartment community in January 2022. Staff has been working through concept plan issues since that time.

Neighborhood Issues: A neighborhood meeting was held on February 3, 2022 and this proposal has been on Open City Hall since that time. The proposal is generally supported, but the following concerns have been expressed:

- The number of units versus green space.
- The occupancy of the townhome apartments.

Summary of Key Issues:

- The overall plan for the area moves the residential off of University Avenue and into a more secluded area.
- The amendment would make way for needed additional housing.

Staff Recommendation: Staff would recommend that the Planning Commission forward a positive recommendation to the City Council.

BACKGROUND

Dudley & Associates is representing the owner of properties at 5448 and 5544 N River Run Drive, in applying for a General Plan Map Amendment. The request is to change the General Plan land use designation from Commercial to Residential in anticipation of a new townhome apartment community to be built on the land.

The proposal would enable the applicant to move forward with the associated Zone Map Amendment request to the MDR (Medium Density Residential) zone and provide additional housing in the area. The applicants have a related request to amend the General Plan from Mixed Use to Commercial for property just east of the subject property, along Edgewood Drive and University Avenue. A majority of that land is already zoned MDR, so completing these two changes would bring about approximately the same amount of housing that could already be built in the area.

ANALYSIS

The same developer is pursuing approval on adjacent properties on the east and west sides of Provo River. The two properties, together, are intended to create a mixed-use development of residential and commercial professional office space. The two projects will initially be connected by an existing pedestrian bridge and staff has asked the developer to preserve sufficient right-of-way so the pedestrian bridge may be widened for vehicular use in the future.

The residential use next to an existing residential group home, and office space with University Avenue frontage make sense from a land-use perspective. Staff is comfortable recommending approval of the General Plan Amendment for the subject property along with the zone change and concept plan applications because the applicant has already proffered a development agreement to guarantee the layout and density of the residential area.

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

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

Staff response: The public purpose for this change is to provide for additional housing and a variety of housing types in the northeast area of Provo.

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

Staff response: This amendment would enable the applicant to move forward with a townhome apartment community that meets the above purpose.

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

Staff response: Chapter Three of the General Plan lists goals to "encourage healthy and balanced neighborhoods" and "encourage the development of various types of housing inventory" within the city. Staff believes that allowing for residential uses in this location will help to meet these goals.

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

Staff response: There are no "timing and sequencing" issues with this request.

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

Staff response: Since the applicants are proposing a swap of commercial land for residential land in this area, there should not be any hinderance in achieving the goals and policies of the General Plan. Staff believes that having commercial land against University Avenue and this land as residential will allow the City to more effectively meet the articulated Policies of the General Plan.

(f) Adverse impacts on adjacent land owners.

Staff response: While increased traffic will impact adjacent land owners with the development of these properties, better access through the area as shown in the related concept plan should mitigate this concern.

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

Staff response: Staff has verified that the zoning and General Plan designation for the area is correct.

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

Staff response: Staff does not see a conflict with the proposed change and the policies of the General Plan but believes that this amendment will be more aligned with the General Plan policies.

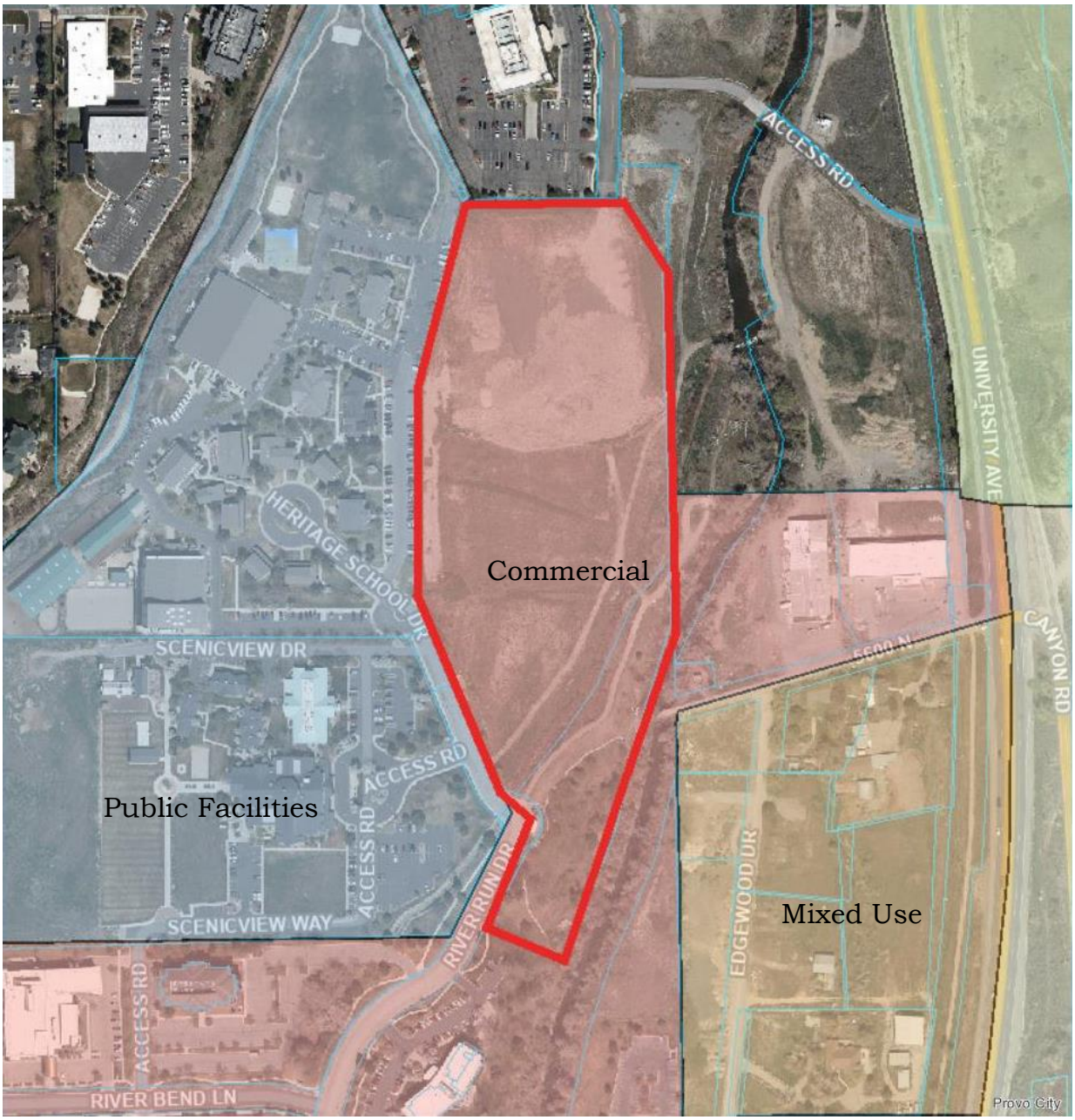
CONCLUSIONS

Staff believes that the proposed General Plan Map Amendment furthers the goals of Provo City and should be approved to allow the property owner to have the related Zone Map Amendment and Concept Plan requests approved.

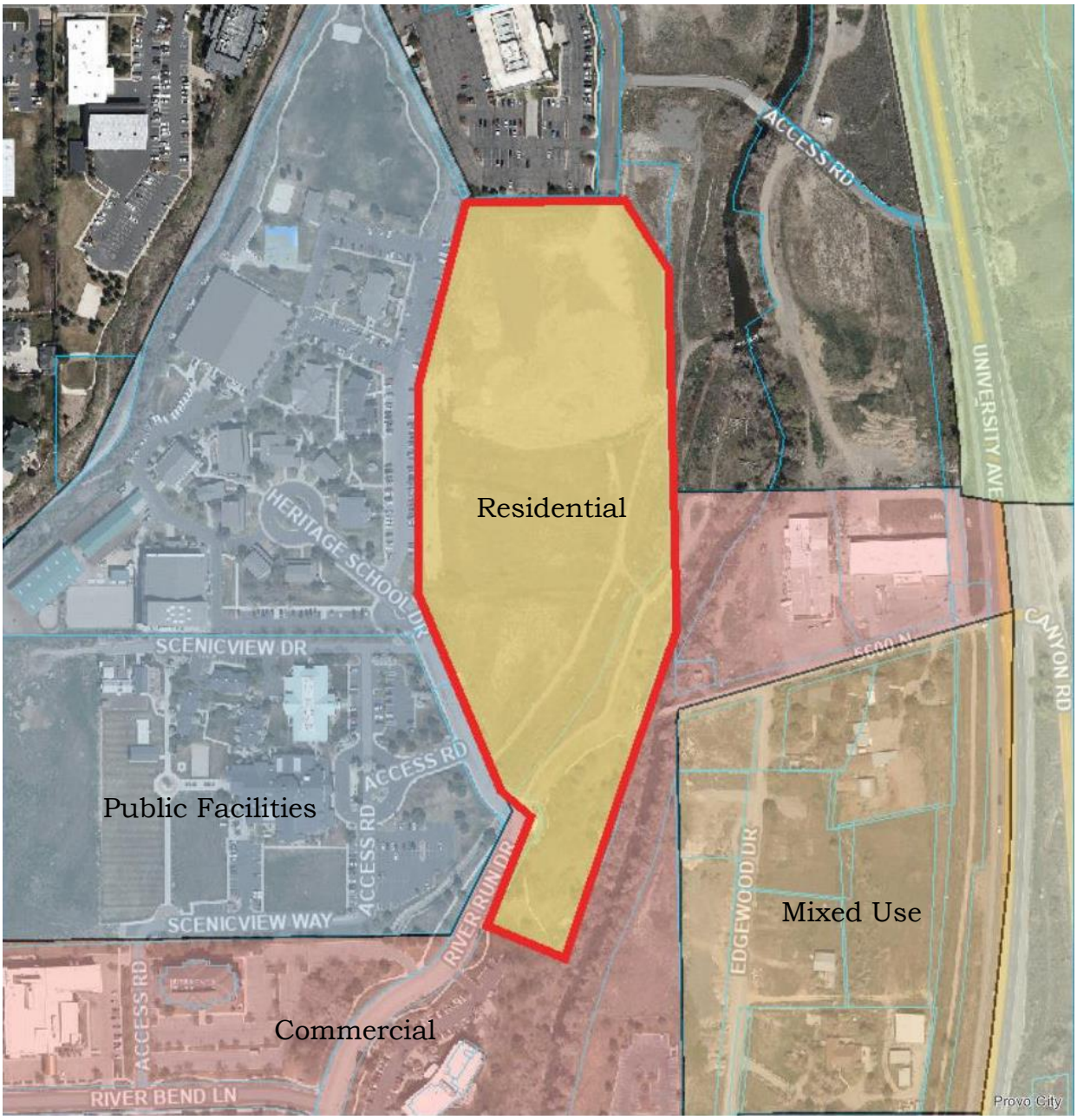
ATTACHMENTS

1. Current General Plan Map
2. Proposed General Plan Map
3. Public Works Staff Report

ATTACHMENT 1 – CURRENT GENERAL PLAN MAP



ATTACHMENT 2 – PROPOSED GENERAL PLAN MAP



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

Public Works Staff Report
Hearing Date: 9/14/2022

General Plan Map Amendment from Commercial to Residential

Item #5 Summary:
Dudley & Associates requests a General Plan Map Amendment from a Commercial designation to a Residential designation as part of an overall plan to develop a multi-family residential district, located approximately at 5544 River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220007

Staff Recommendation:
Public Works staff has no concerns with the requested action.

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

Provo City Planning Commission

Report of Action

September 14, 2022

*ITEM #5 Dudley & Associates requests a General Plan Map Amendment from a Commercial designation to a Residential designation as part of an overall plan to develop a multi-family residential district, located approximately at 5544 River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220007

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 14, 2022:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Raleen Whalin
Second By: Robert Knudsen
Votes in Favor of Motion: Daniel Gonzales, Robert Knudsen, Raleen Whalin, Melissa Kendall, Andrew South
Daniel Gonzales 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE AMENDED
The property to be amended to the Residential designation is described in the attached Exhibit A.

RELATED ACTIONS
A related rezone (PLRZ20220008) and concept plan (PLCP20220014) were also heard at the September 14, 2022 Planning Commission hearing.

DEVELOPMENT AGREEMENT
- Does not apply at this stage of review or approval.
- May apply with future approvals.

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. Staff responded to Planning Commission questions regarding use, density, and design of the site.

CITY DEPARTMENTAL ISSUES
- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on 02/03/2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- 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:

- Lynn Martin expressed concerns about access to the river and rental property on the site and hoped to address concerns for her fathers' land near the site.
- Kevin Curtis expressed concerns with increased traffic and impacts on the adjacent specialty schools to the west.
- Karen Harris stated concerns with traffic for the area.
- Ronald Wooley shared concerns with the site fly ash underground from a past coal plant, as well as traffic, trash pickup and parking.
- Jeff Jermaine shared concerns about the fly ash in the ground and has concerns with increased traffic and safety.

APPLICANT RESPONSE

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

- Jason White represented the applicant and illustrated the background, research, and goals that brought this proposal forward. He noted the need for this type of housing in Provo.
- Jim Ivory confirmed that the development will tie to Provo water and will not be a threat to adjacent property water rights.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Melissa Kendall confirmed with staff that the townhomes being rented by one owner would be a benefit for the development and confirmed occupancy for the proposed development.
- Daniel Gonzales inquired what density would currently be allowed in the MDR zoned property against University Avenue compared to what is able to be built on this proposed residential land. He also wanted to confirm that the trail network on the site was going to continue.
- The commission confirmed with staff that the proposal doesn't sit in the flood plain zone.
- Andrew South asked about walkable commercial opportunities, to which the applicant said that future plans will address that need.
- Daniel Gonzales shared that the concerns mentioned will be worked out as the applicant moves through the Project Plan and provides the studies necessary with that review. He is happy to see a concept plan that has a lot of open space along the river.
- The Planning Commission felt confident that the issues will be addressed by the City as the plans move forward. The proposed development agreement locking the developer into the proposed concept density helps the commission feel comfortable moving these applications forward.

Planning Commission Chair

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Commencing at a point located North 00°53'00" West along the Section line 354.20 feet and West 249.91 feet from the Southeast corner of Section 12, Township 6 South, Range 2 East, Salt Lake Base and Meridian: thence North 60°09'16" West for a distance of 178.48 feet to North River Run Drive; thence along North River Run Drive as follows: North 27°21'29" East 148.02 feet to the beginning of a curve, said curve turning to the right through 26°53'31", having a radius of 50.00 feet, and whose long chord bears North 40°48'49" East 23.27 feet to the beginning of a non-tangential curve, said curve turning to the left through 134°58'49", having a radius of 60.00 feet, and whose long chord bears North 13°13'50" West for a distance of 110.85 feet to the beginning of a non-tangential curve, said curve turning to the right through 49°38'46", having a radius of 50.00 feet, and whose long chord bears North 55°53'51" West 41.98 feet to the beginning of a non-tangential curve, said curve turning to the right through an angle of 08°02'10", having a radius of 100.00 feet, and whose long chord bears North 27°03'23" West 14.01 feet, thence North 23°02'18" West 342.70 feet to the beginning of a curve, said curve turning to the left through an angle of 21°55'00", having a radius of 156.00 feet, and whose long chord bears North 33°59'51" West 59.31 feet to a point of intersection with a non-tangential line; thence North 14°29'10" East 18.51 feet; thence North 00°00'00" East 435.12 feet; thence North 13°24'09" East 402.81 feet to the Provo City boundary line as follows: South 89°58'59" East 333.39 feet, South 32°40'33" East 164.1826 feet, South 01°17'21" East 477.7975 feet, thence South 01°17'41" East 137.0172 feet; thence South 01°12'57" East 136.80 feet; thence South 17°27'13" West 187.99 feet; thence South 13°35'43" West 264.65 feet; thence South 21°53'12" West 155.38 feet; thence South 24°26'55" West 132.6600 feet to the point of beginning.

Area = 14.45 Acres

ITEM 5*

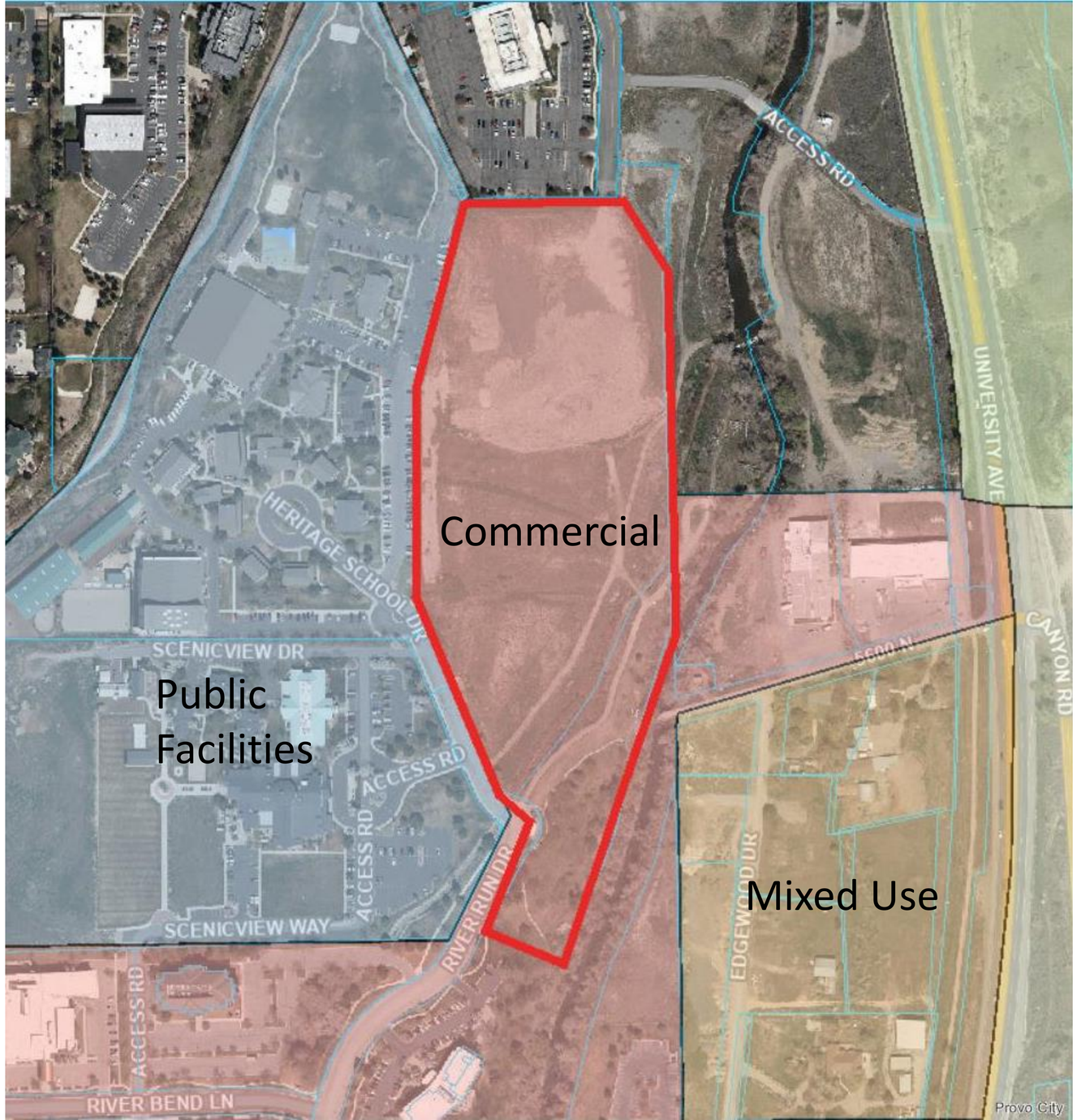
Dudley & Associates requests a General Plan Map Amendment from a Commercial designation to a Residential designation as part of an overall plan to develop a multi-family residential district, located approximately at 5544 River Run Drive.

Riverbottoms Neighborhood

PLGPA20220007

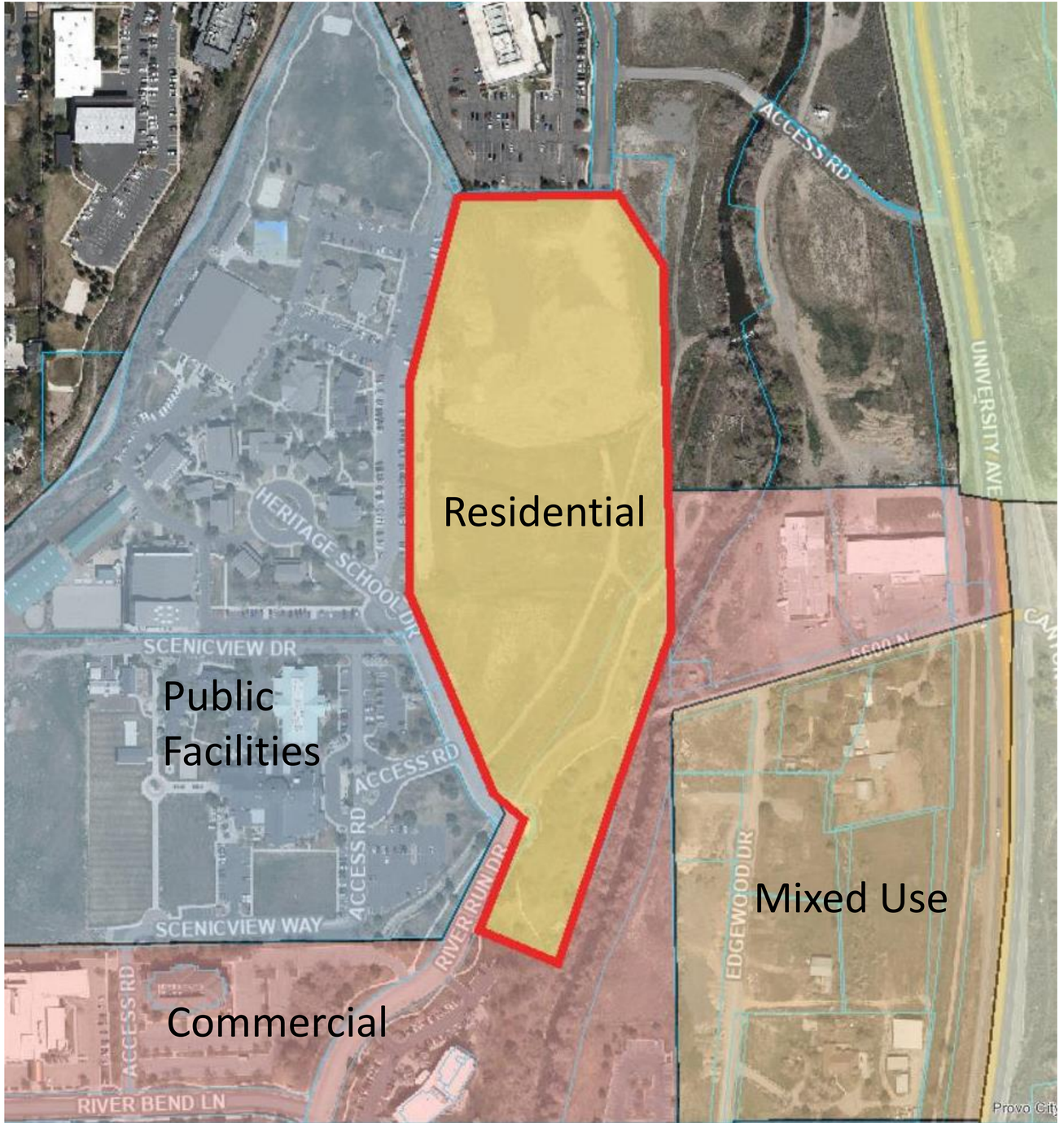
5544 River Run Dr.

- Current General Plan Designation: Commercial
- Current Uses on Properties: Vacant land and Private Park area.



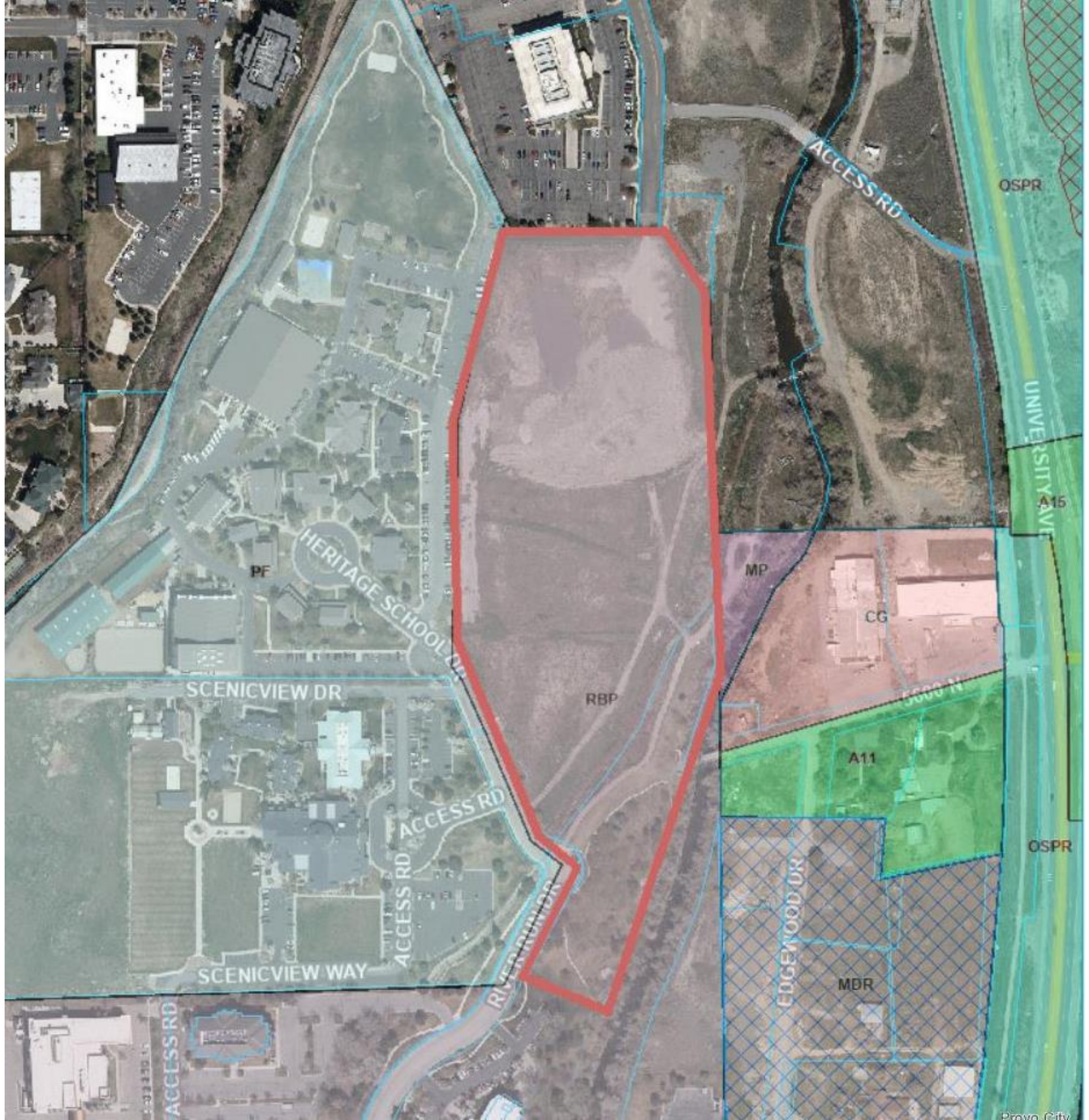
5544 River Run Dr.

- Current General Plan Designation: Commercial
- Current Uses on Properties: Vacant land and Private Park area.
- Proposed General Plan Designation: Residential
- Proposed Use:



5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community



5544 River Run Dr.

- Property Photos









5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community
- 198 New Townhomes
- 35,340 square feet pool and clubhouse areas



RIVER DISTRICT
PROVO | UTAH
FOULGER-PRATT | 21-029
DATE 08 | 03 | 22

1"=50' - 0" SCALE
0 25 50
NORTH

LANDSCAPE PLAN | L1

URBAN ARENA

5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community
- 198 New Townhomes
- 35,340 square feet pool and clubhouse areas



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

PROVO RIVER TOWNHOMES
PROVO | UTAH
FOULGER PRATT | 21-133
DATE 07.22.22

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION B

URBAN ARENA

5544 River Run Dr.

- Current Zone: RBP (Research and Business Park)
- Proposed Zone: MDR (Medium Residential)
- Proposed Use: Townhome Apartment Community
- 198 New Townhomes
- 35,340 square feet pool and clubhouse areas



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

PROVO RIVER TOWNHOMES
PROVO | UTAH
FOULGER PRATT | 21-133
DATE 07.22.22

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION A

URBAN ARENA

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 09-06-2022

SUBJECT: A resolution adopting the Provo Moderate-Income Housing Supply and Strategies Report. (22-069)

RECOMMENDATION: Presentation only.

BACKGROUND: Per Section 10-9a-403 of the Utah Code, each major city shall include a Moderate-income Housing element in their general plans that:

- provides a realistic opportunity to meet the need for additional moderate-income housing within the next five years;
- selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
- includes an implementation plan as provided in Subsection (2)(c) including
    - Current population,
    - Current housing stock,
    - Current moderate-income housing availability and need,
    - Future population projections,
    - Forecast of moderate-income housing need,
    - Regulatory environment, and
    - Plans to meet the moderate-income housing need

FISCAL IMPACT:

PRESENTER'S NAME: Hannah Salzl and Brandon Larsen, Planners

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-069

Resolution 2022-.

A RESOLUTION ADOPTING THE PROVO MODERATE-INCOME HOUSING SUPPLY AND STRATEGIES REPORT. (22-069)

WHEREAS, it is proposed that the Provo Moderate-Income Housing Supply and Strategies Report be adopted;

WHEREAS, on September 6, 2022 and September 20, 2022, the Council was presented with the 2022 Provo Moderate-Income Housing Supply and Strategies Report; and

WHEREAS, on September 20, 2022, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) the Provo Moderate-Income Housing Supply and Strategies Report should be adopted as set forth in the attached Exhibit A and (ii) adoption of the Provo Moderate-Income Housing Supply and Strategies Report reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

The Provo Moderate-Income Housing Supply and Strategies Report is hereby adopted as set forth in Exhibit A.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Exhibit A

Moderate-Income Housing Supply and Strategies

2022-2027

Introduction

Purpose

Like most municipalities, Provo faces a serious need for moderate-income housing. Analysis of the available housing and income data has shown a wide gap between the housing affordability threshold for Provo's area median income and the price of housing. Provo is committed to providing affordable, safe housing for all who choose to call Provo home.

The specific goals to improve the city's moderate-income housing stock are discussed in greater detail in the Housing chapter of Provo City's General Plan. This Moderate-income Housing section will serve as an appendix to that plan to provide additional context and data and will be updated following the regular Moderate-Income Housing Report. The success of Provo's housing goals will rely on the coordination of the development community, state and other local agencies, and Provo City elected officials and staff in their efforts to meet the needs of Provo citizens.

Section 10-9a-403 of the Utah Code mandates that each major city shall include a Moderate-income Housing element in their general plans that:

- provides a realistic opportunity to meet the need for additional moderate-income housing within the next five years;
- selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
- includes an implementation plan as provided in Subsection (2)(c) … .

The Moderate-income Housing element should also include the following data:

- Current population,
- Current housing stock,
- Current moderate-income housing availability and need,
- Future population projections,
- Forecast of moderate-income housing need,
- Regulatory environment, and
- Plans to meet the moderate-income housing need

Regional Collaboration

Provo is the Lead Entity of the Utah Valley HOME Consortium, an inter-jurisdictional partnership between Lehi City, City of Orem, Provo City, and Utah County. As Lead Entity, Provo City Corporation administers its HOME entitlement allocation pooled with the Utah Valley HOME Consortium (Consortium, HOME

Consortium, UVHC). The Consortium partners work together to address the housing needs of moderate-, low-, and very low-income communities and increase the supply of affordable housing. For more information, see the Provo and Utah Valley HOME Consortium's 2020-2024 Consolidated Plan.

Provo will continue to seek out opportunities to collaborate with local and state organizations to better provide affordable and moderate-income housing.

Background Information

The northeastern side of Provo City is mostly built out. Developments in this area will likely need to be infill and redevelopment, like River's Edge on University (formerly Plumtree Plaza). Most housing in the northeast is single-family homes with high-density student housing near Brigham Young University and a business district along University Avenue.

Southeast Provo has seen a boom in housing since the 2000's. Housing in this area is predominantly single-family and multi-family with a high number of townhomes and condos. Business and housing potential are limited because geography and previous development limits the area to a single high-speed corridor along South State Street.

Central Provo has seen a recent boom in redevelopment, especially housing, as the area evolves into the city's urban hub. Several recent high-density housing projects have met high design and aesthetics standards and could serve as examples for future similar developments. Most businesses in this area are local startups, and the area boasts a number of quality restaurants and boutique stores.

The western side of the city has a history of agricultural land use and more recent residential developments. Housing density on the west side has been limited by the city's older sewer connections, but the city is in the process of constructing a sewer lift station that will open the area for greater density. The growth of the Provo Airport is expected to attract businesses to the western edge of the city. Future developments should follow the West Side Land Use Map (General Plan Appendix J) and the West Side Development Policies.

Provo has a culture of friendliness to local and startup businesses, especially in the tech industry, but it has struggled to retain businesses that have outgrown the startup phase and are looking for more permanent headquarters. Provo has also struggled to attract and retain grocery stores and big box stores.

Provo is growing as a tech and research business center. There is also a thriving industrial business area in the southeast. Additionally, recent developments like the Utah Valley Convention Center have brought more visitors and businesses to Provo. New developments like the Provo Airport, the Regional Sports Complex, and the Noorda Medical School are also anticipated to bring new revenue and opportunities to the city.

In the summer of 2022, Provo City conducted a random sample survey that met the threshold to be considered statistically significant. When non-student residents were asked to select the three most

needed types of housing and development in Provo, the majority said single-family homes (43% of respondents), accessory dwelling units (27%), townhomes (26%), and single-family courtyard homes with shared open space (26%). The types of housing and developments with the least support were "none of the above" (3%; i.e., Provo needs all of the listed types of development), "other" (11%), senior housing (12%) and student housing (12%). Moderate-income or affordable housing was not specifically listed.

When asked to select all the types of housing they thought would fit well in their neighborhoods, most residents said single-family homes (45%), accessory dwelling units (28%), townhomes (28%), and single-family courtyard homes with shared open space (27%). The least supported developments were "other" (7% of non-students), student housing (8%), and none of the above (9%).

When students were asked these same questions, they showed an overwhelming preference for student housing (58%), apartments (42%), and townhomes (34%).

Data Sets

The data in this report serves to inform good policy and to act as a benchmark to measure future progress. Given the holes in the housing and population data from the 2020 census and the upset to the housing market during the COVID-19 pandemic, Provo staff thought the data from 2019 worked better for the purpose of the plan element. Data gathered during a time of temporary upheaval makes a poor benchmark. Staff used the 2021 AMI and median home prices. Future staff should update the numbers once they feel a more reliable data set is available.

Definitions

Moderate income households are considered by the State of Utah to be those making less than 80% of the area median income (AMI). AMI is determined by the county in which the city is located. Other targeted income groups are defined as those making less than 50% and 30% of AMI. According to the U.S. Department of Housing and Urban Development (HUD), the affordable monthly housing payment for either mortgage or rent should be no more than 30% of gross monthly income (GMI) and should include utilities and housing costs such as mortgage, property taxes, and hazard insurance. To calculate affordability in relation to household size, HUD estimates median family income (MFI) annually for each metropolitan area and non-metropolitan county.

The term Area Median Income is the term used more generally in the industry. If the term Area Median Income (AMI) is used in an unqualified manner, this reference is synonymous with HUD's Median Family Income. However, if the term AMI is qualified in some way – generally percentages of AMI, or AMI adjusted for family size – then this is a reference to HUD's income limits, which are calculated as percentages of median incomes and include adjustments for families of different sizes.

Current Population and Demographics

Population

The 2019 population of Provo was 116,403 people. Since 2010, Provo's population has grown by 3.4%, or approximately 3,900 residents. Projections from the Mountainland Association of Governments (MAG), predict that Provo's population will increase by one third over the next 20 years to a population of 155,397 people by 2040, an increase of approximately 39,000 people. Provo's anticipated population growth has significant implications for the City's housing and economic climate, necessitating that suitable employment opportunities and housing be available for new residents.

Median Household Income

According to the U.S. Census Bureau, Provo's median household income (MHI) from 2016-2020 is $50,072. This is considerably lower than both the Median Household Income of the county ($77,057) and state ($74,197).

Area Median Income

The area median income (AMI) is the midpoint of a region's income distribution — half of the households in the region earn more and half earn less. AMI is important because each year the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country and this statistic is used to determine whether families are eligible for certain affordable housing programs.

HUD focuses on the entire region, not just the city, because families searching for housing are likely to look beyond the city itself to find a place to live. AMI is typically distinguished between three types of households. Households earning less than 80% of the AMI are considered low-income households by HUD. Very low-income households earn less than 50% of the AMI and extremely low-income households earn less than 30% of the AMI.

According to the HUD's Provo-Orem, UT MSA Median Family Income Estimate from 2021, Area Median Income (also referred to as Area Median Family Income), or AMI, in Provo is $83,700 per year. The U.S. Department of Housing and Urban Development (HUD) uses this number as a baseline to calculate categories of affordability. These categories include Extremely Low Income, (30% of AMI), Low Income (50% of AMI), and Moderate Income (80% of AMI). While these numbers are often used to determine eligibility for certain government sponsored housing assistance programs, they can also be used to calculate a household's projected expenditures on rent and/or mortgage payments.

Table 1 illustrates the approximate distribution of households in Provo by AMI threshold. Because AMI thresholds established by HUD do not exactly match the distribution of households by income bracket as recorded by the U.S. Census Bureau, the estimated number of households within each income level are matched as closely as possible with their corresponding income bracket. However, because it is not an exact match by census income bracket the number of households within each AMI threshold should be considered an approximation.

Table 1: Approximate Distribution of Households by HUD Defined AMI Thresholds

INCOME LEVEL	INCOME CLASSIFICATION	AMI THRESHOLD	ESTIMATED HOUSEHOLDS	PERCENTAGE
<30% AMI	extremely low income	<$26,500	7,649	22.2%
30%-49% AMI	low income	$26,500-$41,849	8,751	25.4%
50%-79% AMI	moderate income	$41,850-$66,949	3,376	9.8%
80%-99% AMI	N/A	$66,950-$83,699	4,591	13.3%
99%-120% AMI	N/A	$83,700-$100,439	3,644	10.6%
>120% AMI	N/A	>$100,400	6,443	18.7%

Source: American Community Survey, 2019

The distribution of Households within Table 1 is well below the Provo-Orem MSA's area median income, with approximately 70.7% of households falling below the 100% AMI threshold. This has implications for housing within Provo and can be interpreted to mean that Provo has a significant need for both affordable and moderately priced housing options. The distribution of households below AMI can also be interpreted to mean that Provo is likely not attracting higher AMI households, potentially because of lack of suitable housing or lack of suitable employment. Additionally, Provo lacks housing for those higher AMI households that do live in Provo, which further increases demand on all other housing by increasing competition. The inability to attract and retain higher income households in Provo may have adverse effects on economic development and the economic composition of the city.

Using HUD's defined AMI for Utah County, we can calculate an affordable monthly allowance for households making 30% to 120% of the AMI. This monthly allowance can be used to gauge affordable monthly rent and mortgage payment levels for households at different income levels. For example, a family of four living in Provo at the median income could afford $2,093 per month for housing (Table 2).

Table 2: Affordable Monthly Housing Payments based on Area Median Income for Provo-Orem Metropolitan Statistical Area

INCOME LEVEL	PERSONS IN HOUSEHOLD							
	1	2	3	4	5	6	7	8
extremely low income (<30%)	$440	$503	$565	$663	$776	$890	$1,003	$1,117
very low income (50%)	$733	$838	$943	$1,046	$1,130	$1,214	$1,298	$1,381
low income (80%)	$1,173	$1,340	$1,508	$1,674	$1,809	$1,943	$2,076	$2,210
median income (100%)	$1,465	$1,675	$1,885	$2,093	$2,260	$2,428	$2,595	$2,763
above median income (>120%)	$1,758	$2,010	$2,262	$2,511	$2,712	$2,913	$3,114	$3,315

Source: American Community Survey, 2019

To translate these affordability levels into home values, we assume mortgage rates of 3%, 4% and 5%, with a 30-year term, current property tax rates, insurance costs, a 10% down payment, and a monthly utility expenditure of $225 per month. Attainable home price ranges will of course decrease as interest rates increase. Table 3 lists the range of home prices that are attainable at varying AMI thresholds and mortgage rates. For example, a family of four living in Provo at the median income would need an average income of $83,700 to afford a home.

Table 3: Attainable Home Price Ranges by AMI Categories (2021)

INCOME LEVEL			PERSONS IN HOUSEHOLD					
			3% MORTGAGE		4% MORTGAGE		5% MORTGAGE	
	LOW RANGE	HIGH RANGE	LOW	HIGH	LOW	HIGH	LOW	HIGH
<30% AMI	$-	$26,500	$-	$80,680	$-	$71,248	$-	$63,364
30%-49% AMI	$26,500	$41,850	$80,680	$164,938	$71,248	$145,657	$63,364	$129,538
50%-79% AMI	$41,850	$66,950	$164,938	$310,006	$145,657	$273,765	$129,538	$243,470
80%-99% AMI	$66,950	$83,700	$310,006	$399,649	$273,765	$352,929	$243,470	$313,873
99%-120% AMI	$83,700	$100,440	$399,643	$489,078	$352,929	$431,903	$313,873	$384,107

Source: American Community Survey, 2019

Interest rates will have a significant impact on home price ranges and should be considered as the city plans for future growth. The city should monitor interest rate increases over the coming years to mitigate impacts to Provo residents due to rising interest rates.

To calculate affordability levels into price appropriate rental rates, it was assumed that households would pay rental costs no larger than 30% of their monthly income and that rent would be paid on a monthly basis. Table 4 illustrates rental price ranges that are attainable to households at the varying AMI thresholds.

Table 4: Attainable Rental Rate Ranges by AMI Categories (2021)

INCOME LEVEL			RENTAL PRICE RANGE	
	LOW RANGE	HIGH RANGE	LOW RANGE	HIGH RANGE
<30% AMI	$-	$26,500	$-	$663
30%-49% AMI	$26,500	$41,850	$663	$1,046
50%-79% AMI	$41,850	$66,950	$1,046	$1,674
80%-99% AMI	$66,950	$83,700	$1,674	$2,093
99%-120% AMI	$83,700	$100,440	$2,093	$2,511

Source: American Community Survey, 2019

Current Housing Stock

Single- and Multi-family Housing

Based on the 2019 ACS five-year estimates, Provo has a total of 35,107 housing units. In the following table, we break down these units into three categories: single-family units, multi-family units and mobile homes. More than half (52%) of Provo housing stock is classified as single-family homes, 46% is classified as multi-family housing, and 2% is classified as mobile homes. A detailed definition of housing by classification can be found in the appendix.

Single family homes are defined by the U.S. census bureau as “fully detached, semi-detached, semi-attached, side-by-side, row houses, and townhouses.” At 52%, or 18,066 units, just over half of Provo’s total housing stock consists of single-family homes. This is significantly lower than the county and state, in which single-family homes comprise 75% of all housing.

Multi-family homes are defined by the U.S. census bureau as “Residential buildings containing units built one on top of another and those built side-by-side which do not have a ground-to-roof wall and/or have common facilities (i.e., attic, basement, heating plant, plumbing, etc.).” At 46%, or 16,499 units, Provo has significantly more multifamily units as proportion of total housing than both the county and state. The

high proportion and sustained demand for multi-family units is likely due in part to Provo's younger population of students' and young families' desires for more affordable housing options.

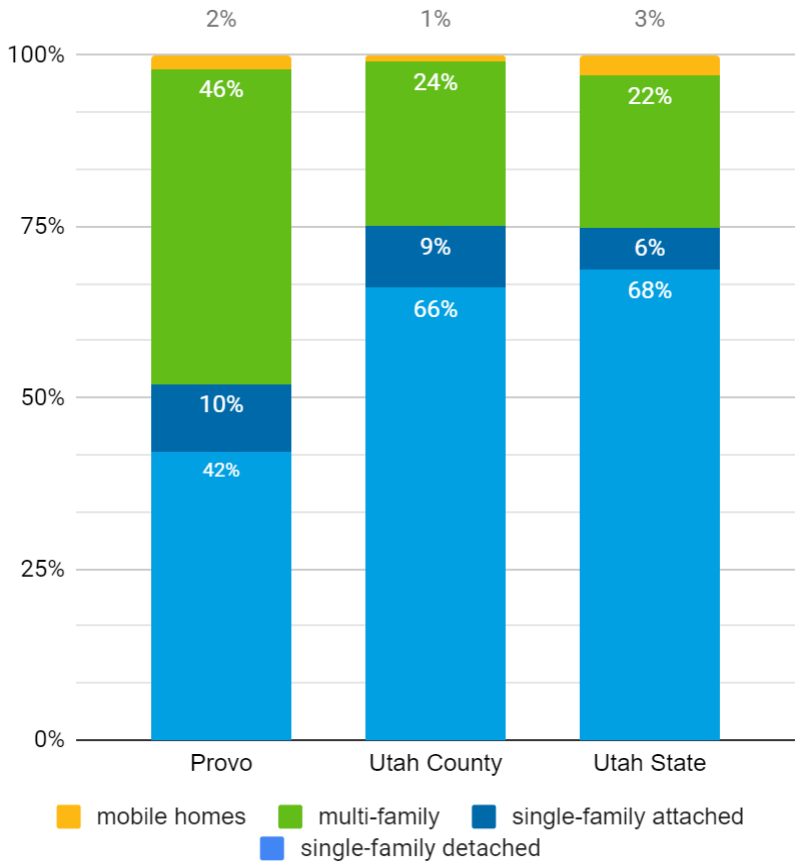
Accessory Dwelling Units

Accessory Dwelling Units (ADUS) can improve housing attainability by increasing the number of residences through infill development. They can improve housing affordability by providing additional moderate-income rental units depending on the rent and also by making the property more affordable for the owners as the additional rental income can defray home ownership costs. As of August 2022, Provo has 440 approved ADUs, although many more unregistered units likely exist across the city.

Mobile Homes

Currently, Provo allows HUD approved mobile homes on any single-family dwelling lot within the city. Additionally, Provo also has a specific zoning designation that allows for the creation of mobile home parks and even subdivisions for only mobile homes. With 542 units, or 2% of all housing stock, Provo has a higher proportion of mobile homes than the county, but a lower proportion than the state (Graph 1).

Graph 1: Existing Housing Inventory by Type



Source: American Community Survey, 2019

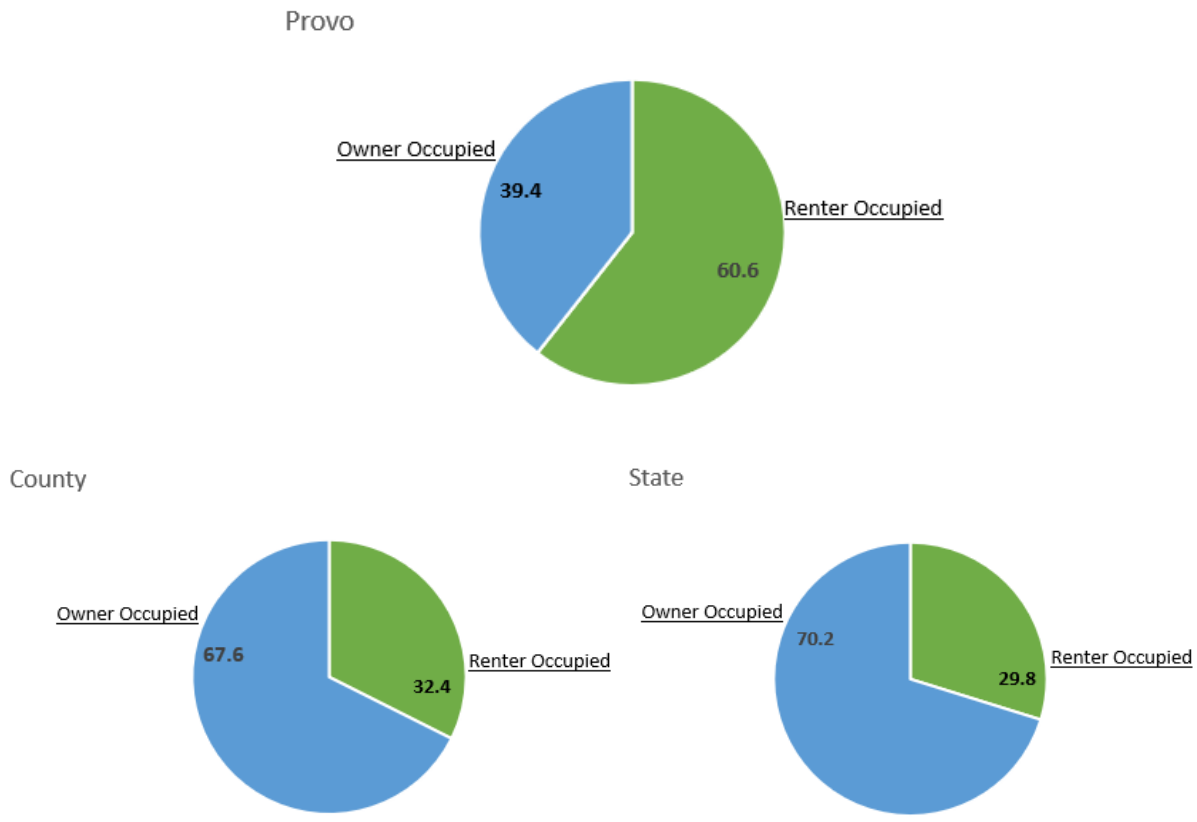
Total Occupied Units

Of Provo's total unit count of 35,107 units, 94.2%, or 33,061 units are occupied. This is lower than the county's occupancy rate of 95.3% but higher than the state's occupancy rate of 89.9%. Provo's high occupancy rate can be interpreted to mean that housing units are being absorbed by the market as they become vacant or are built.

Housing Tenancy and Occupancy Breakdown

Provo has a drastically lower proportion of owner-occupied units than both the county and state (Graph 2). Based on data from 2019 ACS 5-Year estimates, 39.4% of Provo's housing units are owner occupied, significantly lower than owner occupied units at the county (67.6%), and state level (70.2%). Inversely, Provo has a higher renter population than both the county and the state, likely due to the high number of students living within the city. As of 2020, 60.6% of Provo's housing units are renter occupied, substantially higher than renter occupied units at the county (32.4%) and state level (29.8%).

Graph 2: Existing Housing Inventory by Type



Source: American Community Survey, 2019

Housing Units by Number of Bedrooms

Like price-appropriate housing, the number of available bedrooms within an area's housing stock is also critically important. At 66%, Provo has more one-, two- and three-bedroom units than both the county (49.4%) and state (55.8%), likely because of its large student population. However, the city has fewer four- and five-bedroom units—just 30% of Provo's housing stock. With too few large units available, larger households may be forced to look elsewhere or to accept sub-optimal housing.

While Provo has more one-, two- and three-bedroom units, the city has less than both the county and state with regards to four- and five-bedroom dwelling units (Table 5). In total, 30.3% of Provo's dwelling units consist of four- and five-bedroom units, while four- and five-bedroom units make up 49.1 % of the county's housing stock and 42.3% of the state's housing stock.

Table 5: Housing Inventory by Number of Bedrooms

# OF BEDROOMS	PROVO	UTAH COUNTY	UTAH STATE
0 bedrooms	3.5%	1.4%	1.9%
1 bedroom	11.3%	4.7%	7.1%
2 bedrooms	28.1%	16.8%	19.4%
3 bedrooms	26.8%	27.9%	29.3%
4 bedrooms	17.4%	21.5%	22.1%
5+ bedrooms	12.9%	27.6%	20.2%

Source: American Community Survey, 2019

Housing Units by Age

Provo's housing stock is mostly older, with 75% of all housing units having been built between 1960 and 2009 (Table 6). The age of housing units within Provo is similar to that of the county and state, where the majority of housing units were also built between 1960 and 2009. In contrast to the county and state, however, Provo has seen minimal new construction of units since 2010, with only 4.6% of units developed in the past 11 years. Both the county and state have seen a larger number of units developed recently, with 14.2% of units in the county and 9.7% of units in the state developed within the past 11 years.

As a result of Provo's aging housing stock, units within the city may require a greater amount of recurring maintenance and upkeep, generally placing a greater financial burden on the owner of the property.

Table 6: Housing Inventory by Year Built

YEAR BUILT	PROVO	UTAH COUNTY	UTAH STATE
2014 or later	2.3%	8.1%	4.9%
2010-2013	2.3%	6.1%	4.8%
2000-2009	11.8%	26.0%	20.2%
1990-1999	21.1%	19.3%	17.5%
1980-1989	14.3%	9.3%	12.4%
1970-1979	17.7%	13.6%	16.0%
1960-1969	10.4%	5.1%	7.0%
1950-1959	7.6%	5.4%	6.9%
1940-1949	5.1%	3.0%	3.4%
1939 or earlier	7.3%	4.3%	7.0%

Source: American Community Survey, 2019

Median Sale Value and Affordability

Home sale prices in Provo have rapidly increased over the past several years. Based on data compiled in January and February 2021, the median sales price for a home in Provo is $449,000, which is nearly twice the affordable threshold of $273,765 (assuming a 4% mortgage interest rate) for a family of four. Even at 120% of the area median income, that same family of four could not comfortably afford that home price. Instead, this family might be forced to live outside of Provo or settle for suboptimal housing within the city. The same applies to current residents looking to change location within Provo or to increase or decrease their home size.

Rapidly increasing home values can also have negative effects on resident's ability to pay property taxes on their homes. In cases where residents have paid off their homes and/or are living on a fixed income, increases to property taxes can sometimes create financial burdens and situations in which they cannot afford the taxes on their homes.

Table 7 illustrates the distribution of sale value for Provo's owner-occupied housing units. This data is based off housing sales recorded in Provo during January and February of 2021. Housing units valued between $300,000-$400,000 and $400,000-$500,000 are most prevalent in Provo at 29.4% and 29.2% of all sales respectively. In total, only 2.8% of all units sold were at or below the affordability threshold of $273,765 for a family of four.

Table 7: Distribution of Sale Value for Provo's Owner-occupied Housing Units, Jan-Feb 2021

HOME VALUE	# OF SALES	% OF SALES	CUMULATIVE %
<$200K	5	0.6%	0.6%
$200k-$249k	7	0.8%	1.4%
$250k-$299k	38	4.5%	5.9%
$300k-$349k	92	10.9%	16.8%
$350k-$399k	156	18.5%	35.3%
$400k-$449k	136	16.1%	51.5%
$450k-$499k	110	13.0%	64.5%
$500k-599k	124	14.7%	79.2%
$600k-$699k	68	8.1%	87.3%
$700k-$799k	47	5.6%	92.9%
$800k-$899k	23	2.7%	95.6%
$900k-$999k	10	1.2%	96.8%
$1m-$1.4m	20	2.4%	99.2%
$1.5m-$1.9m	3	0.4%	99.5%
>$2.5m	4	0.5%	100.0%
TOTAL	**843**	**100.0%**	

Current Moderate-income Housing Availability and Need

The data sets needed to provide the information for this section have serious holes or are not yet available. Staff and DesignWorkshop, the consultants, have worked to find the best numbers available. Future updates should compare more accurate, recent population data against a longer timeframe of home prices.

Housing Supply & Availability for Targeted Income Groups

As of 2019, an estimated 23,153 of Provo's 34,454 households (67%) fell within targeted income groups for affordable and moderate-income housing. Based on sales data compiled during January and February

of 2021, only 5.9% of houses sold were in the affordability range of households making 80% of AMI, while 0.6% of houses sold were in the affordability range of households making 50% of AMI. No houses sold during January and February of 2021 were in the affordability range of households making 30% of AMI.

Households that are unable to, or uninterested in, purchasing a home often look towards the rental housing market for their housing options. However, rental housing in Provo faces similar affordability challenges as for-sale housing. Table 8 illustrates the number of rental households at varying income brackets of AMI as well as an approximation of the number of available rental units at the corresponding rental rate. Currently, there exists a shortage of price appropriate units at both the high- and low-end of the market. For households making below 30% of AMI there is a unit deficit of approximately 3,377 units, while households making 80% to 120% of AMI have a unit deficit of approximately 2,510 units.

Table 8: Availability of Rental Housing by AMI Category

INCOME LEVEL	RENTAL HOUSEHOLDS WITHIN INCOME RANGE	RENTAL PRICE RANGE	APPROX AVAILABLE UNITS WITHIN PRICE RANGE	UNIT SURPLUS/ SHORTAGE
<30% AMI	5,600	$0-$662	2223	-3,377
30%-49% AMI	4,560	$663-$1,045	8538	+3,978
50%-79% AMI	4,250	$1,046-$1,673	4663	+413
80%-99% AMI	5,559	$1,674-$2,511	3049	-2,510

Source: American Community Survey, 2019

Housing Supply and Availability for Other Targeted Groups

Special needs housing includes housing for the elderly, veterans, those with disabilities, and the homeless. The following paragraphs give further details regarding housing for those groups.

Elderly Housing and Housing for Those with Disabilities

According to real-time data collected from CoStar, Provo has 53 housing developments targeted toward senior occupancy as well as a number of elderly care facilities. Since the 2010 U.S. Census, eight new assisted care and senior facilities have been developed. As Provo's population continues to age, the need for senior care facilities and assisted living developments will continue to rise. The city should continue to monitor these groups to ensure appropriate housing is available for those who may need assistance.

Housing for Veterans

Currently, Provo City does not have any housing units built specifically to address the needs of veterans. Although the percentage of veterans in Provo is relatively low, their needs need to be understood and addressed as needed.

Housing for Those Experiencing Homelessness (Transitional Housing and Shelters)

Provo City and other consortium cities partner with the Mountainland Continuum of Care and its partner agencies to provide emergency shelter needs.

The only shelter in Provo is provided by the Food and Care Coalition. That organization is in the process of building a number of individual shelter units for families. Additionally, the Provo City Housing Authority is working to provide additional transitional housing, utilizing renovated motel units where possible. Provo also currently provides CDBG funding to support the efforts to reach out to unsheltered individuals and assess their needs.

Five- and Ten-Year Projected Population Increases

Population Projections

Using baseline population projections from the ESRI and the Mountainland Association of Governments (MAG), low, medium, and high population projections were calculated for Provo. The medium projection acts as the baseline population projection as defined by ESRI and the Mountainland Association of Governments. To account for lower-than-normal population growth, a multiplier of 0.75 was used to adjust baseline projections to account for lower than anticipated growth rates. To account for higher-than-normal population growth, a multiplier of 1.25 was used to adjust baseline projections to account for higher than anticipated growth rates. It is assumed that population counts performed by MAG are underestimated. As a result, for the purpose of planning the projected high population growth levels should be used. Table 9 illustrates the low, medium, and high 5- and 10-year population projections for Provo.

Table 8: Five- and Ten-year Population Growth Projections

GROWTH LEVEL	YEAR			
	2010	2020	2026	2030
low	110,201	116,616	132,623	135,821
medium (baseline)	110,201	116,616	137,958	142,223
high	110,201	116,616	143,294	148,625

Source: ESRI, MAG

Population Projections within Targeted Income Levels

Using the low, medium, and high population projections and the assumption that the distribution of household income and household size would remain constant, new projections for the percentage of households that will fall within targeted income levels over the next five and ten years were calculated.

Tables 10 and 11 illustrate the breakdown of households by income level for 2026 and 2030, respectively (not adjusted for inflation).

Table 10: 2026 Pop. Projections by Income Range

INCOME RANGE	LOW	MEDIUM	HIGH
>$10k	1,696	1,764	1,837
$10k-$14.9k	2,087	2,171	2,260
$15k-$24.9k	5,870	6,106	6,357
$25k-$34.9k	5,261	6,473	5,698
$35k-$49.9k	5,783	6,016	6,263
$50k-$74.9k	8,523	8,865	9,230
$75k-$99.9k	6,131	6,378	6,640
$100k-$149.9k	4,479	4,659	4,850
$150k-$199.9k	1,696	1,764	1,837
>$200k	1,957	2,035	2,119
TOTAL	**43,483**	**45,232**	**47,090**

Source: ESRI, MAG

Table 11: 2030 Pop. Projections by Income Range

INCOME RANGE	LOW	MEDIUM	HIGH
>$10k	1,737	1,819	1,900
$10k-$14.9k	2,138	2,238	2,339
$15k-$24.9k	6,012	6,298	6,578
$25k-$34.9k	5,388	5,642	5,896
$35k-$49.9k	5,923	6,202	6,481
$50k-$74.9k	8,728	9,140	9,551
$75k-$99.9k	6,219	6,575	6,871
$100k-$149.9k	4,587	4,803	5,019
$150k-$199.9k	1,737	1,819	1,900
>$200k	2,004	2,098	2,193
TOTAL	**44,531**	**46,630**	**48,730**

Source: ESRI, MAG

Forecast of Moderate-income Housing Need

Affordable Housing Projected Need by Population Increase

Using 2026 and 2030 projected household income ranges, the number of households falling within the target groups of 30%, 50%, and 80% of AMI were calculated. These updated numbers were measured against the number of anticipated units falling within affordable for-sale and for-rent price ranges. The number of for sale housing units by price were calculated using 2019 ACS Home Value Estimates, the most recent accurate data available.

To project increases to for-sale and for-rent housing stock for 2026 and 2030, 5-year projected unit increases calculated by ESRI were applied to the baseline 2020 housing units for Provo calculated using 2019 ACS 5-year estimates. Tables 12 and 13 illustrate the projected the number of households falling within the target groups of 30%, 50%, and 80% of AMI assuming baseline population projections as defined by ESRI and MAG, along with the additional for-rent and for-sale housing units needed to meet demand. It does not take into account external constraints like land availability, public attitudes toward

housing in a given area, etc., which can be difficult to anticipate due to their dependence on several different factors.

Both 2026 and 2030 projections indicate that increases in the number of households falling within the target groups of 30%, 50%, and 80% of AMI are anticipated to outpace the increase in for-rent and for-sale housing units available. In 2026, a deficit of 6,400 housing units is projected, while in 2030 a deficit of 5,660 units is projected. In order to mitigate future affordable and moderate incoming housing shortages, Provo must take a proactive approach to working with the development community in order to develop price and unit appropriate housing that can accommodate the City's rapidly growing population.

Table 12: 2026 Pop. Projections by Income Range

INCOME LEVEL	INCOME RANGE	# OF HOUSEHOLDS IN RANGE	# OF FOR-SALE UNITS AVAILABLE IN RANGE	# OF FOR-RENT UNITS AVAILABLE IN RANGE	UNIT SURPLUS/ SHORTAGE
<30% AMI	<$25,320	10,042	539	2,482	-7,020
30%-49% AMI	$25,320-$42,199	11,489	1,005	9,636	-848
50%-79% AMI	$42,200-$67,520	8,865	5,322	4,712	1,468
TOTAL		**30,396**	**7,166**	**16,830**	**-6,400**

Source: ESRI, MAG

Table 13: 2030 Pop. Projections by Income Range

INCOME LEVEL	INCOME RANGE	# OF HOUSEHOLDS IN RANGE	# OF FOR-SALE UNITS AVAILABLE IN RANGE	# OF FOR-RENT UNITS AVAILABLE IN RANGE	UNIT SURPLUS/ SHORTAGE
<30% AMI	<$25,320	10,352	577	2656	-7119
30%-49% AMI	$25,320-$42,199	11,844	1,075	10,311	-458
50%-79% AMI	$42,200-$67,520	9,140	6,106	5,041	1918
TOTAL		**31,336**	**7,668**	**18,008**	**-5660**

Source: ESRI, MAG

Regulatory Environment

Land Use and Zoning Regulations

Density Allowances

Several of Provo's zoning districts allow what would be considered very high density when compared to most jurisdictions in Utah. In fact, some zoning districts such as the Downtown zones (DT1, DT2), the Interim Transit Oriented Development (ITOD) zone, the West Gateway (WG), and the Downtown Gateway (GW) do not have a density limitation. Additionally, the Downtown and ITOD zones have allowances for reduced parking standards. Several Low-income Housing Tax Credit (LIHTC) projects have been developed within these zones.

Some recent projects within the DT1 zone have even realized densities of up to 100 units per acre. Other higher density zones include the Campus High Density Zone (CHDR) that allows up to 80 units per acres, the High Density Residential (HDR) zone that allows up to 50 units per acres, the Medium Density Residential (MDR) zone that allows up to 30 units per acre, and the Low Density Residential (LDR) zone that allows up to 12 units per acre.

Allowance for Mixed-Use Projects

Provo is continuing to develop and adopt new codes that allow increased moderate-income development options throughout the city through allowances for a variety of housing types, including townhomes, cluster developments, and apartments. Provo's code also allows residential uses as mixed-uses with commercial projects in a number of zones, most recently added as an allowance in the Regional Commercial Shopping (SC-3) zone. In 2022, Provo adopted a new Mixed-Use (MU) zone.

Allowances for Accessory Dwelling Units

Provo's zoning code has allowed accessory dwelling units (ADUs) for many years and in many areas of the city. A further allowance was recently approved that now allows for detached accessory units. Additionally, to ease mortgage and other housing costs, residents over the age of 65 are allowed to rent a portion of their home to two people as a by-right allowance.

Development Fees and Other Governmental Costs

To speed both the review and permitting process, Provo City has recently created a "one-stop shop" within the Development Services Department that includes city staff from a variety of departments. Under this setup, plans can be reviewed more quickly and decisions made more expeditiously to save developers time and money.

Provo City allows a review and reduction of development and building permit fees. Additionally, the City, through its Redevelopment Agency, has worked to consolidate properties and provide land at a reduced cost to further reduce development expenses for projects that help the city accomplish certain economic and housing goals.

Recognizing and Addressing Fair Housing

Barriers to fair housing come from a variety of sources. In February 2015, a study on impediments was completed by James A. Wood for the Provo Redevelopment Agency. The resulting "Analysis of Impediments to Fair Housing Choice: Provo City and Utah County", was funded by a grant provided to develop a Regional Analysis of Impediments (RAI) for each of the four counties along the Wasatch Front and was supported and informed by HUD's required Fair Housing and Equity Assessment (FHEA). The study identified 10 principal impediments to Fair Housing:

1. Segregation due to concentrations of affordable housing: NIMBY-ism, zoning, and land prices
2. Concentration of tax credit and rent-assisted apartment communities
3. Concentration of rental units limits housing choice for HUD voucher holders
4. Vague and outdated housing plans
5. Availability of rental units for large families
6. Language access plans fundamental to housing discrimination complaint process and information
7. High cost of housing development at TOD's impedes development of affordable housing
8. Hispanic denial rates for mortgage loans indicate possible impediment to fair housing
9. Housing and disabled individuals
10. Concentration of low-income minorities in Provo impedes housing choice as well as opportunity

Although Provo has worked to recognize and remove barriers to fair housing, most of the impediments on the list above still present problems for disadvantaged residents.

Implementation Table

This implementation table spread across on the following three pages includes all of Provo City's housing goals and gives a more complete picture of how Provo plans to expand its housing stock. Although the majority of the goals are anticipated to help alleviate the pressures on moderate-income housing, the table includes other housing goals.

UCA 10-9a-403(2)(b) requires cities to include several of the listed goals to improve access to moderate-income housing with additional goals for cities that meet certain criteria, including Provo. The table below gives code references for those lists of goals and identifies how many of each are included in the housing goals of the Provo City General Plan. As of 2022, the City already implements seven of the goals (A, E, F, G, H, I, and O), but those goals might appear again in the General Plan to remind city staff of their ongoing importance. Goals that meet requirements have comments in the "Notes" column showing the reference to which code requirements they meet.

CODE REFERENCE	NUMBER OF GOALS TO CHOOSE FROM	NUMBER OF GOALS REQUIRED	NUMBER OF GOALS ALREADY MET	NUMBER OF GOALS IN PROVO'S GENERAL PLAN (might also be already met)
UCA 10-9a-403(2)(b)	24	3	7	5
10-9a-403(2)(b)(iv)(B)	3	1	2	3
10-9a-403(2)(b)(iv)(A)	1	1	0	1

	LAUNCH	COST	TIMING	RESPONSIBILITY		NOTES
	Action	$-$$$	Short, Mid, Long	Lead	Partner	Additional Considerations
1. Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs.						
1a. Encourage opportunities for small scale, infill housing development.	Revise zoning code and ordinances	$$	Short	Development Services, Council	Development Community	Education on the reason for these types of changes
1b. Revise regulations to encourage development of a mix of housing types.	Revise zoning code	$$	Short	Development Services, Council		Education on the reason for these types of changes

1c. Revise zoning in certain locations to promote Accessory Dwelling Units in residential areas.	Revise zoning code	$$	Short	Development Services, Council		Review regulations for units under 300 square feet; review off-street parking requirements 1 of 24 required by UCA 10-9a-403(2)(b)
1d. Identify a program in conjunction with the universities to monitor student housing quality and rental regulations.	Rental regulation program; education initiative about renting laws and eviction process	$$	Short			Establish a Quality Housing Alliance with the City, landlords, and universities to monitor housing conditions and rental regulations
1e. Encourage more options for entry level housing including smaller lots and mixed housing, as well as smaller unit sizes including studios and apartments.	Code audit and housing assessment	$$	Mid to Long	Development Services, Council	Development Community	
2. Strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways.						
2a. Promote housing that is attainable for all income levels.	Code audit and housing assessment	$-$$$	Long	Development Services, Council	Development Community	Explore zoning for manufactured homes and tiny home villages to luxury condos and townhomes; protect existing mobile home parks
2b. Promote non-traditional approaches to high-end housing.	Research case studies	$-$$$	Short	Development Services, Council	Development Community	
2c. Promote “affordability through design” by utilizing best practices to optimize efficiency in building and land use.	Research case studies and implement best practices	$-$$$	Short	Development Services, Council	Development Community	
2d. Identify key locations where attainable housing is needed and utilize best practices such as deed restrictions and HUD housing programs to provide below market rate housing.	Update Neighborhood Plans to support these concepts	$	Short	Development Services, Council	Development Community	Continue to work through CDBG and HOME grants

2e. Identify opportunities for and invest in the rehabilitation of existing uninhabitable housing stock into moderate-income housing.						1 of 24 required by UCA 10-9a-403(2)(b)
2f. Expand on strategies and specific opportunities in a future housing study.	Code audit and housing assessment	$	Short	Development Services, Council	Consultant	
3. Facilitate the accessibility and affordability of moderate-income housing.						
3a. Continue to implement land use regulations to allow for higher density or new moderate-income residential development in commercial or mixed-use zones near major transit investment corridors	Code audit and housing assessment, Station Area Plans	$-$$$	Short to Mid	Development Services, Council	Development Community	1 of 3 required by UCA 10-9a-403(2)(b)(iv)(B)
3b. Continue to permit the elimination or reduction of parking requirements for residential developments where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.	Code audit, Station Area Plans	$-$$$	Short to Mid	Development Services, Council	Development Community	Consider reductions for ADUs near transit as well 1 of 3 required by UCA 10-9a-403(2)(b)(iv)(B)
3c. Consider creating a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, especially in areas along planned transit developments.	Identify areas that would benefit from a housing and transit reinvestment zone	$-$$	Mid to Long	Development Services, Council	Development Community, UTA	1 of 3 required by UCA 10-9a-403(2)(b)(iv)(B)
3d. Create zoning incentives for moderate income units in new developments.	Consider variances (height, density, etc.)					1 of 24 required by UCA 10-9a-403(2)(b)

3e. Investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.						1 of 24 required by UCA 10-9a-403(2)(b)
3f. Where possible, use General Fund subsidies or other sources of revenue to waive construction-related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate-income housing.						1 of 24 required by UCA 10-9a-403(2)(b)
4. Develop and adopt station area plans.						
4a. Develop and adopt station area plans in accordance with Utah State Code Section 10-9a-403.1.	Coordinate with MAG	$	Short	Development Services, Council	MAG, UTA	In progress as of August 2022; staff have secured a grant for $175k Required by UCA 10-9a-403(2)(b)(iv)(A)