PROVO MUNICIPAL COUNCIL

Work Meeting

1:00 PM, Tuesday, October 04, 2022
Council Chambers (Room 100)
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

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: October 04 Work Meeting: Dial 346-248-7799. Enter Meeting ID 854 5634 8859 **and press #. When asked for a participant ID, press #.**

Agenda

Roll Call

Prayer

Approval of Minutes

August 9, 2022 Work Meeting
September 22, 2022 Joint Meeting with Provo School District

Business

1. An ordinance amending the General Plan Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP). Lakeview North Neighborhood. (PLGPA20220182)

2. An ordinance amending the zone map classification of approx. 15.73 acres, generally located at 1878 N and 1804 N Geneva Road, from Residential (R1.20) to Very Low Density Residential (VLDR) zone. Lakeview North Neighborhood. (PLGPA20220182)

3. An ordinance amending the Regional Shopping Center (SC3) zone to allow Animal Hospital Services as permitted use. Citywide application. (PLOTA20220274)

4. An ordinance approving a petition to vacate an undeveloped public street near the Springville boundary and approving a plat amendment and property exchange in order to facilitate the development of a new, adjacent public street. (22-042)

5. A discussion regarding a proposed Timpanogos Golf Club Transfer (22-074)

6. A presentation regarding an update on the Provo River Delta Restoration from the Utah Reclamation Mitigation and Conservation Commission (22-071)

7. A discussion and update from the Natural Resources Committee regarding water conservation. (22-075)

8. A presentation regarding towing ordinances (22-076)

9. An ordinance amending Provo City Code Section 4.01.010 regarding the process for making appointments to the civil service commission to align with state code. (22-009)

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
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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 18, 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.

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

12:30 PM, Tuesday, August 09, 2022
Hybrid meeting: youtube.com/provocitycouncil or 351 W. Center Street, Provo, UT 84601

Agenda

Roll Call

The following elected officials participated

Council Vice-chair George Handley, conducting
Council Chair Travis Hoban
Councilor Katrice MacKay
Councilor David Shipley
Councilor Rachel Whipple
Councilor Bill Fillmore, arrived 12:52 PM
Councilor Shannon Ellsworth, arrived 12:55 PM

Excused: Mayor Michelle Kaufusi

Prayer

Elizabeth VanDerwerken offered the prayer.

Approval of Minutes

July 12, 2022 Council Meeting
Approved by unanimous consent.

Business

1. **A request for approval of a General Plan Map Amendment to Appendix C6, in relation to adjustments of development standards in the SDP-5 (Villages at Celebration Specific Development Plan Overlay) zone. Lakeview North Neighborhood (PLGPA20220207) (0:17:51)**

2. **A request for approval of Ordinance Text Amendments to Chapter 14.49E, City Code, to adjust development standards in the SDP-5 (Villages at Celebration Specific Dev. Plan Overlay) zone and to amend the related Development Agreement. Lakeview North Neighborhood (PLOTA20220107) (0:17:51)**

Aaron Ardmore, Planner, presented items 1 and 2 together. These two applications are related to the Broadview Shores project in west Provo. The code amendment is intended to modernize the

code for the zone to allow more opportunities for the rest of this development. The general plan map amendment would amend the map in Appendix C6 of the general plan to reflect the actual development of the area that has taken place in the surrounding area.

Councilor David Shipley asked if this updated proposal would include additional units beyond what was originally approved. Mr. Ardmore indicated that there would not be any additional units, simply a shifting of the concentration of some of the units. Mr. Shipley asked if there was a commercial element with the original proposal. Mr. Ardmore explained that yes, a commercial component was part of the original plan; the original proposal had the commercial component placed next to Geneva Road, but with the development of Lakeview Parkway it is being shifted to be more accessible from Lakeview Parkway.

Councilor Katrice MacKay asked for clarification about the total unit count; Mr. Ardmore explained that Appendix C6 and the development agreement solidified that unit count at 1600, so they would not be able to build above that. She asked how this project plays into the unit count density for the west side. Ms. MacKay also asked about HOAs and whether single-family homes would be combined with townhomes or if they would be kept separate (since townhome HOAs pay for roof replacement and other maintenance of connected units). Mr. Ardmore indicated a representative from Ivory Homes could speak to this question at the Council Meeting that evening. In response to another question about parking, Mr. Ardmore indicated that there was no reduction in required parking for the project. ***Presentation only. These items were already scheduled for the Council Meeting on August 9, 2022.***

3. A request for approval of a Zone Map Amendment from the Res. Conservation (RC) zone to the Low Density Residential (LDR) zone to build a new one-family dwelling with an accessory apartment, located at 769 W 200 N. Dixon Neighborhood (PLRZ20210338) (0:24:18)

Aaron Ardmore, Planner, presented. This is an infill development proposal to use the Low-Density Residential zone to make better use of a deep lot. The developer has proffered a development agreement to lock in this concept. None of the Councilors had any questions regarding the proposal. ***Presentation only. This item was already scheduled for the Council Meeting on August 9, 2022.***

4. A presentation on a study of the potential use of alternative fuel source vehicles in Provo City's fleet. (22-064) (0:25:12)

Mark Eyo, Council Intern, presented. He outlined his research, highlighting direct costs (including things like fuel and maintenance costs) and indirect costs (including fueling and charging time, greenhouse gas emissions, and time costs). Gas vehicles have the lowest retail costs but have the most expensive maintenance costs over 5 years. Warren Merritt, Fleet Manager, explained that with newer vehicles, some of this data was made up of estimates based on market research. For fueling and charging costs, gas vehicles are the most expensive over 5 years, while hybrid vehicles are the cheapest in this respect. For the average life of vehicles, gas vehicles last the most miles and years, while electric or hybrid vehicles last about 7 years before the first battery replacement. Mr. Eyo outlined further data bout fueling and charging time.

Councilor George Handley asked about the difference between the different levels of electric vehicle chargers. Shane Winters, City Engineer, explained the difference between the various levels. He indicated there are some vehicle charging stations at several city facilities, but if the City moved to having more electric vehicles in its fleet, they would need more charging stations. In response to a question from Mr. Handley about incentives for purchasing electric vehicles, Mr. Winters indicated that the City's vehicles are purchased under state contract and do not come with the same incentives as regular retail vehicle purchases. Mr. Eyo reviewed the report appendix with additional info.

Councilor David Shipley shared comments on his research about other cities. He was interested in exploring how cities or other non-profits could get access to the purchase credits for the vehicles, as those savings might make the electric vehicle purchases more feasible. In response to a question from Councilor Shannon Ellsworth, Mr. Handley indicated this report was a follow-up from a question in a Work Meeting about the Council's policy on alternative fuel vehicles.

In response to a question from Councilor Rachel Whipple, Mr. Eyo indicated that the maintenance costs included battery replacement for electric vehicles. Ms. Whipple was not sure how greenhouse gas emissions and indirect costs were weighted; she indicated those may not have a direct financial benefit but reducing emissions in Provo would have an immediate impact on air quality. Mr. Handley suggested the Natural Resources Committee continue to look into this subject. Councilor Bill Fillmore thought these findings were interesting and he wondered when hydrogen cell vehicles be available. Mr. Eyo said there were limited models but he could do more research on their availability and the pricing of chargers. ***Presentation only.***

5. A presentation regarding the "Safe Streets For All" grant opportunity-Background and Discussion. (22-065) (0:52:07)

Dave Decker, Public Works Director, and Rob Hunter, Engineer, presented. Mr. Decker wanted to clarify some of the intentions of bringing this item to the Council. There are some specific qualifications for the grant application that require Council action. The biggest concern as Public Works Director, that he wanted to make sure the Council understood, is that they will be referring to the Transportation Master Plan (TMP), but the matter at hand was simply this appendix to the plan that is a component of their grant application. Mr. Hunter continued. The Safe Streets For All (SS4A) grant is a program that has come out of the bipartisan infrastructure law passed in Washington. The grant will award $5 billion dollars over 5 years ($1 billion each year), with a 20% local match required for regional and local governments that receive the grants. There are two tracks for the grant application and Public Works is submitting a project grant application. Grants will be awarded in amounts of $5 million to $30 million, so Public Works is looking at large-scale projects which would meet that minimum requirement and best meet the priorities of this grant funding, which places a focus on street safety issues. Mr. Hunter outlined a timeline of the grant application process and Public Works' internal review process.

Councilor Shannon Ellsworth asked if the TMP already had a chapter on safety. Mr. Hunter indicated the plan did not have an existing component that would meet the grant eligibility requirement of a Safety Action Plan, although there is a chapter in it on safety which identifies

several smaller projects. Their plan is to add the Safety Action Plan as an appendix to the TMP. One of the grant requirements is that they utilize Safety Action Plan, which identify specific policies, timelines, and strategies to carry out this vision of safety in the community. Councilor Bill Fillmore asked if they had a sense of what projects they might submit for the application. Mr. Hunter indicated that additional analysis is needed, but 200 West (Freedom Boulevard) and 900 East are two corridors with higher counts of serious crashes—this data is important to the grant, which focuses on long-term solutions that address safety for all users. Councilor Katrice MacKay asked if safety of sidewalks around schools was an eligible use for funds. Mr. Hunter indicated that sidewalks are one of the specific things they can use funds for. They would still need to do additional analysis of crash data to demonstrate specific safety problems.

Councilor Rachel Whipple asked if they considered projects in the Bicycle Master Plan. Mr. Hunter said they will look primarily at previously proposed solutions that could address existing problems. Ms. Whipple also asked if Provo could address UDOT streets with the grant; Mr. Hunter said this was an option and would require UDOT's involvement. Regarding the viaduct, Mr. Hunter said they had been working with UDOT separately about that specific issue and looking into other possible grant funding opportunities. Regarding the danger of these rail crossings, Mr. Hunter said there were other grant programs, such as from the Freight Rail Association, which they could look for building grade-separated crossings for some of those railway crossings in the City. In response to an idea about lowering speed limits, Mr. Hunter said it was an inexpensive solution, but they did not have data that demonstrated whether it made a significant difference for safety—there may be other traffic calming measures that were more appropriate or impactful. In response to a question from Ms. MacKay, Mr. Hunter indicated he would need to check with UDOT on whether they would contribute part of the matching funds in the event that a project included a state road. He also indicated this grant funding came out of the bipartisan infrastructure bill that Congress passed last year.

He highlighted elements of the Safety Action Plan:

- Analysis of existing conditions and historic trends for fatal or serious injury crashes
- Data on crash locations, severity, contributing factors, and crash types
- Analysis of systemic and specific safety needs (high risk road features)
- Mapping of high-risk locations
- List of projects and strategies, prioritization, and time ranges
- Updated crash data analysis from 2019-2021
- Vision Zero commitment (eventual goal of zero roadway fatalities and serious injury)
- Measurement criteria to monitor progress
- Assessment of current policies, guidelines, etc. and discussion of needed revisions

They will publish the Safety Action Plan online as an appendix to the TMP and have proposed assigning the Transportation & Mobility Advisory Committee to monitor its implementation and upkeep. Mr. Hunter shared some examples of vision zero statements done by other entities. Councilor George Handley asked about safety issues in the Joaquin area around BYU. Mr. Hunter shared some ideas on how they could collaborate with students and BYU. Ms. Ellsworth said one of Provo's successes was having citizens committed to pedestrian and bicycle safety. She suggested involving BikeWalk Provo as there is a lot of community support.

Ms. Whipple asked if there were any economic considerations—improving the safety of Freedom Boulevard would also probably make the area more attractive for redevelopment. Mr. Hunter did not think this grant specifically addressed that, but other community advocates have referred to issues with 300 North. Mr. Handley thanked Public Works staff and said the Council will look forward to future presentations and discussions. ***Presentation only. This item will be scheduled at the August 23, 2022 Work Meeting and September 6, 2022 Council Meeting.***

6. A presentation on Community Development Block Grants (CDBG) programming and processes. (22-038) (1:49:12)

Melissa McNalley, Community Grant Administrator, presented. Their division oversees 2 grants from HUD: HOME Investment partnerships grant and CDBG, which they will present today. She played a short video on how CDBG works. Provo is an entitlement city, which means Provo can set its own goals and receives funds from HUD every year. In 2020, that was the last time Provo did a consolidated plan. Throughout the presentation, Councilors asked questions and made clarifications about the content. Councilor George Handley asked Ms. McNalley to clarify what they meant by "decent housing." She indicated it was any housing that was not substandard and met HUD criteria (i.e., no code violations, have working appliances, sufficient rooms). Suitable living environments have more to do with recreation opportunities in the area.

Funding priorities in the 2020 Consolidated Plan were determined by the Council and citizen participation: housing, public services, public facilities, and economic development (with a list of specific sub-goals for each). Ms. McNalley highlighted project examples for housing projects that have been carried out over the last two years. A lot of these were conducted with HOME dollars, and some with CDBG. Public services receive 15% of the total CDBG entitlement. Economic development project examples include façade grants (which have been extended beyond the downtown area), assistance to small businesses, and 108 loans. Public facilities projects include adding infrastructure or improvements to local resources like the Alpine House and Children's Justice Center, or other non-profits providing community services. Ms. McNalley showed a breakdown of the project accomplishments through Year 2 of the Consolidated Plan. This breakdown highlights job creation and direct financial assistance for economic development; homeownership assistance, code enforcement, and residential rehab for housing; populations served with improvements to public facilities and services; and for public services includes a breakdown of people served and income levels for families helped.

Ms. McNalley reviewed the details of CDBG funding and the process for how it is allocated. The program income is comprised of funds the City receives back from projects that had received CDBG funds as loans. HUD allows cities to keep that funding so they can use it again. The entitlement from HUD is entered as a reimbursement to the General Fund for dollars paid out to the various projects. Right now, they have about $3.5 million committed to current projects with about 3 years to spend these promised funds. In August and September, they reach out to community partners, stakeholders, and the Council about the funding priorities for the upcoming year. Then a notice of available funding is released with details about the priorities. Councilor David Shipley recalled that this process has not been collaborative with the Council in the past; he just recalled hearing about what the committee decided (perhaps in line with the previously adopted Comprehensive Plan). Keith Morey, Development Services Assistant Director, said that

was a very fair assessment. As a department, they have expressed a desire to be more collaborative with the Council. One of the reasons Ms. McNalley wanted to come to the Council today was to highlight how this process really should work—they would like to correct this process and engage the Council and foster a dialogue to understand the Council's concerns or interests to try and align with these objectives as best they can. In response to another question from Mr. Shipley, Ms. McNalley clarified that the goals described in the 2020 plan are set for the next five years—they will begin working on the next consolidated plan in 2024.

Once applicant presentations are made, the committee grades projects on established criteria, including available funding, how successful the project will be, funding already in place, and whether projects meet national objectives and Provo's goals. The CDBG committee then makes a formal recommendation based on the scoring results and this recommendation is presented to the Council. The Council will hold two public hearings and then make a final decision. In May, HUD releases the final entitlement amounts and staff submit an annual action plan to HUD as well as a Comprehensive Annual Performance and Evaluation Report (CAPER) mid-year to report on how the projects performed. Ms. McNalley indicated the Council could send her any questions they had regarding the CDBG process, HOME, the committees, and scoring sheets.

Ms. McNalley wanted to identify the Council's funding priorities for the next year. The Council was welcome to observe the committee meetings, however their input about specific projects would need to wait until after receiving a formal recommendation from the committee, after which the Council makes a final decision. Ms. Ellsworth asked about the committee makeup and whether neighborhood chairs were involved; Ms. McNalley shared the committee makeup –and indicated they had usually involved neighborhood chairs from CDBG-eligible neighborhoods with low- or moderate-income residents where 50% or more of their residents are below the area median income. Ms. Ellsworth shared comments on the upcoming changes to the neighborhood program. Several Councilors commented and thanked Ms. McNalley for explaining the CDBG program so clearly and providing valuable insight on the process. Mr. Morey said they were excited about the change in the program management and had received feedback from external agencies and the Council that the process is improving.

Mr. Shipley asked how funding is distributed geographically within the eligible cities. Ms. McNalley said the organizations track where the people they serve live so they can identify city demographics. They try to make sure that whatever they are funding with the City's entitlement has a priority of serving Provo residents. In response to a question from Councilor Rachel Whipple, Ms. McNalley indicated that these neighborhood revitalization projects could be done again in the future. ***Presentation only.***

7. A discussion regarding ARPA fund appropriations. (22-017) (2:21:14)

Councilor David Shipley explained that the ARPA Committee was trying evaluate and consider all the different projects out there. One challenge is having unanswered questions about project costs, how long will it take, and whether projects will happen with or without ARPA funds. The intent of this presentation was to obtain answers the committee and Council did not yet have that would help inform some of their decisions. He thanked the directors that were here to do this. Councilor George Handley added that funding opportunities are win-win situations; if Provo

decides to fund certain opportunities, it frees up other funds for something else. Doug Robins, Parks and Recreation Assistant Director, addressed several items on the list.

Restrooms near Playground at Memorial Park:
Most restrooms are on the CIP schedule, but this park does not have a restroom. The playground constructed with CDBG funds in 2007. The site would really benefit from this and there is space available near the playground. The current cost estimate is $450,000-$495,000. At Lakewood Park, proposed expansion to the south will help facilitate a restroom in the future. Councilor Rachel Whipple supported this and thought and it would make a difference for a lot of people.

Rock Canyon and Slate Canyon Improvements:
The Rock Canyon Master Plan was funded and completed in partnership with the Rock Canyon Preservation Alliance. They were recently awarded a grant from Utah County of nearly $2 million. Remaining construction costs at Rock Canyon are about $1.48 million. They hope to be under construction in early spring 2023, which would then free them up to do other projects. For Slate Canyon Park, they acquired 26 acres in 2021 which is a huge asset to the project. They are initiating a design process in the next month. The master plan and construction documents are funded with $250,000 in the current year CIP. They look at this being a similar format to Rock Canyon. The completed master planning effort will determine more of the project costs.

Councilor Shannon Ellsworth asked given what they know about parks in general, if they had any ballpark cost estimate for the next phase of Slate Canyon. Mr. Robins it is kind of a moving target; with the last iteration of the plan, the next phase would have cost $5-6 million, but with the addition of 26 acres to the property, that could impact the scale of the design. Mr. Handley commented on the need for coordination between Parks and Recreation and Public Works with the aquifer storage and recovery project to avoid redundant improvements and spending. Mr. Handley also asked about the planned roundabout at 1450 East.

Regional Sports Park Project Acceleration:
Scott Henderson, Parks and Recreation Director, addressed the regional sports complex including timing of the project, funding, the planning process, and measures for success. They are requesting $5.5 million, which request is supported by the City Administration for use of discretionary funds. Mr. Henderson addressed the project opportunities and timing. Discretionary funding opportunities are rare. Mr. Henderson also highlighted the estimated economic impact of the park to the surrounding community of $30 million annually.

Ms. Whipple asked what their plan for funding is if they did not receive ARPA funds. Mr. Henderson indicated the project was listed in the CIP but they were still identifying funding sources. Councilor Katrice MacKay commented on the potential economic impact of this park and shared experiences of her son playing soccer throughout the western U.S. due to a lack of suitable tournament facilities in Provo. She noted the proximity to the airport was a huge benefit as well. Councilor Bill Fillmore also commented on the economic impact. Mr. Fillmore also asked about a grant from Utah County; Mr. Henderson indicated they could apply for a reimbursement grant of $2.5 million if they meet the Land and Water Conservation Fund mitigation deadline.

Sidewalk repair work:
Gordon Haight and Dave Michelsen, Engineers, addressed this item. The City budgets about $500,000 on an annual basis to address sidewalks in the city. Mr. Shipley asked how far behind that put them in terms of sidewalk replacement throughout the City. Mr. Haight explained that specific projects in specific areas of the City often would require complete sidewalk replacement for a neighborhood area, which could be upwards of $5 million per project. They are currently working with a group from the State to do a sidewalk survey of the City including trip hazards and other issues. At the current rate, they probably reconstruct about one mile of sidewalk per year. Based on the list of current complaints, they estimate they are about $5.5-6 million short, which would take about 10 years to complete at the current funding rate. Mr. Handley asked about CDBG funding; Mr. Haight explained they have some CDBG-funded projects occurring now, including replacing ADA ramps and a pedestrian bridge at 100 West.

Ms. Whipple was excited about the sidewalk survey. She asked if there was a priority level or scale for addressing different complaints and issues; for instance, if a resident had an accessibility issue whether that is addressed more quickly. Mr. Haight explained that because of the requirements of the ADA, those are addressed at a higher priority level. That type of information is useful when residents are submitting sidewalk issues. Several Councilors were interested in revisiting the conversation after the survey is completed in order to make a long-term plan to address the sidewalk backlog.

Water Conservation efforts:
Dave Decker, Public Works Director, addressed this item. He first provided comments on several projects, noting that there are some street improvements that are needed in conjunction with the Regional Sports Park, which have not been factored into the estimate from Parks and Recreation.

Regarding water conservation, Mr. Decker indicated that the Aquifer Storage and Recovery (ASR) project played a critical role. They would need either ARPA or other budgeted funds amounting to $250,000-500,000 each year to monitor and study the impact of the ASR project. He highlighted some details about the coordination at Rock Canyon with the ASR project. They anticipated that the ASR improvements would be completed ahead of the trail and parking lot improvements at Rock Canyon. The pilot project has shown this is an effective use of the water. They have a monthly coordination meeting with Parks and Recreation where they look at opportunities for coordination and collaboration to avoid project redundancies.

Rob Hunter, Engineer, added comments about the Regional Sports Park—Public Works anticipates about $4 million needed for roadways associated with the park. He noted that if they needed to identify these funds from their budget, it may impact their ability to meet the 20% match requirement for the Safety Streets for All Grant.

Mr. Shipley asked if there was any need for ARPA funds to move the needle on water conservation. Mr. Decker thought the greatest impact would come from the ASR project they are already doing. Conservation is an important matter for the water agencies themselves and how they are managing water. Ms. Ellsworth commented on the other side of water conservation, which was to reduce demand. She is interested in staff coming up with a tentative budget about educating citizens about conservation, landscaping, technology solutions for metering, and

monitoring water across the city so people can understand when they have a leak. Every other city on the Wasatch Front is doing more than Provo with conservation. There are some differences of opinion on water conservation that need to be discussed in front of the Council. Mr. Handley was interested in a mutually supportive approach and collaboration on these issues. He noted that the Natural Resources Committee has had presentations recently from Central Utah Water Conservancy District and some other organizations about their conservation efforts.

CDBG and nonprofits with poverty-related needs:
Melissa McNalley, Community Grant Administrator, explained that they had a couple of allotments with CARES Act funding for CDBG and still have some funds to spend down for that. She asked about housing needs with some local organizations and indicated that there are some needs for supportive housing for individuals coming out of homelessness and victims of domestic violence. They do have CARES Act funding for HOME as well, which can help with some housing needs for chronic homelessness, near-homelessness, and other critical housing needs. They have about $5 million they need to plan for and spend. Ms. Whipple asked and Ms. McNalley clarified that because they already have CARES funds, they do not need ARPA funds.

General Plan Supplementary Plans Implementation:
Brandon Larsen, Planning Supervisor, said that in 2021 the Council appropriated $300,000 of Legacy CIP funds for the hillside & canyons plan (actual cost $93,500), river and lakeshore plan (actual cost $83,500), and the gateways plan (which is not bid yet but they have $123,000 remaining from the appropriation). They are under contract with Design Workshop for the hillside and canyons plan, and river and lakeshore plan and feel they have sufficient funding for the gateways plan as well. Since the plans are not yet drafted, it was premature to determine implementation strategies and project estimates at this time. Mr. Larsen shared a timeline for the two in-progress plans. Mr. Handley asked about the remaining Legacy CIP funds and the $1 million that had been allocated for a west side grocery store incentive. Wayne Parker, CAO, explained there was about $400,000 remaining in the Legacy CIP fund. The grocery store incentive funds have not been sent yet, but conversations are in progress. Ms. Ellsworth noted that the Council may need some Legacy CIP funds to install audio-visual equipment in the new Council Chambers and facilities.

Affordable housing and homeownership assistance/programs:
Robert Vernon, Utah Community Land Trust Director, presented on a project they are proposing to address the need for workforce housing. Waterfall Landing, a project at 300 South and 500 West in Provo, would be a mixed-income and possibly mixed-use development. They are hoping to secure $2 million for this project. If they don't get this funding, they will probably be recommending to their board in 6 months to sell the property and shift those funds to other projects they are working on. Ms. Whipple asked about the number of units and what the funds would be used for. Mr. Vernon explained they would have a maximum of 200-240 units (up from the original 200 due to increasing construction costs). The $2 million is for property acquisition and closing costs; this would accelerate their timeline so they could start the entitlement process in 60-90 days. Without this funding, it would only be feasible for them to do the project if they substantially increased the proportion of market rate units, which would result in only getting about 5 or 10 affordable units, which is not really worth their effort. It's a huge project and would be the largest one they have done. Ms. MacKay indicated that she loved this

concept and that it was promoting home ownership. Smaller square footage condominiums were the only way many people could afford to get into home ownership.

Parking lot for City Hall:
Wayne Parker, CAO, presented. The redevelopment of the old city center block was supposed to address demolition and parking through a redevelopment RFP. With the changing construction and financing landscape, development was getting more difficult to predict. The Administration is proposing to retain and landscape a strip of land along Center Street and 300 West and then create surface parking on the interior of the block, which would keep the options for future development open. They estimate it would take $3 million to accomplish this, or that could be used as a subsidy for stacked parking in a future redevelopment. Another option is for them to come back with a development plan, which might require more density in order to appropriately monetize to cover the cost of parking facilities. Ms. Whipple asked for clarification on what the money would be used for; Mr. Parker explained that the City would either spend the $3 million on demolition and a parking lot, or find a developer and put this $3 million toward a developer's parking structure. Due to timing constraints of ARPA funds, they would need to be under contract by end of next year, and then have spent the funds by 2026.

Presentation only.

Closed Meeting

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

Motion: Shannon Ellsworth moved to close the meeting. Seconded by Rachel Whipple.
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
Joint Meeting with the Provo School District - Minutes

12:00 PM, Thursday, September 22, 2022
Provo Peak Meeting Room
445 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials and staff members were present:

Council Chair George Handley, conducting
Council Vice-Chair Katrice MacKay
Board President Melanie Hall
Justin Harrison, Council Executive Director
Wayne Parker, CAO
Board Member Nate Bryson
Councilor Travis Hoban
Derek Anderson, Business Administrator
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Board Member Jennifer Partridge
Board Member McKay Jensen
Board Vice-President Rebecca Nielsen
Board Member Gina Hales
Board Member Teri McCabe
Councilor Rachel Whipple
Councilor David Shipley
Elizabeth VanDerwerken, Council Exec. Asst
Superintendent Keith Rittel, arrived 12:13 PM
Robert Hunter, Engineer
David Day, Engineering Dev. Coordinator

Prayer

Rebecca Nielsen offered the prayer.

Business

1. An update on Timpview High School (including sports programs and long-term parking plans) (0:11:41)

Derek Anderson, Business Administrator, presented. Timpview High School reconstruction has experienced some delays due to concrete shortages, however they still expect to finish on time. He provided additional details on the construction and the impacts to the school, including to school sports. The football season has been concluded early due to some of the constraints of the construction project. Councilor Katrice MacKay asked about the impacts to school revenue due to the home games. With the Timpview games taking place at Provo High School, that revenue will still go to Timpview High sports programming. Ms. MacKay also asked about parking. Mr. Anderson indicated that once they demolish the old academic wing, that will impact parking the most. They anticipate about 2 years for completion of the project. ***Presentation only.***

2. An update on Safe Routes to School (including the new Wasatch Elementary School

site) (0:17:11)

Rob Hunter, Engineer, answered questions from the Council and Board members about Safe Routes to School. For Wasatch Elementary, they are planning to connect the sidewalk where it ends at 1450 East—right now they are working through some design considerations due to the steep grade, but they are going to be connecting the sidewalk all the way to the corner of Oakmont Lane, where they will do an 8-foot wide sidewalk. They are working with the School District engineers on this as well. They are also hoping to tie in a pedestrian and bicycle access point onto the site. There are several intersections in the neighborhood that they are considering for high visibility crossings and other improvements where needed.

Councilor George Handley asked if it is more expensive to do a stair sidewalk on Oakmont. Rob Hunter indicated it would be a regular sidewalk, as stair steps would push children on bicycles into the street. It's a steep slope of about 15-20% grade. Councilor Shannon Ellsworth asked if 820 North feeds into that school; Mr. Hunter indicated that it does. There are sidewalks going in along the north side of 820 North; the south side of the school is open right now, but a developer is making plans for the adjacent area which would include some improvements to the sidewalks and street. Ms. Ellsworth asked about the crossing at 900 East and 820 North. Mr. Hunter said the traffic study illustrated the need for a signalized crossing there—30% of kids at Wasatch are from outside the boundaries of the school, so they will be addressing that crossing.

Board Member McKay Jensen asked what was the best process for them to check in—they hear from constituents but they don't always know if the concerns are getting addressed. Mr. Hunter explained the Safe Routes program is run through the school district and that they coordinate with Alex Judd. Proposals should go through the school's community council as designated by state code. The traffic safety committee includes Alex Judd, Rob Hunter, representatives from the Police Department, and Dixon Holmes from Mayor's Office, who then discuss the proposals received from the community council at each of the schools.

Board member Rebecca Nielsen asked what qualifies for what types of school crossings and zones. Mr. Hunter indicated they would definitely need a crossing guard at 900 East, however most of those neighborhood streets will not have high enough volumes or speeds that they'll need crossing guards. They will continue to do studies throughout this year. Mr. Jensen indicated they hear many concerns about 1100 East and 1200 East as well. Mr. Hunter indicated the new development would likely add bulb-outs at appropriate intersections. Public Works discouraged the use of the informal trails as an official route, as they are often out of sight and not necessarily the safest for kids. ***Presentation only.***

3. An overview on the pay schedule for Provo teachers (0:34:25)

Derek Anderson, Business Administrator, presented. Board Member McKay Jensen shared some thoughts on teacher pay and some of the constraints and disparities between the Provo School District and other districts. Other districts are allocated more funding for growth, but Provo is not considered a growth district. There's also a demographic issue in that Provo hires young teachers. Superintendent Keith Rittel said Provo has the most generous leave provision in their teachers' contracts of any district, as well as very rich professional development opportunities.

They receive a 96% approval rating from teachers on their professional development. Take-home pay is obviously an issue but there are other things Provo does that add to the total benefits.

Councilor Rachel Whipple asked about how Provo's increase of 30% to teacher pay compares to other districts. Mr. Anderson displayed a slide showing employee earnings compared to other districts. He clarified some of the major differences between the Provo and Alpine School Districts and how they function compared to their teacher pay. The Alpine District uses a productivity model that requires other things from their teachers outside of work hours, for higher pay. Mr. Jensen said about one third of departures are about salary; two thirds are related to life circumstances or other factors. They only lose about 4% teachers per year. Councilor Travis Hoban asked how the Council could help and Mr. Jensen said communication and coordination about holding truth in taxation was appreciated. ***Presentation only.***

4. An update from the Provo School District on their upcoming superintendent search (0:35:05)

Board Vice-President Rebecca Nielsen reviewed their process for finding a new superintendent. Keith Rittel will be retiring this coming July. They hope to finalize their choice in February or March. The process will include a lot of stakeholder input and involvement from community members. ***Presentation only.***

5. A discussion on how the Provo School District and Provo City Council and neighborhood program can collaborate to build community (including a brief overview of the new neighborhood program) (0:56:47)

Council Chair George Handley indicated that in the remaining time, the Council could share a brief overview of the updates to the neighborhood program. The changes will be implemented in January and they are in the process of hiring a replacement for Council Office staff member who will be working with the neighborhood program. Councilor Katrice MacKay gave a brief overview of the changes. Instead of a neighborhood voting on their chair, the Council will take applications and nominate appointments. Individual neighborhoods (34 total) will still exist, but will meet as a larger group or "neighborhood district" (5 total). Communication was a huge issue of the old program; this will be improved by using more of the City's resources to reach more residents. Meetings will be held live with virtual options for participation and the district councils will be comprised of 7-11 individuals. The new program will still have matching grants, as well as facilitate feedback on zoning and development proposals, but will be less of a burden on staff and will allow more regular interactions with the public.

Councilor Shannon Ellsworth commented that there was a lot of ambiguity with the neighborhood program in the past. Sometimes community members would reach out directly to the neighborhood chairs and bypass the Council. The new program will be more directed through the Council and Council staff so there is better communication happening at all levels as well as better management of expectations. Mr. Handley explained the intent was to improve the overall experience and make it more uniform. He thanked the group for gathering and he hoped they could continue the conversation about community-building at a future time. Mr. Handley

expressed appreciation for the board members and the time and commitment they dedicate to public service.

Adjournment

Adjourned by unanimous consent.

ORDINANCE 2022-.

AN ORDINANCE AMENDING GENERAL PLAN SECTION 1.2.9 (LAKEVIEW NORTH NEIGHBORHOOD) AND APPENDIX C5 (LAKEVIEW FIELDS SDP). LAKEVIEW NORTH NEIGHBORHOOD. (PLGPA20220182)

WHEREAS, it is proposed that Provo City General Plan Section 1.2.9 and Appendix C5 be amended; and

WHEREAS, on September 28, 2022, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended denial of the proposal to the Municipal Council by a 5:0 vote; and

WHEREAS, on October 4, 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) that the General Plan of Provo, Utah should be amended as described herein; and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City General Plan Section 1.2.9 and Appendix C5 are 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 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- TEXT AMENDMENT

[pending insertion – see Planning Commission staff report for contents]

ATTACHMENT 3 – PROPOSED MAP AMENDMENT TO APPENDIX C5



DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: September 28, 2022

***ITEM #2** Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220182

Applicants: Jon Jensen, Jay Henrie

Staff Coordinator: Aaron Ardmore

Property Owners: Dayton-Geneva LLC; Scott, Hal J & Evelyn C

Parcel ID#: 19:046:0046; 19:046:0018

Acreage: 15.73

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 October 12th, at 6:00 P.M.*

2. **Recommend Approval** of the requested General Plan Amendments. *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 currently include three single-family homes and related agricultural land.

Relevant History: The property at 1878 N Geneva was the subject of a 2019 Zone Map Amendment request but was withdrawn due to sewer and water capacity concerns raised by Staff. The current General Plan Amendment requests are associated with Zone Map Amendments and Concept Plan applications from the two applicants on these properties for the VLDR zone with single-family, twin-home, and townhome concepts. Staff has been working with the applicants since June 2022 to try to address major concerns on the concept plans, but in August recommended that the applicants bring forward this application first to determine whether more time and money should be spent trying to correct the related concept plans.

Neighborhood Issues: The applicants have met with the Lakeview North neighborhood and have heard concerns expressed with the proposed density and occupancy of the plans. Additionally, the westside neighborhoods went through a rigorous area planning process over two years to define density limits and areas approved for higher density.

Summary of Key Issues:

- The area plan and recommended limits are a result of a neighborhood planning effort.
- The proposal would put a strain on city infrastructure.

Staff Recommendation: That the Planning Commission recommend denial to the City Council.

OVERVIEW

Jon Jensen and Jay Henrie have individually submitted rezone and concept plan applications for the properties at 1804 N Geneva and 1878 N Geneva. These applications propose moving from the R1.20 (One-Family Residential) zone to the VLDR (Very Low Density Residential) zone, going from a maximum density of just over two (2) units per acre to seven (7) units per acre. Due to these proposed changes, amendments must be made to the General Plan text and Appendix C5.

This General Plan amendment application is two-fold, proposing (1) General Plan text amendments to Section 1.2.9 (specifically in the "southwest area neighborhoods") and (2) a General Plan map amendment (specifically appendix C5, Lakeview Fields SDP).

The proposed text amendments consist of three specific proposals. The first is found in the policies subsection "3.f." of the "Southwest Area Guiding Principles, Policies and Goals", proposing to add language for the overall density of the area to go from four units to the acre to a range of *four to seven units to the acre*. This proposed change is echoed in the proposed change to subsection "8.b." where the same range is proposed.

The next set of proposed changes are in the "varied lot sizes policies" found in subsection "8.c." in the "Future Land Uses Intent Statement" section of Section 1.2.9. The changes proposed in this table decrease the minimum lot size for a "small lot" from eight thousand (8,000) square feet to four thousand (4,000) square feet. They also propose to increase the "max units" in the table from three (3) units/acre gross to seven (7), resulting in a dramatic increase in the number of units allowed in the subsequent rows (see Attachment #1).

The last of the proposed changes comes in the "Lakeview North Neighborhood" subsection, policy #5. The text amendment here adds the language "*or Very Low Density Residential*" when describing the zoning policies for the area between 1680 North and 2000 North Geneva Road. This is a policy change from the existing policy to develop the area to the R1.20 zone or "as a specific development plan comprised primarily of sing-family residential dwellings not to exceed the allowed density for the Southwest Area."

The proposed General Plan map amendment in the form of appendix C5 proposes changing the plan lot layout from a standard R1 subdivision to match the proposed conceptual VLDR layouts from the applicants (see Attachment #3). This would align with the proposed text amendments and again would increase the density of the area from three to four units per acre to around six units per acre.

STAFF ANALYSIS

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 applicant states the public purpose of their amendments are to provide a more attainable home for young professionals, reduce water usage, improve safety, and raise property values.

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

Staff response: Staff contends that while the stated purposes above are noble, the public would not be best served by the amendments in question. First, and most important, is the fact that the density of the westside of Provo is limited by availability of infrastructure. The current limit of three units per gross acre was a thoughtful determination by city staff, City Council, and residents after a deep evaluation of proposed growth and planned sewer and water upgrades. This process identified the infrastructure capacity concerns as the main reason to limit density west of I-15 to four units per acre net or three units per acre gross.

Moving the density above this standard would not serve the other property owners of the westside well, as their development potential would decrease as the availability of sewer connections becomes quickly reduced by whoever develops first.

Second, reduced water usage is not a guarantee with the proposed General Plan amendments. Simply increasing the number of allowed units does not guarantee less water demand, and in some cases with large open amenity areas on top of private lawns, could create *more* of a demand on water.

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

Staff response: The proposed amendments are in effect contradictory to the existing General Plan policies, goals, and objectives that are referenced in the

application, and therefore incompatible. The proposals are also incompatible with the stated goals in Chapter Five of the General Plan to "provide and maintain appropriate wastewater infrastructure" and Chapter Three to "establish stability and owner occupancy in Provo's housing inventory" outside areas specifically planned for higher-density.

(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 related to this request.

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

Staff response: Staff believes that the proposed amendment would hinder development on the westside of Provo and obstruct attainment of the existing General Plan policies listed above.

(f) Adverse impacts on adjacent land owners.

Staff response: Short-term adverse impacts would be related to the applicants' specific concept and include increased traffic, a lack of connectivity, and higher occupancy turnover. Long-term adverse impacts would be on the larger area of reaching the limits on wastewater connections before all of the developable land west of I-15 has had opportunity to develop.

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

Staff response: Staff has verified the zoning and General Plan for the area in question.

(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: There is no conflict between the map and policies.

CONCLUSIONS

Provo City Staff has concluded that the proposed changes would not be a benefit to the City or the residents, especially those on the westside of I-15. The City went through a long process to identify the limits of development in this area of the Provo and established a land use plan and policies to ensure that there is enough infrastructure for build-out. The proposed changes would create a “domino-effect” on property owners down the line not having sufficient sewer capacity to develop their land.

ATTACHMENTS

1. Proposed Text Amendments
2. Existing Appendix C5 (with subject area highlighted)
3. Proposed Map Amendment to Appendix C5
4. Public Works Report

ATTACHMENT 1 – PROPOSED TEXT AMENDMENTS

Appendix C5, Section 1.2.9

https://provo.municipal.codes/GenPlan/1.2.9

Specifically, in subsection 8 of the "Southwest Area Neighborhoods" of 1.2.9.

Fort Utah	**Lakewood**
Lakeview North	**Provo Bay**
Lakeview South	**Sunset**

The Southwest Area Neighborhood Council consists of six neighborhoods: Fort Utah, Lakeview North, Lakeview South, Lakewood, Provo Bay, and Sunset. Key policies for the Southwest Area Neighborhood Council are listed below by neighborhood. Key policies for the Southwest Area Council are listed below, with policies to address issues shared, to some degree, within all Southwest Area neighborhoods, followed by policies of specific importance, by neighborhood.

Southwest Area Guiding Principles, Policies and Goals

Purpose

The purpose of these policies is to guide development in southwest Provo in order to promote a smart, sustainable, vibrant community that offers a high quality of life for current and future residents while respecting Provo's agricultural heritage.

Policies

1. Preserve Provo's agricultural heritage and support agriculture for as long as farmers choose to farm:

a. Approve the creation of a Provo Agricultural Commission to support local commercial and noncommercial agriculture.

b. Request that the Provo Agricultural Commission identify obstacles to the success of current and prospective farmers, including nontraditional farmers, and recommend ways to remove these obstacles.

c. Request that the Provo Agricultural Commission explore tools for agricultural preservation. These tools may include: conservation easements, transfers of development rights, community land trusts, a privately funded farmland trust fund, and Utah's "Agricultural Protection" Program.

d. Encourage the Provo Agricultural Commission to improve the productive use of agricultural land.

e. Encourage Development-Supported Agriculture and Agritourism to help preserve Provo's agricultural heritage.

f. Encourage our state lawmakers to increase funding for the LeRay McAllister Fund.

g. Protect agricultural operations from the impact of residential encroachment.

h. Identify agricultural land owners, have their properties listed on developmental maps to better avoid encroachment onto agricultural lands.

2. *Preserve and Create Quality Usable Open Space*

a. Update and utilize the Parks and Recreation Master Plan to provide developed parks and open space that satisfy a range of leisure and recreational needs.

b. Preserve and develop natural amenities for sustained enjoyment by the community. Examples include the Provo River and banks, the Provo River Delta, Utah Lake shoreline, and wetlands.

c. Provide parks and trails of different uses and sizes.

d. Encourage agritourism as a means to provide agriculturally themed open space.

e. Useable neighborhood open space should be an integral part of neighborhood design or combined to serve larger areas than the immediate development.

3. *Encourage Sustainable Residential Development Patterns*

a. Establish ordinances to require a mix of housing types, lot sizes, and designs to accommodate various stages of life.

b. Detached single-family homes should be the predominant housing type and the use of other types should augment and not detract from the single-family feel of the area.

c. Housing types should be mixed without barriers separating types or densities.

d. The scale and style of residences should enhance the surrounding area, regardless of housing type.

e. Create design standards for important road corridors in southwest Provo.

f. The overall density of the area should average four to seven units to the acre.

4. *Promote Development of Commercial Amenities and Employment Opportunities in Appropriate Locations*

a. Regional commercial uses may be located adjacent to I-15 or within the Airport Related Activities district.

b. Neighborhood and Community Shopping zones may be located at or adjacent to arterial or collector streets.

c. Design, scale and intensity of commercial zones or properties should transition to adjacent residential uses to minimize impact on the residential use.

5. *Create a Robust Transportation Network*

a. Update the Transportation Master Plan to accommodate the changing needs of southwest Provo.

b. The planned collector road network should be built as development occurs. No development should interrupt the collector road network.

c. Update the Provo City Major and Local Street Plan to include a network of proposed local streets to ensure connectivity in the land between collector and arterial roads.

d. Utilize Complete Streets Policies to ensure all modes of transportation are considered.

e. Utilize the Transportation Master Plan to identify corridors that should have sufficient right-of-way to accommodate public transit.

f. Lakeview Parkway is to be maintained as an arterial roadway with limited access.

6. *Require Proper Integration and Sequencing of Development*

a. The full block should be considered when rezoning away from agricultural uses.

b. Conceptual Integrated Development Plan for the entire block should be required for zone change applications.

c. Discourage rezoning of land that is surrounded by agricultural zoning.

d. Development may be limited or deferred depending on the availability of adequate municipal infrastructure (such as sewer, storm drainage, water, etc.).

7. *Restrict Development in Wetlands and Other Environmentally Sensitive Areas*

a. Land south and west of the Lakeview Parkway up to Center Street (excepting the airport protection area) should be preserved for open space and agricultural uses.

b. No development should occur in flood-prone areas unless the risks can be mitigated. Plans for mitigation should be reviewed for adequacy by the Provo City Engineer and any State or Federal regulatory agency with jurisdiction to ensure that sensitive lands are

appropriately developed to protect people, property or significant natural features. Mitigation plans should not adversely affect adjacent properties.

8. Future Land Uses Intent Statement

a. The Municipal Council of the City of Provo reaffirms our commitment to the Southwest Area Guiding Principles, Policies and Goals (General Plan 1.2.9) and the Southwest Area Future Land Use Map (General Plan, Appendix J) and adopts this statement to provide additional clarity regarding density and mixed lot sizes. This statement is intended to clarify the existing policies, set common expectations for the development community, staff, and City officials, and maximize the development potential of west Provo. A significant factor in the Council's consideration of a rezone proposal in this area will be how the proposal meets the policies below.

b. Sewer capacity limits the west side to three to seven units per acre gross in Residential areas (previously written as four units per acre and interpreted as net, see the Southwest Area Future Land Use Map). Given this constraint and the need for diverse housing options, Provo City encourages developers to submit ambitious, creative plans that provide a variety of lot and housing sizes to meet the varied needs of Provo residents, present and future.

c. *Varied Lot Sizes Policies*

i *Recommendations for varied lot sizes*

a *Definitions of lot sizes*

Small Lot	Medium Lot	Large Lot
< 4,0008,000 sq ft	8,000-12,000 sq ft	> 12,000 sq ft

Lot sizes are subject to the minimum requirements for the zone.

b *Table of ratios of lot sizes scaled for different developments*

Acres in the development	Max Units (73 units/acre gross)	Small Lots	Medium Lots	Large Lots

≤10	**70~~350~~**	**N/A**	**N/A**	**N/A**
11-19	**77-133~~33-57~~**	**25-75%***	**25-75%***	**25-75%***
20+	**~~60-147~~140-343**	**25-40%**	**25-40%**	**remainder**

***Choose EITHER small and medium lots OR medium and large lots (choosing small and large is not desired)**

Lakeview North Neighborhood

1. The property west and parallel of Geneva Road from Lakeshore Drive to 2000 North should be developed for uses compatible with the Residential (R) land use designation.

2. Property within and to the west of land located within the "AE" flood zone of the FEMA Flood Insurance Rate Map (FIRM) should receive the Provo City General Plan Map designation of Developmentally Sensitive (DS) and be subject to the same provisions as defined under the guiding principles for the SW Area.

3. Infrastructure needs should continue to be evaluated in order to resolve issues for existing and future residents, particularly where road conditions may be hazardous.

4. Continue to review for appropriately siting the airport access road and consider potential impacts to current residents along Lakeshore Drive.

5. The area between 1680 North and 2000 North, and between Geneva Road and I-15, which is zoned R1-20, should be developed as the current zoning allows or as a Specific Development Plan or Very Low Density Residential comprised primarily of single-family residential dwellings with a mix of housing types not to exceed the allowed density for the Southwest Area. No commercial uses should be permitted between Geneva Road and the Frontrunner Railroad Line.

ATTACHMENT 2 – EXISTING APPENDIX C5 (WITH SUBJECT AREA HIGHLIGHTED)



ATTACHMENT 3 – PROPOSED MAP AMENDMENT TO APPENDIX C5



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

Public Works Staff Report
Hearing Date: 9/28/2022

General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP)

Item #2 Summary:
Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220182

Staff Recommendation:
Public Works staff has major concerns with the requested action. The current General Plan for this area was used to model and design infrastructure including the recently constructed Southwest Sewer Lift Station and large sewer trunk mains. The current General Plan zoning density of 4 units per acre was used for sizing these facilities. Altering the General Plan to a higher density here could have major financial implications for both sewer and water utilities.

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

Provo City Planning Commission

Report of Action

September 28, 2022

*ITEM #2 Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220182

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 28, 2022:

RECOMMENDED DENIAL

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

Motion By: Robert Knudsen
Second By: Melissa Kendall
Votes in Favor of Motion: Robert Knudsen, Melissa Kendall, Lisa Jensen, Andrew South, Raleen Whalin
(Jeff Whitlock abstained)
Lisa Jensen was present as Chair.

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

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

MAP AMENDMENT
The proposed map amendment is attached as Exhibit B.

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.

- David Day (City Engineering) confirmed that there are infrastructure constraints on the westside and increased density alone would not help pay for additional services.

CITY DEPARTMENTAL ISSUES
- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- 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:

- Becky Bogdin stated that neighbors support the current standards and are against the proposed amendments.
- Dan Bahr stated that he is not in support of the requested changes to the General Plan.
- Erin May stated she is against the plan and that areas for higher density are already addressed in the area plan.
- Lynn Dalton was hopeful that his property could develop at higher density and supportive of the changes.
- Lee Sands stated he supported the changes for reasons of property rights.

APPLICANT RESPONSE

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

- Jon Jensen shared his experience of trying to bring this proposal forward for several years and believes things have changed since 2020 that should open up the area for higher density.
- Jay Henrie gave an overview of the concept that would be brought forward for the property on 1804 N Geneva if the proposed General Plan amendments were approved. He detailed the proposed sewer connections, use, and application of "grey-water" systems to help mitigate the concerns on infrastructure limits. He reiterated his belief that the proposal would not put a strain on wastewater or water capacity. He believes he needs the higher density to make the project attractive and financially sound.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Raleen Whalin inquired about the needs and reasons for the higher density request and asked the applicant about unit prices in his concept plans.
- Lisa Jensen noted that while the system mitigation efforts were helpful for applicants' specific project, the entire westside of the City would be allowed to increase density with the proposal which could have infrastructure and financial implications for the City.
- Jeff Whitlock stated that there was not a lot of information and data to back up the claims of the applicant, and that the property could also be sold to someone who doesn't apply mitigating measures.
- The Commission agreed that the main concerns stated in the staff report have not been addressed and that the City should not vary from the adopted plans for the westside that have taken a lot of time and study to establish. The proposed changes would undermine previous planning efforts.



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

Appendix C5, Section 1.2.9

https://provo.municipal.codes/GenPlan/1.2.9

Specifically, in subsection 8 of the "Southwest Area Neighborhoods" of 1.2.9.

Fort Utah	**Lakewood**
Lakeview North	**Provo Bay**
Lakeview South	**Sunset**

The Southwest Area Neighborhood Council consists of six neighborhoods: Fort Utah, Lakeview North, Lakeview South, Lakewood, Provo Bay, and Sunset. Key policies for the Southwest Area Neighborhood Council are listed below by neighborhood. Key policies for the Southwest Area Council are listed below, with policies to address issues shared, to some degree, within all Southwest Area neighborhoods, followed by policies of specific importance, by neighborhood.

Southwest Area Guiding Principles, Policies and Goals

Purpose

The purpose of these policies is to guide development in southwest Provo in order to promote a smart, sustainable, vibrant community that offers a high quality of life for current and future residents while respecting Provo's agricultural heritage.

Policies

1. Preserve Provo's agricultural heritage and support agriculture for as long as farmers choose to farm:

a. Approve the creation of a Provo Agricultural Commission to support local commercial and noncommercial agriculture.

b. Request that the Provo Agricultural Commission identify obstacles to the success of current and prospective farmers, including nontraditional farmers, and recommend ways to remove these obstacles.

c. Request that the Provo Agricultural Commission explore tools for agricultural preservation. These tools may include: conservation easements, transfers of development rights, community land trusts, a privately funded farmland trust fund, and Utah's "Agricultural Protection" Program.

d. Encourage the Provo Agricultural Commission to improve the productive use of agricultural land.

e. Encourage Development-Supported Agriculture and Agritourism to help preserve Provo's agricultural heritage.

f. Encourage our state lawmakers to increase funding for the LeRay McAllister Fund.

g. Protect agricultural operations from the impact of residential encroachment.

h. Identify agricultural land owners, have their properties listed on developmental maps to better avoid encroachment onto agricultural lands.

2. *Preserve and Create Quality Usable Open Space*

a. Update and utilize the Parks and Recreation Master Plan to provide developed parks and open space that satisfy a range of leisure and recreational needs.

b. Preserve and develop natural amenities for sustained enjoyment by the community. Examples include the Provo River and banks, the Provo River Delta, Utah Lake shoreline, and wetlands.

c. Provide parks and trails of different uses and sizes.

d. Encourage agritourism as a means to provide agriculturally themed open space.

e. Useable neighborhood open space should be an integral part of neighborhood design or combined to serve larger areas than the immediate development.

3. *Encourage Sustainable Residential Development Patterns*

a. Establish ordinances to require a mix of housing types, lot sizes, and designs to accommodate various stages of life.

b. Detached single-family homes should be the predominant housing type and the use of other types should augment and not detract from the single-family feel of the area.

c. Housing types should be mixed without barriers separating types or densities.

d. The scale and style of residences should enhance the surrounding area, regardless of housing type.

e. Create design standards for important road corridors in southwest Provo.

f. The overall density of the area should average four to seven units to the acre.

4. *Promote Development of Commercial Amenities and Employment Opportunities in Appropriate Locations*

a. Regional commercial uses may be located adjacent to I-15 or within the Airport Related Activities district.

b. Neighborhood and Community Shopping zones may be located at or adjacent to arterial or collector streets.

c. Design, scale and intensity of commercial zones or properties should transition to adjacent residential uses to minimize impact on the residential use.

5. *Create a Robust Transportation Network*

a. Update the Transportation Master Plan to accommodate the changing needs of southwest Provo.

b. The planned collector road network should be built as development occurs. No development should interrupt the collector road network.

c. Update the Provo City Major and Local Street Plan to include a network of proposed local streets to ensure connectivity in the land between collector and arterial roads.

d. Utilize Complete Streets Policies to ensure all modes of transportation are considered.

e. Utilize the Transportation Master Plan to identify corridors that should have sufficient right-of-way to accommodate public transit.

f. Lakeview Parkway is to be maintained as an arterial roadway with limited access.

6. *Require Proper Integration and Sequencing of Development*

a. The full block should be considered when rezoning away from agricultural uses.

b. Conceptual Integrated Development Plan for the entire block should be required for zone change applications.

c. Discourage rezoning of land that is surrounded by agricultural zoning.

d. Development may be limited or deferred depending on the availability of adequate municipal infrastructure (such as sewer, storm drainage, water, etc.).

7. *Restrict Development in Wetlands and Other Environmentally Sensitive Areas*

a. Land south and west of the Lakeview Parkway up to Center Street (excepting the airport protection area) should be preserved for open space and agricultural uses.

b. No development should occur in flood-prone areas unless the risks can be mitigated. Plans for mitigation should be reviewed for adequacy by the Provo City Engineer and any State or Federal regulatory agency with jurisdiction to ensure that sensitive lands are

appropriately developed to protect people, property or significant natural features. Mitigation plans should not adversely affect adjacent properties.

8. Future Land Uses Intent Statement

a. The Municipal Council of the City of Provo reaffirms our commitment to the Southwest Area Guiding Principles, Policies and Goals (General Plan 1.2.9) and the Southwest Area Future Land Use Map (General Plan, Appendix J) and adopts this statement to provide additional clarity regarding density and mixed lot sizes. This statement is intended to clarify the existing policies, set common expectations for the development community, staff, and City officials, and maximize the development potential of west Provo. A significant factor in the Council's consideration of a rezone proposal in this area will be how the proposal meets the policies below.

b. Sewer capacity limits the west side to three to seven units per acre gross in Residential areas (previously written as four units per acre and interpreted as net, see the Southwest Area Future Land Use Map). Given this constraint and the need for diverse housing options, Provo City encourages developers to submit ambitious, creative plans that provide a variety of lot and housing sizes to meet the varied needs of Provo residents, present and future.

c. ***Varied Lot Sizes Policies***

i ***Recommendations for varied lot sizes***

a ***Definitions of lot sizes***

Small Lot	Medium Lot	Large Lot
< 4,000~~8,000~~ sq ft	8,000-12,000 sq ft	> 12,000 sq ft

Lot sizes are subject to the minimum requirements for the zone.

b ***Table of ratios of lot sizes scaled for different developments***

Acres in the development	Max Units (7~~3~~ units/acre gross)	Small Lots	Medium Lots	Large Lots

≤10	**70~~350~~**	**N/A**	**N/A**	**N/A**
11-19	**77-133~~33-57~~**	**25-75%***	**25-75%***	**25-75%***
20+	**~~60-147~~140-343**	**25-40%**	**25-40%**	**remainder**

***Choose EITHER small and medium lots OR medium and large lots (choosing small and large is not desired)**

Lakeview North Neighborhood

1. The property west and parallel of Geneva Road from Lakeshore Drive to 2000 North should be developed for uses compatible with the Residential (R) land use designation.

2. Property within and to the west of land located within the "AE" flood zone of the FEMA Flood Insurance Rate Map (FIRM) should receive the Provo City General Plan Map designation of Developmentally Sensitive (DS) and be subject to the same provisions as defined under the guiding principles for the SW Area.

3. Infrastructure needs should continue to be evaluated in order to resolve issues for existing and future residents, particularly where road conditions may be hazardous.

4. Continue to review for appropriately siting the airport access road and consider potential impacts to current residents along Lakeshore Drive.

5. The area between 1680 North and 2000 North, and between Geneva Road and I-15, which is zoned R1-20, should be developed as the current zoning allows or as a Specific Development Plan or Very Low Density Residential comprised primarily of single-family residential dwellings with a mix of housing types not to exceed the allowed density for the Southwest Area. No commercial uses should be permitted between Geneva Road and the Frontrunner Railroad Line.

EXHIBIT B


2000 NORTH STREET (PROVO)
GREY FIELD LLC
R1-8
PROPOSED
RIGHT-IN
RIGHT-OUT
T. ROBERT CORDNER
ERVEN E. BAIR
PARLEY G. HELLWELL
EARL B. CROPPER
EARL CROPPER
GERRY HEATON
POWER & LIGHT
L.D.S. CHURCH
CHURCH
FREEWAY INDU
RUBY C.
SCOTT

ITEM 2*

Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road.

Lakeview North Neighborhood

PLGPA20220182

Proposed Text Amendments

- Change density limit for west Provo from 4 units/acre to a range of 4 to 7 units/acre
  - Results in almost a doubling of permitted units on the west side
- Decrease minimum lot size from 8,000 sq. ft. to 4,000 sq. ft.
  - Results in a doubling of maximum small lots per development

c. Request that the Provo Agricultural Commission explore tools for agricultural preservation. These tools may include: conservation easements, transfers of development rights, community land trusts, a privately funded farmland trust fund, and Utah's "Agricultural Protection" Program.

d. Encourage the Provo Agricultural Commission to improve the productive use of agricultural land.

e. Encourage Development-Supported Agriculture and Agritourism to help preserve Provo's agricultural heritage.

f. Encourage our state lawmakers to increase funding for the LeRay McAllister Fund.

g. Protect agricultural operations from the impact of residential encroachment.

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i *Recommendations for varied lot sizes*

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Lot sizes are subject to the minimum requirements for the zone.

b *Table of ratios of lot sizes scaled for different developments*

Acres in the development	Max Units (7~~3~~ units/acre gross)	Small Lots	Medium Lots	Large Lots

Proposed Text Amendments

- Add option of “Very Low Density Residential” to develop area between 1690 N and 2000 N Geneva
  - Would result in up to ten additional units per acre in the area.

≤10	70~~350~~	N/A	N/A	N/A
11-19	77-13~~333-57~~	25-75%*	25-75%*	25-75%*
20+	~~60-147~~140-343	25-40%	25-40%	remainder

***Choose EITHER small and medium lots OR medium and large lots (choosing small and large is not desired)**

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3. Infrastructure needs should continue to be evaluated in order to resolve issues for existing and future residents, particularly where road conditions may be hazardous.

4. Continue to review for appropriately siting the airport access road and consider potential impacts to current residents along Lakeshore Drive.

5. The area between 1680 North and 2000 North, and between Geneva Road and I-15, which is zoned R1-20, should be developed as the current zoning allows or as a Specific Development Plan or Very Low Density Residential comprised primarily of single-family residential dwellings with a mix of housing types not to exceed the allowed density for the Southwest Area. No commercial uses should be permitted between Geneva Road and the Frontrunner Railroad Line.

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- Decrease minimum lot size from 8,000 sq. ft. to 4,000 sq. ft.
  - Results in a doubling of maximum small lots per development
- Add option of “Very Low Density Residential” to develop area between 1690 N and 2000 N Geneva
  - Would result in up to ten additional units per acre in the area.

provo
WELCOME HOME

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

Public Works Staff Report
Hearing Date: 9/28/2022

General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP)

Item #2 Summary:
Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220182

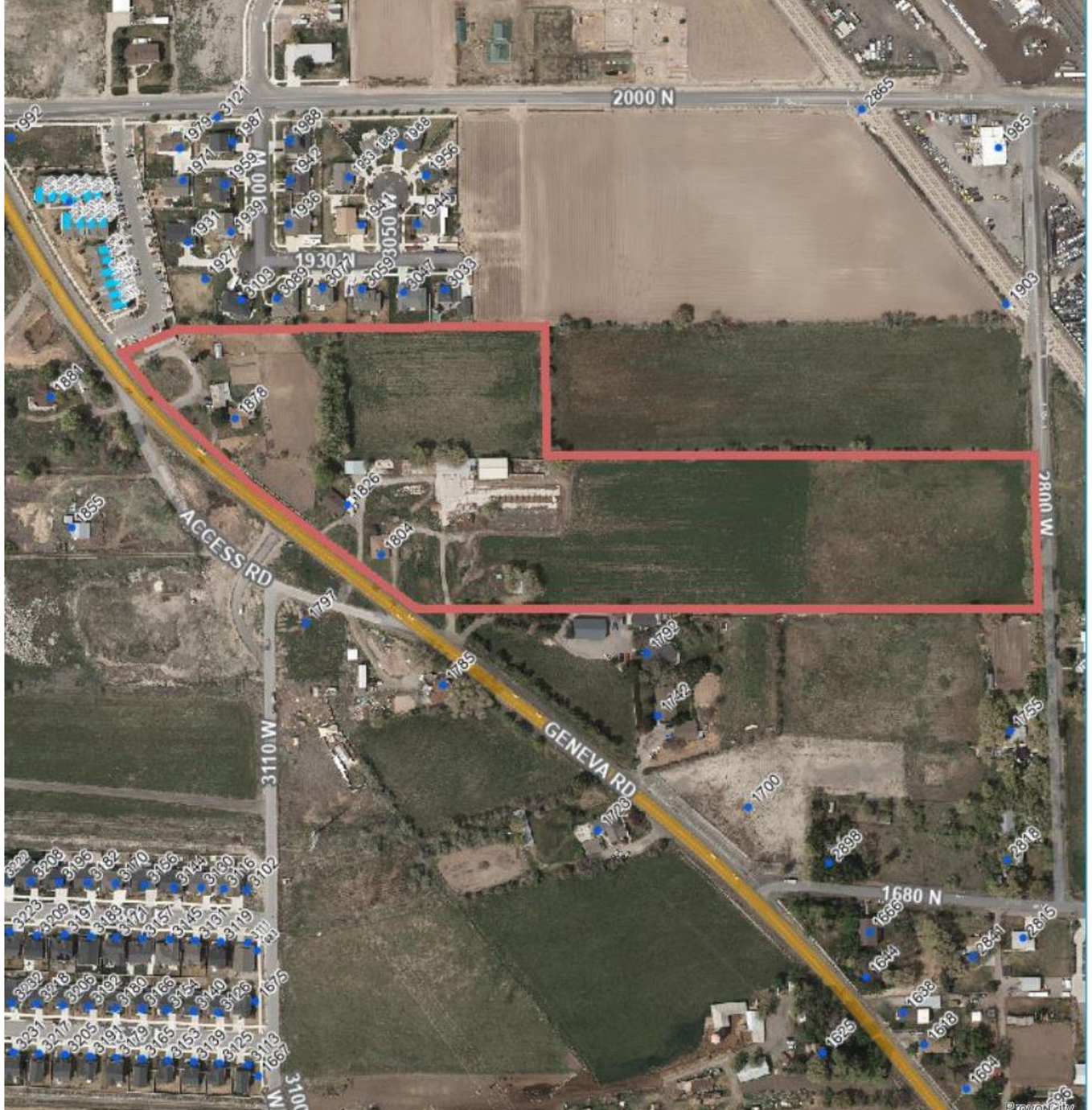
Staff Recommendation:
Public Works staff has major concerns with the requested action. The current General Plan for this area was used to model and design infrastructure including the recently constructed Southwest Sewer Lift Station and large sewer trunk mains. The current General Plan zoning density of 4 units per acre was used for sizing these facilities. Altering the General Plan to a higher density here could have major financial implications for both sewer and water utilities.

Conclusion: Proposed text changes would result in insufficient infrastructure to serve west Provo.

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

Proposed Map Amendment

- 1804 N – 1878 N Geneva Road



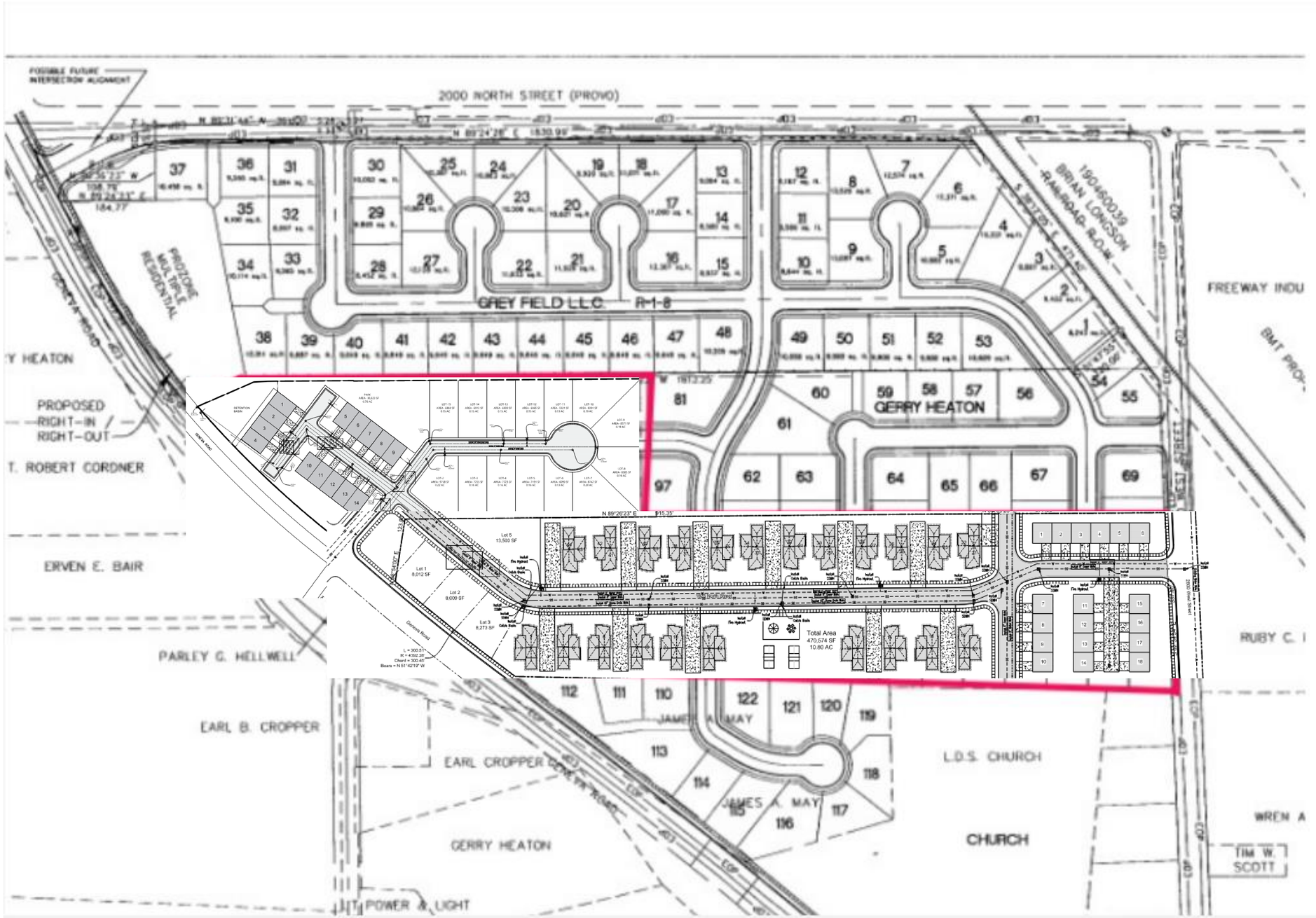
Proposed Map Amendment

- 1804 N – 1878 N Geneva Road
- Existing General Plan Appendix C5



Proposed Map Amendment

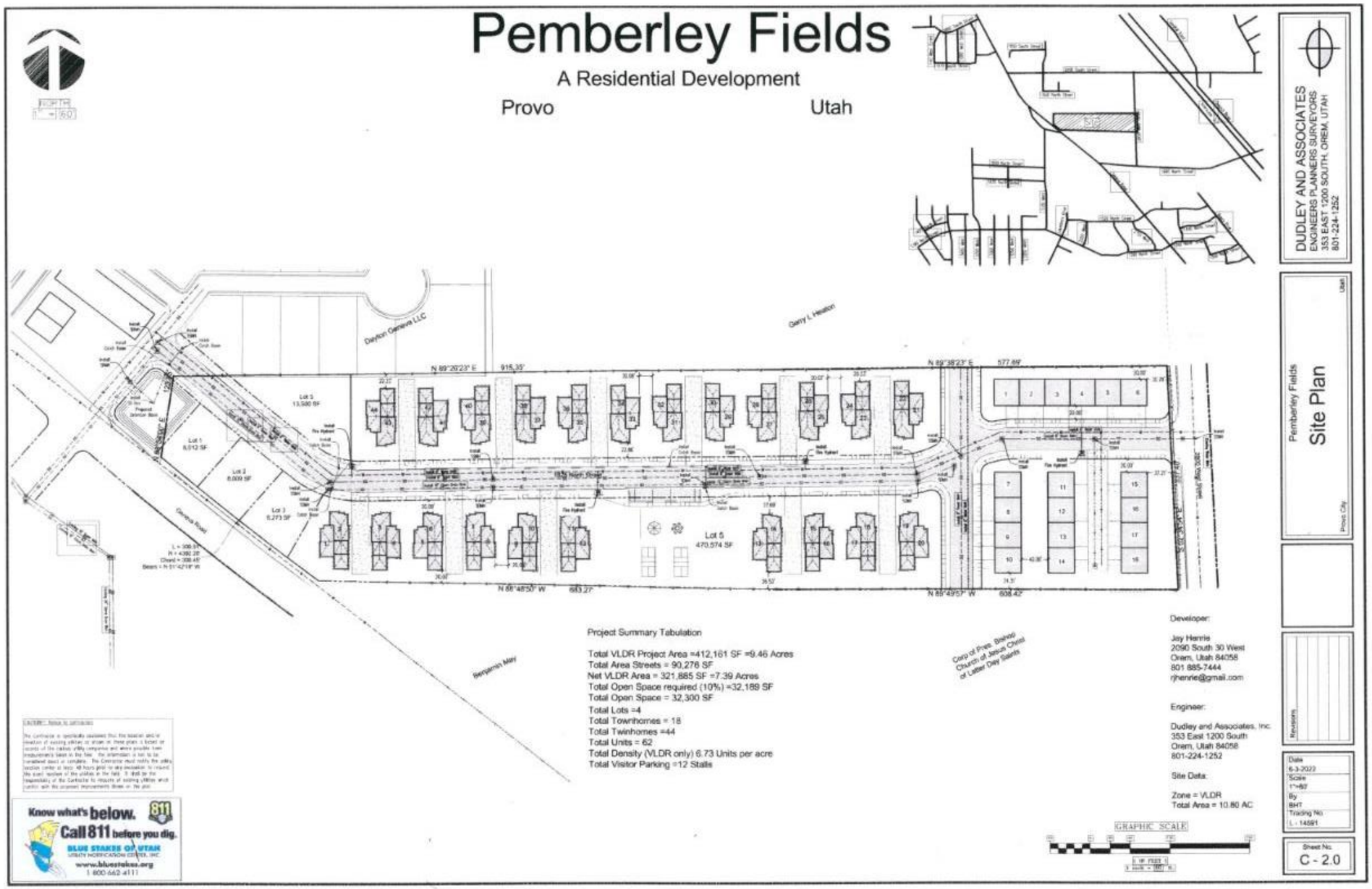
- 1804 N – 1878 N Geneva Road
- Existing General Plan Appendix C5
- Proposed Changes
  - Subject area goes from 48 units to 94 units



Applicant Slides



Applicant Slides



Applicant

Twin-Home Concept



Front View (exterior will be updated)

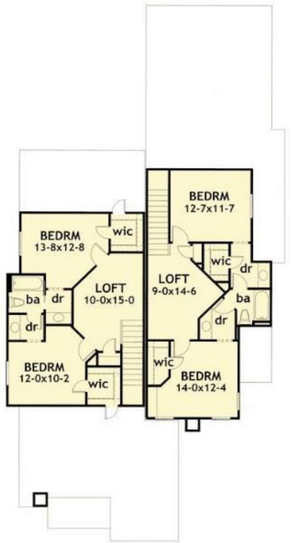


Front – Angle View

Twin-Home Concept



Main Floor

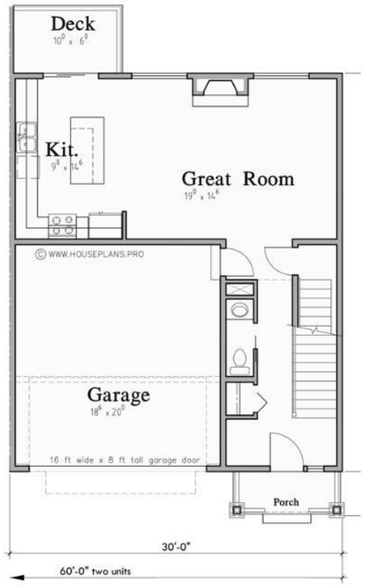


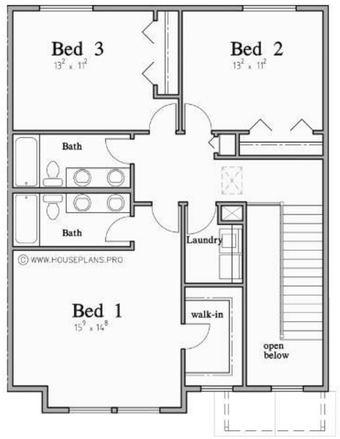
Upper Level

Townhome Concept



Front View (will be widened about 10-ft each unit)





Upper Floor

Main Floor

From: Tanner Nordstrom
Sent: Tuesday, September 27, 2022 5:07 PM
To: Aaron Ardmore
Subject: Planning Commission Hearing - Item 2

Hi Aaron,

I received the public hearing notice for Item 2 re the General Plan Amendments for Jon Jensen. I'm out of town for work this week and won't be able to attend the meeting, please consider my thoughts here.

I live at 1942 N 3100 W, Provo, UT 84601, we've lived there for 4 years. I am the (volunteer)president of the Lakeview Fields HOA, it's a small group of 21 single-family homes directly to the north of the parcel in question.

Our homes are located in an interesting location because we are impacted by the development of both Provo and Orem, as we live off 2000S. I can tell you firsthand that Orem does not give any weight to the concerns of Provo residents when they are rezoning and approving development. Orem city council approved a rezoning for a large gas station that is going on the NE corner of Geneva and 2000S, despite their planning commission voting against it.

My ask is this: please do NOT reduce the density of 1878 N/1804 parcel. Orem has built and is building a mass amount of high and medium-density housing on the west side of Geneva, and we already have the 3 story apartments along the west property line of our homes. The developer paid an insane amount of money for that land and is now scrambling to justify his investment. This will come at a cost to us, not the developer who will take his money and never concern himself one bit with the impact his decisions have had on those of us who are raising families feet away from his poor decision. We already have problems with sewer capacity and unsafe traffic along geneva and 2000S. The original master plan for that land was covered under our HOA and calls for single-family homes. **Please leave the plan as single family.**

Thank you,

Tanner Nordstrom

--

Tanner Nordstrom
[redacted]

ORDINANCE 2022-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 15.73 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 1878 NORTH AND 1804 NORTH GENEVA ROAD, FROM RESIDENTIAL (R1.20) TO VERY LOW DENSITY (VLDR). LAKEVIEW NORTH NEIGHBORHOOD. (PLGPA20220182)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 15.73 acres of real property, generally located at 1878 N and 1804 N Geneva Road (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 Residential (R1.20) to Very Low Density (VLDR); and

WHEREAS, on September 28, 2022, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended denial 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 October 4, 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 Residential (R1.20) Zone to the Very Low Density (VLDR) Zone for approximately 15.73 acres of real property generally located at 1878 N and 1804 N Geneva Road, 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

[to be inserted – see Planning Commission staff report]

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: September 28, 2022

***ITEM #2** Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220182

Applicants: Jon Jensen, Jay Henrie

Staff Coordinator: Aaron Ardmore

Property Owners: Dayton-Geneva LLC; Scott, Hal J & Evelyn C

Parcel ID#: 19:046:0046; 19:046:0018

Acreage: 15.73

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 October 12th, at 6:00 P.M.*

2. **Recommend Approval** of the requested General Plan Amendments. *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 currently include three single-family homes and related agricultural land.

Relevant History: The property at 1878 N Geneva was the subject of a 2019 Zone Map Amendment request but was withdrawn due to sewer and water capacity concerns raised by Staff. The current General Plan Amendment requests are associated with Zone Map Amendments and Concept Plan applications from the two applicants on these properties for the VLDR zone with single-family, twin-home, and townhome concepts. Staff has been working with the applicants since June 2022 to try to address major concerns on the concept plans, but in August recommended that the applicants bring forward this application first to determine whether more time and money should be spent trying to correct the related concept plans.

Neighborhood Issues: The applicants have met with the Lakeview North neighborhood and have heard concerns expressed with the proposed density and occupancy of the plans. Additionally, the westside neighborhoods went through a rigorous area planning process over two years to define density limits and areas approved for higher density.

Summary of Key Issues:

- The area plan and recommended limits are a result of a neighborhood planning effort.
- The proposal would put a strain on city infrastructure.

Staff Recommendation: That the Planning Commission recommend denial to the City Council.

OVERVIEW

Jon Jensen and Jay Henrie have individually submitted rezone and concept plan applications for the properties at 1804 N Geneva and 1878 N Geneva. These applications propose moving from the R1.20 (One-Family Residential) zone to the VLDR (Very Low Density Residential) zone, going from a maximum density of just over two (2) units per acre to seven (7) units per acre. Due to these proposed changes, amendments must be made to the General Plan text and Appendix C5.

This General Plan amendment application is two-fold, proposing (1) General Plan text amendments to Section 1.2.9 (specifically in the "southwest area neighborhoods") and (2) a General Plan map amendment (specifically appendix C5, Lakeview Fields SDP).

The proposed text amendments consist of three specific proposals. The first is found in the policies subsection "3.f." of the "Southwest Area Guiding Principles, Policies and Goals", proposing to add language for the overall density of the area to go from four units to the acre to a range of *four to seven units to the acre*. This proposed change is echoed in the proposed change to subsection "8.b." where the same range is proposed.

The next set of proposed changes are in the "varied lot sizes policies" found in subsection "8.c." in the "Future Land Uses Intent Statement" section of Section 1.2.9. The changes proposed in this table decrease the minimum lot size for a "small lot" from eight thousand (8,000) square feet to four thousand (4,000) square feet. They also propose to increase the "max units" in the table from three (3) units/acre gross to seven (7), resulting in a dramatic increase in the number of units allowed in the subsequent rows (see Attachment #1).

The last of the proposed changes comes in the "Lakeview North Neighborhood" subsection, policy #5. The text amendment here adds the language "*or Very Low Density Residential*" when describing the zoning policies for the area between 1680 North and 2000 North Geneva Road. This is a policy change from the existing policy to develop the area to the R1.20 zone or "as a specific development plan comprised primarily of sing-family residential dwellings not to exceed the allowed density for the Southwest Area."

The proposed General Plan map amendment in the form of appendix C5 proposes changing the plan lot layout from a standard R1 subdivision to match the proposed conceptual VLDR layouts from the applicants (see Attachment #3). This would align with the proposed text amendments and again would increase the density of the area from three to four units per acre to around six units per acre.

STAFF ANALYSIS

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 applicant states the public purpose of their amendments are to provide a more attainable home for young professionals, reduce water usage, improve safety, and raise property values.

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

Staff response: Staff contends that while the stated purposes above are noble, the public would not be best served by the amendments in question. First, and most important, is the fact that the density of the westside of Provo is limited by availability of infrastructure. The current limit of three units per gross acre was a thoughtful determination by city staff, City Council, and residents after a deep evaluation of proposed growth and planned sewer and water upgrades. This process identified the infrastructure capacity concerns as the main reason to limit density west of I-15 to four units per acre net or three units per acre gross.

Moving the density above this standard would not serve the other property owners of the westside well, as their development potential would decrease as the availability of sewer connections becomes quickly reduced by whoever develops first.

Second, reduced water usage is not a guarantee with the proposed General Plan amendments. Simply increasing the number of allowed units does not guarantee less water demand, and in some cases with large open amenity areas on top of private lawns, could create *more* of a demand on water.

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

Staff response: The proposed amendments are in effect contradictory to the existing General Plan policies, goals, and objectives that are referenced in the

application, and therefore incompatible. The proposals are also incompatible with the stated goals in Chapter Five of the General Plan to "provide and maintain appropriate wastewater infrastructure" and Chapter Three to "establish stability and owner occupancy in Provo's housing inventory" outside areas specifically planned for higher-density.

(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 related to this request.

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

Staff response: Staff believes that the proposed amendment would hinder development on the westside of Provo and obstruct attainment of the existing General Plan policies listed above.

(f) Adverse impacts on adjacent land owners.

Staff response: Short-term adverse impacts would be related to the applicants' specific concept and include increased traffic, a lack of connectivity, and higher occupancy turnover. Long-term adverse impacts would be on the larger area of reaching the limits on wastewater connections before all of the developable land west of I-15 has had opportunity to develop.

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

Staff response: Staff has verified the zoning and General Plan for the area in question.

(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: There is no conflict between the map and policies.

CONCLUSIONS

Provo City Staff has concluded that the proposed changes would not be a benefit to the City or the residents, especially those on the westside of I-15. The City went through a long process to identify the limits of development in this area of the Provo and established a land use plan and policies to ensure that there is enough infrastructure for build-out. The proposed changes would create a “domino-effect” on property owners down the line not having sufficient sewer capacity to develop their land.

ATTACHMENTS

1. Proposed Text Amendments
2. Existing Appendix C5 (with subject area highlighted)
3. Proposed Map Amendment to Appendix C5
4. Public Works Report

ATTACHMENT 1 – PROPOSED TEXT AMENDMENTS

Appendix C5, Section 1.2.9

https://provo.municipal.codes/GenPlan/1.2.9

Specifically, in subsection 8 of the "Southwest Area Neighborhoods" of 1.2.9.

Fort Utah	**Lakewood**
Lakeview North	**Provo Bay**
Lakeview South	**Sunset**

The Southwest Area Neighborhood Council consists of six neighborhoods: Fort Utah, Lakeview North, Lakeview South, Lakewood, Provo Bay, and Sunset. Key policies for the Southwest Area Neighborhood Council are listed below by neighborhood. Key policies for the Southwest Area Council are listed below, with policies to address issues shared, to some degree, within all Southwest Area neighborhoods, followed by policies of specific importance, by neighborhood.

Southwest Area Guiding Principles, Policies and Goals

Purpose

The purpose of these policies is to guide development in southwest Provo in order to promote a smart, sustainable, vibrant community that offers a high quality of life for current and future residents while respecting Provo's agricultural heritage.

Policies

1. Preserve Provo's agricultural heritage and support agriculture for as long as farmers choose to farm:

a. Approve the creation of a Provo Agricultural Commission to support local commercial and noncommercial agriculture.

b. Request that the Provo Agricultural Commission identify obstacles to the success of current and prospective farmers, including nontraditional farmers, and recommend ways to remove these obstacles.

c. Request that the Provo Agricultural Commission explore tools for agricultural preservation. These tools may include: conservation easements, transfers of development rights, community land trusts, a privately funded farmland trust fund, and Utah's "Agricultural Protection" Program.

d. Encourage the Provo Agricultural Commission to improve the productive use of agricultural land.

e. Encourage Development-Supported Agriculture and Agritourism to help preserve Provo's agricultural heritage.

f. Encourage our state lawmakers to increase funding for the LeRay McAllister Fund.

g. Protect agricultural operations from the impact of residential encroachment.

h. Identify agricultural land owners, have their properties listed on developmental maps to better avoid encroachment onto agricultural lands.

2. *Preserve and Create Quality Usable Open Space*

a. Update and utilize the Parks and Recreation Master Plan to provide developed parks and open space that satisfy a range of leisure and recreational needs.

b. Preserve and develop natural amenities for sustained enjoyment by the community. Examples include the Provo River and banks, the Provo River Delta, Utah Lake shoreline, and wetlands.

c. Provide parks and trails of different uses and sizes.

d. Encourage agritourism as a means to provide agriculturally themed open space.

e. Useable neighborhood open space should be an integral part of neighborhood design or combined to serve larger areas than the immediate development.

3. *Encourage Sustainable Residential Development Patterns*

a. Establish ordinances to require a mix of housing types, lot sizes, and designs to accommodate various stages of life.

b. Detached single-family homes should be the predominant housing type and the use of other types should augment and not detract from the single-family feel of the area.

c. Housing types should be mixed without barriers separating types or densities.

d. The scale and style of residences should enhance the surrounding area, regardless of housing type.

e. Create design standards for important road corridors in southwest Provo.

f. The overall density of the area should average four to seven units to the acre.

4. *Promote Development of Commercial Amenities and Employment Opportunities in Appropriate Locations*

a. Regional commercial uses may be located adjacent to I-15 or within the Airport Related Activities district.

b. Neighborhood and Community Shopping zones may be located at or adjacent to arterial or collector streets.

c. Design, scale and intensity of commercial zones or properties should transition to adjacent residential uses to minimize impact on the residential use.

5. *Create a Robust Transportation Network*

a. Update the Transportation Master Plan to accommodate the changing needs of southwest Provo.

b. The planned collector road network should be built as development occurs. No development should interrupt the collector road network.

c. Update the Provo City Major and Local Street Plan to include a network of proposed local streets to ensure connectivity in the land between collector and arterial roads.

d. Utilize Complete Streets Policies to ensure all modes of transportation are considered.

e. Utilize the Transportation Master Plan to identify corridors that should have sufficient right-of-way to accommodate public transit.

f. Lakeview Parkway is to be maintained as an arterial roadway with limited access.

6. *Require Proper Integration and Sequencing of Development*

a. The full block should be considered when rezoning away from agricultural uses.

b. Conceptual Integrated Development Plan for the entire block should be required for zone change applications.

c. Discourage rezoning of land that is surrounded by agricultural zoning.

d. Development may be limited or deferred depending on the availability of adequate municipal infrastructure (such as sewer, storm drainage, water, etc.).

7. *Restrict Development in Wetlands and Other Environmentally Sensitive Areas*

a. Land south and west of the Lakeview Parkway up to Center Street (excepting the airport protection area) should be preserved for open space and agricultural uses.

b. No development should occur in flood-prone areas unless the risks can be mitigated. Plans for mitigation should be reviewed for adequacy by the Provo City Engineer and any State or Federal regulatory agency with jurisdiction to ensure that sensitive lands are

appropriately developed to protect people, property or significant natural features. Mitigation plans should not adversely affect adjacent properties.

8. Future Land Uses Intent Statement

a. The Municipal Council of the City of Provo reaffirms our commitment to the Southwest Area Guiding Principles, Policies and Goals (General Plan 1.2.9) and the Southwest Area Future Land Use Map (General Plan, Appendix J) and adopts this statement to provide additional clarity regarding density and mixed lot sizes. This statement is intended to clarify the existing policies, set common expectations for the development community, staff, and City officials, and maximize the development potential of west Provo. A significant factor in the Council's consideration of a rezone proposal in this area will be how the proposal meets the policies below.

b. Sewer capacity limits the west side to three to seven units per acre gross in Residential areas (previously written as four units per acre and interpreted as net, see the Southwest Area Future Land Use Map). Given this constraint and the need for diverse housing options, Provo City encourages developers to submit ambitious, creative plans that provide a variety of lot and housing sizes to meet the varied needs of Provo residents, present and future.

c. *Varied Lot Sizes Policies*

i *Recommendations for varied lot sizes*

a *Definitions of lot sizes*

Small Lot	Medium Lot	Large Lot
< 4,0008,000 sq ft	8,000-12,000 sq ft	> 12,000 sq ft

Lot sizes are subject to the minimum requirements for the zone.

b *Table of ratios of lot sizes scaled for different developments*

Acres in the development	Max Units (73 units/acre gross)	Small Lots	Medium Lots	Large Lots

≤10	**70~~350~~**	**N/A**	**N/A**	**N/A**
11-19	**77-133~~33-57~~**	**25-75%***	**25-75%***	**25-75%***
20+	**~~60-147~~140-343**	**25-40%**	**25-40%**	**remainder**

***Choose EITHER small and medium lots OR medium and large lots (choosing small and large is not desired)**

Lakeview North Neighborhood

1. The property west and parallel of Geneva Road from Lakeshore Drive to 2000 North should be developed for uses compatible with the Residential (R) land use designation.

2. Property within and to the west of land located within the "AE" flood zone of the FEMA Flood Insurance Rate Map (FIRM) should receive the Provo City General Plan Map designation of Developmentally Sensitive (DS) and be subject to the same provisions as defined under the guiding principles for the SW Area.

3. Infrastructure needs should continue to be evaluated in order to resolve issues for existing and future residents, particularly where road conditions may be hazardous.

4. Continue to review for appropriately siting the airport access road and consider potential impacts to current residents along Lakeshore Drive.

5. The area between 1680 North and 2000 North, and between Geneva Road and I-15, which is zoned R1-20, should be developed as the current zoning allows or as a Specific Development Plan or Very Low Density Residential comprised primarily of single-family residential dwellings with a mix of housing types not to exceed the allowed density for the Southwest Area. No commercial uses should be permitted between Geneva Road and the Frontrunner Railroad Line.

ATTACHMENT 2 – EXISTING APPENDIX C5 (WITH SUBJECT AREA HIGHLIGHTED)



ATTACHMENT 3 – PROPOSED MAP AMENDMENT TO APPENDIX C5



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

Public Works Staff Report
Hearing Date: 9/28/2022

General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP)

Item #2 Summary:
Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220182

Staff Recommendation:
Public Works staff has major concerns with the requested action. The current General Plan for this area was used to model and design infrastructure including the recently constructed Southwest Sewer Lift Station and large sewer trunk mains. The current General Plan zoning density of 4 units per acre was used for sizing these facilities. Altering the General Plan to a higher density here could have major financial implications for both sewer and water utilities.

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

ORDINANCE 2022-.

AN ORDINANCE AMENDING THE REGIONAL SHOPPING CENTER (SC3) ZONE TO ALLOW ANIMAL HOSPITAL SERVICES AS A PERMITTED USE. CITYWIDE APPLICATION. (PLOTA20220274)

WHEREAS, it is proposed that Provo City Code Section 14.20.020 be amended; and

WHEREAS, on September 28, 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 6:0; and

WHEREAS, on October 4, 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 Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code Section 14.20.020 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

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: September 28, 2022

***ITEM #3** Robert Olsen requests an Ordinance Text Amendment to the SC3 (Regional Shopping Center) zone section 14.20.020, to add Standard Land Use Code 8222 (Animal Hospital) to the list of permitted uses. Citywide application. Aaron Ardmore (801) 852-6405 aardmore@provo.org PLOTA20220274

Applicant: Robert Olsen

Staff Coordinator: Aaron Ardmore

Parcel: The subject parcel is an individual commercial pad within a large mixed-use development.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 12th at 6:00 P.M.*

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

Relevant History: This proposal is being brought forward by a group that wants to establish a pet hospital business in the Rivers Edge at University development at 2300 N University Parkway.

Neighborhood Issues: This is a citywide application. Staff has not had any issues reported regarding this request at the time of this report.

Summary of Key Issues:

- The proposal would allow pet hospitals as a permitted use in the SC3 zone.
- The proposed use (pet hospital) falls under Standard Land Use (SLU) code 8222, which would include the standard conditions already established in Section 14.34.250(9), Provo City Code.
- The applicant has met with staff and the developer regarding this request and received support to move forward.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation of the proposed text amendment, subject to the following condition:

1. That the amendment references Section 14.34.250(9).

OVERVIEW

Robert Olsen is representing Banfield Pet Hospital in requesting an ordinance text amendment to the SC3 zone in order to allow a pet hospital as a permitted use. The list of permitted uses in Section 14.20.020 does not currently have a similar use that could be applied to establish a business of this type in any SC3 zone. The request is a citywide amendment but have specific reference to a proposed business at 475 West 2310 North, in the Rivers Edge at University mixed-use development.

STAFF ANALYSIS

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: In the purpose and objectives section of the SC3 zone it states that the zone will "include virtually the whole range of retail and service establishments" within the shopping center. This idea is supported by the General Plans goals of providing services to its' citizens.

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

Staff response: Staff believes that the proposed amendment will help to provide an additional service to the people of Provo.

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

Staff response: The General Plan specifically states that the city should seek business and services that are needed in the community in Section 7.4.13. The rise of pets and needed pet services indicates a need for the proposed use and should fit well with the SC3 zones.

> (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 related to this request.

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

Staff response: This proposed text amendment should not hinder or obstruct any of the other articulated policies of the General Plan.

(f) Adverse impacts on adjacent land owners.

Staff response: The description of the business and its services leads staff to believe that this amendment should not create any adverse impacts on adjacent land owners. Additionally, the standard conditions listed in Section 14.34.250(9) will help mitigate any concerns that may have originally been brought forward.

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

Staff response: This is a citywide application.

(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: There is no conflict.

APPLICABLE ZONING CODES

14.34.250. Standards for Conditional Uses.

(9) *Veterinarian Services (Including Animal Hospital Services and Animal Kennels, Animal Boarding, Breeding, Training and Grooming (Excluding Large Animals)).*

(a) Experimental or scientific research activities are prohibited;

(b) No on-site disposal or burial of dead animals is permitted;

(c) Each facility shall be located completely within an air-conditioned and soundproofed building; except for outdoor, on-leash (accompanied by an attendant) walking areas for not more than two (2) animals at a time;

(d) Animal noise shall not be audible at the nearest property line;

(e) Overnight boarding shall be limited to animals receiving treatment on the premises;

(f) Services shall be limited to small animals only;

(g) No services shall be permitted for poisonous or dangerous animals; and

(h) Cremation services shall be:

(i) Provided only as an accessory use;

(ii) Limited to animals treated at a veterinary clinic or animal hospital where the cremation services are provided; and

(iii) Contingent upon obtaining a permit from the Utah State Division of Air Quality.

CONCLUSIONS

Staff has reviewed the proposed text amendment and is comfortable with the controls offered by Section 14.34.250 to allow a pet hospital use into the SC3 zones within the City.

ATTACHMENTS

1. Proposed Amendment
2. Public Works Report

ATTACHMENT 1 – PROPOSED AMENDMENT

14.20.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.150, Provo City Code)
1130-50	Multi-family and apartment dwelling including live-work units (subject to Section 14.20.150, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
2181	Breweries (only when attached and ancillary to a restaurant)

Use No.	Use Classification
4920	Transportation services and arrangements
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories

Use No.	Use Classification
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5900	Miscellaneous retail trade (except 5920 and 5980)
5910	Drug and proprietary stores
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6294)
6297	Athletic clubs, body building studios, spas, aerobic centers
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger automobiles only)
6399	Miscellaneous business services
6416-7	Auto washing and polishing (except when adjacent to a residential zone, if so then subject to the Car Wash standards of Section 14.34.250, Provo City Code)
6420	Electrical appliance repair
6494	Furniture repair
6497	Gunsmiths

Use No.	Use Classification
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6510	Medical and other health services (except 6513 Hospitals, 6515 Behavior drug and alcohol treatment centers, 6516 Sanitariums, convalescent, and rest home services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6830	Special training and schooling
6910	Religious activities
7100	Cultural activities and nature exhibition
7212	Motion picture theaters (indoor – subject to the Dance Halls standards contained in Section 14.34.250, Provo City Code)
7390	Amusements (except 7396)
7414	Ice skating (subject to the Dance Halls standards of Section 14.34.250, Provo City Code)
7415	Roller skating and skate boarding (subject to the Dance Halls standards of Section 14.34.250, Provo City Code)
7417	Bowling alleys

Use No.	Use Classification
8222	Animal hospital services (subject to Section 14.34.250(9))

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

Public Works Staff Report
Hearing Date: 9/28/2022

Ordinance Text Amendment to the SC3 (Regional Shopping Center) zone section 14.20.020, to add Standard Land Use Code 8222 (Animal Hospital)

Item #3 Summary:
Robert Olsen requests an Ordinance Text Amendment to the SC3 (Regional Shopping Center) zone section 14.20.020, to add Standard Land Use Code 8222 (Animal Hospital) to the list of permitted uses. Citywide application. Aaron Ardmore (801) 852-6405 aardmore@provo.org PLOTA20220274

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 28, 2022

*ITEM 3 Robert Olsen requests an Ordinance Text Amendment to the SC3 (Regional Shopping Center) zone section 14.20.020, to add Standard Land Use Code 8222 (Animal Hospital) to the list of permitted uses. Citywide application. Aaron Ardmore (801) 852-6405 aardmore@provo.org PLOTA20220274

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 28, 2022:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Melissa Kendall
Second By: Robert Knudsen
Votes in Favor of Motion: Melissa Kendall, Robert Knudsen, Lisa Jensen, Andrew South, Raleen Whalin, Jeff Whitlock
Lisa Jensen was present as Chair.

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

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

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

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

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on 09/28/2022.
- The Neighborhood Chair determined that a neighborhood meeting would not be required.
- No information was received from the Neighborhood Chair.
- Citywide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT
- This item was City-wide or affected multiple neighborhoods.
- 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. No concerns were raised at the hearing, the following public comments were made:
- Becky Bogdin stated her support for the proposed text amendment.

APPLICANT RESPONSE

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

- The applicant stated he had nothing to add after the staff presentation.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussed the differences between a veterinary clinic and pet hospital. They felt comfortable with the use since it has built-in conditions.

Lisa Jensen

Planning Commission Chair

Bill Peperone

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

14.20.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

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1113	One-family dwelling, attached to commercial (subject to Section 14.20.150, Provo City Code)
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1512	Motels and automobile travel courts
1513	Tourist courts
2181	Breweries (only when attached and ancillary to a restaurant)

Use No.	Use Classification
4920	Transportation services and arrangements
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories

Use No.	Use Classification
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5900	Miscellaneous retail trade (except 5920 and 5980)
5910	Drug and proprietary stores
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6294)
6297	Athletic clubs, body building studios, spas, aerobic centers
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger automobiles only)
6399	Miscellaneous business services
6416-7	Auto washing and polishing (except when adjacent to a residential zone, if so then subject to the Car Wash standards of Section 14.34.250, Provo City Code)
6420	Electrical appliance repair
6494	Furniture repair
6497	Gunsmiths

Use No.	Use Classification
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6510	Medical and other health services (except 6513 Hospitals, 6515 Behavior drug and alcohol treatment centers, 6516 Sanitariums, convalescent, and rest home services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6830	Special training and schooling
6910	Religious activities
7100	Cultural activities and nature exhibition
7212	Motion picture theaters (indoor – subject to the Dance Halls standards contained in Section 14.34.250, Provo City Code)
7390	Amusements (except 7396)
7414	Ice skating (subject to the Dance Halls standards of Section 14.34.250, Provo City Code)
7415	Roller skating and skate boarding (subject to the Dance Halls standards of Section 14.34.250, Provo City Code)
7417	Bowling alleys

Use No.	Use Classification
8222	Animal hospital services (subject to Section 14.34.250(9))

ITEM 3*

Robert Olsen requests an Ordinance Text Amendment to the SC3 (Regional Shopping Center) zone section 14.20.020, to add Standard Land Use Code 8222 (Animal Hospital) to the list of permitted uses.

Citywide Application

PLOTA20220274

Proposed Text Amendments

- Add “Animal Hospital Services” as a permitted use in the SC3 zone.
  - Staff would recommend adding “subject to Section 14.34.250(9)” to text.

14.20.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.150, Provo City Code)
1130-50	Multi-family and apartment dwelling including live-work units (subject to Section 14.20.150, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
2181	Breweries (only when attached and
4920	Transportation services and arrangements
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6510	Medical and other health services (except 6513 Hospitals, 6515 Behavior drug and alcohol treatment centers, 6516 Sanitariums, convalescent, and rest home services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6830	Special training and schooling
6910	Religious activities
7100	Cultural activities and nature exhibition
7212	Motion picture theaters (indoor – subject to the Dance Halls standards contained in Section 14.34.250, Provo City Code)
7390	Amusements (except 7396)
7414	Ice skating (subject to the Dance Halls
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5900	Miscellaneous retail trade (except 5920 and 5980)
5910	Drug and proprietary stores
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6294)
6297	Athletic clubs, body building studios, spas, aerobic centers
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger automobiles only)
6399	Miscellaneous business services
8222	Animal hospital services (subject to Section 14.34.250(9))

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: DIXONH
Department: Mayor Office
Requested Meeting Date: 01-01-2018

SUBJECT: A resolution and ordinance to place certain property on the Surplus Property list, dispose of said property, vacate a portion of a paper platted street generally located in southeast Provo along the Provo-Springville boundary line. (22-042)

RECOMMENDATION: That the Council authorize the surplusing of certain property and dispose of said property.

BACKGROUND: There are two parcels of ground located in southeast Provo, a part of the Mountain Vista Business Center, that will be isolated and function as nuisance strips, as the extension of Sierra Vista Drive is constructed. In working with the Utah Department of Transportation to gain access from the City road system onto the State road system, Provo City along with several property owners are required to relinquish their right of access in order to consolitdate into one new access point - at the extension of Sierra Vista Drive. As part of the negotiations to facilitate and encourage an adjacent property owner (Gateway Crossing Development) to relinquish their point of access, City staff is recommending trading land for giving up the point of access. One of the parcels is being created by shifting the new road alignement to the west of its current alignment and it will creat a narrow remnant parcel next to an already narrow remannt parcel. The value of the property the City is giving up was appraised at $60,000.00 and the relinquished access was appraised $55,000.00.

FISCAL IMPACT: The value of the land is approximately equivalent to the value of the relinquished access

PRESENTER'S NAME: Dixon Holmes, Assistant CAO

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: Transportation access to developed land

CITYVIEW OR ISSUE FILE NUMBER: 22-042

ORDINANCE 2022-

AN ORDINANCE APPROVING A PETITION TO VACATE AN UNDEVELOPED PUBLIC STREET NEAR THE SPRINGVILLE BOUNDARY AND APPROVING A PLAT AMENDMENT AND PROPERTY EXCHANGE IN ORDER TO FACILITATE THE DEVELOPMENT OF A NEW, ADJACENT PUBLIC STREET.

WHEREAS, Provo City desires to develop a new public street with an entrance onto SR-75 near the Provo boundary with Springville; and

WHEREAS, development of the public street requires a realignment from the current dedicated, but not yet developed, street alignment and also requires that Provo City obtain a right of entry onto SR-75; and

WHEREAS, in order to obtain the right of entry onto SR-75 and facilitate the realignment, Provo City negotiated with two adjacent landowners, Gateway Crossing Development, LC (Gateway) and SPHL Properties, LLC (SPHL); and

WHEREAS, in accordance with those negotiations, it is proposed that Provo City vacate a portion of the current street alignment and transfer the property to Gateway, in exchange for which Gateway will forfeit its right of entry onto SR-75, which would otherwise prevent Provo City from obtaining a right of entry because the two would be too close in proximity to one another; and

WHEREAS, it is further proposed that SPHL will transfer property to Provo City that will become part of the new street alignment; and

WHEREAS, Provo City has submitted a petition in accordance with Utah Code 10-9a-609.5 to vacate the portion of the undeveloped public street as shown in Exhibit A; and

WHEREAS, the are no public utility easements associated with the vacated portion of the street, and any easements in the portion of the street that is not being vacated will be maintained; and

WHEREAS, it is proposed that the Municipal Council approve the street vacation petition, approve the property transfers with Gateway and SPHL, and approve an amended plat showing the new street alignment and property ownership; and

WHEREAS, on October 4, 2022, the Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) the street vacation petition, property transfers, and amended plat should be approved and (ii) this action 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 street vacation petition submitted by Provo City is hereby approved and that portion of the street shown on Exhibit A for vacation is hereby vacated.

PART II:

The transfer of the vacated portion of the street (as shown on Exhibit A) to Gateway Crossing Development, LC in exchange for the abandonment of Gateway's right of entry onto SR-75 is hereby approved and the Mayor is authorized to execute all necessary documentation to effect the transfer.

PART III:

The amended plat showing the new street alignment and the new ownership of the properties described herein is approved.

PART IV:

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. This ordinance shall be uncodified.

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

RESOLUTION 2022-.

A RESOLUTION REGARDING THE TRANSFER OF PROPERTY LOCATED GENERALLY ALONG SR-75 AT THE SPRINGVILLE BOUNDARY LINE FROM THE REDEVELOPMENT AGENCY OF PROVO CITY TO GATEWAY CROSSING DEVELOPMENT, LC, IN ORDER TO FACILITATE THE PLATTING AND DEVELOPMENT OF A NEW, ADJACENT PUBLIC STREET. (22-042)

WHEREAS, it is proposed by the Chief Executive Officer of the Redevelopment Agency of Provo City (the "RDA") that 0.339797 acres of property located generally along SR-75 at the boundary between Provo and Springville, more accurately described in the attached Exhibit A be transferred by the RDA to Gateway Crossing Development, LC (Gateway), in order to facilitate platting and development of a new road; and

WHEREAS, in order to develop the new road and have an access point to SR-75 approved for that road, Gateway abandoned an access point entitlement in exchange for receipt of the property transferred herein; and

WHEREAS, on October 4, 2022, the Governing Board of the RDA held a duly noticed meeting to discuss and ascertain facts regarding the matter, which facts and discussion can be found in the meeting record; and

WHEREAS, after considering the facts presented to the Governing Board of the Redevelopment Agency, the Board finds that the transfer of property reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment Agency of Provo City Corporation as follows:

PART I:

1. The Chief Executive Officer is authorized to transfer the property described in Exhibit A to Gateway Crossing Development, LC in accordance with RDA policies.

2. Upon transfer, a subdivision plat will be presented to the Development Services Department of Provo City for review and approval.

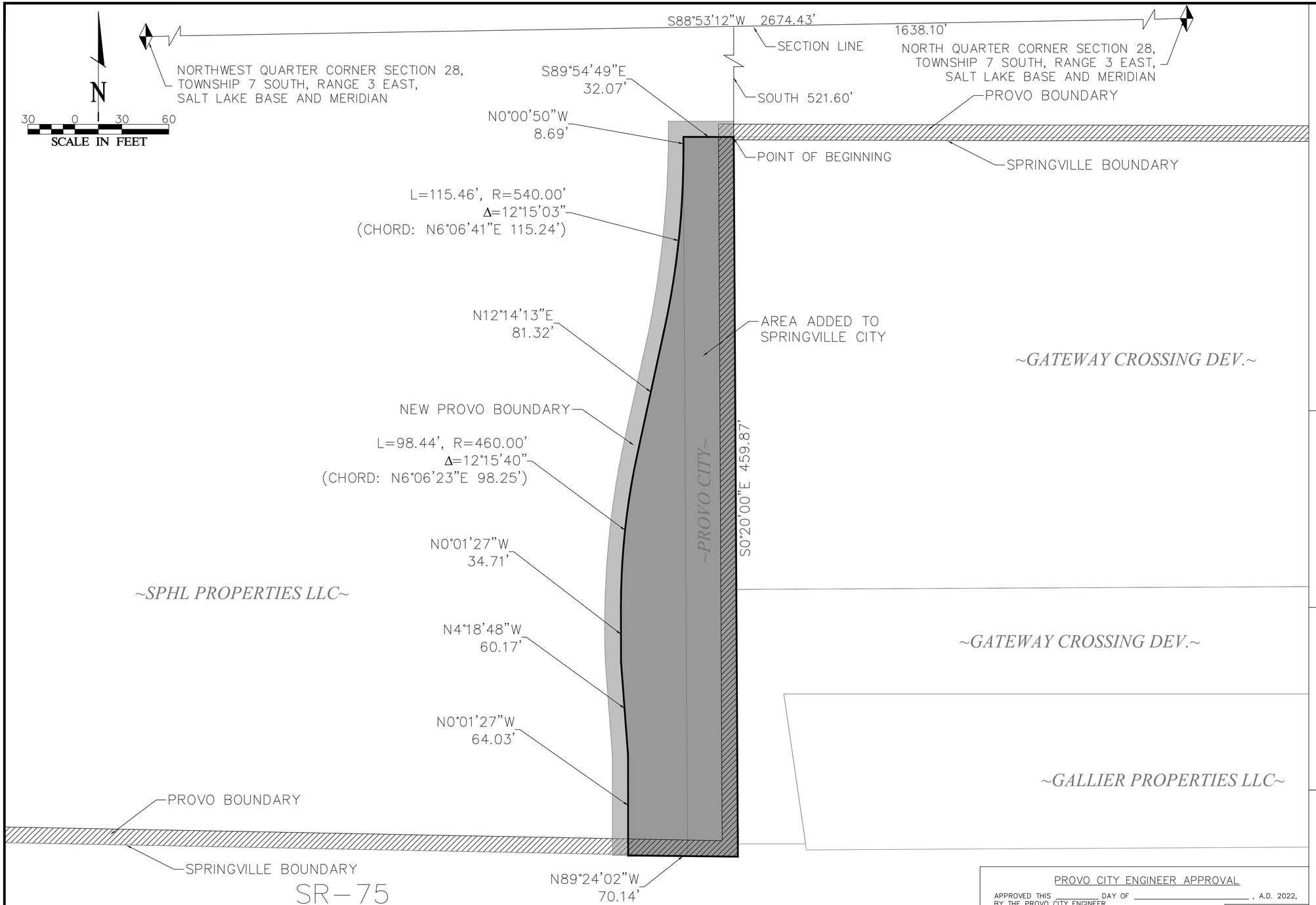
PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

EXHIBIT A

TO BE UPDATED



SURVEYOR'S CERTIFICATE

I, CHAD J. HILL, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO PROVO CITY, UTAH COUNTY, UTAH.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED S88°53'11"W ALONG THE SECTION LINE 1638.10 FEET AND SOUTH 521.60 FEET FROM THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S00°20'00"E 459.87 FEET; THENCE N89°24'02"W 70.14 FEET; THENCE N00°01'27"W 64.03 FEET; THENCE N04°18'48"W 60.17 FEET; THENCE N00°01'27"W 34.71 FEET; THENCE NORTHERLY ALONG THE ARC OF A 460.00 FOOT RADIUS CURVE TO THE RIGHT 98.44 FEET, THROUGH THE CENTRAL ANGLE OF 12°15'40" (CHORD BEARS: N06°06'23"E 98.25 FEET); THENCE N12°14'13"E 81.32 FEET; THENCE NORTHERLY ALONG THE ARC OF A 540.00 FOOT RADIUS CURVE TO THE LEFT 115.46 FEET, THROUGH THE CENTRAL ANGLE OF 12°15'03" (CHORD BEARS: N06°06'41"E 115.24 FEET); THENCE N00°00'50"W 8.69 FEET; THENCE S89°54'49"E 32.07 FEET TO THE POINT OF BEGINNING.

AREA: 26969 SQUARE FEET OR 0.619 ACRES

BASIS OF BEARING: S88°53'12"W 2676.96', ALONG THE SECTION LINE

GRID SCALE FACTOR USED: 0.9997

CHAD J. HILL
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 7837685-2201

DATE

PROFESSIONAL LAND SURVEYOR — CHAD J. HILL — 7837685 — STATE OF UTAH

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, PROVO CITY CORPORATION, HAVE RECEIVED A REQUEST TO ADJUST THE BOUNDARY LINE SHOWN HEREON BETWEEN PROVO CITY AND SPRINGVILLE CITY AN THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING. WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE BOUNDARY LINE ADJUSTMENT SHOWN.

DATED THIS_____ DAY OF_____, 2022.

MICHELLE KAUFUSI – MAYOR

ATTEST: _____
RECORDER

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, SPRINGVILLE CITY CORPORATION, HAVE RECEIVED A REQUEST TO ADJUST THE BOUNDARY LINE SHOWN HEREON BETWEEN PROVO CITY AND SPRINGVILLE CITY AN THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING. WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE BOUNDARY LINE ADJUSTMENT SHOWN.

DATED THIS_____ DAY OF_____, 2022.

MAYOR

ATTEST: _____
RECORDER

ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

ANTHONY CANTO
UTAH COUNTY SURVEYOR

DATE

PROVO CITY ENGINEER APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2022, BY THE PROVO CITY ENGINEER.

GORDON HAIGHT – PROVO CITY ENGINEER

DEVELOPMENT SERVICES DIRECTOR APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2022, BY THE PROVO CITY DEVELOPMENT SERVICES DIRECTOR.

BILL PEPERONE – DEVELOPMENT SERVICES DIRECTOR

MUNICIPAL BOUNDARY LINE ADJUSTMENT

SPROVO

PROVO AND SPRINGVILLE BOUNDARY LINE ADJUSTMENT

PROVO CITY, _____ UTAH COUNTY, UTAH

SCALE: 1" = 120 FEET

PREPARED BY:

CHAD HILL, PLS
PROVO CITY
1377 S 350 E
PROVO, UTAH 84606
(801) 852-6746

provo
PUBLIC WORKS
ENGINEERING

REMARKS

1.

BOUNDARY LINE ADJUSTMENT

MARCH 2022

SPROVO-BOUNDARY LINE ADJ.

Engineering File Number:

–

Drawing: 1

Sheet: 1 of 1



provo PUBLIC WORKS ENGINEERING

REMARKS

1.

BOUNDARY LINE ADJUSTMENT

MARCH 2022

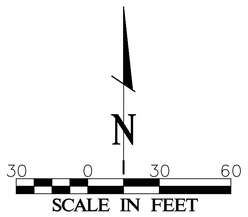
SPROVO-BOUNDARY LINE ADJ.

Engineering File Number:

–

Drawing: 1

Sheet: 1 of 1



PROVO BOUNDARY

AREA DEEDED

~GATEWAY CROSSING DEV.~

NEW PROVO BOUNDARY

~SPHL PROPERTIES LLC~

~PROVO CITY~

ORIGINAL ROW LINE

NEW ROW LINE

~GATEWAY CROSSING DEV.~

~GALLIER PROPERTIES LLC~

SR-75

PREPARED BY:

CHAD HILL, PLS
PROVO CITY
1377 S 350 E
PROVO, UTAH 84606
(801) 852-6746

SURVEYOR'S CERTIFICATE

I, CHAD J. HILL, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO PROVO CITY, UTAH COUNTY, UTAH.

BOUNDARY DESCRIPTION

BEGINNING AT

CONTAINING: ACRES.

BASIS OF BEARING: S89°34'24"E 2676.96', ALONG THE SECTION LINE
GRID SCALE FACTOR USED: 0.9997

CHAD J. HILL
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 7837685-2201

DATE

PROFESSIONAL LAND SURVEYOR
CHAD J. HILL
7837685
STATE OF UTAH

ACCEPTANCE BY LEGISLATIVE BODY

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DATED THIS_____ DAY OF_____, 2022.

MICHELLE KAUFUSI – MAYOR

ATTEST: _____
RECORDER

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, SPRINGVILLE CITY CORPORATION, HAVE RECEIVED A REQUEST TO ADJUST THE BOUNDARY LINE SHOWN HEREON BETWEEN PROVO CITY AND SPRINGVILLE CITY AN THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING. WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE BOUNDARY LINE ADJUSTMENT SHOWN.

DATED THIS_____ DAY OF_____, 2022.

MAYOR

ATTEST: _____
RECORDER

ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

ANTHONY CANTO
UTAH COUNTY SURVEYOR

DATE

PROVO CITY ENGINEER APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2022, BY THE PROVO CITY ENGINEER.

GORDON HAIGHT – PROVO CITY ENGINEER

DEVELOPMENT SERVICES DIRECTOR APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2022, BY THE PROVO CITY DEVELOPMENT SERVICES DIRECTOR.

BILL PEPERONE – DEVELOPMENT SERVICES DIRECTOR

MUNICIPAL BOUNDARY LINE ADJUSTMENT

SPROVO

PROVO AND SPRINGVILLE BOUNDARY LINE ADJUSTMENT

PROVO CITY, _____ UTAH COUNTY, UTAH

SCALE: 1" = 120 FEET

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JOHNB
Department: Administrative Services
Requested Meeting Date: 10-04-2022

SUBJECT: A discussion reagrding a proposed Timpanogos Golf Club Transfer (22-074)

RECOMMENDATION: Recommending a transfer of $245K to cover an operating loss in 2020 due to a disruption of operations due to construction of the new holes at the Golf Course.

BACKGROUND: In fiscal year 2020 the Timpanogos Golf Club was under reconstruction to accommodate the new medical school development and construct three new holes on the east side of the golf course. The golf course was open in the spring but then the COVID 19 pandemic closure was mandated. This closure allowed expanded access so construction was expedited to be completed as quickly and efficiently as possible. As a result, annual revenues decreased from $947K in fiscal 2019 to $450K in fiscal 2020. This revenue loss at the golf course during construction was contemplated at the time by Administration, Council and the Golf Course team.

During the construction, not only were we accounting for the operation of the golf course but we were also accounting for funds received for the project and the construction costs. At the end of fiscal 2020 we had fund balance of $142K which was distorted because we had funds that had been received for the project and not spent so fund balance was over stated. Looking only at Golf Course operations for fiscal 2020 there was an operating loss of $502K. In our 2020 audit the auditors recommended that a transfer be made to the Golf Course of $235K to increase fund balance and the transfer was made in fiscal 2021.

In January 2022 Administration met to review the financial operational impacts of the golf course improvements. During the meeting the level of fund balance was discussed, it was discussed that an additional transfer of $245K would be needed to cover the 2020 operating loss. Options were discussed including CARES Act and ARPA Funds as a funding source. Action was delayed to ascertain the post construction operations at the Timpanogos Golf Club.

We are recommending to the Council that the money ($245K) be transferred from undesignated Legacy CIP funds ($365,553 balance). The Legacy CIP funds originated from CARES Act Funds and we feel this is a good fit since the lost revenue at the golf course took place in 2020 which was the height of COVID 19 and this was a designated use for these funds by the Federal Government.

Since the completion of the Golf Course project, the operating results of the golf course has been $75,049 for fiscal 2022. The golf course revenues have increased significantly and the golf course appears to be in a sustainable path. An additional transfer is needed to the golf course fund balance so that the operation can continue to be self-sufficient and have the funding necessary to adequately maintain the golf course and make the improvements to keep the golf course successful.

FISCAL IMPACT: $245,000

PRESENTER'S NAME: John Borget, Director of Administrative Services & Scott Henderson, Director of Parks and Recreation

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-074

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: A presentation regarding an update on the Provo River Delta Restoration from the Utah Reclamation Mitigation and Conservation Commission (22-071)

RECOMMENDATION: Presentation only.

BACKGROUND: The Utah Reclamation Mitigation and Conservation Commission (federal agency tasked with the Provo River Delta Restoration Project) would like some time in a work meeting sometime before mid October to give a status update and discuss some work that will be starting in October on the diversion of the Provo River below Lakeshore Drive.

FISCAL IMPACT:

PRESENTER'S NAME: Michael Mills, Eric McCulley, & Melissa Stamp, US Bureau of Reclamation

REQUESTED DURATION OF PRESENTATION: 35 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-071

PROVO MUNICIPAL COUNCIL STAFF REPORT

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

SUBJECT: A discussion and update from the Natural Resources Committee regarding water conservation. (22-075)

RECOMMENDATION: Discussion and presentation.

BACKGROUND: The Council's Natural Resources Committee, in light of the ongoing drought in Utah and the American West, has been discussing possible legislative and budgetary actions to take to help increase water conservation efforts at the city, business, and indivudal level. This presentation and subsequent discussion will be a chance for the Committee to share their findings and discuss water conservation efforts currently and in the future.

FISCAL IMPACT: None

PRESENTER'S NAME: Melia Dayley, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 35 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-075

CENTRAL UTAH WATER
CONSERVANCY DISTRICT

August 9, 2022

Water Efficiency Standards

1. Purpose

The purpose of these Water Efficiency Standards is to conserve the public's water resources by establishing water conservation standards for indoor plumbing fixtures and outdoor landscaping.

2. Applicability

The following standards shall be required for all developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable. The Outdoor Landscaping Standards shall also be required for new landscaping construction installed by homeowners.

3. Indoor Fixture Requirements

It is recommended and encouraged, but not mandated, that all new and future construction and future additions, remodels, or refurbishments install plumbing fixtures that have the WaterSense label, including: lavatory faucets, shower heads, sink faucets, water closets (tank and flushometer-valve toilets), and urinals, to the extent Utah law allows municipalities or local districts to require these fixtures.

4. Outdoor Landscaping Standards

All new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards, and homeowner provided landscape improvements within the front and side yards of single and two-family dwellings shall comply with the landscaping standards below:

Definitions

A. Activity Zones: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

B. Active Recreation Areas: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

C. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.

D. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

E. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

F. Lawn: Ground that is covered with grass or turf that is regularly mowed.

G. Localscapes®: A landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).

H. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

I. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

J. Paths: Designed routes between landscape areas and features.

K. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

L. Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

5. Landscaping Requirements

A. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.

B. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and planting beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.

C. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

D. At least 3-4 inches of mulch, permeable to air and water, shall be used in planting beds to control weeds and improve the appearance of the landscaping.

E. At maturity, landscapes are recommended to have enough plant material (perennials and shrubs) to create at least 50% living plant cover at maturity at the ground plane, not including tree canopies.

F. Lawn shall not be installed in park strips, paths, on slopes greater than 25% or 4:1 grade, or be less than 8 feet wide at its narrowest point. To the extent reasonably practicable, lawn shall be free from obstructions (trees, signs, posts, valve boxes, etc.).

G. In residential landscapes, the landscaping shall adhere to the following Localscapes requirements:

i. If size permits, the landscaped areas of the front yard and back yard shall include a designed central open shape created by using lawn, hardscape, groundcover, gravel, or mulch.

ii. Gathering areas shall be constructed of hardscape and placed outside of the central open shape. In a landscape without lawn, gathering areas may function as the central open shape.

iii. Activity zones shall be located outside of the central open shape and shall be surfaced with materials other than lawn.

iv. Paths shall be made with materials that do not include lawn, such as hardscape, mulch, or other groundcover.

v. Lawn areas shall not exceed the greater of 250 square feet, or 35% of the total landscaped area.

vi. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement of the landscaping requirements in section F, are exempt from the 8 feet minimum width lawn area requirement.

H. In commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

I. Certain special purpose landscape areas (e.g., stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the landscaping requirements (see Paragraph F, above). Applications to receive exceptions are to be considered on a case-by-case basis.

J. These outdoor standards are not intended to conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.

WATER EFFICIENCY STANDARDS

1. Purpose

   The purpose of these Water Efficiency Standards is to conserve the public's water resources by establishing water conservation standards for indoor plumbing fixtures and outdoor landscaping.

2. Applicability

   The following standards shall be required for all developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable. The Outdoor Landscaping Standards shall also be required for new landscaping construction installed by homeowners.

3. Indoor Fixture Requirements

   It is recommended and encouraged, but not mandated, that all new and future construction and future additions, remodels, or refurbishments install plumbing fixtures that have the WaterSense label, including: lavatory faucets, shower heads, sink faucets, water closets (tank and flushometer-valve toilets), and urinals, to the extent Utah law allows municipalities or local districts to require these fixtures.

4. Outdoor Landscaping Standards

   All new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards, and homeowner provided landscape improvements within the front and side yards of single and two-family dwellings shall comply with the landscaping standards below:

   Definitions

   A. Activity Zones: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

   B. Active Recreation Areas: Areas of the landscape dedicated to active play where Lawn may be used as the playing surface (ex. sports fields and play areas).

   C. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.

   D. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

   E. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

F. Lawn: Ground that is covered with grass or turf that is regularly mowed.

G. Localscapes®: A landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).

H. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

I. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

J. Paths: Designed routes between landscape areas and features.

K. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

L. Total Landscaped Area: Improved areas of the property that incorporate all of the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

5. Landscaping Requirements

A. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in Lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.

B. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and Planting Beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.

C. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

D. At least 3-4 inches of Mulch, permeable to air and water, shall be used in Planting Beds to control weeds and improve the appearance of the landscaping.

E. At maturity, landscapes are recommended to have enough plant material (perennials and shrubs) to create at least 50% living plant cover at maturity at the ground plane, not including tree canopies.

F. Lawn shall not be installed in Park Strips, Paths, or on slopes greater than 25% or 4:1 grade, and be less than 8 feet wide at its narrowest point. To the extent reasonably practicable, Lawn shall be free from obstructions (trees, signs, posts, valve boxes, etc.).

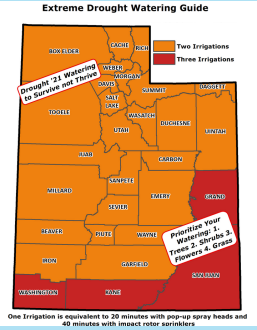
G. In residential landscapes, the landscaping shall adhere to the following Localscapes requirements:

    i. If size permits, the landscaped areas of the front yard and back yard shall include a designed Central Open Shape created by using Lawn, Hardscape, groundcover, gravel, or Mulch.
    ii. Gathering Areas shall be constructed of Hardscape and placed outside of the Central Open Shape. In a landscape without Lawn, Gathering Areas may function as the Central Open Shape.
    iii. Activity Zones shall be located outside of the Central Open Shape and shall be surfaced with materials other than Lawn.
    iv. Paths shall be made with materials that do not include Lawn, such as Hardscape, Mulch, or other groundcover.
    v. Lawn areas shall not exceed the greater of 250 square feet, or 35% of the Total Landscaped Area.
    vi. Small residential lots, which have no back yards, which the Total Landscaped Area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide Lawn area requirement of the Landscaping Requirements in section F, are exempt from the 8 feet minimum width Lawn area requirement.

H. In commercial, industrial, institutional, and multi-family development common area landscapes, Lawn areas shall not exceed 20% of the Total Landscaped Area, outside of Active Recreation Areas.

I. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the Landscaping Requirements (see Paragraph F, above). Applications to receive exceptions are to be considered on a case-by-case basis.

J. These outdoor standards are not intended to be in conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.



Utah's Extreme Drought Watering Guide
conservewater.utah.gov

Localscapes®

Create a waterwise landscape specific to Utah's unique climate
localscapes.com

SLOW THE FLOW.ORG

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Contact Us:

1594 W North Temple
Salt Lake City, UT 84116

801-538-7230

waterwise@utah.gov
conservewater.utah.gov
slowtheflow.org

UTAH DNR WATER RESOURCES

Drought Response Tips

Utah is experiencing one of the worst droughts on record. We don't know long it will last, so we all need to reduce our use. Extreme drought calls for extreme water-saving measures by all individuals, businesses, institutions and industries.

Water Less & When It's Coolest
Northern Utah: water 2x per week
(Don't water between 10 a.m.-6 p.m.)

Southern Utah: water 3x per week
Don't water between 10 a.m.-8 p.m.)

Raise Your Mower
Set blades at 3-4" to shade roots and reduce evaporation

Prioritize Your Watering

1 Trees
2 Shrubs
3 Perennials
4 Annuals
5 Turf grass

Don't water when it's windy
Winds above 5 mph increase evaporation

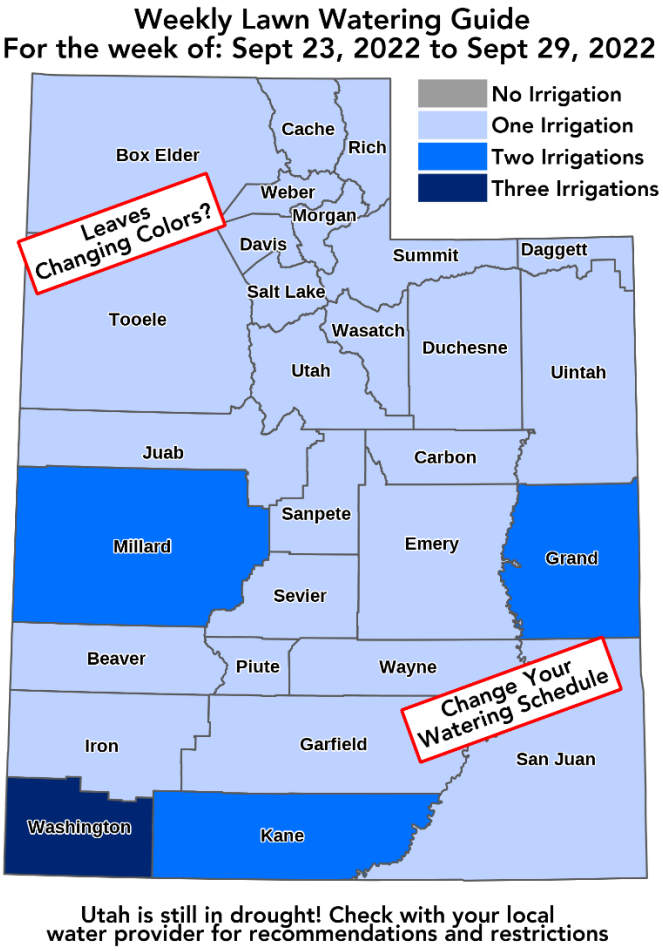
Get a Rebate
Smart irrigation controllers: up to $75
Toilets: up to $100
utahwatersavers.com

Check With Your Local Water Provider
Learn about conditions and possible restrictions in your area

Utah: Slow the Flow: https://slowtheflow.org/

Utah Water Savers: Programs and Rebates for Water Conservation- https://utahwatersavers.com/

Flip Your Strip- https://utahwatersavers.com/Program/2/flip-your-strip#program-overview



https://conservewater.utah.gov/weekly-lawn-watering-guide/



DESIGNING A LOW WATER USE LANDSCAPE

Teresa Cerny, Ornamental Horticulture Specialist
Kelly L. Kopp, Water Conservation and Turfgrass Specialist
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Debbie Amundsen, Davis County Extension Horticulture Agent

August 2002 HG-525

A landscape design should meet the needs of the people who will use and maintain the area while incorporating the site's existing environmental conditions into the design. Water is a limiting resource in Utah, so designing the landscape to efficiently use water is important. Conserving water in the landscape can be accomplished by selecting low water use plants, designing and scheduling irrigation systems efficiently, grouping plants according to their water requirements, and using hardscaping materials (patios, stone paths, decks, etc.) appropriately to reduce the area requiring irrigation.

DEVELOPING A PLOT PLAN

Develop a plot plan of the area to be landscaped. This is simply a map of the building and lawn along with the location of existing structures, trees and shrubs, property lines, driveways, gardens, utility lines, contours of the land, or other possible limitations to the design. Use graph paper to prepare a scale map of the property and let each square represent a certain distance.

CONDUCTING A SITE ANALYSIS

Visit the site to look for the environmental assets and constraints that will influence the design. Take notes on such factors as seasonal effects of sun and shade, soil conditions, slopes, direction of winds, and views from various points on the site.

PLANNING THE DESIGN

Based on the environmental considerations found in the site analysis, decide where plants should be placed for optimum aesthetic value, screening of undesirable views, shade or windbreaks, and separation of areas of the yard. Consider the use of hardscaping materials such as patios, walks, screens, and lighting. These materials can enhance the design while reducing the amount of area that needs to be irrigated and maintained.

Conserving energy

Deciduous trees should be placed on the south, east and west sides of the building to take advantage of the potential benefits of summer shade and winter sun to heat or cool the building. Evergreens are good insulators but limit sunlight, so try to plant them on the north side of the building. In order to protect a home from cold and snow, use trees and shrubs as insulators or windbreaks along the building.

Conserving water

When choosing plants, identity their water requirements and group those with similar irrigation requirements in the same area or irrigation zone. This will help to more accurately meet plant water needs while conserving water. Zones can be separated into zone 0 (no irrigation), zone 1 (irrigate monthly), zone 2 (irrigate twice per month), zone 3 (irrigate weekly) and zone 4 (irrigate twice per week). Plants adapted to the dry conditions of Utah will survive with little or no water (zone 0). It is important to know the water requirements of the plants at the site to most efficiently meet these needs without wasting water. The watering zone designs will depend on the amount of water you wish to use for the landscape, how much money you can spend on landscape water, and what you wish to achieve aesthetically and environmentally.

SELECTING THE PLANT MATERIAL

Select plant materials that will most effectively achieve your design goals. When possible, use plant species that are adapted to the landscape environment—the soil, water, temperature, light, and pest conditions—to help minimize maintenance and water requirements. The following are some factors to consider when choosing plant materials.

Aesthetics

Choose plants based on height, width, shape, color, and form that will best help accomplish the design goals.

Function

Plants can be used to conserve energy or water (as discussed above) as well as to block undesirable views or noise (taller, more dense plant material), and control erosion on steep slopes (lower growing, ground covers).

Soils

Most plants do well under a range of soil conditions, however, many plants have an optimum pH range, salt tolerance level, and soil moisture requirement. In choosing plants for Utah, remember that most soils have an alkaline (high) pH and some have moderate to high salt levels. Consider a basic soil test to define soil conditions and identify soil problems or limitations before selecting plants.

Water

Since Utah receives a limited amount of annual rainfall, use plants that reflect this water situation. Select low water use plants and plants adapted to the region to increase their chances of survival and help conserve water. Also, try to incorporate smaller plants into the design, since they tend to have lower water requirements than larger plants. Consult your local nursery/greenhouse business or Utah State University County Extension Agent for information on low water use plants for your area.

Hardiness Zone

Plant hardiness zones in Utah range from 4-7. The hardiness zones were established by the USDA and are based on the minimum, annual survival temperatures for plants. Plants for hardiness Zone 4 can survive -20 to -30 °F, Zone 5 can survive -10 to -20 °F, Zone 6 can survive 0 to -10 °F and Zone 7 can survive 0 to 10 °F. However, micro-environments created by the plant's surroundings can also influence its hardiness for the region. Contact your local Utah State University County Extension Agent to learn the hardiness zone of your area.

PRINCIPLES OF DESIGN

There are several basic principles of design to consider when planning the landscape. Along with the ones listed below, remember the importance of simplicity and harmony in designing.

***Balance*—**Balance can be symmetrical or asymmetrical. Symmetrical is a more formal style of design with materials on one side mirrored on the other. Asymmetrical balance can be achieved by using different elements to create a more informal equilibrium. This may require using a group of smaller shrubs to counterbalance a large tree on the opposite side.

***Unity*—**Group plants to achieve a unifying effect in the landscape (usually in groups of 3, 5, or 7). Plants can be grouped according to color, texture, or form. However, some variety in color, plant material, hardscaping textures, etc., adds interest to the landscape.

Rhythm—Repetition of elements (colors, textures, plant form) in the landscape provides a feeling of continuity and helps lead the eye through the landscape.

Accent—Accent is also referred to as dominance. Balance and rhythm can help lead the eye through the design to the focal point (accent). Examples of focal points may be a building, large tree or bed of bright flowers in front of a row of green shrubs.

Designing a low water use landscape is an enjoyable experience that will provide you with a landscape that meets your expectations and also helps to conserve water and other resources. Using the design plans and principles outlined in this bulletin will help you to achieve the low water use landscape that you desire.

REFERENCE

Keane, T. Water-wise Landscaping. 1995. Utah State Univ. Cooperative Extension Service. http://extension.usu.edu/publica/gardpubs/waterwis.pdf.htm

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Utah State University is committed to providing an environment free from harassment and other forms of illegal discrimination based on race, color, religion, sex, national origin, age (40 and older), disability, and veteran's status. USU's policy also prohibits discrimination on the basis of sexual orientation in employment and academic related practices and decisions.

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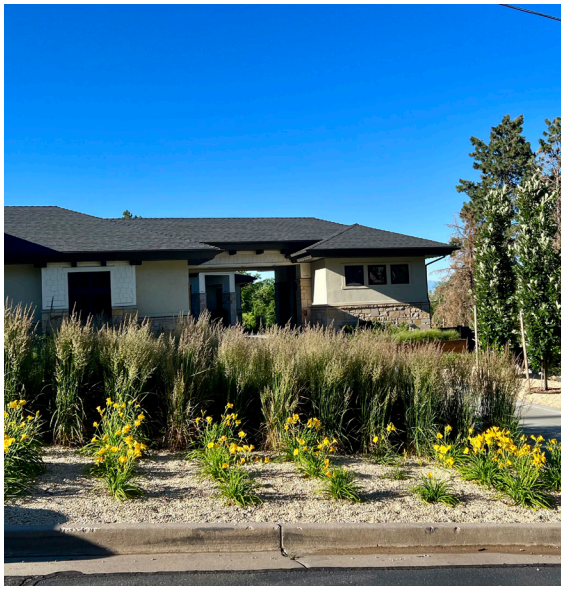
This publication is issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30,1914, in cooperation with the U.S. Department of Agriculture, Jack M. Payne, Vice President and Director, Cooperative Extension Service, Utah State University. (EP/08-02/DF)

MAPLETON
UTAH

Water-wise Park Strip - Design Guide







Water Conservation in Park Strips:

Park strips are an important design feature in Mapleton City for several reasons. Park strips generally include street trees, which provide shade, beauty, and help to calm traffic. Park strips create a buffer between the sidewalk and the roadway, making a safer pedestrian experience. Park strips also provide an area for snow (storage) during the winter months as roads are plowed and sidewalks shoveled.

Traditionally, park strips have included turf grass as the primary landscape feature. As water conservation becomes increasingly important, Mapleton City is encouraging property owners to consider drought tolerant options, which will save water and reduce utility costs to property owners.

According to Utah Water Savers, a statewide conservation rebate program "Removing lawn from your park strip will save an estimated 5,000 - 8,000 gallons of water each year - and you can get cash for it." Property owners that replace the turf grass in their park strips with drought tolerant alternatives can receive up to $1.25 per square foot through the Flip Your Strip program.

How to use this guide:

This guide provides five landscape design options for park strips. Each option includes specific trees, shrubs, perennials, ornamental grasses, and ground cover that can easily be obtained from local nurseries. While the guide is meant primarily for park strips, it can also be used for other landscapes.

To use the guide:

1. Measure your park strip dimensions and draw them on a graph paper.
2. Select a style and plants that best meet your intent.
3. Draw out a basic concept using the recommended plants (or other water conservation plants).
4. Start the Flip Your Strip program (optional), see page 10 of this document. Get approval from the Flip Your Strip program.
5. Begin construction of your water conservation landscape project! Be sure to follow the City's ordinances, call 811 for utilities, follow Flip Your Strip requirements (optional), and best practices for irrigation and weed management.

This guide identifies the adopted landscape requirements of Mapleton City and the additional requirements if a property owner is wanting to qualify for the Flip your Strip program (see page 10).

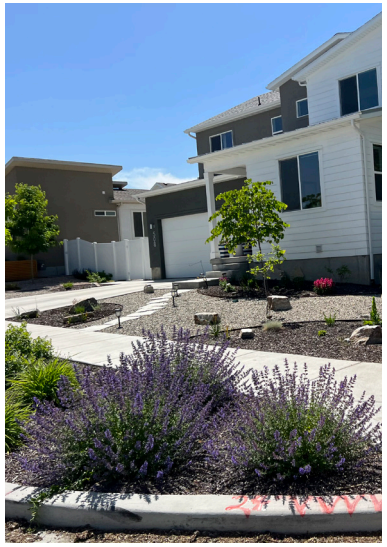
Guide prepared by:
Jake Young, AICP, PLA - Citi Design

Utah Water-wise Examples

MAPLETON
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Utah Water-wise Examples

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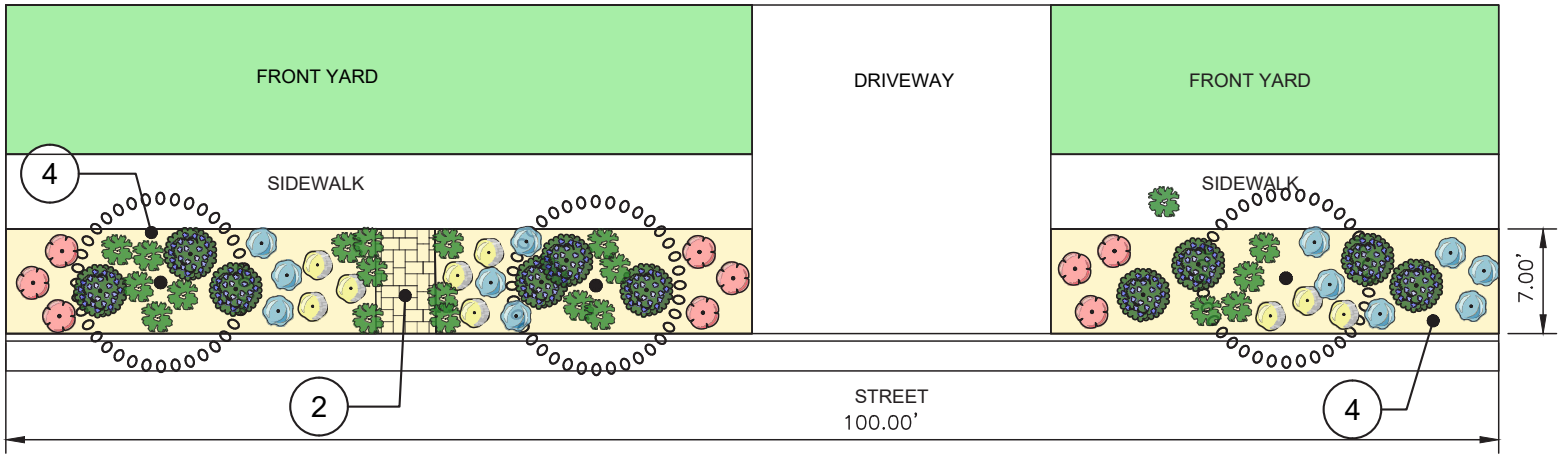




Water-wise Park Strip - Design Guide

Mediterranean Style

MAPLETON UTAH







PLANT TYPES

COLUMNAR DECIDUOUS TREE	-	3
SMALL SHRUB	-	10
PERENNIAL (A)	-	9
PERENNIAL (B)	-	9
PERENNIAL (C)	-	12
GROUND COVER	-	21

NOTES

SYMBOL	DESCRIPTION
2	OPTIONAL PAVER PATH (ALIGN WITH FRONT DOOR)
4	GROUND MUST BE COVERED WITH 3-4" DEEP OF WOOD MULCH, COMPOST, OR SMALL ROCKS/GRAVEL. IF PLANTS/GROUNDCOVER COVER 100% OF GROUND THEN MULCH AND ROCK ARE NOT NEEDED.

PLANT SUGGESTIONS (OPTIONS)

Trees

Armstrong Red Maple, columnar - *Acer rubrum 'Armstrong'*
Slender Silhouette Sweetgum - *Liquidambar styraciflua 'Slender Silhouette'*
Skinny Genes® Oak - *Quercus x bimundorum 'JFS-KW2QX' PP 24442*
Palisade® American Hornbeam - *Carpinus caroliniana 'CCSQU'*

Shrubs

Hidcote Blue English Lavender - *Lavandula angustifolia 'Hidcote Blue'*
Mediterranean Pink Winter Heath - *Erica x darleyensis 'Mediterranean Pink'*
Mini Blue Lavender - *Lavandula angustifolia 'Mini Blue'*

Perennials

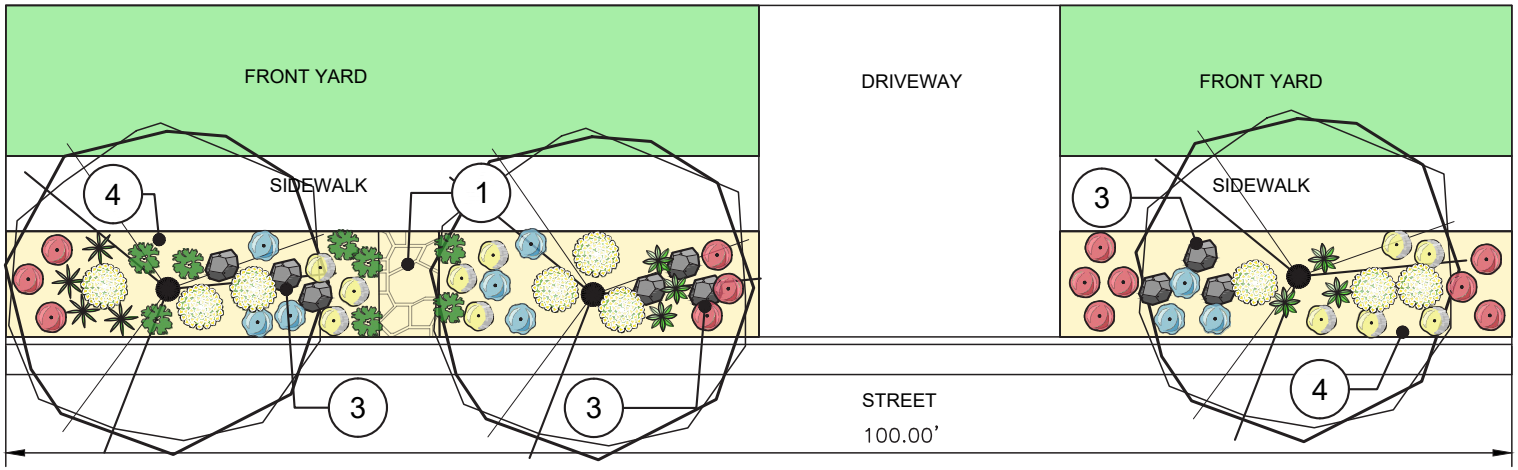
Hardy Geranium, Cranesbill - *Geranium 'Dragon Heart'*
Meadow or Woodland Sage - *Salvia nemorosa 'Caradonna'*
Tickseed - *Coreopsis grandiflora 'Baby Sun'*
Sonoran Sunset Hummingbird Mint - *Agastache cana 'Sinning'*
Walkers Low Catmint - *Nepeta x faassenii 'Waikers Low'*

Ground Covers

Pink Ice Plant - Delosperma 'Delmara® Pink'
Tricolor Ice Plan - Delosperma 'P001S' Fire Spinner®
Red Creeping Thyme - *Thymus Praecox 'Coccineus'*

Great Basin (Desert) Style

MAPLETON UTAH







PLANT TYPES

MEDIUM SIZE TREE	-	3
PERENNIAL (B)	-	11
PERENNIAL (C)	-	9
GROUND COVER	-	8
SMALL DESERT SHRUB	-	9
PERENNIAL (D)	-	13

NOTES

1. OPTIONAL FLAGSTONE PATH (ALIGN WITH FRONT DOOR)
3. OPTIONAL BOULDERS. SUGGESTED TO PLANT IN GROUPS OF 2-3 (MAKING PLANTING POCKETS). FOR SAFETY NO TALLER THAN 24" AND PLACED 18" FROM EDGE OF SIDEWALK AND CURB.
4. GROUND MUST BE COVERED WITH 3-4" DEEP OF WOOD MULCH, COMPOST, OR SMALL ROCKS/GRAVEL. IF PLANTS/GROUNDCOVER COVER 100% OF GROUND THEN MULCH AND ROCK ARE NOT NEEDED.

PLANT SUGGESTIONS (OPTIONS)

Trees

Sensation Box Elder/Maple - *Acer negundo 'Sensation'*
Big Tooth Maple - *Acer grandidentatum*

Shrubs/Succulents

Big Sagebrush - *Artemisia tridentata*
Rubber Rabbitbrush - *Chrysothamnus nauseosus*
Gro-Low Sumac - *Rhus aromatica 'Gro-Low'*
Brakelights Red Yucca - *Hesperaloe parviflora 'Perpa'*

Perennials

Carpet Fire Chalice - *Zauschneria garrettii 'Orange Carpet'*
Moonshine Yarrow - *Achillea millefolium 'Moonshine'*
Sonoran Sunset Hummingbird Mint - *Agastache cana 'Sinning'*
Walkers Low Catmint - *Nepeta x faassenii 'Waikers Low'*
Firecracker Penstemon - *Penstemon eatonii*
Baby Cole Blanket Flower - *Gaillardia aristata 'Baby Cole'*
Pikes Peak Purple Penstemon - *Penstemon x mexicali 'Pikes Peak Purple'*
Red Rocks Penstemon - *Penstemon x mexicali 'Red Rocks'*

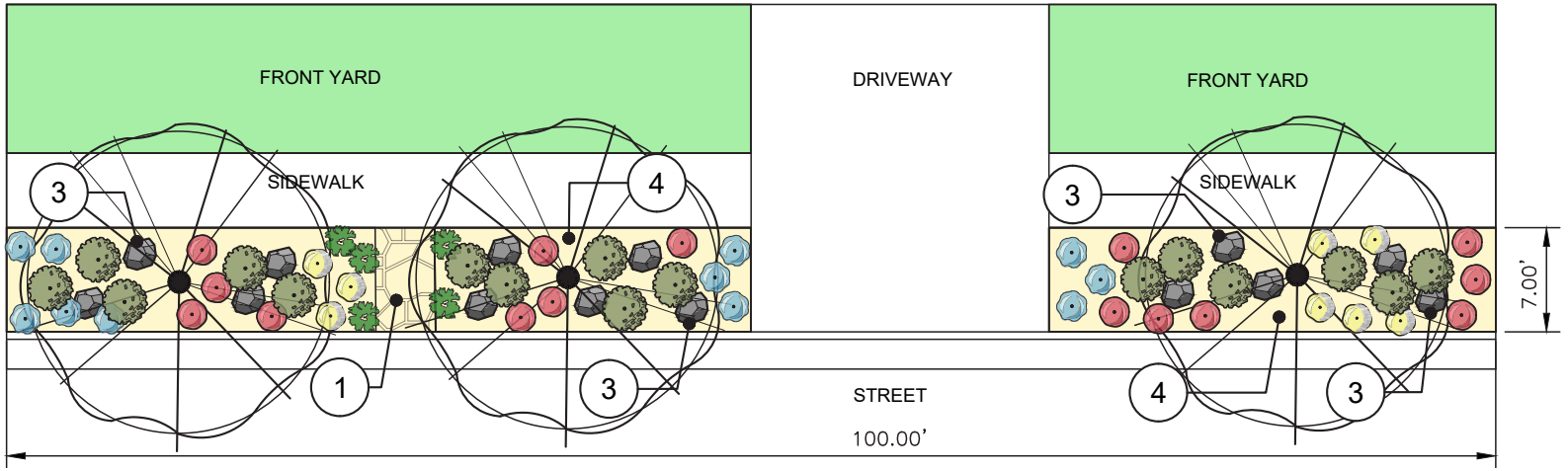
Ground Covers

Calgary Carpet Juniper - *Juniperus sabina 'Calgary Carpet'*
Blue Star Juniper - *Juniperus squamata 'Blue Star'*
Blue Chip Creeping Juniper - *Juniperus horizontalis 'Blue Chip'*

Water-wise Park Strip - Design Guide

Mountain Style

MAPLETON UTAH







PLANT TYPES

MEDIUM MOUNTAIN TREE	-	3
PERENNIAL (B)	-	8
PERENNIAL (C)	-	11
GROUND COVER	-	5
PERENNIAL (D)	-	15
SMALL MOUNTAIN SHRUB	-	16

NOTES

1. OPTIONAL FLAGSTONE PATH (ALIGN WITH FRONT DOOR)
3. OPTIONAL BOULDERS. SUGGESTED TO PLANT IN GROUPS OF 2-3 (MAKING PLANTING POCKETS). FOR SAFETY NO TALLER THAN 24" AND PLACED 18" FROM EDGE OF SIDEWALK AND CURB.
4. GROUND MUST BE COVERED WITH 3-4" DEEP OF WOOD MULCH, COMPOST, OR SMALL ROCKS/GRAVEL. IF PLANTS/GROUNDCOVER COVER 100% OF GROUND THEN MULCH AND ROCK ARE NOT NEEDED.

PLANT SUGGESTIONS (OPTIONS)

Trees

Big Tooth Maple - *Acer grandidentatum*
Flame Amur Maple - *Acer ginnala 'Flame'*
Paperbark Maple - *Acer griseum*
Norwegian Sunset® Maple - *Acer truncatum x A. platanoides 'Keithsform'*

Shrubs

Alpine Currant - Ribes alpinium
Gro-Low Sumac - Rhus aromatica 'Gro-Low'
Compact Oregon Grape - *Mahonia aquifolium 'Compacta'*
Sherwood Compact Mugo Pine - *Pinus mugo 'Sherwood Compact'*

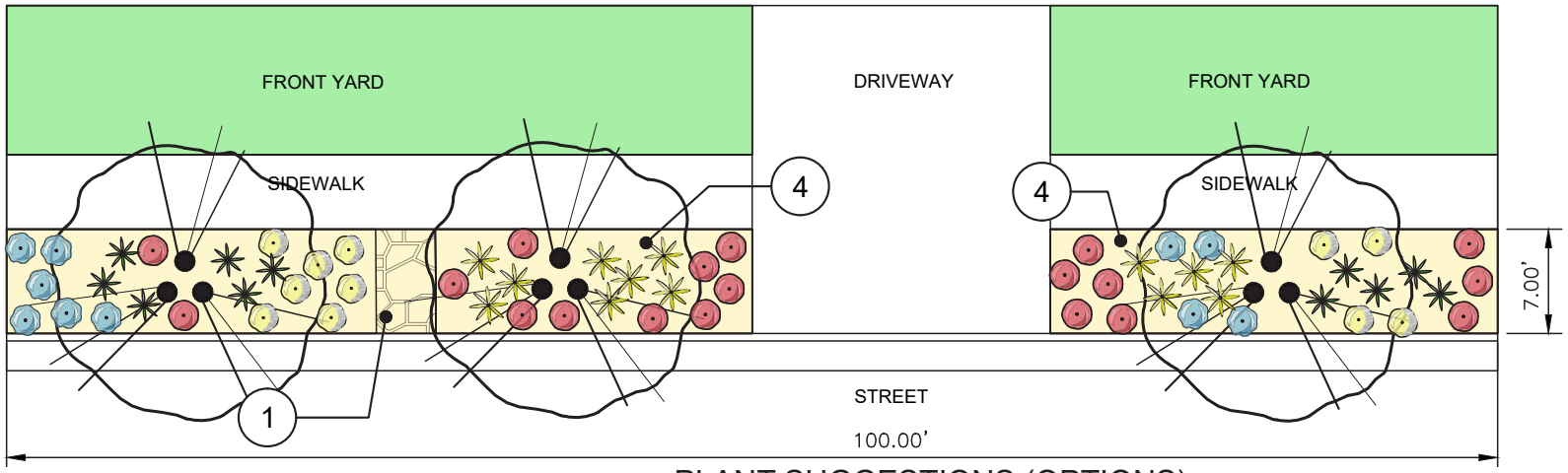
Perennials

Hardy Geranium, Cranesbill - *Geranium 'Dragon Heart'*
Firecracker Penstemon - *Penstemon eatonii*
Pikes Peak Purple Penstemon - *Penstemon x mexicali 'Pikes Peak Purple'*
Red Rocks Penstemon - *Penstemon x mexicali 'Red Rocks'*
Rocky Mountain Columbine - *Aquilegia caerulea*

Ground Covers

Pink Ice Plant - Delosperma 'Delmara® Pink'
Tricolor Ice Plan - Delosperma 'P001S' Fire Spinner®
Compact Oregon Grape *Mahonia aquifolium 'Compacta'*
Turkish Speedwell - *Veronica liwanensis*

Meadow Style







PLANT TYPES

MEDIUM MEADOW TREE	-	3
PERENNIAL (B)	-	11
PERENNIAL (C)	-	10
PERENNIAL (D)	-	19
ORNAMENTAL GRASS (A)	-	11
ORNAMENTAL GRASS (B)	-	13

NOTES

1. OPTIONAL FLAGSTONE PATH (ALIGN WITH FRONT DOOR)
4. GROUND MUST BE COVERED WITH 3-4" DEEP OF WOOD MULCH, COMPOST, OR SMALL ROCKS/GRAVEL. IF PLANTS/GROUNDCOVER COVER 100% OF GROUND THEN MULCH AND ROCK ARE NOT NEEDED.

PLANT SUGGESTIONS (OPTIONS)

Trees

Bur Oak - *Quercus macrocarpa*
Skyline Honeylocust - *Gleditsia triacanthos f. inermis 'Skyline'*

Perennials

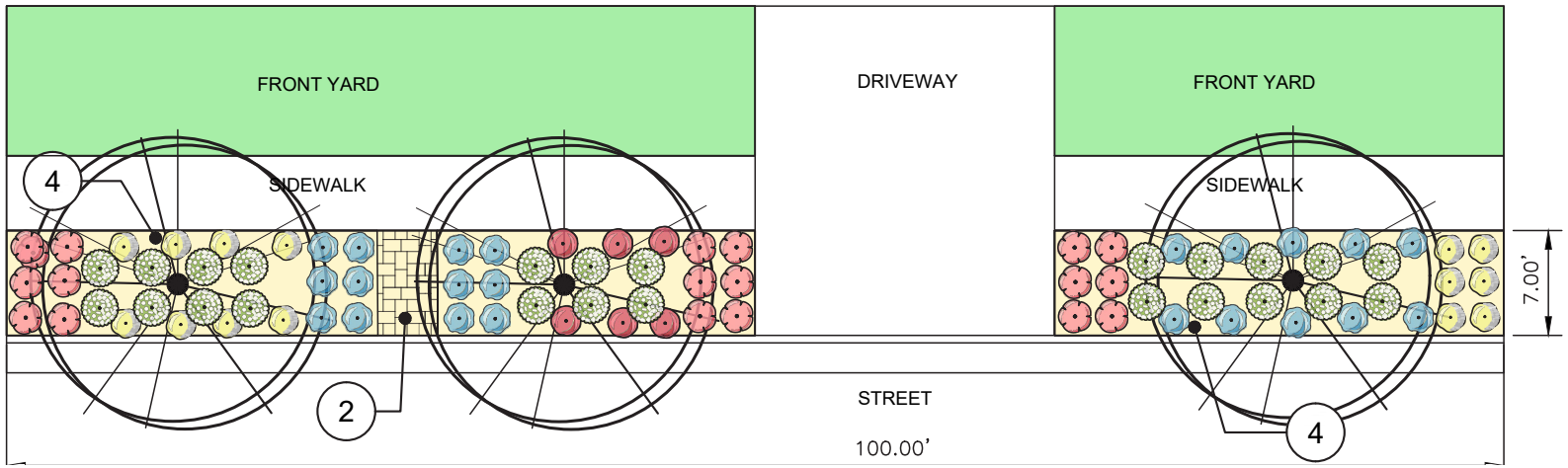
Hardy Geranium, Cranesbill - *Geranium 'Dragon Heart'*
Meadow or Woodland Sage - *Salvia nemorosa 'Caradonna'*
Tickseed - *Coreopsis grandiflora 'Baby Sun'*
Sonoran Sunset Hummingbird Mint - *Agastache cana 'Sinning'*
Walkers Low Catmint - *Nepeta x faassenii 'Waikers Low'*
East Friesland Meadow Sage - *Salvia nemorosa 'East Friesland'*
May Night Meadow Sage - *Salvia nemorosa 'May Night'*
Wild Berry Coneflower - *Echinacea purpurea 'PowWow Wild Berry'*
Moonbeam (Tickseed) - *Coreopsis verticillata*

Ornamental Grasses

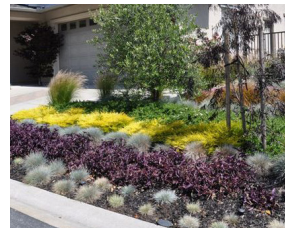
Blue Oat Grass - *Helictotrichon sempervirens*
Little Bluestem - *Schizachyrium scoparium*
Karley Rose - *Pennisetum orientale*
Blonde Ambition Blue Grama Grass - *Bouteloua gracilis 'Blonde Ambition*

Modern Garden Style

MAPLETON UTAH







PLANT TYPES

FORMAL GARDEN MEDIUM TREE	-	3
PERENNIAL (A)	-	19
PERENNIAL (B)	-	14
PERENNIAL (C)	-	22
PERENNIAL (D)	-	6
SMALL FORMAL SHRUB	-	24

NOTES

2 OPTIONAL PAVER PATH (ALIGN WITH FRONT DOOR)

4 GROUND MUST BE COVERED WITH 3-4" DEEP OF WOOD MULCH, COMPOST, OR SMALL ROCKS/GRAVEL. IF PLANTS/GROUNDCOVER COVER 100% OF GROUND THEN MULCH AND ROCK ARE NOT NEEDED.

PLANT SUGGESTIONS (OPTIONS)

Trees

Golden Raintree **-** *Koelreuteria paniculata*
Fairmount Ginkgo - *Ginkgo biloba 'Fairmount'*
Armstrong Red Maple, columnar - *Acer rubrum 'Armstrong'*
Slender Silhouette Sweetgum - *Liquidambar styraciflua 'Slender Silhouette'*
Skinny Genes® Oak - *Quercus x bimundorum 'JFS-KW2QX' PP 24442*
Palisade® American Hornbeam - *Carpinus caroliniana 'CCSQU'*

Shrubs or Ornamental Grasses

Dark Knight Bluebeard - *Caryopteris x clandonensis 'Dark Knight'*
Hidcote Blue English Lavender - *Lavandula angustifolia 'Hidcote Blue'*
Blue Oat Grass - *Helictotrichon sempervirens*
Lo & Behold® Blue Chip Jr. Butterfly Bush - *Buddleja x 'Blue Chip Jr.'*
Flutterby Petite® Tutti Fruitti Pink Butterfly Bush - *Buddleja x 'Podaras13'*
Munstead Lavender - *Lavandula angustifolia 'Munstead'*

Perennials

Hardy Geranium, Cranesbill - *Geranium 'Dragon Heart'*
Meadow or Woodland Sage - *Salvia nemorosa 'Caradonna'*
Tickseed - *Coreopsis grandiflora 'Baby Sun'*
Sonoran Sunset Hummingbird Mint - *Agastache cana 'Sinning'*
Walkers Low Catmint - *Nepeta x faassenii 'Waikers Low'*
Stella De Oro Daylily Hemerocallis 'Stella de Oro'

Mapleton City Landscape Ordinances:

City ordinance - Thirty percent (30%) or more of the parkway surface must be covered with vegetation, not including required street trees, within three (3) years of planting or when planting has reached maturity, whichever comes first. Water conserving plants shall constitute at least eighty percent (80%) of all plants used. With the exception of trees, no planting material shall exceed 36 inches in height at maturity.

Parkways 4 feet in width or more in width shall include trees. Such trees shall be spaced not more than thirty feet (30') apart and shall have a minimum caliper size of one inch (1").



Flip Your Strip Program:

These requirements are applicable for the Flip Your Strip Program.
"General Requirements:
• Park strips must be currently landscaped with living, well-maintained lawn. If lawn has been killed or removed prior to a pre-conversion site visit, you are not eligible for this program.
• Applicant must be in good standing with a participating water provider. Unpaid water bills will disqualify applicants from the Flip Your Strip program.
• Applicants must be participating voluntarily. Projects required by governmental codes or policy are not eligible for this program.
• Projects should remove all lawn from the park strip and replace it with water-efficient landscaping.
• Projects that replace lawn with artificial turf are not eligible.
• Rebate checks will be made payable to the property owner.

Planting Requirements:
• Perennial plants must cover at least 50% of the converted park strip at maturity.
• Trees will not be considered in density calculations.
• Plants may not exceed 24 inches in height at maturity. Taller plants block views, impede safety, and can interfere with city maintenance.
• Completed projects must be covered with 3-4 inches of gravel, bark, or compost mulch. Groundcover plants can qualify as mulch if 100% plant density is achieved at maturity. If landscape fabric is used (not recommended), it must be permeable to water and air. Concrete areas do not qualify for a square foot rebate, but pavers, bricks, stone, and other permeable materials are permitted.

Irrigation Requirements:
• Completed park strips must be irrigated with low-volume drip systems. Drip systems must include filter and pressure regulators visible for inspection:
• Drip emitters must be rated at 5 gallons per hour or less.
• Bubblers, micro-spray emitters and soaker hoses are not allowed.
• Drip emitters and spray heads must be on separate zones."
Source: https://utahwatersavers.com/Program/2/flip-your-strip#eligibility

Best practices for maintenance and water conservation:

In addition to the City's landscape ordinance and Flip Your Strip Program the following recommendations will assist with landscape maintenance.

• Weed fabric - is encouraged to be used under gravel or rock planting areas. For mulch planting areas with shrubs and ornamental grasses weed fabric is also recommended. In planting areas with ground cover plants or bulbs weed fabric is not recommended. Weed fabric used should be woven, rated to 15-20 years, and 5 ounce weight. Quality weed fabric is generally purchased at specialty stores such as nurseries, garden, farm, or irrigation (not big box hardware).

Around Shrubs and Plants: Weeding maintanence beneath shrubs and plants can be time consuming, hard work and difficult. Bushes and small shrubs that are weed free are healthier plants and require less plant bed maintenance. Landscape fabric stops weeds without chemicals while allowing moisture and nutrients to pass through. Installing the fabric properly doesn't disturb the existing bushes or take a significant time investment, but it does provide an optimum weed barrier that can conserve water by design.



https://www.dewittcompany.com/wp-content/uploads/2021/07/Landscape-fabric-installation-guide2.pdf

• Wood mulch - 4" of small to medium size wood mulch helps keep moisture in the ground and decreases weeds (but definitely doesn't prevent them).

• Decorative rock - can be attractive and doesn't need replenishment, however the rock does add heat to the plants. It is recommended that rock sizes be one inch (1") or smaller (for safety and beauty) and be installed at 3-4 inches deep (over weed fabric).

• Weed management - water-wise, xeric, or drought tolerant landscapes require ongoing maintenance just like turf grass (mowing). Weekly/monthly weed management is necessarily just like mowing, however with proper planning, installation, and routine maintenance it can be minimized.

• Drip irrigation - it is recommended that plants have a minimum of two emitters per plant (more for larger plants), if one emitter is clogged the other emitter should still provide water. It is easy to see when a sprinkler head is broken or not working properly by its spray, however drip irrigation requires close inspection to identify issues. Irrigation drip systems should receive a spring inspection and regularly inspections to identify emitters not working properly.

Resources:

Localscapes program
https://localscapes.com/

Flip Your Strip
https://utahwatersavers.com/Program/2/flip-your-strip

Conservation Garden Park
https://conservationgardenpark.org/

Water-wise Plants (USU list)
https://extension.usu.edu/cwel/files/Utah_House_Plant_List_v2_4p.pdf

https://extension.usu.edu/cwel/water-wise-plants

Native plant list
https://plantnative.org/rpl-ut.htm

Tree selection resource
https://treebrowser.org/

Lehi Water-wise Landscape Guidelines
https://www.lehi-ut.gov/wp-content/uploads/2020/02/Xeriscape-Guidelines-Smaller-Size.pdf

Sandy Water-wise Landscapes
https://sandy.utah.gov/413/Water-wise-Landscapes

Red Butte Gardens
https://redbuttegarden.org/plan-your-garden-visit/online-classes-virtual-resources/garden-journal/waterwise-gardening-tips/

Call 811 before digging:



Source: https://www.bluestakes.org/

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Water-Wise Landscaping: Plant Maintenance

Taun Beddes

Heidi A. Kratsch

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February 2008 **HG/Landscaping/2008-01pr**

Water-Wise Landscaping: Plant Maintenance

Taun Beddes, Cache County Horticulture Agent,
Heidi A. Kratsch**,** Ornamental Horticulture Specialist

A benefit of established water-wise landscapes is they require less time and money to maintain than a traditional landscape. This assumes you have limited turfgrass to areas where it is practical, you have selected plants adapted to your climate, and you have grouped landscape plants according to their water, soil, and exposure requirements. In such a landscape, you will spend less time trying to manipulate plants to fit your conditions, and more time enjoying their beauty. Although the activities required to maintain a water-wise landscape are not different from those of a conventional landscape, the way you think about them will change as you reconsider your plant selections. The main activities of water-wise landscape maintenance are irrigation and irrigation system maintenance (covered separately in other fact sheets), weed control, fertilization, pruning, and pest and disease control. (For information on irrigating trees and shrubs and irrigation system maintenance, see http://extension.usu.edu/files/publications/publication/HG-523.pdf and http://extension.usu.edu/files/publications/ factsheet/HG_Irrigation_2004-01.pdf.) Keep in mind that newly planted landscapes will require much more "upfront" maintenance, especially regarding weed control, and that all landscapes require some maintenance, whether they are water-wise or not. With persistence and patience, your water-wise garden will become more self-sustaining and require much less of your time.

Weed Control

A weed is simply a plant out of place. With that in mind, any plant can be a potential weed if it crowds out or uses up resources needed for desirable plants. Some "weedy" plants become such a problem that they end up being declared "noxious" in a particular region. Controlling weeds is critical to maintaining a healthy water-wise landscape because weeds compete with desirable plants for nutrients, moisture, and sunlight. Remember that water used by a weed is unavailable to desirable plants. Weeds can be annual (germinate, reproduce, and die in one season) or perennial (survive over many years). It is important to learn to recognize and classify weeds in the seedling stage because this will determine your best control options. Perennial weeds are especially difficult to control if you let them grow beyond the seedling stage because they establish deep root systems that are hard to eradicate. You may also find it helpful to learn to distinguish between weed seedlings and seedlings of self-sowing desirable plants, especially if you are using self-sowing plants to fill in some areas of your garden. Methods for controlling weeds include mechanical removal, physical barriers such as landscape fabric and/or mulch, and herbicides.

Mechanical removal of weeds can be accomplished by hand-pulling, hoeing, or tilling. *Even though hand-pulling weeds can be tedious, if done on a regular basis before weeds go to seed, it is the least destructive method of controlling weeds in established plantings.* Hand-pulling works with either annual or perennial weeds, as long as you catch them in the seedling stage. It can be difficult to pull out the entire root system of an established perennial, and if you don't, it can sprout again from the root or crown. Never leave annual or perennial weeds on top of soil or mulch after pulling because some persistent weeds can re-sprout from root crowns and root systems left on the ground. Annual weeds that haven't gone to seed can be composted, but perennial weeds should always be discarded in the trash. Hoeing and tilling are alternatives to hand-pulling, but care must be taken around established plantings so you don't disturb or destroy the roots of desirable plants.

Mulches should be used around landscape plants to inhibit weeds and conserve water. Mulches can be organic materials such as composted wood chips, pine needles, or grass clippings, or they can be inorganic materials such as crushed stone or gravel. Weed seedlings that do come up in mulched areas are much easier to hand-pull, as long as you catch them early. Organic mulches will need to be refreshed regularly as they slowly decompose. Do this by roughing up the old mulch and adding a light layer of new mulch over the top. Inorganic mulches need to be replaced infrequently. Landscape fabric is another effective method for controlling weeds, but its use around landscape plants is controversial. It can interfere with air and water infiltration, and it may inhibit return of organic matter from decomposition of organic mulches to the soil. Landscape fabrics may discourage some desirable perennials from their natural tendency to grow and spread, and it can make division and replacement of these plants difficult. Fabrics also can girdle newly planted trees. The best use of landscape fabric is beneath 3 to 4 inches of mulch in unplanted areas like walkways, where they can form an effective barrier to weed growth. (See http://extension.usu.edu/files/publications/publication/HG_Landscaping_2007-01pr.pdf for more information on the use of mulch.)

The weed control method of last resort should be herbicide use. Of the many options available, pre-emergent herbicides and products containing glyphosate are among the safest and most effective. Pre-emergent herbicides are moved into the soil and activated by moisture. If they are applied in late fall or winter, moisture from either rain or snow precipitation should be adequate to activate them. If precipitation does not occur within three days of application, 1 to 2 inches of water should be applied to treated soil. Areas of your garden that are watered infrequently or not at all may not receive the full benefit of pre-emergent herbicide application unless you remember to water them in soon after application. Pre-emergent herbicides work by killing seedlings as they sprout, but they will eliminate all germinating plants, not just weeds. Use a pre-emergent herbicide only in areas that are, or will be, planted with rooted plants. Do not use them if you rely on self-sowing plants (see insert) to fill in gaps in your perennial flower beds. Glyphosate products eliminate both grasses and broadleaf plants, and are applied directly to emerged, actively growing weeds. Glyphosate takes 7 to 10 days to have an effect. Do not allow glyphosate-containing products to contact desirable plants, and do not spray under windy conditions because spray drift can also cause unintentional damage to desirable plants. Always read the label for safe and effective use. (See "Landscape and Garden Weed Control" for more information: http://extension.usu.edu/files/publications/publication/HG508.pdf.)

Some perennials that readily self-sow:

***Aquilegia* spp. (Columbine)**

***Aster* spp. (Aster)**

***Erysimum* spp. (Wallflower)**

***Gaillardia* spp. (Blanketflower)**

***Gaura* spp. (Gaura)**

***Iliamna rivularis* (Mountain Hollyhock)**

***Linum* spp. (Flax)**

***Mirabilis multiflora* (Showy Four O' Clock)**

***Senecio douglasii* (Douglas Groundsel)**

***Sidalcea oregano* (Oregon Checkermallow)**

***Viguiera multiflora* (Showy Goldeneye)**

Fertilization

All plants require nutrients to grow and remain healthy, but many drought-tolerant native and adapted plants can get all the nutrients they need from a properly maintained soil environment. Many of our urban landscape soils, however, have been stripped of organic matter and the soil structure disturbed to the point where nothing but the most persistent weeds will grow. For this reason, it is a good idea to have your soil tested prior to installing landscape plants. (For information on soil testing and soil test results, see the following fact sheets: http://extension.usu.edu/files/publications/publication/HG-513.pdf and http://extension.usu.edu/files/publications/ publication/HG-512.pdf.) Your county Extension office can provide information specific to your area. In most cases, amending soils with composted organic matter prior to planting will improve the fertility of your soil. Adding organic mulch to planted areas also helps to improve soil fertility over time. If part of your garden will be comprised largely of drought-tolerant native plants, organic amendments may be all they need to thrive. Many drought-tolerant plants have adapted to their arid habitats by growing slower than traditional landscape plants. Over-fertilizing these plants only weakens them and results in rank, unsightly growth. In fact, many of the penstemons and desert-adapted shrubs like *Chrysothamnus nauseosus* (Rabbitbrush) and *Fallugia paradoxa* (Apache Plume) thrive on neglect and require the excellent drainage provided by inorganic rock mulch and little to no supplemental fertilization. Knowing the habitat your plants are adapted to is critical

to understanding your plant's needs. If you don't know, err on the side of less rather than more nutrients, and watch plants closely throughout the growing season for signs of deficiency. Nutrient-deficient plants may develop yellow or discolored foliage. If this happens, simply add organic matter or a controlled-release type of complete fertilizer around the root zone, water in thoroughly, and watch for improvement.

Other factors may affect the availability or movement of nutrients through the soil. Plants in sandy soils may need more frequent fertilization than plants in loamy or clay soils. Soils that are alkaline (high pH) may bind essential nutrients and make them unavailable. A soil test will provide this information and make recommendations for amending the soil. An alternative to soil amendment is to choose plants that are adapted to these conditions. Utah soils are often alkaline, and textures can range from rocky or sandy to silty loam or clay. Fortunately, plants native to our region have adapted to these conditions, and you can choose from a variety of native plants to fill almost any microclimate in your landscape. The key is to learn as much as you can about your yard and your plants. Paying attention to the needs of your landscape plants will make you a more successful gardener.

Controlling Plant Growth

Periodically, you will need to control the growth of your landscape plants by pruning, pinching or deadheading, and dividing. These activities will maintain your plants' health and appearance by removing dead or undesirable growth, and by stimulating, reinvigorating, or re-directing their growth. Remember that providing only the amount of water or fertilizer plants need to maintain their health and vigor means less time spent controlling unruly growth. Some locally adapted native plants may quickly grow out of their space when provided with the relatively abundant resources available in a managed landscape. An example is *Gutierrezia sarothrae* (Matchbrush). Withholding water or nutrients will keep growth of this species in check.

Pruning. Pruning is a way to control growth on trees and shrubs. Many forms of pruning exist, and the kind of cut you make depends upon the desired result and the growth habit of the plant. For example, most deciduous shrubs (shrubs that drop their leaves in fall) benefit from *thinning* cuts that open up their canopy and eliminate old or competing stems. Thinning cuts are made by cutting a branch back to its point of origin. The point of origin could be another branch or the main trunk, or it could be near the ground. Thinning can be used to shape or direct growth, but most often it is used to reduce bulk and restore the natural structure of the plant. A *heading* cut is more severe than a thinning cut, and removes part of a branch leaving a short stub



***Gaillardia* plant with flowers and seed heads**

above a bud. This type of cut stimulates a profusion of twiggy growth from a lateral bud just below the cut. It is used to stimulate new growth from a lateral bud to fill in a gap in the canopy, or to increase flower production in some shrubs. Sometimes it is mistakenly used when a thinning cut would have been a better choice. Overuse of heading cuts can ruin the natural shape of a tree or shrub.

Shearing is the most severe type of heading cut and involves cutting a plant's outer foliage to create an even surface. Only certain trees and shrubs will benefit from this type of cut. Shearing can be used to create a hedge or screen with closely spaced plants. Some woody plants can be treated like herbaceous perennials and sheared almost to the ground to control their growth or to restore them to a more natural shape (see insert). Most pruning should be done in late winter or early spring before spring growth begins. For plants that flower on last year's growth, prune after flowering. With only a few exceptions, most native conifers require no pruning. For example, junipers are highly valued for their natural shape. Junipers that have outgrown their space should be removed rather than pruned. (For more information on pruning trees, see the following extension bulletin: http://extension.usu.edu/files/publications/publication/NR_FF_004.pdf. **)**

Management of dead plant material. The bloom time of some annuals and herbaceous perennials can be extended by removing flowers as soon as they start to decline. This is called *deadheading*, and some plants can be stimulated to repeat bloom when you remove the spent flowers. In the case of plants with a flower on a single stem, cut back the entire stem to avoid a gangly, headless stem. If you don't deadhead plants that repeat bloom, the plant will set seed, signaling the end of flower production for the season.

Some herbaceous perennials can be sheared by one half to two thirds after they have gone dormant in the fall. This will remove unsightly stems and rejuvenate plants that have become gangly and have reduced flowering. Consider delaying cleanup until late winter for plants that have persistent and attractive stems and seed heads. Plants like *Gaillardia* (blanketflower), *Astilbe* (false spiraea), and many native grasses can add structure, texture, and color to an otherwise drab fall/winter landscape.

Division is another way of rejuvenating herbaceous perennials that have become weakened by age or overgrowth. A sign that your plants need dividing is when flower production is reduced and the stems become thin and nonproductive. Perennials are divided by digging up the plant, taking care to dig around, not through, the root system. Using a shovel, two pitchforks, or a sharp blade, pry the plant root system apart to separate into two or more separate plants. Plant roots should be kept cool and moist during this process, and new plantlets should be installed and watered in soon after division. Most perennials need to be divided every three to five years.

Pest and Disease Control

The best way to fight insect or disease problems is to prevent them from happening in the first place. When a system called integrated pest management (IPM) is used, you will rarely need to spray chemical-based pesticides to control pests in your yard. IPM emphasizes prevention and involves several strategies to control pests, including using landscape plants adapted to your climate, diversifying your planting choices, and maintaining optimal plant health by not over-fertilizing and over- or under-watering. Also keep the landscape free of plant debris, and regularly inspect landscape plants for problems. When potential problems are found, contact your local Extension office for help in diagnosing and correcting the problem. (See the following USU Extension Web site for detailed information on plant pest control, http://utahpests.usu.edu.)

Plants that can be sheared almost to the ground:

Artemisia cana **(Silver Sage)**

Buddleia davidii **(Butterfly Bush)**

Ceratoides lanata **(Winterfat)**

Chamaebatiaria millefolium **(Fernbush) (occasionally to rejuvenate)**

Chrysothamnus nauseosus **(Rubber Rabbitbrush)**

Cornus sericea **(Red-twig Dogwood)**

Caryopteris x clandonensis **(Blue Mist Spirea)**

Cercocarpus ledifolius **(Curl-leaf Mountain Mahogany)**

Fallugia paradoxa **(Apache Plume) (occasionally to rejuvenate)**

Kolkwitzia amabilis **(Beauty Bush) (after bloom)**

Lavandula angustifolia **(English Lavender) (up to 2/3 of plant)**

Mahonia fremontii **(Fremont Holly) (occasionally to rejuvenate)**

Potentilla fruticosa **(Shrubby Cinquefoil) (occasionally to rejuvenate)**

Prunus virginiana **(Chokecherry)**

Symphoricarpos oreophilus **(Mountain Snowberry)**

WEED CONTROL	
WEEKLY MAINTENANCE	• Pull weeds from landscape beds on a weekly basis to maintain a tidy look to the landscape and to reduce competition with desirable landscape plants.
MONTHLY MAINTENANCE	• Spot-treat weeds with post-emergent herbicides, like glyphosate products. Products containing 2,4-D (common in many lawn weed killers) should be used only in the spring and fall, because they can volatilize and cause damage to desirable plants when used in the heat of summer.
ANNUAL MAINTENANCE	• Because organic mulches (grass clippings, shredded bark, etc.) slowly decompose, they need to be refreshed periodically. Apply ½ to 1 inch of new mulch over "roughed-up" existing mulch. • Apply pre-emergent herbicides in the fall to control winter annual weeds and in early spring to control summer annual weeds.
TREES and SHRUBS	
WEEKLY MAINTENANCE	• Remove weeds from under the canopy of trees and shrubs. • Check soil conditions around the root zones of landscape plants at least monthly to ensure they are being watered correctly. Established drought-adapted plants can tolerate dry soil conditions, and if they appear healthy (leaves are not wilting) they probably do not need supplemental water. • Provide water to newly planted trees and shrubs regularly until established. Newly installed drought-tolerant plants need to be deeply watered every 1 to 2 weeks. This is a general guideline and care should be taken to avoid over- or under-watering.
ANNUAL MAINTENANCE	• Minor pruning will not adversely affect trees and shrubs at any time of the year. Major pruning should be done in late winter to early spring. • Trees and shrubs usually do not need to be fertilized once established. Plants that look unhealthy may have a nutrient deficiency. Before fertilizing, make sure the symptoms are not the result of over-irrigation. Your county Extension office can provide information on nutrient needs in soils typical of your area.
HERBACEOUS PLANTS	
WEEKLY MAINTENANCE	• Newly planted perennials and annuals need regular water, but established drought-tolerant plants may need to be watered only 2 or 3 times during the growing season. Water deeply to make sure the entire root zone is wetted. Watering frequency also depends on soil type, sun exposure, and outdoor temperatures.
MONTHLY MAINTENANCE	• Many drought-tolerant herbaceous plants require little to no supplemental fertilizer throughout the growing season. When you do fertilize, apply products that contain slow-release fertilizer to minimize leaching into groundwater. • You can extend the flowering period of herbaceous plants by removing flower heads as soon as they begin to decline and look unsightly. If the flower heads occur singly on a bare stem, cut that stem back towards the base of the plant to maintain its appearance.
ANNUAL MAINTENANCE	• Cut perennials 2 to 3 inches above the ground after foliage has died back in the fall. Compost disease-free trimmings or send them to a green-waste recycling facility. • Most perennials need to be divided every 3 to 5 years. Signs to watch for include reduced flowering and development of weak, spindly stems.

TURFGRASS	
WEEKLY MAINTENANCE	• Mow turfgrass at least weekly at a height of 2 ½ to 3 inches. • Drought-tolerant turfgrasses, like buffalograss and blue grama, are slower growing and require mowing every 2 to 4 weeks only.
MONTHLY MAINTENANCE	• Fertilize turfgrass 3 or 4 times during the growing season. • Drought-tolerant turfgrasses require half the fertilizer that other turfgrasses need to maintain their health and vigor. Fertilize them twice a year, once when they begin to green up in the spring and a second time approximately 60 days later. • If you need to spray broadleaf weeds in bluegrass, fescue, or perennial ryegrass, do so when daytime temperatures are consistently below 80º F. • **Do not apply broadleaf weedkillers to buffalograss and blue grama when they are actively growing**. Instead, spray weeds in the grass with a glyphosate product when the grasses are dormant in early spring or late fall.
ANNUAL MAINTENANCE	• Aerate cool-season turfgrasses (Kentucky bluegrass, perennial ryegrass and fescues) in the spring, especially if they experience heavy traffic.
PEST and DISEASE CONTROL	
WEEKLY MAINTENANCE	• Visually inspect all landscape plants for potential pest problems. If you find something that is unfamiliar to you, contact your local county Extension office for help in diagnosing the problem.
ANNUAL MAINTENANCE	• In the fall, incorporate all yard waste such as dead annuals and perennial trimmings and leaves into the soil, or send them to a green-waste recycling facility. Spent garden plants such as tomatoes, peppers, and squash should be sent to a recycling facility. Tilling them into the soil can increase the chances of harboring unwanted pests and diseases.

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PROVO MUNICIPAL COUNCIL
STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date: 10-04-2022

SUBJECT: A presentation regarding towing ordinances (22-076)

RECOMMENDATION: Presentation and discussion only.

BACKGROUND: This presentation is a follow up on questions Councilors had regarding code about towing signage, charges/costs, and delievery vehicle exemptions.

FISCAL IMPACT: None

PRESENTER'S NAME: Brian Jones, City Attorney & Mark Eyo, Council Intern

REQUESTED DURATION OF PRESENTATION: 45 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-076

Provo Municipal Council

Towing Signage and Fees

Signage Requirements for “Patrol” Tows

- STATE CODE
- 2 signs at each entrance:*
  - Top sign
    - 24” tall x 18” wide
    - Blue, reflective background w/ ½” white border
    - Two-inch, white letters at top “Lot is Patrolled”
    - White logo depicting a tow
    - Two-inch, white letters at bottom “Towing Enforced”
  - Bottom sign
    - 24” tall x 18” wide w/ ½” white, reflective border
    - Top half w/ red background stating who can park and who can’t
    - Bottom half w/ white, reflective background and red letters
      - Name and telephone number of carrier
      - “tow.utah.gov”

- PROVO CITY CODE
- 1 sign at each entrance:
  - 18”x24”
  - Large reflective lettering warning vehicles may be towed or booted
  - Name and telephone number of carrier
  - *Fees charged*
  - Within 5 feet of entrance (unless not practical)
- Also requires “Signage that, in the Mayor or Mayor’s designee’s reasonable opinion, provides fair notice to all persons of all limitations on parking on the property”

Signage Requirements for Request Tows

- STATE CODE
- 1 sign at each entrance:*
  - 24” tall x 18” wide w/ ½” white, reflective border
  - Top of the sign – blue background
    - White, reflective 4”x6” logo depicting a tow
    - Two-inch, white, reflective letters below logo “Towing Enforced”
  - Middle of the sign – red background
    - One-inch, white, reflective letters stating who can park and who can’t
  - Bottom sign – white, reflective background
    - Name and telephone number of carrier or property owner
    - “tow.utah.gov”

- PROVO CITY CODE
- 1 sign at each entrance:
  - 18”x24”
  - Large reflective lettering warning vehicles may be towed or booted
  - *Name and telephone number of carrier*
  - *Fees charged*
  - Within 5 feet of entrance (unless not practical)

*Sign Location

- STATE CODE
  - At “each entrance”
  - Where two or more parcels with different restrictions abut, signage must be placed at each entrance from one parcel to the other
  - If there is no clearly defined entrance between two parcels or between parking area and roadway, signage must be placed at intervals of 40 feet or less along the property line
- PROVO CITY CODE
  - Within 5 feet of entrance
    - But may be as “close as reasonably practicable” for a “practical difficulty”, but no more than 30 feet from curb
  - Entrance defined, more complicated
  - May be over the driveway for an underground lot

Towing without Signage

- STATE CODE
- Property owner may request removal 24 hours after posting a written notice on the vehicle

- PROVO CITY CODE
- *Prohibited unless vehicle continuously parked for more than 72 hours (no notice required)*

Towing Fees

- STATE CODE
  - Tow service - $179
  - Storage - $40-45/day outside v inside
  - Administrative - $37
  - Fuel surcharge - $8.95 per $0.25 above $3/gallon (currently $26.85)
  - TOTAL - $282.85-$287.85 for 1st day
  - Boot = $75 + $25/day up to $150 total
- PROVO CITY CODE
  - For Patrol Tows
    - 2013-2021 - $175
    - Current – 80% of state fee
  - Boot – 50% of the maximum tow service rate
    - $89.50 total (regardless of days)
    - For Patrol boots
      - 2013-2021 - $60
      - Current – 80% of state maximum

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Mark Eyo, Council Intern

A Presentation Regarding Towing Ordinances and Delivery Service Vehicles

The council asked the staff to prepare a report on different city ordinances that could potentially protect delivery vehicles from predatory towing. This concern arose after a citizen who delivers pizza reported complaints against private towing companies while delivering to apartment complexes. He complained that some tow companies race delivery vehicles into hooking them up despite knowing that delivery drivers would not be there for long. The citizen asked for amendments to the Provo City ordinances to give delivery drivers a little bit of grace, e.g., Tow companies could give delivery drivers a few minutes to make a delivery before hooking them up.

We looked at several cities in Utah to identify ordinances in their city code that protect delivery vehicles against some abusive towing companies. We aim to identify ordinances that we could potentially apply or pattern future regulations for Provo City.

What We Currently Have in Provo City and other Nearby Cities?

Currently, we do not have any specific ordinances or laws that directly talk about towing of delivery vehicles. Instead, we have Chapter 9.31.110 of the Provo City Code, which contains most of the general guidelines in relation to Towing and Parking Enforcement Operations (Chapter 6.08 contains guidelines on towing businesses license applications). Chapter 9.31.110, which has 15 subsections, contains some general information that delivery vehicle drivers should know about Towing. This information in our Provo City Code could be categorized into three groups – ordinances that relate to the property **O**wner, ordinances that relate to the towing **O**peration, and ordinances that relate to the **O**bvious (signages, markings, etc.). I call them the "Three O's" and will refer to this acronym throughout my report. A summary of ordinances in our Provo City Code that we found beneficial to know for delivery vehicle drivers to know about the basics of Towing is summarized in Appendix 1.

In addition to these three O's, Provo City has zoning ordinances on appropriate delivery pickup stations in residential areas. For example, Chapter 14.49E.190 (9) states that "No loading dock or delivery pickup area shall be located within fifty (50) feet of a residential use." The cities of Orem and West Valley have almost similar towing guidelines to Provo City regarding the "Three O's" and zoning ordinances for designated delivery areas (e.g., Article 22-11. PD Zone and Chapter 17-2-1000P).

City of Ogden

Among all cities that we researched, the City of Ogden stands out as it includes in its city code a section entitled "Nonconsensual Removal of Vehicle from Private Property" (See Appendix 2). This is a section that is unique to their city that we find helpful for delivery vehicle drivers to know about towing. Ogden's city code contains specific guidelines on when vehicles could be towed in a controlled and uncontrolled parking lot situations. Sections 7 and 8 of Chapter 5-8D-4 say:

> **It shall be unlawful for a towing operator or any other person to tow or otherwise move a vehicle or authorize the removal thereof from any private road or driveway or from any other privately owned land or property within the city limits without the consent of the owner or operator of the vehicle, unless:**
>
> 7. **The vehicle is parked in a controlled lot or in a controlled portion of a partially controlled lot, and:**

a. The owner or operator of the facility has posted signs meeting the requirements of section 5-8D-7 of this article;

b. At least fifteen (15) minutes have passed since the vehicle is observed in violation of the private property parking regulations described on the sign required by section 5-8D-7 of this article;

c. The owner, operator or agent of the owner or operator of the facility makes a written or telephonic request for each towing service of a particular vehicle that complies with section 5-8D-5 of this article; and

d. The vehicle is removed to an impound yard that complies with section 5-8D-6 of this article; or

8. The vehicle is parked in an individually marked space of an uncontrolled parking lot or in an individually marked space in the uncontrolled portion of a partially controlled lot, and:

a. The owner or operator of the facility has posted signs meeting the requirements of subsection 5-8D-7E of this article;

b. At least thirty (30) minutes have passed since the vehicle is observed in violation of the private property parking regulations described on the sign required by section 5-8D-7 of this article;

c. The owner, operator or agent of the owner or operator of the facility makes a written or telephonic request for each towing service of a particular vehicle that complies with section 5-8D-5 of this article; and

d. The vehicle is removed to an impound yard that complies with section 5-8D-6 of this article.

Conclusion

The City of Ogden's city code is the only city we found which have sections in their ordinance related to the towing of delivery vehicles. Sections 7 and 8 of Chapter 5-8D-4 explain how long a parked car in a controlled or uncontrolled parking lot should be in violation before getting towed. These time limits or grace periods are helpful to know for delivery vehicle drivers who will only need to park at a specific location for a short time to complete their delivery.

OWNER	OPERATION	OBVIOUS
Authorized- Towing must be authorized by the owner of the private property on which the vehicle is located, or the owner's agent. 9.31.110 (3)(a) Or Requested by a peace officer or by an order of a person acting on behalf of a law enforcement agency. 9.31.110 (3)(b)	**Business License to Tow**- it is unlawful for any person to conduct a towing or parking enforcement operation within the corporate limits of Provo City, unless the person performing such operations has a Provo City business license to do so. No Provo City business license is required to conduct a towing or parking enforcement operation authorized by the Provo City Police Department. **Proper documentation** or report to the Provo Police Department soon after the towing. 9.31.110 (4)	**Signages** - Required to have "No parking" areas, restricted parking spaces, and visitor parking spaces, if any, are clearly marked with signage installed. 9.31.110 (5)(a) A conspicuous sign posted at, or immediately adjacent to, each entrance to the property provides notice that unauthorized vehicles may be towed from the parking lot or booted. (18X24'' in size; in large reflective lettering; provides the name/phone number of business (es) authorized to conduct a towing; fees charged for towing; five feet of each entrance to a parking lot). 9.31.110(5)(b)
(For Patrol Tows) The towing and parking enforcement business and the private property owner must have, and comply with, a contract that contains provisions documenting and requiring all of the following: (i) A right of appeal to the property owner by the owner or operator of the vehicle booted or towed; (ii) The right of the property owner to grant the appeal and waive part or all of the fees and charges incurred by the appellant; (iii) A documented plan for providing adequate visitor parking; (iv) Reasonable, as determined by the Mayor or the Mayor's designee, temporary permit parking on a 24/7 availability basis for any property where the owner requires permit parking; (v) Signage that, in the Mayor or Mayor's designee's reasonable opinion, provides fair notice to all persons of all limitations on parking on the property; and (vi) That the towing or parking enforcement operator's total maximum fees and charges for booting or otherwise immobilizing a vehicle and for towing a vehicle, including the first day of storage (subsequent days of storage may be charged in accordance with the rules and rates set forth in Rule 909-19-13, Utah Administrative Code), shall not exceed eighty percent (80%) of the maximum fees set through Rule 909-19-11, Utah Administrative Code. 9.31.110 (7) (c)	**Arrival of the Owner** - If the vehicle owner or agent arrives at the vehicle before the towing or parking enforcement operator has mechanically connected the vehicle to a tow truck or booting device, the towing or parking enforcement operator shall: (A) Not continue to tow or boot the vehicle; and (B) Not be entitled to tow or boot the vehicle or to charge any fee whatsoever if the vehicle is promptly removed from the premises. 9.31.110 (9)(d)(i)	**Towing Operator Requirements**: Must wear: 1. A readily identifiable shirt, blouse, or other top article of clothing with the name of the business and the first name of the employee contained thereon and readable from a distance of six (6) feet 2. wearing a badge w/ name of business and readable. 9.31.119(6 (c)

Appendix 1. A Summary of Provo City Code's Ordinances that are Beneficial to Know for Delivery Drivers Regarding Towing

UT > Ogden City > Ogden City, UT Cod... > 5-8D-4: NONCONSENSUAL REMOVAL OF VEHICLE FROM PRIVATE PROPERTY:

5-8D-4: NONCONSENSUAL REMOVAL OF VEHICLE FROM PRIVATE PROPERTY:

A. Private Property: It shall be unlawful for a towing operator or any other person to tow or otherwise move a vehicle or authorize the removal thereof from any private road or driveway or from any other privately owned land or property within the city limits without the consent of the owner or operator of the vehicle, unless:

1. The towing operator is acting as an agent for a legal repossession of a motor vehicle;
2. The vehicle is parked on private property in violation of another provision of this code and the property owner has been given notice of the violation and an opportunity to remove the vehicle;
3. The vehicle is parked on real property occupied by a single- family dwelling, duplex, or multiple-family dwelling with three (3) or four (4) units, including in the driveway, the drive approach or an easement of ingress and egress to the property, and the vehicle operator is:
   a. Not within the vehicle; and
   b. Not an invitee of the owner or a legal occupant of the real property;
4. The vehicle is an abandoned vehicle as defined in Utah Code Annotated section 41-6a-1408;
5. The vehicle is parked in a location where parking is prohibited by law or where it is reasonably apparent that the location is not open to parking under any circumstances;
6. The vehicle is parked on private property, including in an uncontrolled, controlled or partially controlled lot, and a written notice of an intent to tow or remove said vehicle has been placed on the windshield or front driver's side window of said vehicle by the private property owner or the owner's agent for a period of twenty four (24) hours prior to the towing service;
7. The vehicle is parked in a controlled lot or in a controlled portion of a partially controlled lot, and:
   a. The owner or operator of the facility has posted signs meeting the requirements of section 5-8D-7 of this article;
   b. At least fifteen (15) minutes have passed since the vehicle is observed in violation of the private property parking regulations described on the sign required by section 5-8D-7 of this article;
   c. The owner, operator or agent of the owner or operator of the facility makes a written or telephonic request for each towing service of a particular vehicle that complies with section 5-8D-5 of this article; and
   d. The vehicle is removed to an impound yard that complies with section 5-8D-6 of this article; or
8. The vehicle is parked in an individually marked space of an uncontrolled parking lot or in an individually marked space in the uncontrolled portion of a partially controlled lot, and:
   a. The owner or operator of the facility has posted signs meeting the requirements of subsection 5-8D-7E of this article;
   b. At least thirty (30) minutes have passed since the vehicle is observed in violation of the private property parking regulations described on the sign required by section 5-8D-7 of this article;
   c. The owner, operator or agent of the owner or operator of the facility makes a written or telephonic request for each towing service of a particular vehicle that complies with section 5-8D-5 of this article; and
   d. The vehicle is removed to an impound yard that complies with section 5-8D-6 of this article.

B. Other Lawful Remedies Permitted: Nothing in this article restricts a private property owner from pursuing any other lawful remedy to which such person may be entitled when a vehicle is parked on the owner's property without permission, including an action or claim for trespass or the collection of financial penalties or damages from the vehicle owner or operator.

(Ord. 2016-53, 10-27-2016)

Appendix 2. A Section of the City of Ogden's City Code – "NONCONSENSUAL REMOVAL OF VEHICLE FROM PRIVATE PROPERTY"

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: An ordinance amending Provo City Code Section 4.01.010 regarding the process for making appointments to the civil service commission to align with state code. (22-009)

RECOMMENDATION: Presentation only. This ordinance is scheduled for the Council Meeting tonight.

BACKGROUND: The current process for appointing members of the Civil Service Commission as outlined in City code is not consistent with the procedure outlined in State Code. This ordinance amendment will bring the process into alignment with the State Code, which designates the legislative body as the appointing authority for the Commission.

FISCAL IMPACT:

PRESENTER'S NAME: 5 minutes

REQUESTED DURATION OF PRESENTATION: Brian Jones, City Attorney

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-009

ORDINANCE 2022-

AN ORDINANCE AMENDING PROVO CITY CODE ~~SECTION 4.01.010~~ REGARDING THE PROCESS FOR MAKING APPOINTMENTS TO THE CIVIL SERVICE COMMISSION TO ALIGN WITH STATE CODE. (22-009)

WHEREAS, it is proposed to amend Provo City Code Section 4.01.010 to reflect the process stipulated in State Code, Utah 10-3-1003; and

WHEREAS, the amendment to Provo City Code will designate the Municipal Council as the body which makes the appointments to the Civil Service Commission; and

WHEREAS, on November 1, 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 presented to the Municipal Council, the Council finds (i) the amendment to Provo City Code Section 4.01.010, Classified Civil Service Established – Civil Service Commission – Hearings, Rules and Regulations Adopted, should be amended and enacted as set forth below, and (ii) this action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code Section 4.01.010, Classified Civil Service Established – Civil Service Commission – Hearings, Rules and Regulations Adopted 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

4.01.010
Classified Civil Service Established – Civil Service Commission – Hearings, Rules and Regulations Adopted.

There shall be a classified civil service consisting of all full-time regularly employed EMTs, paramedics, firefighters, fire officers and all full-time regularly employed police officers (not to include "special function officers").

(1) As provided in State law, Utah Code 10-3-1003, there is hereby established a Civil Service Commission, consisting of three (3) members to be appointed by the ~~Mayor, with the advice and consent of the Municipal Council.~~ Municipal Council. Their term of office shall be for six (6) years, to be appointed so that the term of office of one (1) member shall expire on the thirtieth of June of each even-numbered year. The incumbents in office shall serve the remainder of the terms for which they were appointed. If a vacancy occurs in the Civil Service Commission, it shall be filled by appointment by the ~~Mayor~~ Municipal Council for the unexpired portion of the term. The qualifications of commissioners, their salaries and removal, shall be as provided for in State law; and the commission shall exercise those powers as provided for in State law.