PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 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 MAKE A VIRTUAL PUBLIC COMMENT:
To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

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

October 04 Council Meeting: Dial 346 248 7799. Enter Meeting ID 869 2913 7708 and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: 469619.

Decorum

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

Opening Ceremony

Roll Call
Prayer
Pledge of Allegiance

Public Comment

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

Please state your name and city of residence into the microphone.
Please limit your comments to two minutes.
State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

1. A resolution appointing an individual as an alternate member of the Civil Service Commission. (22-009)

2. 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)

3. 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)

4. A proposed authorization agreement for Peaks Ice Arena Olympic Venue Agreement. (22-077)

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

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

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

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

9. 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)

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

11. An ordinance amending Provo City Code regarding Accessory Dwelling Units. Citywide Application. (PLOTA20220263)

12. **CONTINUED**A request to change the zone map from the PF (Public Facilities)

and the A1.5 (Agricultural) to the AI (Airport Industrial) zone in order to build new warehouses, located at 652 S Lakeview Pkwy. Provo Bay Neighborhood. PLRZ20220022

Redevelopment Agency of Provo

13. A resolution regarding the transfer of property located generally along SR-75 at the Springville boundary line from the RDA to Gateway Crossing Development in order to facilitate the platting and development of a new, adjacent public street. (22-042)

Adjournment

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

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

The next Council 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.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date:

SUBJECT: A resolution appointing an individual as an alternate member of the Civil Service Commission. (22-009)

RECOMMENDATION: Approve the resolution.

BACKGROUND: State law grants authority to the Council to appoint members to the Civil Service Commission, which is a body that hears appeals of disciplinary actions against civil service (police and fire) employees. Due to the circumstances of an upcoming appeal hearing, the current Commission members have suggested the City appoint an alternate member who may be able to serve in the event that one of the three commissioners must be absent or recuse themselves during the hearing. The City Legal Department has previously distributed information to the Council regarding the process for making an appointment as well as the relevant qualifications/requirements for the individual who is appointed. A resolution for appointing an additional individual as an alternate member of the Commission has been submitted to the Council for their consideration.

FISCAL IMPACT:

PRESENTER'S NAME: Brian Jones, City Attorney

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 22-009

RESOLUTION 2022-

A RESOLUTION CONSENTING TO THE APPOINTMENT OF AN INDIVIDUAL AS A MEMBER OF THE CIVIL SERVICE COMMISSION FOR PURPOSES OF SPECIFIC APPEAL HEARING. (22-009)

WHEREAS, one of the currently appointed Civil Service Commissioners is unavailable to serve in an upcoming appeal hearing and it is proposed that a member be appointed to serve for that hearing; and

WHEREAS, the Council, acting pursuant to their statutory authority, has reviewed the qualifications of individuals to be appointed to the Civil Service Commission; and,

WHEREAS, on October 4, 2022, the Municipal Council met to ascertain the facts regarding this matter, which facts are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council (i) appoints the individual set forth below to the Civil Service Commission and (ii) finds such appointment will reasonably further the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Pursuant to Utah Code Section 10-3-1003, the Municipal Council appoints the individual listed below to serve on the commission for the appeal hearing currently in process:

Appointee's Name	Board
	Civil Service Commission

Commented [BJ1]: Because of the one-off nature of this appointment, and the appellant's position that they can't be called an alternate, I think it's better to leave the table off.

PART II:

This resolution and the appointment indicated herein shall take effect immediately.

END OF RESOLUTION.

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.

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.

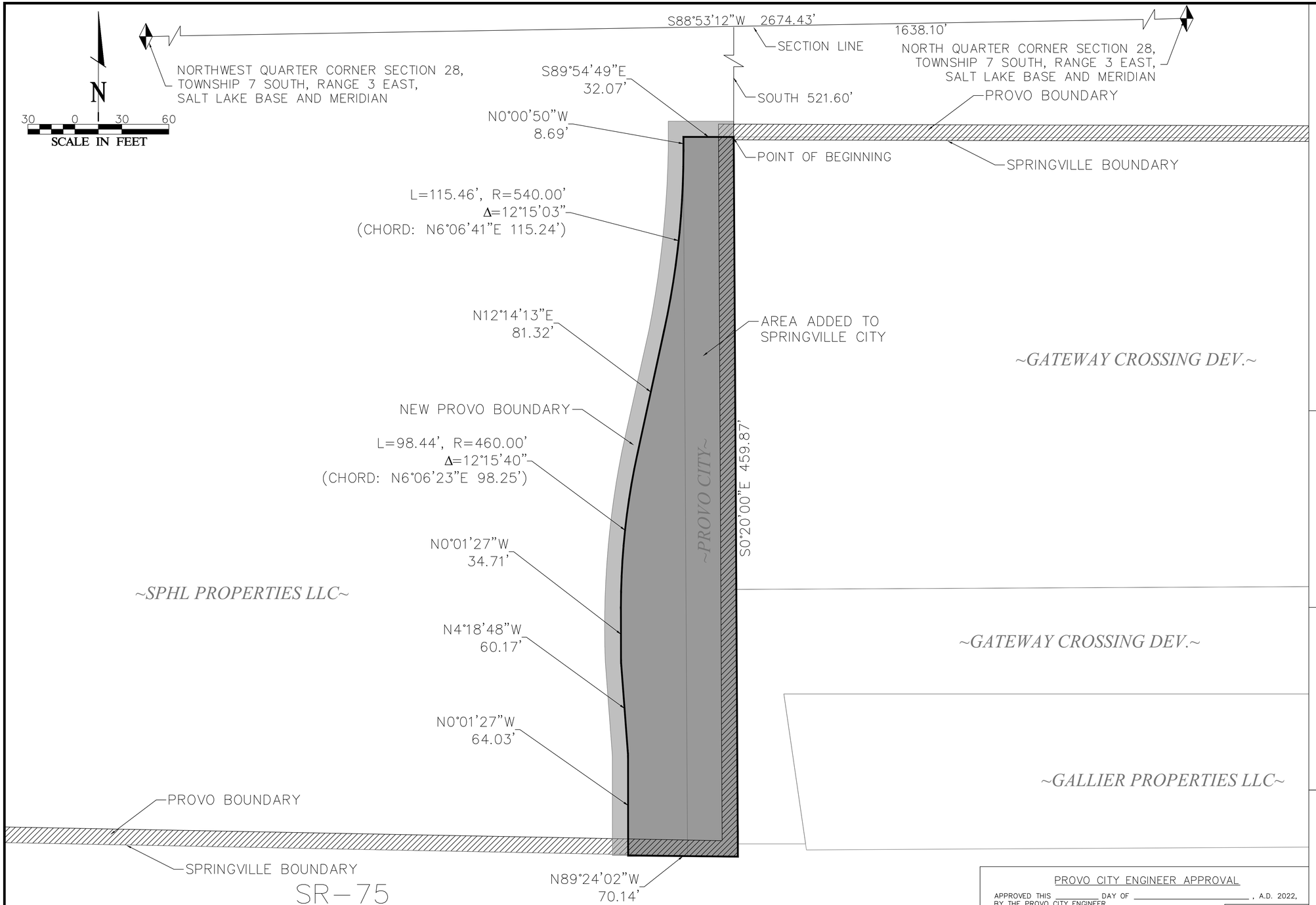
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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



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:

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Drawing: 1

Sheet: 1 of 1



provo PUBLIC WORKS ENGINEERING

REMARKS

1.

BOUNDARY LINE ADJUSTMENT

MARCH 2022

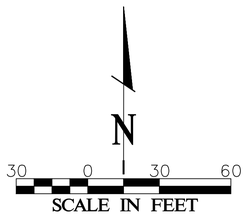
SPROVO-BOUNDARY LINE ADJ.

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

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

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SCOTTH
Department: Parks and Rec
Requested Meeting Date: 10-04-2022

SUBJECT: A proposed authorization agreement for Peaks Ice Arena Olympic Venue Agreement. (22-077)

RECOMMENDATION: Authorize Mayor Kaufusi to sign the Peaks Ice Arena Olympic Venue Agreement.

BACKGROUND: In preparation for the Utah bid to host the 2030 or 2034 Olympics, venue agreements are being formalized as part of the bid package process.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Scott Henderson, Director of Parks and Recreation/Possible Representative from Utah Olympic Committee & Colin Hilton, President and CEO of the Utah Olympic Legacy Foundation

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: Provo's status as an "Olympic City" advances our community and is compatable to all plans, policies, goals, and objectives.

CITYVIEW OR ISSUE FILE NUMBER: 22-077

Venue Use Agreement

Between

Provo City

and

Salt Lake City – Utah Committee for the Games

September____, 2022

VENUE USE AGREEMENT

THIS VENUE USE AGREEMENT (the *"Agreement")* is entered into as of ____ day of September, 2022, between PROVO CITY, a Utah municipal corporation (the "*City"*), and the SALT LAKE CITY – UTAH COMMITTEE FOR THE GAMES, a Utah nonprofit corporation (the *"Committee").*

Recitals

A. The City and the Committee (collectively, the "Parties") agree and acknowledge that this Agreement will be used if Utah – Salt Lake City is awarded either the Olympic & Paralympic Winter Games of 2030 or the Olympic & Paralympic Winter Games of 2034. The Parties also agree to consult together and work towards amicably amending or modifying this Agreement to accommodate and effectuate the uses for the Venue and Facilities contemplated by this Agreement depending on whether the Olympic & Paralympic Winter Games are awarded for 2030 or 2034.

B. The Committee is authorized to enter into this Agreement as a venue for ice hockey competition during the Olympic Winter Games.

C. The City is willing to grant use of the Venue to the Committee, upon the terms and subject to the conditions set forth in this Agreement.

Agreement

In consideration of the recitals listed above, and of the terms and mutual covenants set forth below, and for other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the parties hereby agree as follows:

1. Description of the Venue. The Venue, as defined herein, shall contain a main ice rink sized to NHL standards sheets, that is suitable for playing Olympic men's and women's ice hockey, permanent seats, with clear views of the entire main ice sheet, not less than 4 large dressing rooms, 4 smaller dressing rooms, and outside space for temporary structures and cars in adjacent parking lots or structures shown in Exhibit A -Venue Site Plan. The term "Venue" shall also include all such facilities, equipment, parking, and associated City properties, including without limitation, all data lines and other utilities associated therewith. The Parties are coordinating efforts to renovate and expand the facility, for which efforts are contingent on a funding strategy currently in progress that will shape a final scope of improvements to the Venue. In addition, the entire Venue will conform to the accessibility and other requirements of The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101, *et seq.)* and other federal and state government accessibility standards in place at the time of the Games .

2. Maintenance of the Venue. The City shall maintain the Venue, consistent with the industry standard for a Venue of this size and use, and all associated facilities, properties, and equipment in clean, orderly, and first-class condition through the end of the Use Periods specified below.

3. Use of the Venue. The City hereby grants to the Committee the right to exclusive use of the entire Venue and all its facilities, equipment, and associated real property, including, without limitation, (a) all seating and viewing areas, (b) all concession areas, (c) all public address systems, scoring equipment, ice surfacing (zamboni) equipment, scoreboards, video display systems, and indoor and outdoor marquees, (d) all advertising opportunities in, on, and about the Venue, and (e) all associated parking areas and facilities (whether owned, controlled, or operated by the City or its licensees), upon the terms, for the time periods, and subject to the conditions set forth in this Agreement.

4. Use Periods. Subject to the terms and conditions of this Agreement, the City shall make the Venue available for use by the Committee and its licensees during, the following periods (together, the *"Use Periods"):*

4.1. **Exclusive Use Periods** - From January 28, 2030, through and including February 28, 2030 (the *"Olympic Winter Games Period');*

or (at the election of the Committee)

Exclusive Use Periods - From January 30, 2034, through and including February 28, 2034 (the *"Olympic Winter Games Period');*

4.2. **Nonexclusive Use Periods.** The City hereby grants to the Committee access beyond the Exclusive Use periods, a nonexclusive right to have access to and to conduct activities and do work in the Venue Use areas starting May 1, 2029 through May 31, 2030 (for a 2030 Games) or May 1, 2033 through May 31, 2034 (for a 2034 Games) for the purpose of installing Games period facilities, supplementing the Use Areas and preparing for and disassembling from the Games. The Committee shall coordinate its activities in the Use Areas during the Nonexclusive Use Periods so that such activities do not unreasonably interfere with the City's normal activities and operations. Staging compounds to assist with the "load in" and "load out" are agreed to be detailed through an amendment at a later date closer to the Games period, however shall not be subject to an increased use fee. Coordination between the Committee's Event General Manager and The City's General Manager will determine the size, timeframes, and details of these staging areas.

4.3. **Test Events –** It is commonplace for a proposed Games venue to host a minimum of one test event prior to the Games year. This allows the International Sport Federations, athletes, and Utah's eventual Organizing Committee (OCOG) to familiarize themselves with the Games venue and address any items that need attention prior to the actual Games year. The City agrees to support the OCOG in hosting a minimum of one test event for which the base agreement fee covers any Use compensation to be paid to the City, and follows the "Services" reimbursement process as outlined in Section 8.

5. Permitted Uses. The Committee may use the Venue, and may authorize or license others to use the Venue, during the Use Periods for ice hockey, practice sessions for athletes, the moving in and out and the construction, erection, and staging of decorations, security equipment and systems, lighting, sound systems, television and other broadcast equipment, scoring, video display and other equipment, fixtures, and facilities necessary or appropriate for the staging and broadcast of such events and competitions, and related purposes. The Committee and its licensees may use parking areas for compound space, staging areas, temporary buildings, tents, etc., in addition to or in lieu of the parking of vehicles.

6. Access to the Venue. The City acknowledges that the Committee and its agents, contractors, licensees, and invitees may need access to the Venue prior to the Games Period to inspect the Venue and to design and install utilities, equipment, and fixtures necessary to host and broadcast the Games. The City will grant the Committee and its licensees' access to the Venue upon reasonable notice, and will cooperate with the Committee and its licensees to permit such inspections, planning, design, and installation work to occur on a timely basis.

7. Use Fee

7.1. Amount of Use Fee for 2030. Subject to the terms and conditions of this Agreement, on April 30, 2030, the Committee shall pay to the City $750,000 as consideration for use of the Venue and the services to be provided hereunder (the "*Use Fee*"). The amount shall be reduced by any in kind contributions provided for in paragraph 7.3.

7.2. Amount of Base Use Fee for 2034. Subject to the terms and conditions of this Agreement, on April 30, 2034, the Committee shall pay to the City $750,000 plus the actual inflationary increment of the US CPI index change from January 1 2030 through December 31, 2033, as consideration for use of the Venue and the services to be provided hereunder (the "*Use Fee*"). The amount shall be reduced by any in kind contributions provided for in paragraph 7.3.

7.3. In Kind Contribution. The Organizing Committee and the City may agree to an in-kind contribution by one of the Committee's sponsors; provided that the in-kind contribution shall be valued at an amount determined by the Committee, the City, and the sponsor in good faith. The City shall cooperate with the Committee in good faith to identify opportunities of in-kind contributions.

7.4.Contribution of goods or services. The Committee and the City may agree to reductions in the Use Fee through contributions of goods or services (such as improvements, repairs, etc.) provided by the Committee. These goods or services shall be valued at an amount to be determined by the Committee and the City in good faith.

8. Venue Owner Provided Services and Venue Specific Conditions.

8.1. Services Provided by the City at No Additional Charge. The City and Manager shall, during the Use Periods, furnish, without cost to the Committee or its agents, contractors, licensees or guests, normal heat and air conditioning, power, UPS, and generators, lighting and building control systems, NHL sized ice surface (including use of ice resurfacing (Zamboni) equipment), restroom facilities, janitorial services, normal police services, assistance

with marketing partner rights protection and anti-ambush activities, and utilities (including electrical power). Use of all technological equipment serving the Venue, including, but not limited to, all existing public scoreboards, video boards, public address systems, WiFi equipment, access control and security surveillance systems, rigging, cabling conduits, fiber optic cabling, data cables, cable routes, and active control equipment and spaces and use of all then-existing Venue systems and equipment necessary and appropriate to operate the Venue and to stage and host the contemplated events at the Venue but excluding any computer systems and other equipment necessary for the ordinary operation of the Venue and its business.

8.2. Utilization of Venue Personnel. The Committee and City desire to utilize a portion of the existing staff of the Venue during Use periods. The Organizing Committee will coordinate with the City on the specific Test Event and Games periods roles of the existing staff. The Committee's payment for such use of personnel associated with running the Complex is included in the Use Fee. These staff shall at all times be considered employees of the City and the Committee shall not be obligated to make direct payments to such personnel or be obligated to withhold or make payments, in their behalf, to any government agencies. These personnel costs shall mean those costs normally associated with payments to or on behalf of personnel that are actually paid during the Use periods, including regular wages, overtime wages, FICA, unemployment insurance, workers' compensation insurance, disability insurance, Medicare, and the prorated cost of benefits, such as health insurance and retirement. Exhibit B "City Staff Involved in Events" will itemize the job titles determined to be included in Test Events and Games period roles, subject to adjustment by mutual agreement between the Committee's Event General Manager and City's General Manager. Any additional requests of City staff beyond those identified in Exhibit B would require additional compensation from the Committee through a mutually agreed upon later amendment to this agreement.

8.3. **Venue Specific Conditions**

a. Existing Facility Fitness Equipment – The Committee agrees to either perform the work to relocate existing facility fitness area equipment, to include all weights, racks, and cardio equipment to a location of the City's choosing and responsibility, or to pay the costs to do such work. If possible, location within the existing facility is strongly encouraged.

b. Turf Fields and Fitness Area Surfaces – The Committee agrees to ensure these surfaces are not harmed or changed in a negative way that diminishes their usable and aesthetic appearance following the placement of temporary facilities on top of them. Committee will instruct vendors to use precautions and measures that protects these surfaces. The City and Committee will jointly determine if any harm or corrective measures are needed in a post Exclusive Use Period walkthrough.

c. Facility North Wall Separator – Upon completion of the Games, the Committee agrees to install at its cost a new semi-permanent separator wall between the main ice rink and the main turf field. The separation wall will be constructed with metal tube steel purlins, light gauge metal stud framing clad with an impact resistant drywall that is finished and painted for the majority of the wall. The lower eight to ten feet will be clad in a less maintenance required material such as profile metal with a durable factory finish or fiberglass sheathing.

8.4. Right to Supplement Facilities. The Committee shall have the right during the Use Periods, at its cost and expense and using personnel, contractors, and vendors of its choosing, to (a) supplement lighting in the Venue, (b) construct or erect decorations, camera platforms, sets, scoreboards, scoring and judging areas and displays, video displays, staging areas, interview areas, and other equipment, fixtures, and facilities necessary or appropriate for the staging of permitted events during the Use Periods, and (c) install security systems, electrical power (including utility power, technical power, backup power, uninterrupted power, redundant mains, and redundant emergency generators), and telephone, facsimile, and other telecommunications and utility services. The City shall provide, or cause the Venue manager to provide, when requested, at the Committee's expense, supplemental heating and air conditioning at hours or levels in excess of the normal heating and air conditioning provided pursuant to paragraph 9.1 hereof.

9. Signage. The City acknowledges that the IOC's Charter and rules and the Host City Contract require that all commercial signage and displays of every kind at Games venues be removed or covered during the Games. The City shall cooperate, and shall cause the Venue manager and all other contractors, agents, and licensees to cooperate, with the Committee in complying with the Charter, such regulations, and the Host City Contract, and shall permit the Committee to remove or cover all such signage and displays in, on, or about the Venue (including without limitation, on the outside of the Venue building, on all seating, on all equipment, in all parking and concession areas, and in or on the ice surface in the Venue) during the Use Periods.

10. Tickets and Hospitality.

10.1. Sale of Tickets and Hospitality. The Committee shall have the exclusive right to market, sell, and otherwise distribute (directly or through authorized agents or licensees) tickets and hospitality services to all events (including competitions and practices) organized or staged by the Committee during the Use Periods, and shall be entitled to all proceeds therefrom. Without limiting the foregoing, the Committee shall have the right during the Use Period to exclusive use of, and to sell tickets for use of all areas in the Venue.

10.2. No Ticket, Parking, or Similar Taxes. The City shall not impose or charge any tax or fee on (a) tickets marketed and sold by the Committee (directly or through authorized agents or licensees) to events organized or staged in the Venue by the Committee during the Use Periods, or (b) the parking of cars by patrons or others using the Venue parking facilities in connection with such events and permitted uses.

11. Concessions.

11.1. Exclusive Right to Sell Food and Beverage. The Committee shall (a) have the exclusive right to specify the food and beverage that may be sold in the Venue during the Use Periods, (b) have the exclusive right to sell, or to grant the right to sell, food and beverages in and about the Venue during the Use Periods, and (c) be entitled to retain all proceeds therefrom. The Committee shall not be obligated to use any catering services licensed by, or any food or beverage specified or licensed by, the City or any Venue manager.

11.2. Operation of Food and Beverage Concession Areas. The City shall, and shall cause any Venue manager to, make all concession stands, areas, and facilities, including associated food preparation and dispensing areas and equipment, available to the Committee for the Committee's and its licensees' exclusive use during the Use Periods.

11.3. Souvenir Sales. The Committee shall have the exclusive right to sell souvenirs, novelties, and merchandise of all kinds (including, without limitation, film, apparel, publications, and similar items) at the Venue during the Use Periods.

11.4. Photography and Broadcast Rights. The Committee shall have the exclusive right to arrange, conduct, or permit commercial and noncommercial photography, filming, videotaping, television and radio transmission, and similar activities upon, in, and about the Venue during the Exclusive Use Periods. The Committee shall control and own all intellectual property rights to all audio-visual productions, sound recordings and broadcasts generated during the Exclusive Use Periods, including digital, radio and all terrestrial, satellite, cable, pay television, pay per view, video on demand, near video on demand or subscription video on demand rights on either digital or analog television and all streaming, hyperlink or text rights on either the Internet or through mobile telephony) and the exclusive rights to sub-license any such audio-visual productions, sound recordings and broadcasting rights to any third party.

11.5. Venue imagery. The Venue grants the rights to the Committee to make audio or audio-visual recordings of the Venue and its facilities during the Use Periods and may depict the Venue or Facility in broadcasts and in all other materials and media, including in electronic games. The Committee and its authorized third parties shall have access to use the Venue's facility design assets (architectural plans, CAD drawings, 3D models, photographs (including without limitation 3D photographs and aerial shots, footage, plans of lighting and camera positions, broadcasting platforms, press boxes, medal podiums and scoreboards, seating bowls and field of play designs), etc.

11.6. Sponsorships. The Committee and the IOC shall have the exclusive right to sell sponsorships and supplierships of and other rights of affiliation with the events staged or conducted by the Committee in the Venue, including, without limitation, the Games and test events leading up to the Games.

a. TOP & Games Sponsors/Partners - The Olympic Partners (TOP) programme is the highest level of Olympic sponsorship, granting category-exclusive marketing rights to the Summer, Winter and Youth Olympic Games to a select group of global partners. The Organizing Committee of the Olympic Games ("OCOG") will also have categories of partnerships. Without limiting the foregoing, the Venue Owner specifically acknowledges that it will utilize products and services during the Exclusive Use periods of the Games of the above stated Sponsors/Partners.

12. Security. The City acknowledges and agrees that the Committee's security program will limit access to the Venue during the Exclusive Use Periods to persons holding authorized credential documents issued by the Committee. The City shall cooperate, and cause the General Manager, their agents, and licensees and their agents and licensees' respective

employees to cooperate with the Committee in connection with such security program and to comply with all security measures in operation. Permitted access will be based on a background search of each individual and any other reasonable security-related procedures required for any type of accreditation or credential documents. The Committee has the right during the Use Periods to deny access to or exclude or eject from the Venue and its facilities any person who fails to meet the criteria it establishes or fails to comply with all security, accreditation and confidentiality procedures, policies and requirements. The Committee may employ lawful security measures during the Exclusive Use Periods, including conducting searches of spectators, employees, contractors and invitees entering the Venue for illegal or prohibited objects and conducting searches of any person, vehicle, package, container or equipment entering the Venue. The City also acknowledges that its personnel entering during Use Periods may be recorded on CCTV systems in operation at any time.

13. Indemnifications

13.1. The Committee's Indemnity. The Committee shall jointly and severally indemnify, save, and hold harmless the City and the City's directors, officers, agents, shareholders, and employees from and against any and all costs, losses, liabilities, damages, lawsuits, claims, and expenses arising out of third-party claims, including, without limitation, court costs, reasonable attorneys' fees and disbursements, and all amounts paid in investigation, defense, or settlement of any of the foregoing, incurred in connection with or arising out of or resulting from (a) a material breach of any of the Committee's obligations under this Agreement, (b) any act, omission, negligence, fault, or violation of law or ordinance by the Organizing Committee, or its trustees, officers, employees, or agents, other than actions which it or they are entitled to take under this Agreement, or (c) the enforcement of this indemnification obligation. The Committee's indemnification obligations under this paragraph 13.1 shall survive the termination of this Agreement.

13.2. The City's and Venue Manager's Indemnity. The City shall, and shall cause any Venue manager to, indemnify, save, and hold harmless the Committee and its trustees, officers, agents, and employees from and against any and all costs, losses, liabilities, damages, lawsuits, claims, and expenses arising out of third-party claims, including, without limitation, court costs, reasonable attorneys' fees and disbursements, and all amounts paid in investigation, defense, or settlement of any of the foregoing, incurred in connection with or arising out of or resulting from (a) a material breach of any of the City's obligations under this Agreement, (b) any act, omission, negligence, fault, or violation of law or ordinance by the City, the Venue manager, or their directors, officers, employees, or agents, other than actions which it or they are entitled to take under this Agreement, or (c) the enforcement of this indemnification obligation. The City's indemnification obligations under this paragraph 13.2 shall survive the termination of this Agreement.

14. Insurance. Both the Committee and the City shall, or the City shall cause any Venue manager to, obtain and maintain in force throughout the Use Period the following insurance:

a. Workers compensation insurance as required by law,

b. Employer's liability insurance with limits of not less than Ten Million Dollars ($10,000,000) each occurrence, and

c. Comprehensive general liability insurance with limits of not less than Ten Million Dollars ($10,000,000) each occurrence combined single limit for bodily injury and property damage, including coverage for personal injury.

15. Termination. The Committee shall have the right, in its discretion, to terminate this Agreement and all of its obligations without penalty or liability hereunder (including, without limitation, the obligation to pay Rent) if any of the following occur: (1) a force majeure event as defined herein; (2) the IOC does not award or withdraws the Committee's right to host the Olympic Winter Games; or (3) for any reason until September 30 immediately prior to the year the Games will be held without penalty. Such termination shall be provided by written notice to the City and will be immediately effective.

16. Force Majeure. The following are defined as force majeure events: acts of God; earthquakes; fires; floods; wars; civil or military disturbances; acts of terrorism or political violence within the United States; sabotage; strikes; epidemics; pandemics or other public health emergencies; riots; power failures; computer failure and any such circumstances beyond its reasonable control as may cause interruption, loss or malfunction of utility, transportation, computer (hardware or software) or telephone communication service; accidents; labor disputes; acts of civil or military authority; governmental actions; or inability to obtain labor, material, equipment or transportation, or any other event that makes economically unfeasible to use the Venue as set forth in this Agreement.

17. No License to Olympic-Related or Organizing Committee Marks.

17.1. Olympic Related Marks and Terminology. No license or right to the use of any of the Olympic symbols, emblems, marks, or terminology, including, without limitation, (a) the words "Olympic" or "Olympiad," and (b) the symbol of the IOC consisting of five interlocking rings, is granted to the City by this Agreement. The City explicitly recognizes and acknowledges that the use of Olympic-related symbols, emblems, marks, and terminology is restricted by Title 36 U.S. Code Section 180, and may be used only with the prior written permission of the US Olympic & Paralympic Committee.

17.2. Committee's Marks and Other Intellectual Property. No license or right to any present or future trademarks, service marks, copyrighted works, or other intellectual property of the Committee is granted to the City by this Agreement. The City explicitly recognizes and acknowledges that the use of the Committee's marks, logos, trademarks, service marks, copyrighted material, and other intellectual property (including any logo, sport pictograms, and mascot) is protected by state and federal trademark, copyright, and other laws, and may be used only with the prior written permission of the Committee.

18. Representations and Warranties.

18.1. Representations and Warranties of the Committee. The Committee hereby represents, warrants, and shall provide a certification, if needed, for the purpose of

obtaining 501(c)(3) financing, that (a) the Committee is a qualified 501(c)(3) corporation duly organized, validly existing, and in good standing under the laws of the State of Utah, (b) the Committee has all necessary power and authority to enter into this Agreement and to perform its obligations hereunder, (c) the execution of this Agreement by the Committee and the performance by the Committee of its obligations hereunder have been duly authorized by all necessary corporate action, (d) this Agreement has been duly executed and delivered by the Committee and is a valid and binding obligation of the Committee, enforceable against the Committee in accordance with its terms, and (e) all proceeds derived from the use of the Venue by the Committee shall be used only in furtherance of its 501(c)(3) activities.

18.2. Successor Entities. The City and Committee acknowledge that the Committee may assign its rights and obligations under this Agreement to a successor entity, if necessary, and that the Committee will ensure that all of the representations and warranties set forth in Paragraph 18.1 apply to any such successor entity.

18.3. Representations and Warranties of the City. The City hereby represents and warrants to the Committee that (a) the City is a municipal corporation duly organized, validly existing, and in good standing under the laws of the State of Utah, (b) the City has all necessary power and authority to enter into this Agreement and to perform its obligations hereunder, (c) the execution of this Agreement by the City and the performance by the City of its obligations hereunder have been duly authorized by all necessary action, and (d) this Agreement has been duly executed and delivered by the City and is a valid and binding obligation of the City, enforceable against the City in accordance with its terms.

19. Covenant Not to Sue Unrelated Parties. The City acknowledges that none of Salt Lake City, the State of Utah, the USOC, the IOC, or any director, officer, employee, agent, or volunteer of the foregoing entities or of the Committee (an *"Unrelated Party")* shall incur any financial responsibility or liability in connection with this Agreement or any subsequent agreement entered into between the City and the Committee relating to the subject matter hereof. Without limiting the foregoing, for purposes of any obligation owing to the City in connection with this Agreement (including Rent), the Committee shall not be deemed to be a partner, joint venturer, agent, or instrumentality of any Unrelated Party. The City covenants and agrees that as its sole and exclusive remedy for any claims, demands, actions, suits, or other proceedings under this Agreement, it shall have recourse only to the assets of the Committee and not to the assets of any Unrelated Party or any other affiliates of Committee. The City, for itself and its heirs, legatees, administrators, executors, successors, agents, and assigns, agrees and covenants to refrain from bringing, or causing, to be brought any claims, demands, action, suits, or other proceedings, whether at law or in equity, or whether before a court, arbitration panel, agency board, or other body, against any Unrelated Party, individually or in any combination thereof, on account of any and all rights, demands, damages, claims, actions, causes of action, duties, or breaches of duty (collectively, *"causes of action"*) known or unknown, existing, pending, accrued or unaccrued, which the City has, claims to have, or may have to the extent any such cause of action arises from this Agreement.

20. Miscellaneous.

20.1. Governing Law. This Agreement shall be construed in accordance with and be governed by the substantive laws of the State of Utah, without reference to principles governing choice or conflicts of laws. The City and the Committee also agree that any dispute related to this Agreement must be brought solely in Third District Court, Salt Lake County, State of Utah.

20.2. Assignment and Delegation. Except as provided in paragraph 20, the City may not assign or in any manner transfer the benefits of this Agreement or assign its obligations under this Agreement, except that the City may engage a third party to manage and operate the Venue and/or the associated parking areas. The City shall require and cause any manager of the Venue or such parking areas to expressly assume and agree, by written agreement in form and substance reasonably satisfactory to the Committee, to perform this Agreement in the same manner and to the same extent that the City would be required to perform if no such manager had been retained. Subject to the foregoing limitation, this Agreement shall be binding upon and to the benefit of the parties and their respective legal representatives, successors, agents, heirs, and assigns.

20.3. Entire Agreement. This Agreement, together with the attached Exhibit "A", constitutes the entire agreement between the parties hereto with respect to the subject matter contained herein, and there are no covenants, terms, or conditions, express or implied, other than set forth or referred to herein. This Agreement supersedes all prior agreements between the parties relating to all or part of the subject matter herein. The parties may not amend, modify, or cancel this Agreement except by a written agreement signed by both parties.

20.4. No Consequential Damages. The Parties agree that, in the event of any breach, cancelation or termination of this Agreement for any reason, NEITHER PARTY SHALL BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT (INCLUDING, WITHOUT LIMITATION, COSTS OF DELAY; LOSS OF DATA, RECORDS OR INFORMATION; AND LOST PROFITS), EVEN IF IT KNOWS OF THE POSSIBILITY OF SUCH DAMAGE OR LOSS.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

PROVO CITY

_____

Michelle Kaufusi, City Mayor

ATTEST:

_____, City Recorder

SALT LAKE – UTAH COMMITTEE FOR THE GAMES

By:_____

Title:_____

Exhibit A
Provo Peaks Venue Use Area



Exhibit B
City Staff Involved in Event Roles

FT – Provo City Ice Rink Director (1)
FT – Operations Manager (1)
PT – Office Manager (1)
FT – Facilities Manager Zamboni Driver (1)
PT – Facility Technicians Zamboni Drivers (3)
PT – Custodial (3)

These job titles may see slight wording changes, but nothing materially will change in their availability for Event use. Use of these City staff are included in the Use Fee compensation and may see adjustments by mutual agreement between the Committee's Event General Manager and City's General Manager.

PROVO MUNICIPAL COUNCIL STAFF REPORT

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

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

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

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

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore, Planner

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLGPA20220007

ORDINANCE 2022-.

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

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

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

WHEREAS, on September 20, 2022 and 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 General Plan should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

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

PART II:

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

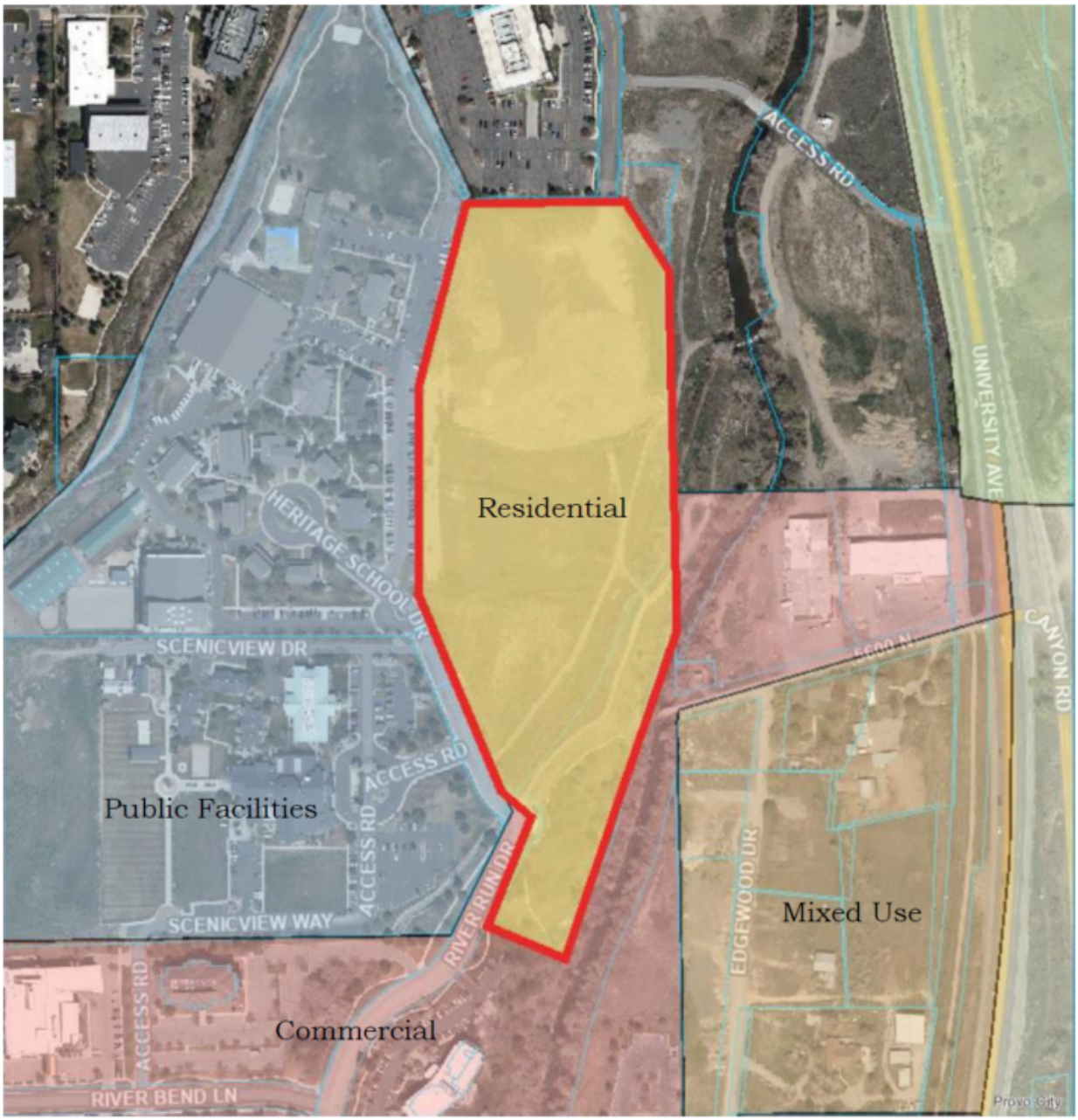
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

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

END OF ORDINANCE.

Exhibit A


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

DEVELOPMENT SERVICES

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

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

Applicant: Dudley & Associates

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon River Hold Co. LLC

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

Acreage: 14.45

Number of Properties: 2

ALTERNATIVE ACTIONS

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

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

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

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

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

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

Summary of Key Issues:

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

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

BACKGROUND

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

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

ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Adverse impacts on adjacent land owners.

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

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

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

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

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

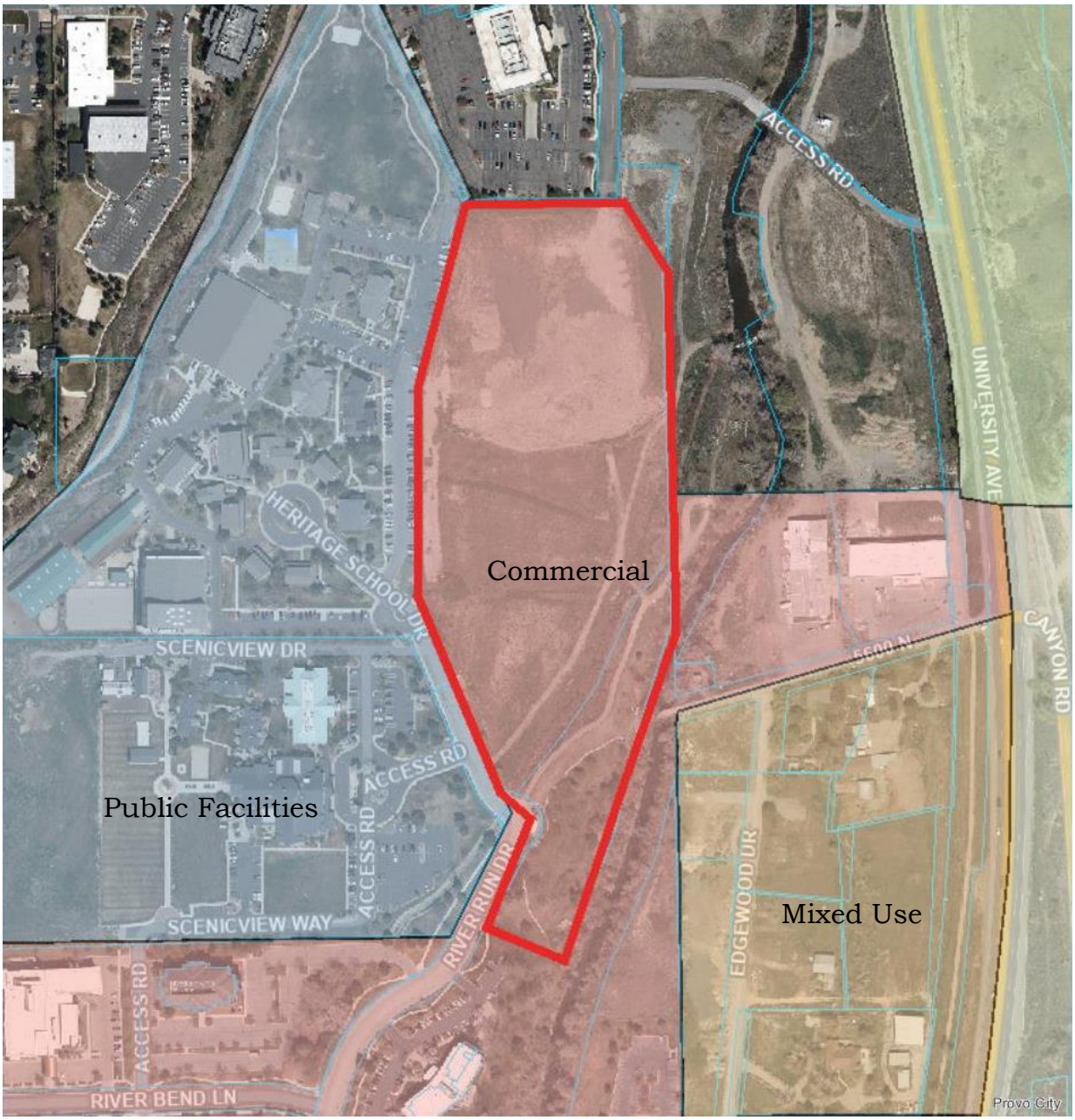
CONCLUSIONS

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

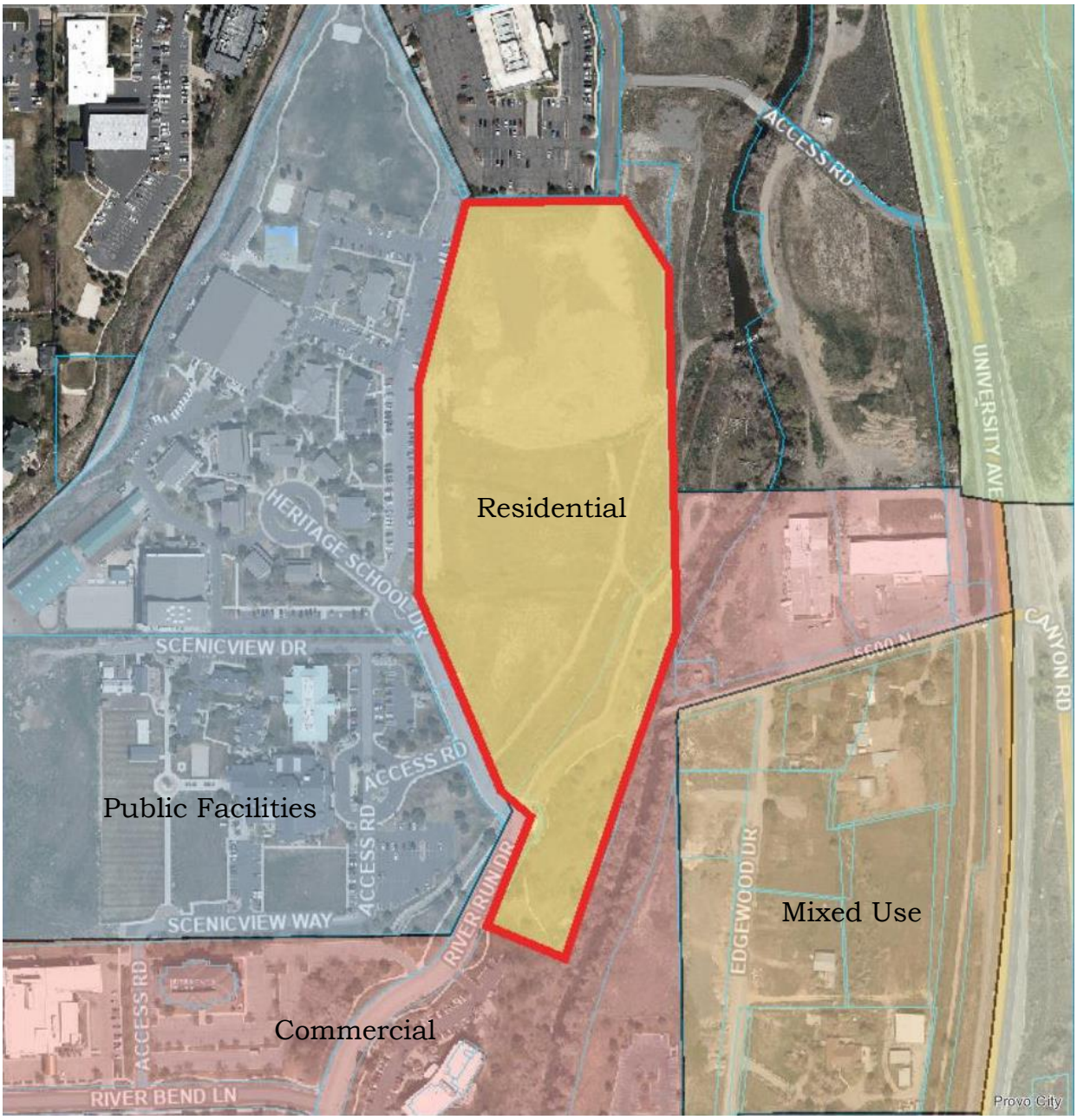
ATTACHMENTS

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

ATTACHMENT 1 – CURRENT GENERAL PLAN MAP



ATTACHMENT 2 – PROPOSED GENERAL PLAN MAP



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

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

General Plan Map Amendment from Commercial to Residential

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

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

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

Provo City Planning Commission

Report of Action

September 14, 2022

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

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

RECOMMENDED APPROVAL

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

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

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

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

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

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

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff responded to Planning Commission questions regarding use, density, and design of the site.

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

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

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

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

APPLICANT RESPONSE

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

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

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

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

Planning Commission Chair

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

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

Area = 14.45 Acres



E

FOULGER-PRATT

RIVER DISTRICT

PROVO, UT

PROPOSED SITE PLAN



FOULGER-PRATT

ARCHITECTURAL VISION





FRONT ELEVATION



FOULGER-PRATT

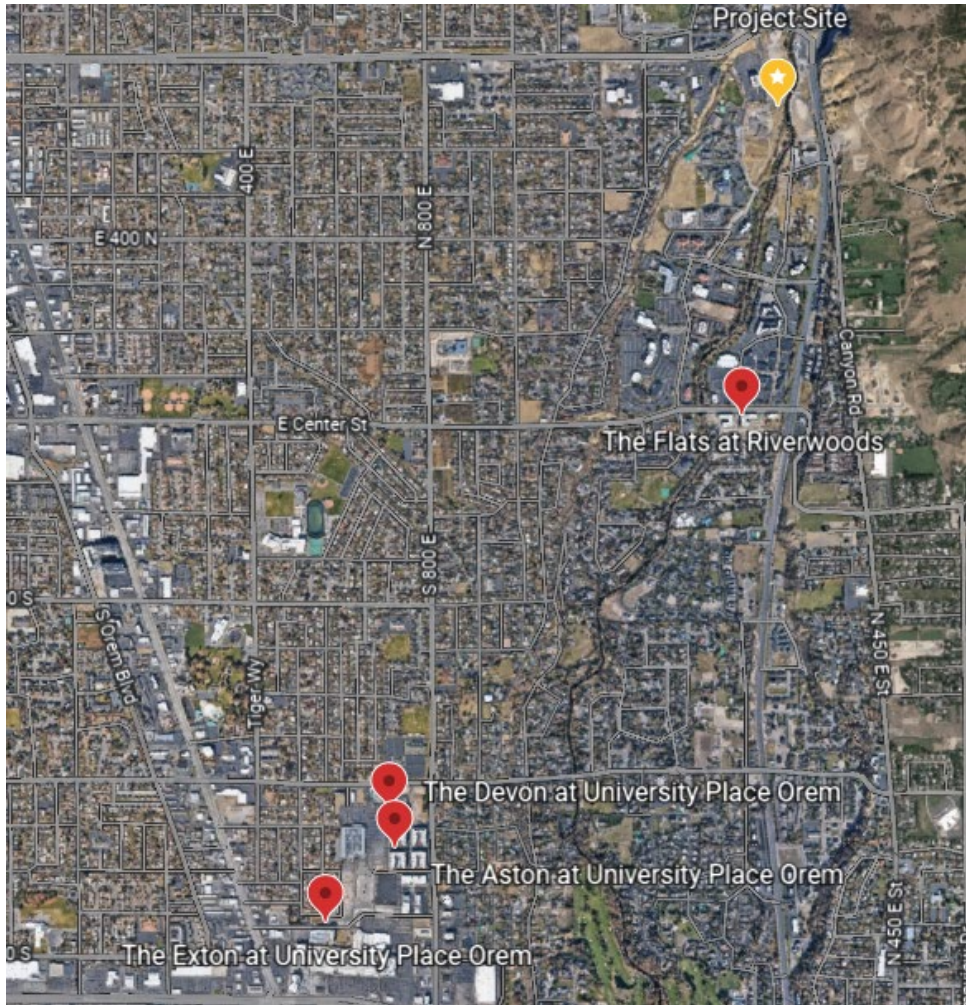
ARCHITECTURAL VISION







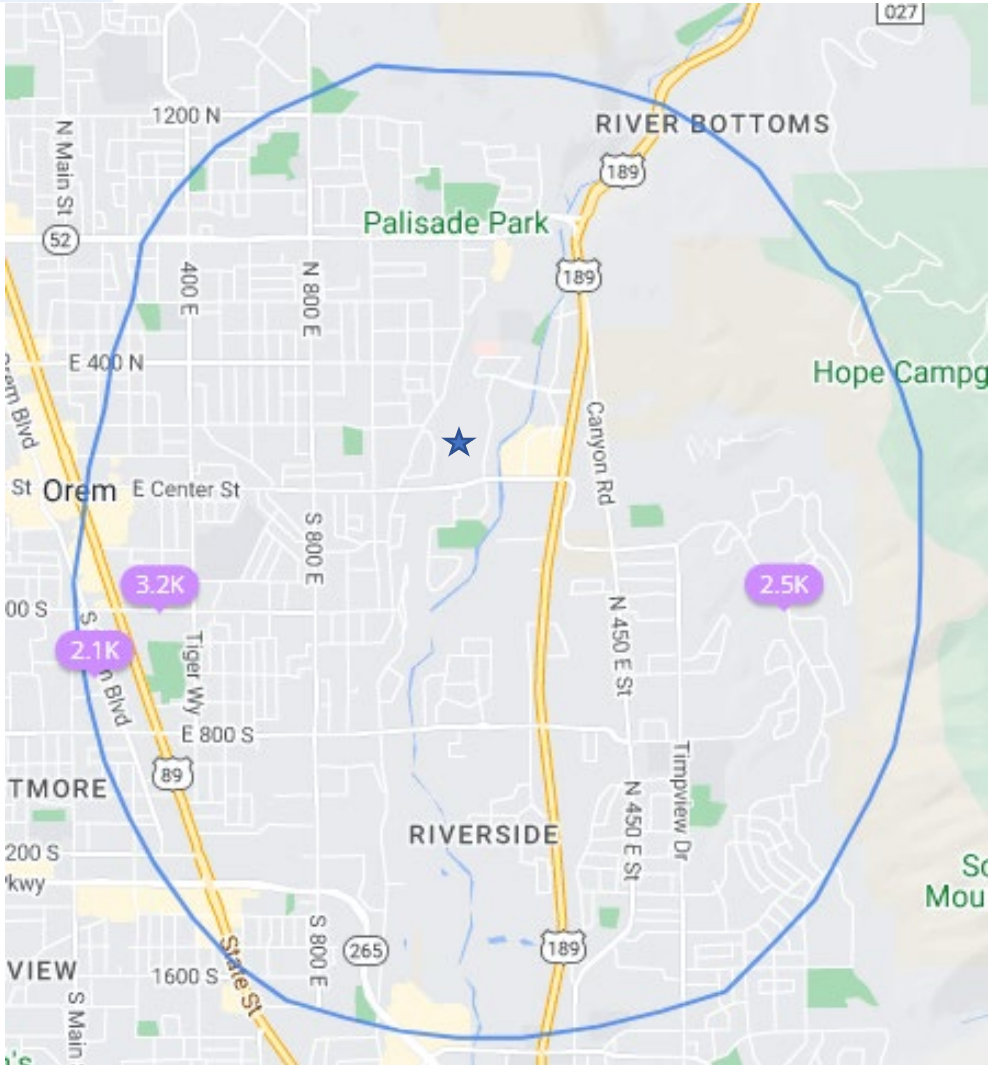
COMPARABLE PROPERTIES



The four properties to the left are the most comparable, with some notable differences. The proposed project has:

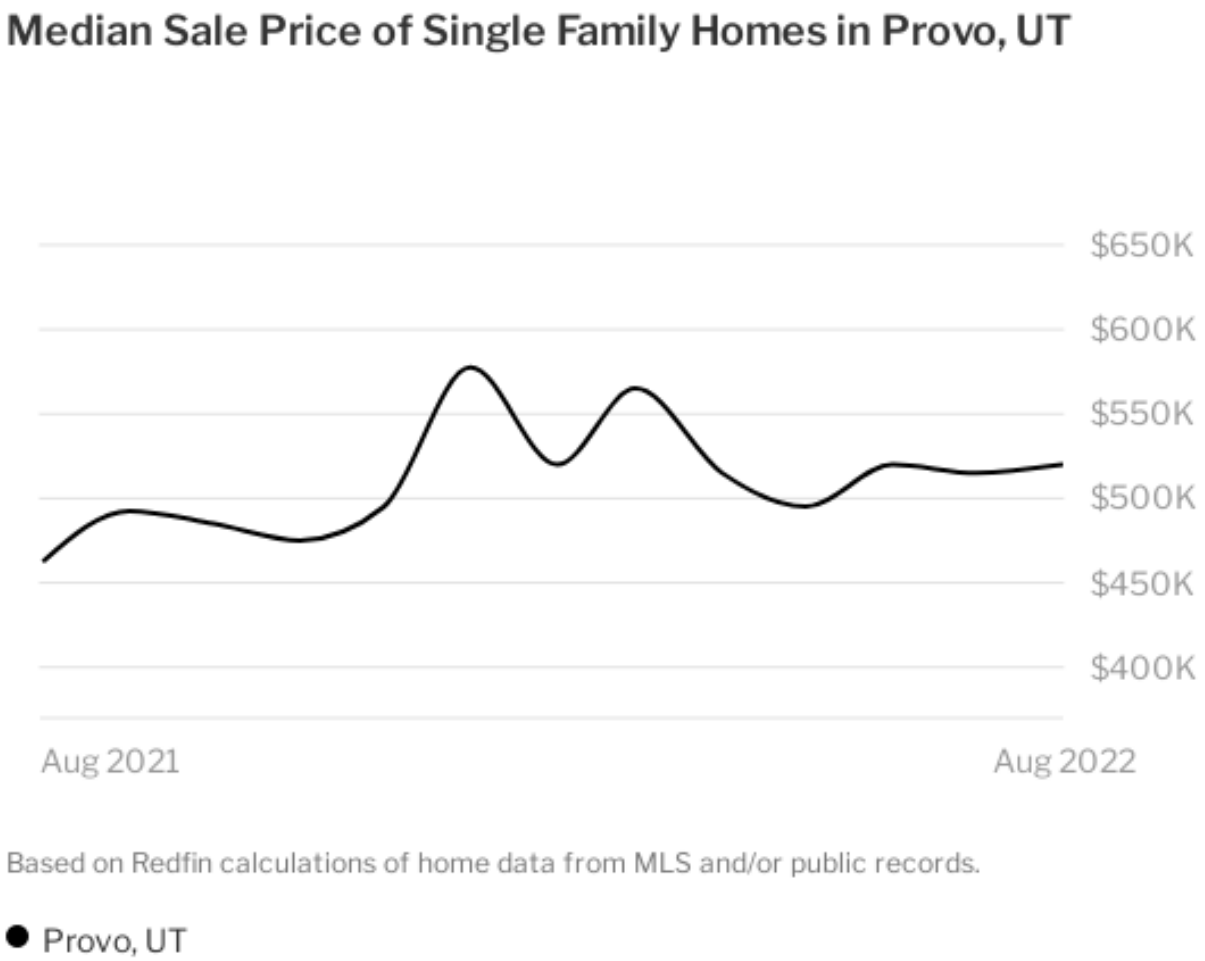
- Large units that can accommodate larger families
- Enhanced open space, encouraging outdoor use and walkability
- Situated on a quiet riverfront parcel that is away from busy streets, providing a safe place for young families
- Walkability to major employers in the Riverwoods Business Park

SINGLE-FAMILY RENTAL



- The map on the left demonstrates the availability of Single-Family Rental units with a minimum of 2 bedrooms and 1.5 baths.
- The information is from Zillow.com as Monday, September 19, 2022.
- There are a total of three (3) rental opportunities in a (+/-) 2-mile radius of the project site (★).

HOUSING MARKET



The median single-family home price in Provo is approximately $520,000

HOUSING MARKET

Mortgage Calculator

Home Price	$ 530400	
Down Payment	20%	%
Loan Term	30	years
Interest Rate	6.34%	
Start Date	Sep	2022

☑ **Include Options Below**

	Annual Tax & Cost	
Property Taxes	$ 2200	$
Home Insurance	$ 1000	$
PMI Insurance	$ 0	$
HOA Fee	$ 0	$
Other Costs	$ 0	$

Loan Amount: $520k + 2% closing costs = 530,400

Interest rate sourced from bankrate.com on 9/20/22

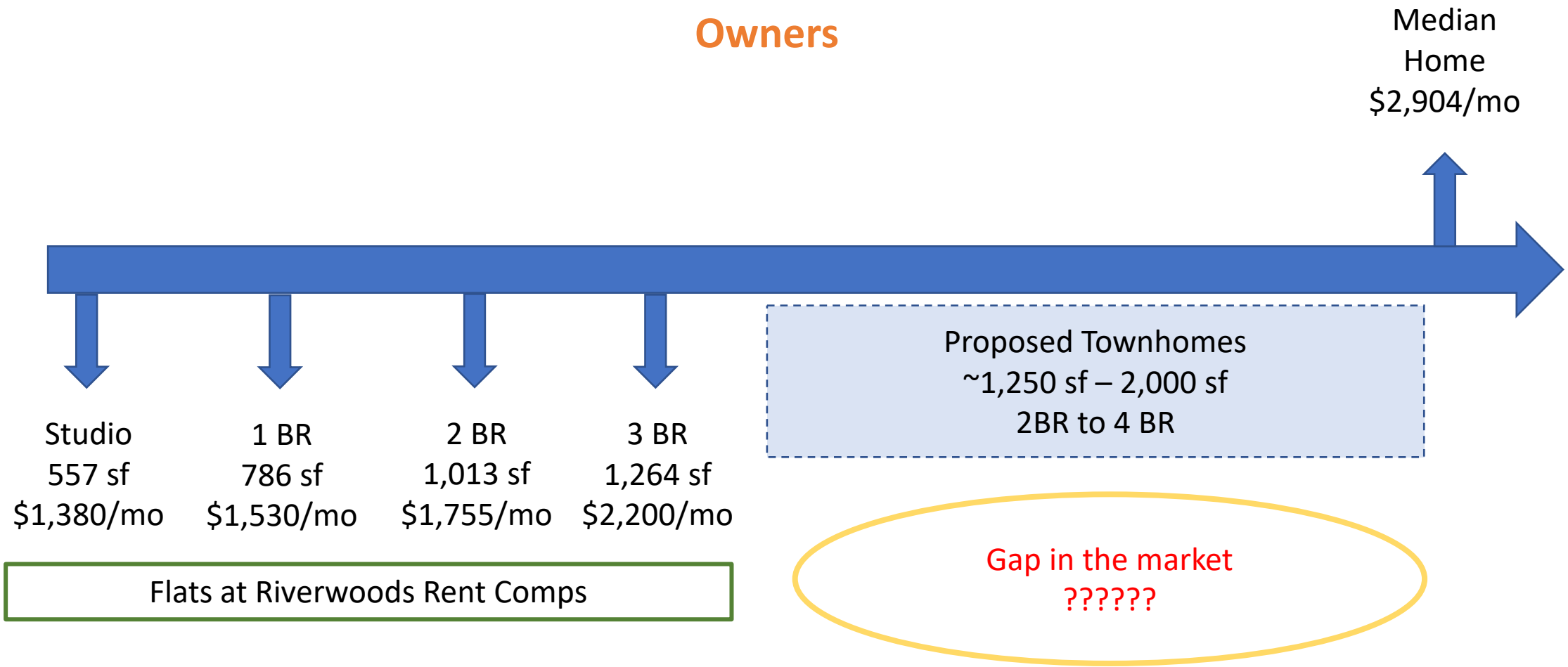
	Monthly
Mortgage Payment	**$2,637.50**
Property Tax	$183.33
Home Insurance	$83.33
Total Out-of-Pocket	$2,904.17

House Price	$530,400.00
Loan Amount	$424,320.00
Down Payment	$106,080.00

Homebuyers need to bring **$106k** for a down payment and will pay over **$2900/month** to buy a median-priced home in Provo

*this assumes they have top-tier credit and can qualify for the mortgage

MISSING MIDDLE



TRAFFIC

Preliminary Findings based on initial traffic study:

- The zone change proposes to swap the business park uses along River Run Drive with the residential uses along University Ave.
- Per ITE Trip Generation Manual 11th Edition, the average daily trip generation rates are similar (Business Park 12.44 / Single-Family Attached 11.40)
- Business Park uses have a greater impact on peak AM and PM trips due to normal working hour migration.
- Due to the fluid nature of residential living, vehicular travel is dispersed throughout the day resulting in less concentration of traffic impact.
- The net impact due to swapping uses is negligible.

Next Steps: A detailed traffic study will be submitted to the City of Provo with the Project Plan Application

ITEM 5*

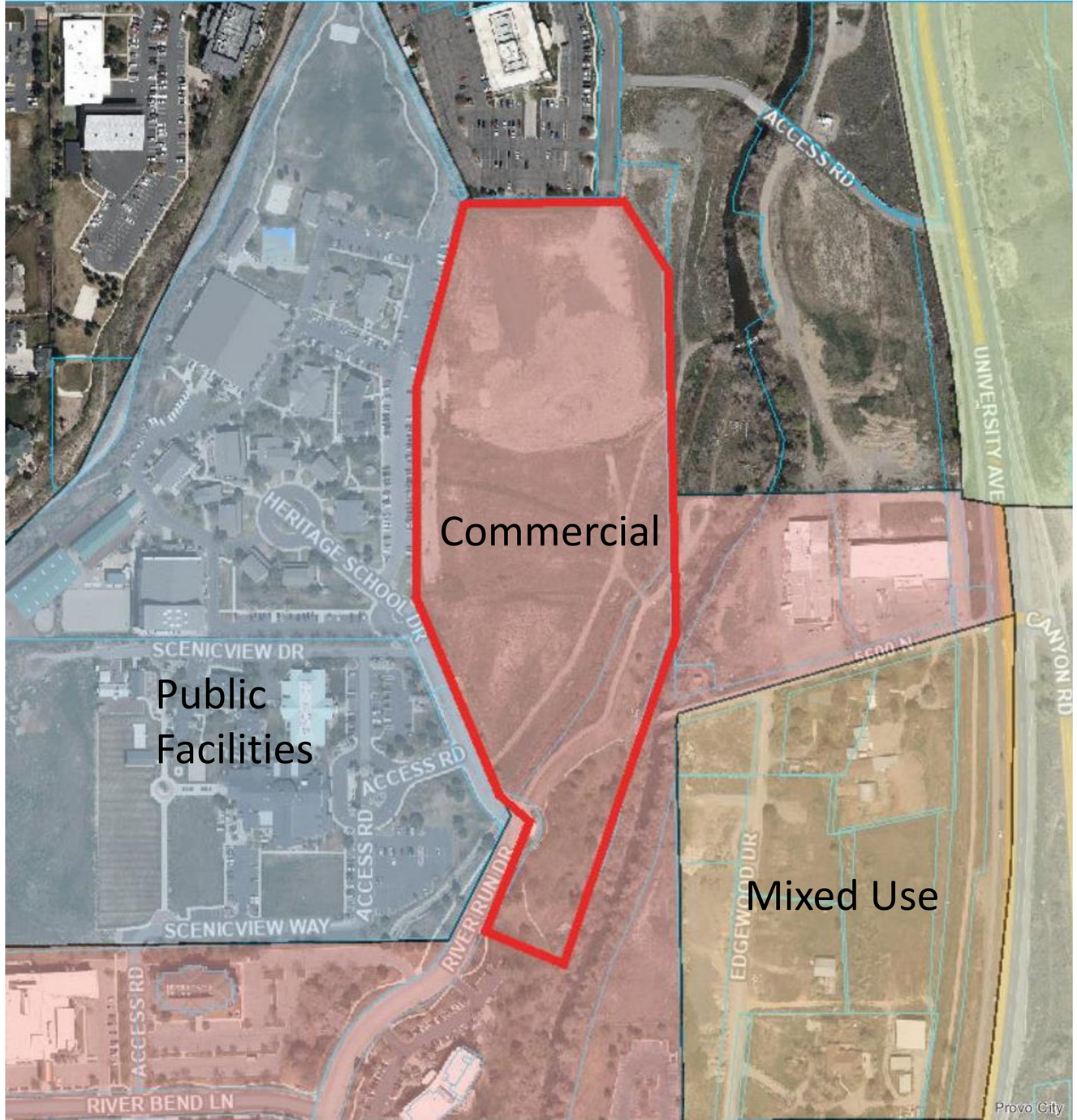
Dudley & Associates requests a General Plan Map Amendment from a Commercial designation to a Residential designation as part of an overall plan to develop a multi-family residential district, located approximately at 5544 River Run Drive.

Riverbottoms Neighborhood

PLGPA20220007

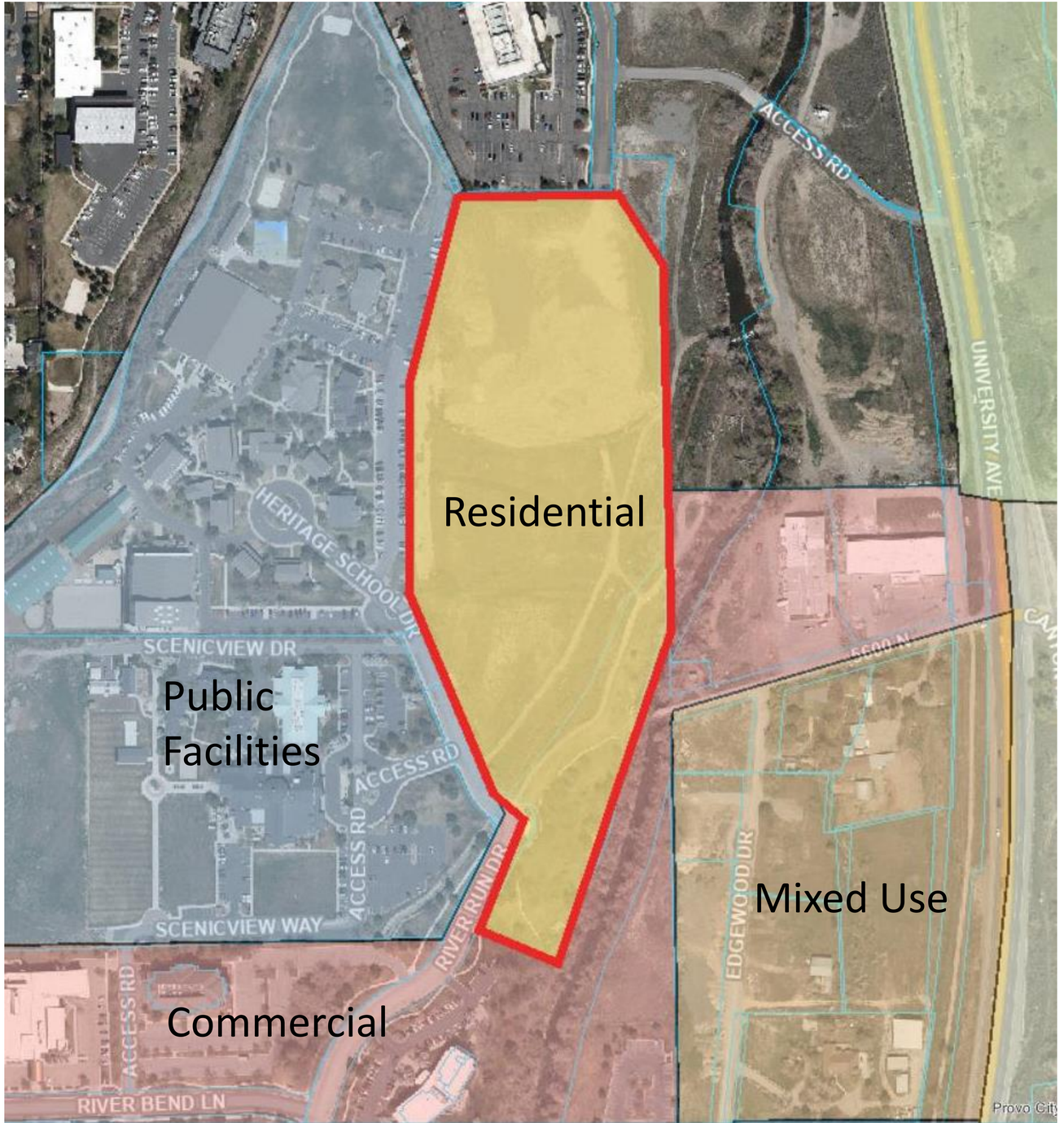
5544 River Run Dr.

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



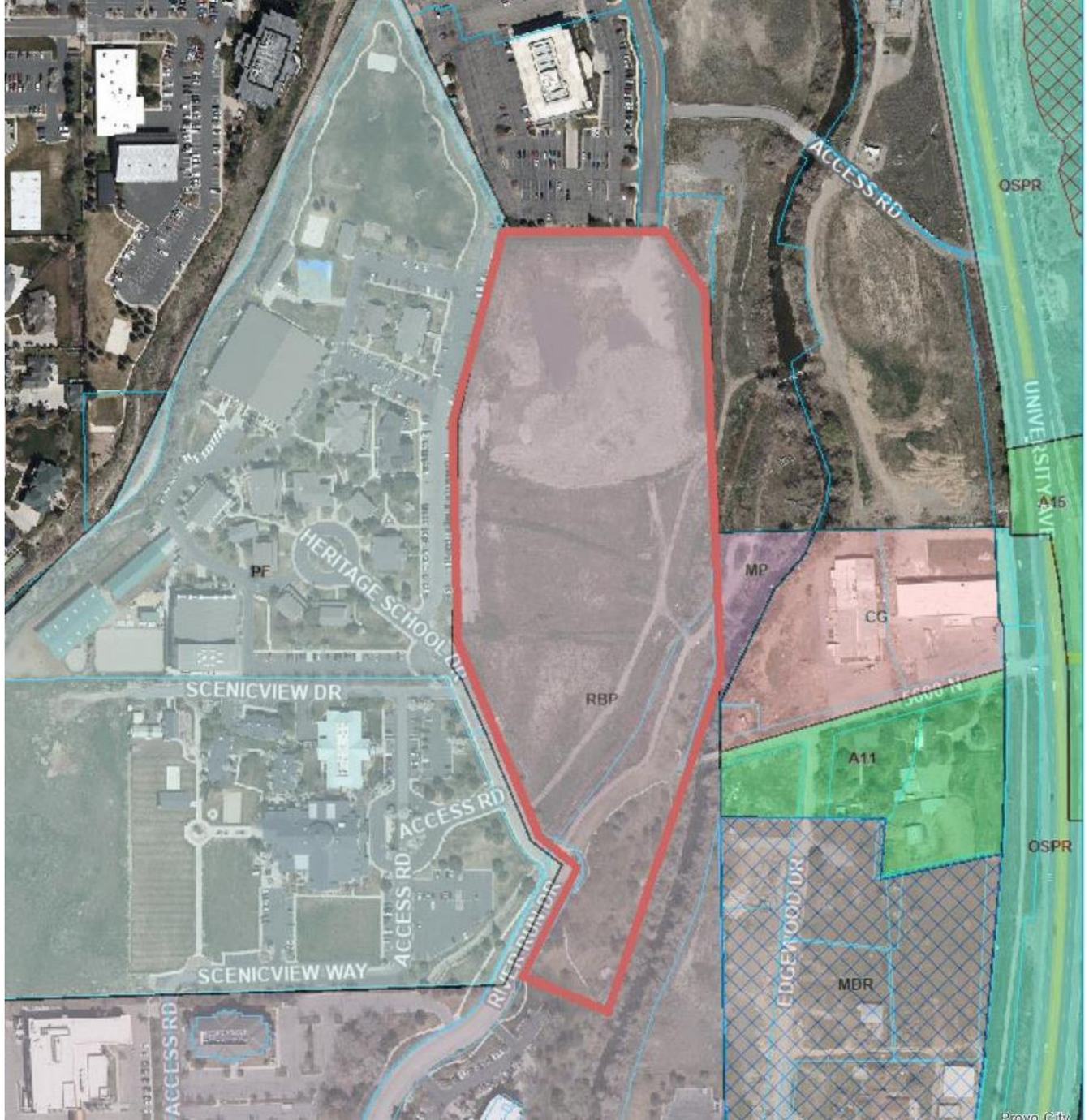
5544 River Run Dr.

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



5544 River Run Dr.

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



5544 River Run Dr.

- Property Photos









5544 River Run Dr.

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



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

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

LANDSCAPE PLAN | L1

URBAN ARENA

5544 River Run Dr.

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



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

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

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION B

URBAN ARENA

5544 River Run Dr.

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



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

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

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION A

URBAN ARENA

PROVO MUNICIPAL COUNCIL STAFF REPORT

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

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

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

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

FISCAL IMPACT:

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

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLGPA20220004

ORDINANCE 2022-.

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

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

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

WHEREAS, on September 20, 2022 and 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 Provo City General Plan should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

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

PART II:

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

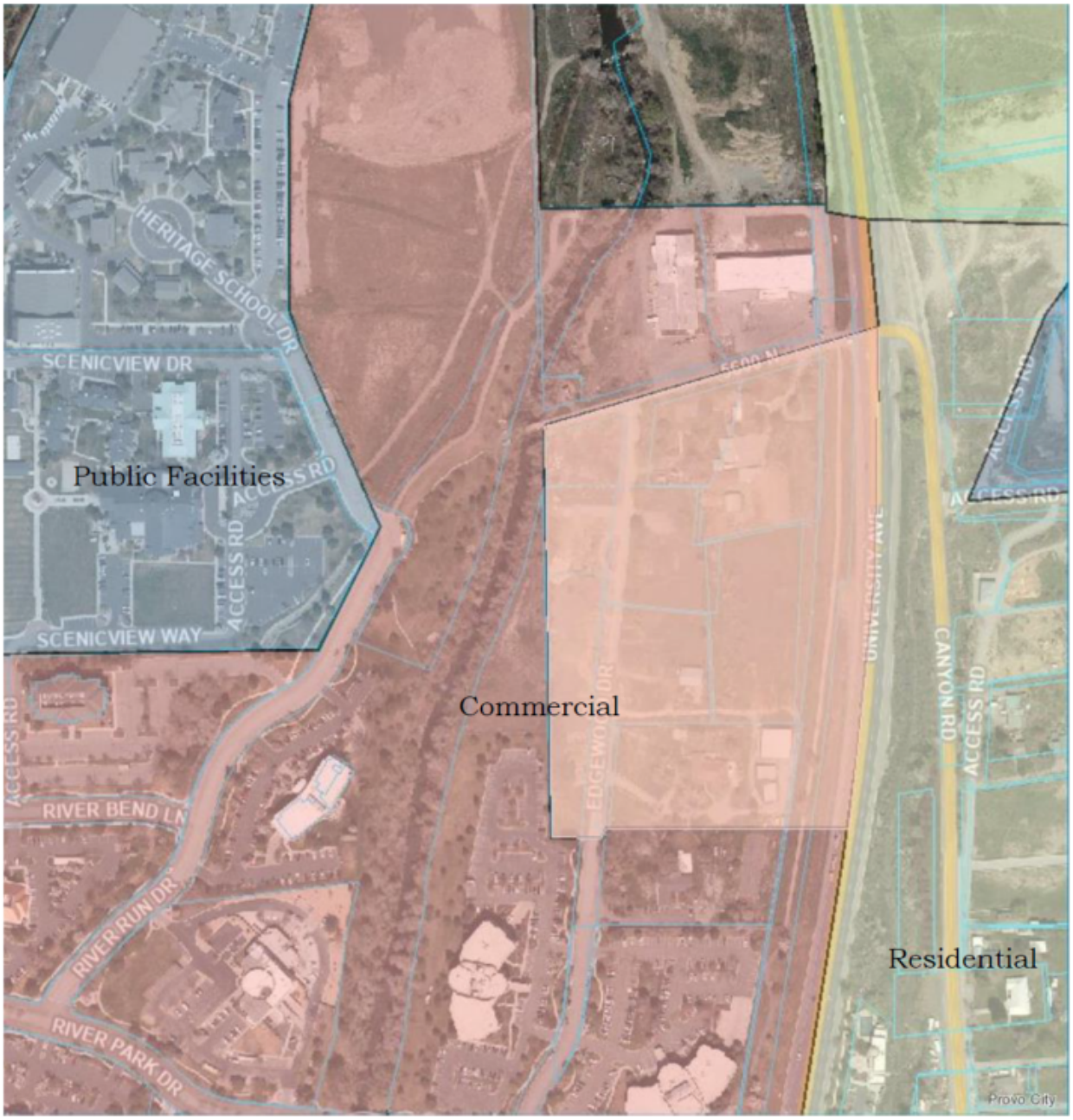
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

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

END OF ORDINANCE.

Exhibit A


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

DEVELOPMENT SERVICES

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

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

Applicant: Dudley & Associates

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon River Hold Co. LLC

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

Acreage: 11.7 acres

Number of Properties: 8

ALTERNATIVE ACTIONS

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

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

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

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

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

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

Summary of Key Issues:

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

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

BACKGROUND

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

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

ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Adverse impacts on adjacent land owners.

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

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

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

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

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

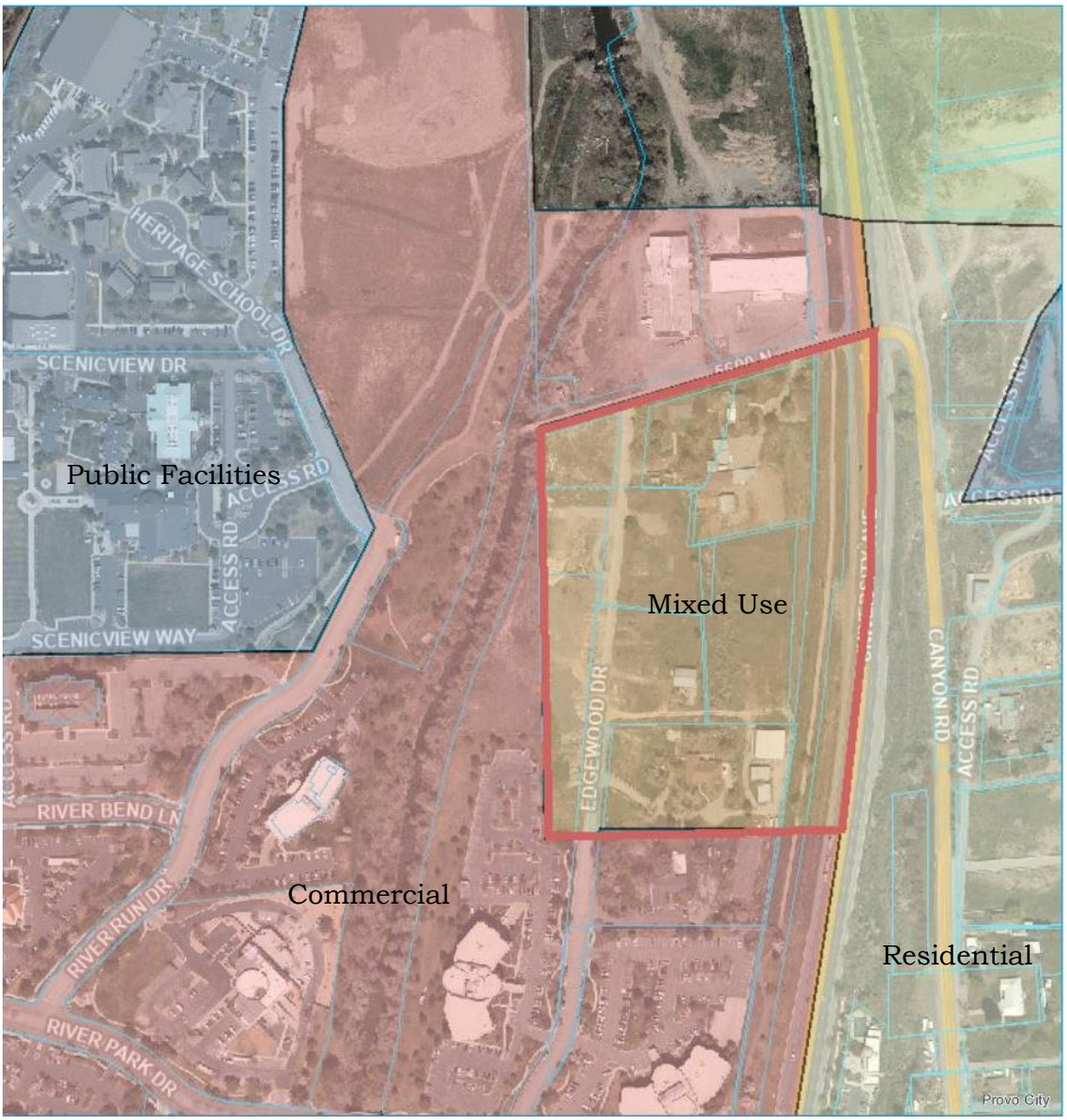
CONCLUSIONS

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

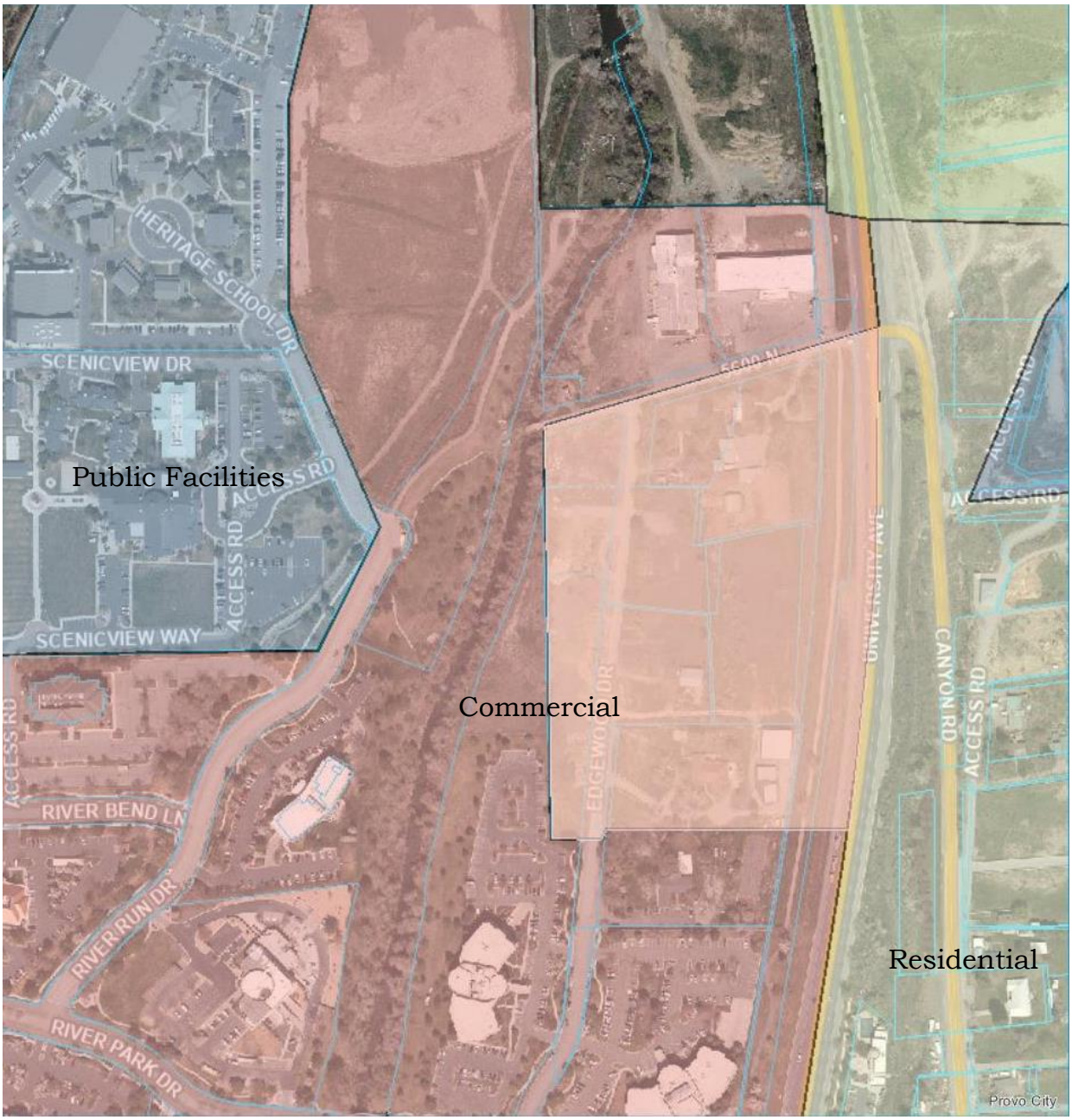
ATTACHMENTS

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

ATTACHMENT 1 – CURRENT GENERAL PLAN MAP



ATTACHMENT 2 – PROPOSED GENERAL PLAN MAP



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

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

General Plan Map Amendment from Mixed-Use to Commercial

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

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

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

Provo City Planning Commission

Report of Action

September 14, 2022

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

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

RECOMMENDED APPROVAL

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

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

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

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

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

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

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff gave an overview of the report and related the swap of commercial for residential land across the river with items 5-7 on the September 14, 2022 Planning Commission agenda. Keith Morey also spoke about the overall plan for the properties.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

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

APPLICANT RESPONSE

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

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

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

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

Planning Commission Chair

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

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

Area = 11.71 Acres

ITEM 4*

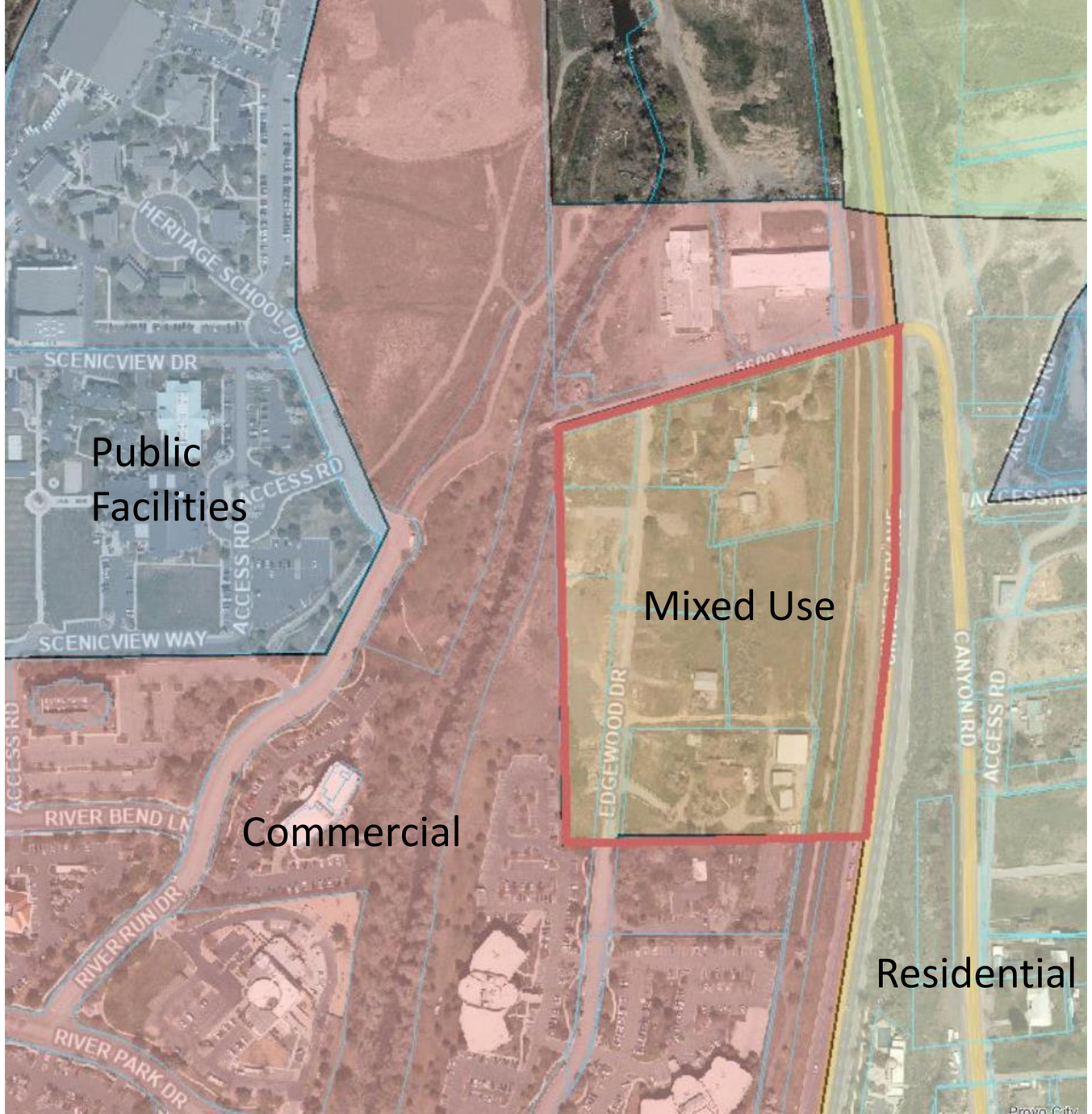
Dudley & Associates requests a General Plan Map Amendment from a Mixed-Use designation to a Commercial designation as part of an overall development plan to establish professional office uses on the site, located approximately at 5515 N Edgewood Drive.

Riverbottoms Neighborhood

PLGPA20220004

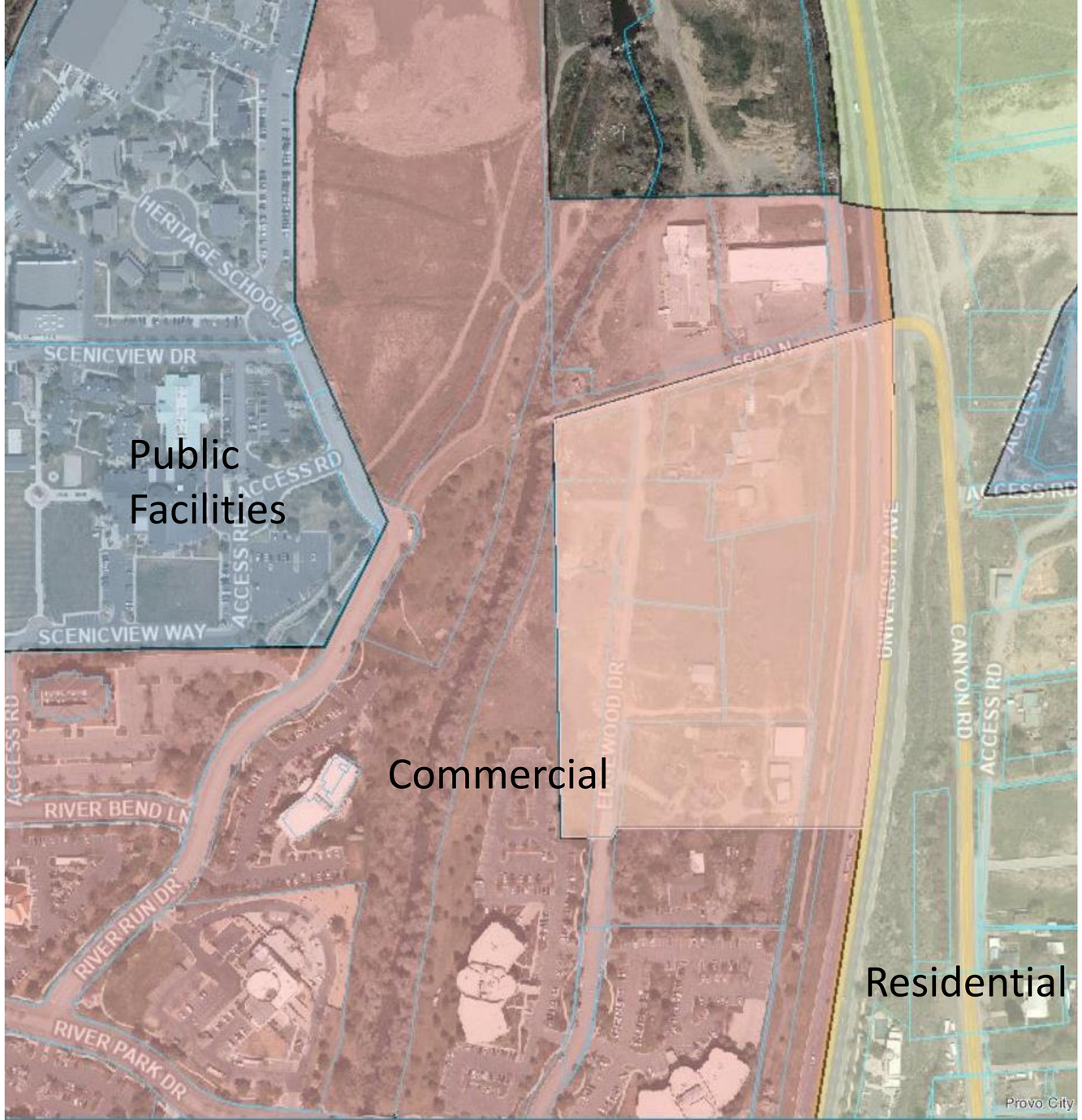
5515 N Edgewood Dr.

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



5515 N Edgewood Dr.

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



5515 N Edgewood Dr













PROVO MUNICIPAL COUNCIL STAFF REPORT

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

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

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

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

FISCAL IMPACT:

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

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20220008

ORDINANCE 2022-.

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

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

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

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

WHEREAS, on September 20, 2022 and 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 Mayor is hereby authorized to negotiate and execute a development agreement as proposed by the applicant for this zone change, in form substantially similar to the draft attached

hereto as Exhibit C, an executed copy of which shall be attached hereto as Exhibit D after execution.

PART II:

The classification on the Zone Map of Provo, Utah is hereby amended from the Research and Business Park (RBP) Zone to the Medium Density Residential (MDR) Zone for approximately 14.45 acres of real property generally located at 5544 N River Run Drive, as described herein. The effective date of this zone map change shall be the date of final execution of the development agreement described in Part I.

PART III:

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

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

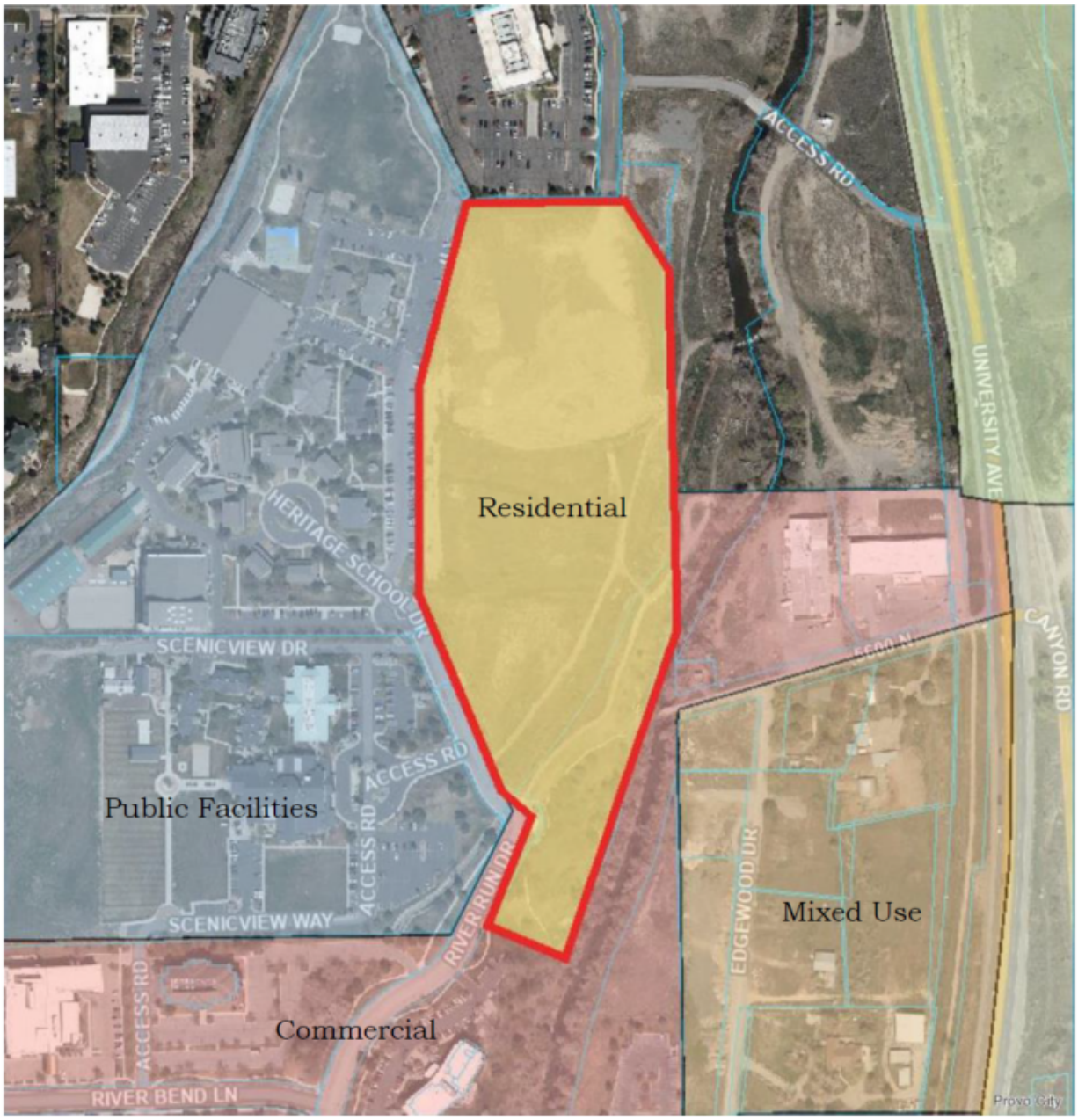
C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

D. Except as otherwise stated in Part II, 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.

E. Notwithstanding any provision or language to the contrary in this ordinance, if the Development Agreement authorized in Part I has not been fully executed by the necessary parties within one year from the date of the Municipal Council's approval of this ordinance, the entire ordinance shall expire, becoming null and void as if it had never been approved. Because the zone classification change contemplated in Part II cannot come into effect if the Development Agreement is not executed, neither the applicant nor any successor(s) in interest shall have any vested rights under this ordinance if it expires.

END OF ORDINANCE

EXHIBIT A – ZONE MAP



DEVELOPMENT AGREEMENT
FOR
5544 N RIVER RUN DRIVE

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2022 (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and CANYON RIVER HOLDCO, LLC, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

RECITALS

A. Developer is the owner of approximately 14.45 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the "Property").

B. On September 20, 2022, the City Council approved Ordinance _____, vesting zoning (the "Vesting Ordinance"), based on the Concept Plan set forth on EXHIBIT B ("Concept Plan"), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the "Project").

C. Developer is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long range policies, goals, and objectives of the City's general plan, zoning and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Developer's proffer to enter into this Agreement to memorialize the intent of Developer and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and shall conform with, the City's General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a "development agreement" within the meaning of, and entered into pursuant to, the terms of Utah Code Ann., §10-9a-102.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.

2. Zoning. Except as additionally restricted by Section 4, the Property shall be developed in accordance with (i) the requirements of the Medium Density Residential (MDR) Zone, (ii) all other features as generally shown on the Concept Plan, and (iii) this Agreement. The Developer shall not seek to develop the Property in a manner that deviates materially from the Concept Plan as permitted by the aforementioned zoning designations for the Property.

3. Governing Standards. The Concept Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the use, maximum density, intensity and general configuration for the Project. The Project shall be developed by the Developer in accordance with the Concept Plan, the Vesting Ordinance and this Agreement. All Developer submittals must comply generally with the Concept Plan, the Vesting Ordinance and this Agreement. Non-material variations to the Concept Plan, as defined and approved by the City's Community Development Director, such as exact building locations, exact locations of open space and parking may be varied by the Developer without official City Council or Planning Commission approval. Such variations, however, shall in no way change the maximum density, use and intensity of the development of the Project.

4. Additional Specific Developer Obligations. As an integral part of the consideration for this agreement, the Developer voluntarily agrees as follows:

a. Permitted Principal Uses shall be limited to One-family dwelling – attached (townhomes), not to exceed eight (8) units in one building;

b. Housing density maximum shall be limited to no more than 15 dwelling units per gross acre;

c. Max. lot coverage shall be limited to no more than 40%;

d. Maximum building height shall be 40 feet. Additionally, buildings may not be more than 3 stories tall;

e. Developer shall record a public access easement over the roadway travel lanes connecting River Run Drive to 1550 East; and

f. Developer shall reserve or record an easement of future right-of-way dedication to the City of Provo connecting River Run Drive to 5600 North. The developer agrees to accommodate the City with reasonable construction easements, at no cost to the City, for the replacement of the bridge and road connection to 5600 North and River Run Drive. There is currently no schedule for the replacement of the bridge.

5. Additional Acknowledgements and Agreements. Developer further:

a. Acknowledges the Reach IIB 24" Water Main shown as Exception #37 on the Canyon River ALTA Survey and the Water Line Easement recorded on October 6, 1994 as Entry No. 78410 in Book 3545 at Page 115 and then re-recorded October 21, 1994 as Entry No. 81649 in Book 3553 at Page 623 in the Utah County Recorder's Office. Developer will follow all guidelines as set forth in Exhibit A Encroachment Guidelines Protection Criteria provided by Central Utah Water Conservancy District. Developer acknowledges that the City of Provo has the right to maintain the water line and easement area. Any damage to new improvements within the easement area, as defined and limited by the Encroachment Guidelines, due to maintenance activity shall be the responsibility of the City to replace in kind. In the event that the City needs to relocate the water main, at the City's expense, the developer agrees to allow said relocation to occur within the development streets.

b. Developer acknowledges that short-term rental units are not a permitted use within the MDR zone.

6. Construction Standards and Requirements. Except to the extent that this agreement imposes additional restrictions above and beyond those imposed by City Ordinances, all construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

7. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City

Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-9a-509.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:

1. Developer Agreement. Future laws that Developer agrees in writing to the application thereof to the Project;

2. Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

3. Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare; or,

4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated.

5. Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

6. Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. Reserved Legislative Powers. The Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-9a-509 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

8. Default. An "Event of Default" shall occur under this Agreement if any party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within sixty (60) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 60-day period, a party shall not be in default so long as that party commences to cure the default within that 60-day period and diligently continues such cure in good faith until complete.

a. Remedies. Upon the occurrence of an Event of Default, the non-defaulting party shall have the right to exercise all of the following rights and remedies against the defaulting party:

1. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination, but not including damages or attorney's fees.

2. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or development activity pertaining to the defaulting party as described in this Agreement until such default has been cured.

3. The right to draw upon any security posted or provided in connection with the Property or Project by the defaulting party.

The rights and remedies set forth herein shall be cumulative.

9. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: Canyon River HoldCo, LLC

50 W Broadway
STE 333 PMB 42981
Salt Lake City, UT 84101

Attn: Jason White

Phone: 949-335-8676

With a copy to: Foulger-Pratt Development, LLC
c/o Foulger Pratt
136 Calle de Los Molinos
San Clemente, California 92672
Attn: Bryan C. Foulger

To the City: City of Provo
Attention: City Attorney
351 W Center
Provo, UT 84601
Phone: (801) 852-6140

10. General Term and Conditions.

a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non Liability of City Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City shall be personally liable to the Developer, or any successor in interest or assignee of the Developer, for any default or breach by the City, or for any amount which may become due to the Developer, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Developer, the City and other parties that may succeed the Developer on title to any portion of the Property, all of whom are express intended beneficiaries of this Agreement, this Agreement shall not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering

and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Developer.

g. Agreement to Run With the Land. This Agreement shall be recorded in the Office of the Utah County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

h. Performance. Each party, person and/or entity governed by this Agreement shall perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith.

i. Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

k. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party under this Agreement shall be given in a prompt and timely manner and shall not be unreasonably withheld, conditioned or delayed. Any consent, approval, permit, license or other authorization required hereunder from the City shall be given or withheld by the City in compliance with this Agreement and the City Ordinances.

l. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date this Agreement, it/he/she has all requisite power and authority to execute and deliver this Agreement, being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

m. Termination.

i. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Utah County Recorder within ten (10) years from the date of this Agreement (the "Term"), or upon the occurrence of an event of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this

Agreement as to the defaulting party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties.

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

11. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer with the consent of the City as provided herein.

a. Notice. Developer shall give Notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

b. Partial Assignment. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's reasonable financial ability to perform the obligations of Developer proposed to be assigned.

d. Assignee Bound by this Agreement. Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

e. Permissible Assignment. Notwithstanding anything to the contrary in this Section 11, Developer is authorized to assign this Agreement without the City's consent if (a) Developer assigns the Agreement to an Affiliate in which Developer or its Affiliates holds a direct or indirect interest, or manages and Controls such entity, (b) Developer has already recorded the instruments required by subparagraphs (4)(e) and (4)(f) or agrees in writing as part of said assignment that it remains obligated to do so if the assignee fails to perform such obligations, and (c) within five (5) business days of such assignment, Developer delivers written notice thereof to the City, which notice must include proof of compliance with this subparagraph (e). For purposes of this subparagraph (e):

i. the term "Affiliate" shall mean, with respect to any Person, any other Person directly or indirectly Controlling or Controlled by or under direct or indirect common Control with such Person,

ii. the term "Person" shall mean any individual, corporation, partnership, joint venture, limited liability company, limited liability partnership, association, joint stock company, trust, unincorporated organization, or other organization, whether or not a legal entity, and any governmental authority, and

iii. the term "Control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a Person, whether through the ownership of voting securities or general partnership or membership interests or managerial rights, by contract or otherwise. "Controlling" and "Controlled" shall have correlative meanings. Without limiting the generality of the foregoing, a Person shall be deemed to Control any other Person in which it owns, directly or indirectly, a majority of the ownership interests.

f. Sale or Conveyance. If Developer sells or conveys parcels of land, the lands so sold and conveyed shall bear the same rights, privileges, intended uses, configurations, and density as applicable to such parcel and be subject to the same limitations and rights of the City as when owned by Developer and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein.

12. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions shall continue in full force and effect.

14. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature; governmental restrictions, regulations or controls; judicial orders; enemy or hostile government actions; wars, civil commotions; fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

15. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

CITY:

CITY OF PROVO

ATTEST:

By: _____
City Recorder

By:_____
Mayor Michelle Kaufusi

DEVELOPER:

CANYON RIVER HOLDCO, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On the ____ day of _____, 2022, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of _____, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

_____
Notary Public
Residing at:

Exhibit A

Legal Description of the Property

PARCEL 1:
Lot 1, Plat "C", CANYON RIVER SUBDIVISION, according to the official plat thereof on file in the office of the Utah County Recorder, State of Utah.
Less and excepting those portions lying within the bounds of the Provo River

PARCEL 2:
A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; BEGINNING AT A POINT, SAID POINT BEING LOCATED ON THE NORTH RIGHT OF WAY LINE OF CARTERVILLE ROAD AND THE CENTERLINE OF IRRIGATION DITCH CROSSING UNDER SAID ROAD; SAID POINT OF BEGINNING IS ALSO NORTH 1,007.05 FEET AND EAST 372.95 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE ALONG THE CENTERLINE OF SAID IRRIGATION DITCH THE FOLLOWING THREE (3) COURSES: NORTH 23º32'55" WEST 106.15 FEET; THENCE NORTH 117.00 FEET; THENCE NORTH 9º45'00" WEST 115 FEET; THENCE SOUTH 89º06'59" WEST 126.67 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE GRANTOR'S NORTHERLY PROPERTY LINE; THENCE SOUTH 23º15'14" WEST 55.17 FEET MORE OR LESS TO EASTERLY BANK OF THE PROVO RIVER, THENCE ALONG SAID BANK THE FOLLOWING TWO (2) COURSES: SOUTH 41º00'27" WEST 98.33 FEET; THENCE SOUTH 25º38'48" WEST 262.52 FEET TO THE GRANTOR'S SOUTHWEST PROPERTY CORNER; THENCE ALONG THE GRANTOR'S WESTERLY PROPERTY LINE, NORTH 0º53'01" WEST 358.42 FEET TO THE GRANTOR'S NORTHWEST PROPERTY CORNER; THENCE ALONG GRANTOR'S NORTHERLY PROPERTY LINE, NORTH 89º06'59" EAST 205.48 FEET TO THE POINT OF BEGINNING.

Exhibit B

Concept Plan

provo
DEVELOPMENT SERVICES

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

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

Applicant: Dudley & Associates

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon River Hold Co. LLC

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

Acreage: 14.45

Number of Properties: 2

ALTERNATIVE ACTIONS

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

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

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

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

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

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

Summary of Key Issues:

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

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

BACKGROUND

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

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

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

ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> (f) Adverse impacts on adjacent land owners.

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

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

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

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

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

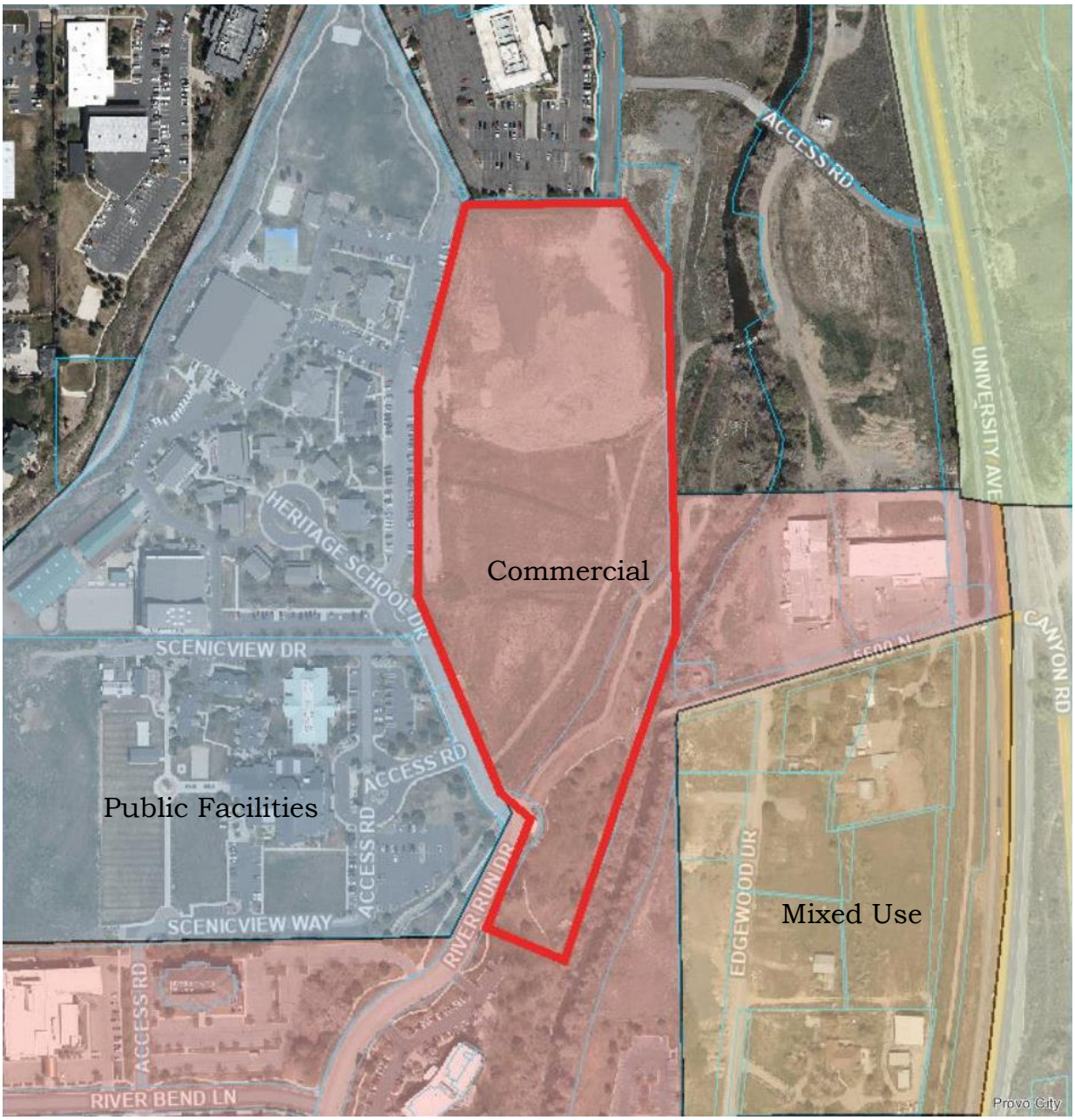
CONCLUSIONS

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

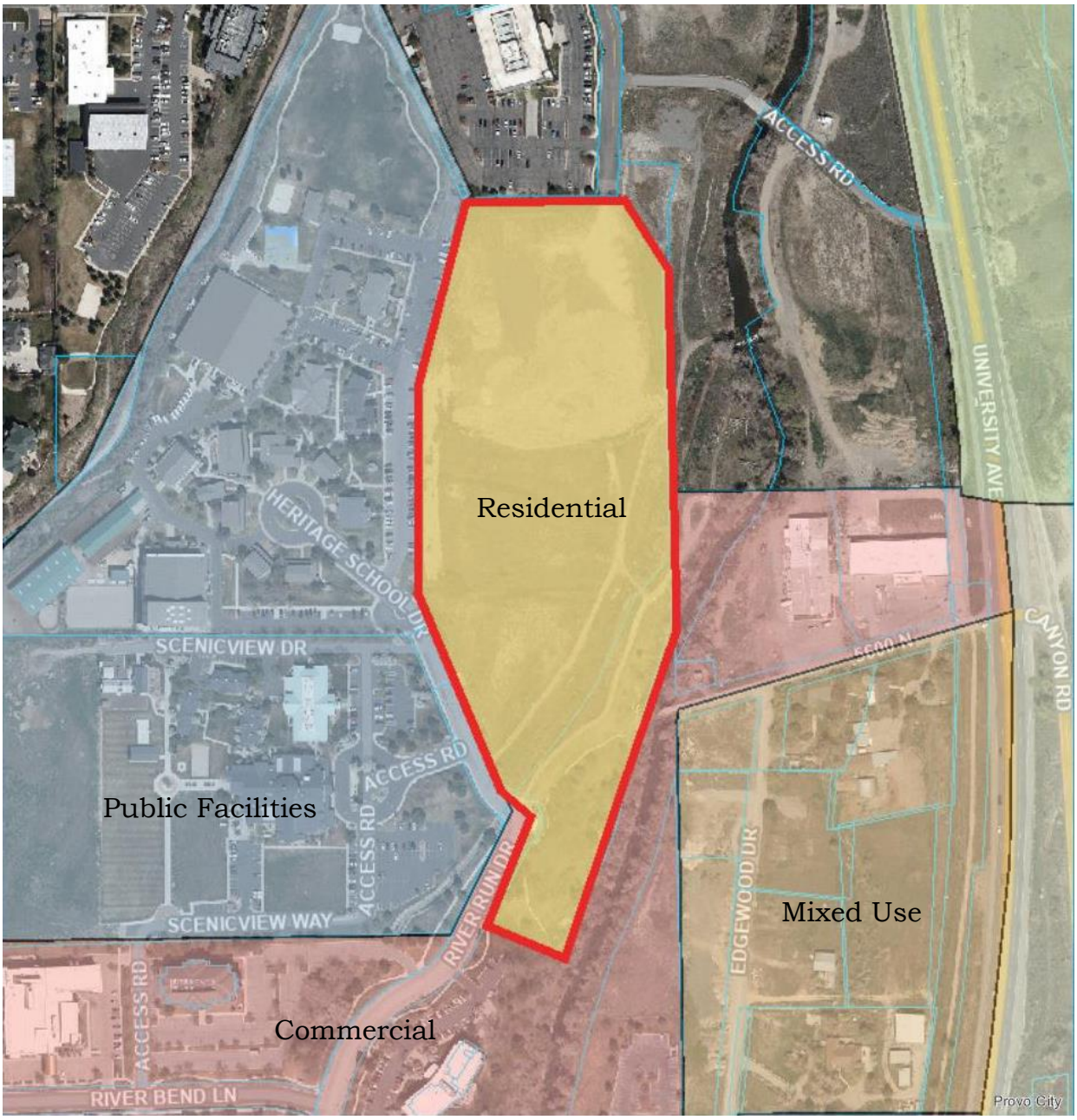
ATTACHMENTS

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

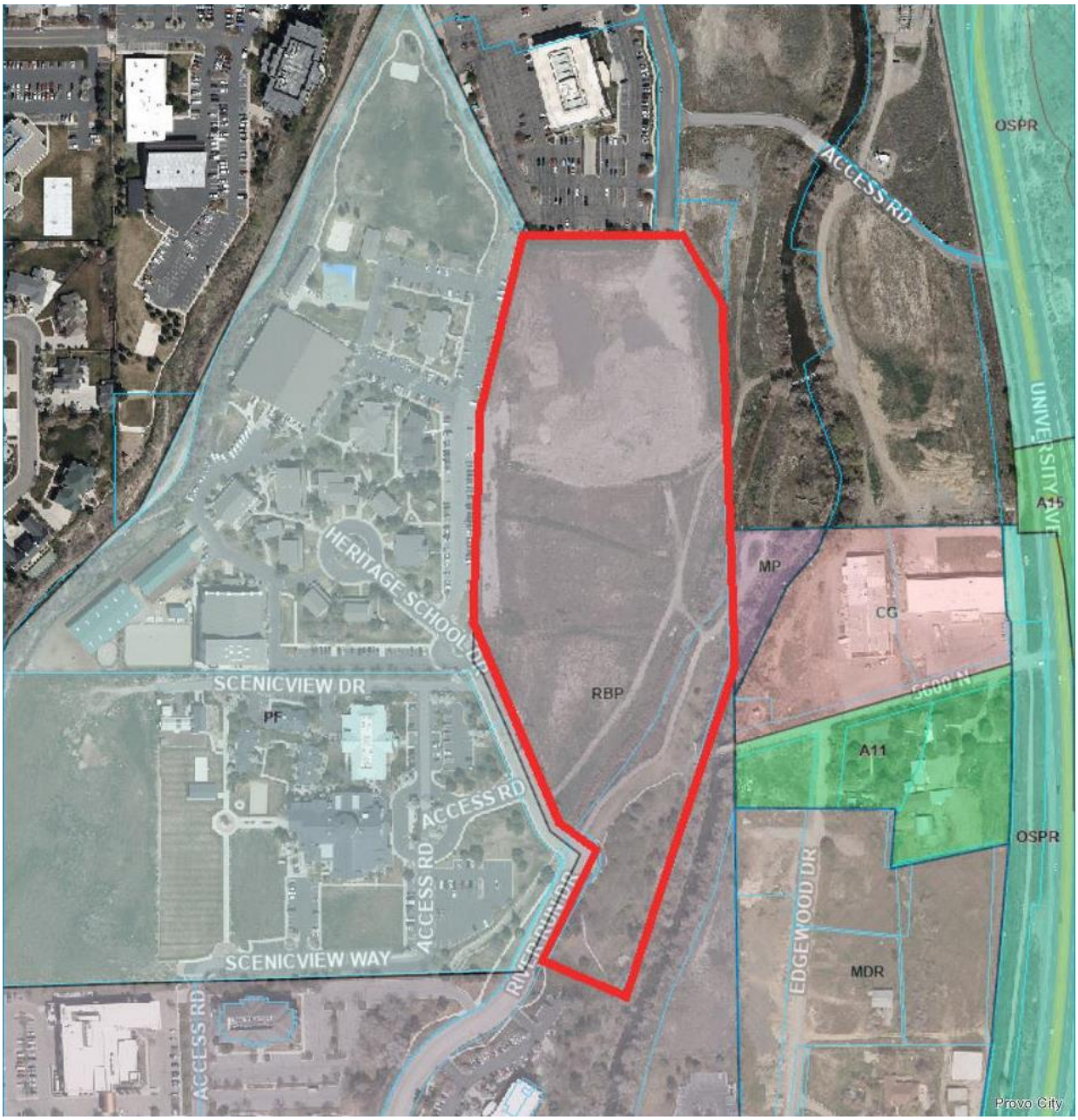
ATTACHMENT 1 – CURRENT GENERAL PLAN MAP



ATTACHMENT 2 – PROPOSED GENERAL PLAN MAP



ATTACHMENT #3 – CURRENT ZONE MAP



ATTACHMENT #4 – CONCEPT SITE PLAN



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

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

Zone Map Amendment from the RBP zone to the MDR zone

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

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

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

Provo City Planning Commission

Report of Action

September 14, 2022

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

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

RECOMMENDED APPROVAL WITH CONDITIONS

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

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

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

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

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

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

DEVELOPMENT AGREEMENT
- Applies - referred applicant to Council Attorney.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff responded to Planning Commission questions regarding use, density, and design of the site.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

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

APPLICANT RESPONSE

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

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

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

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

Planning Commission Chair

Director of Development Services

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

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

Area = 14.45 Acres

ITEM 7*

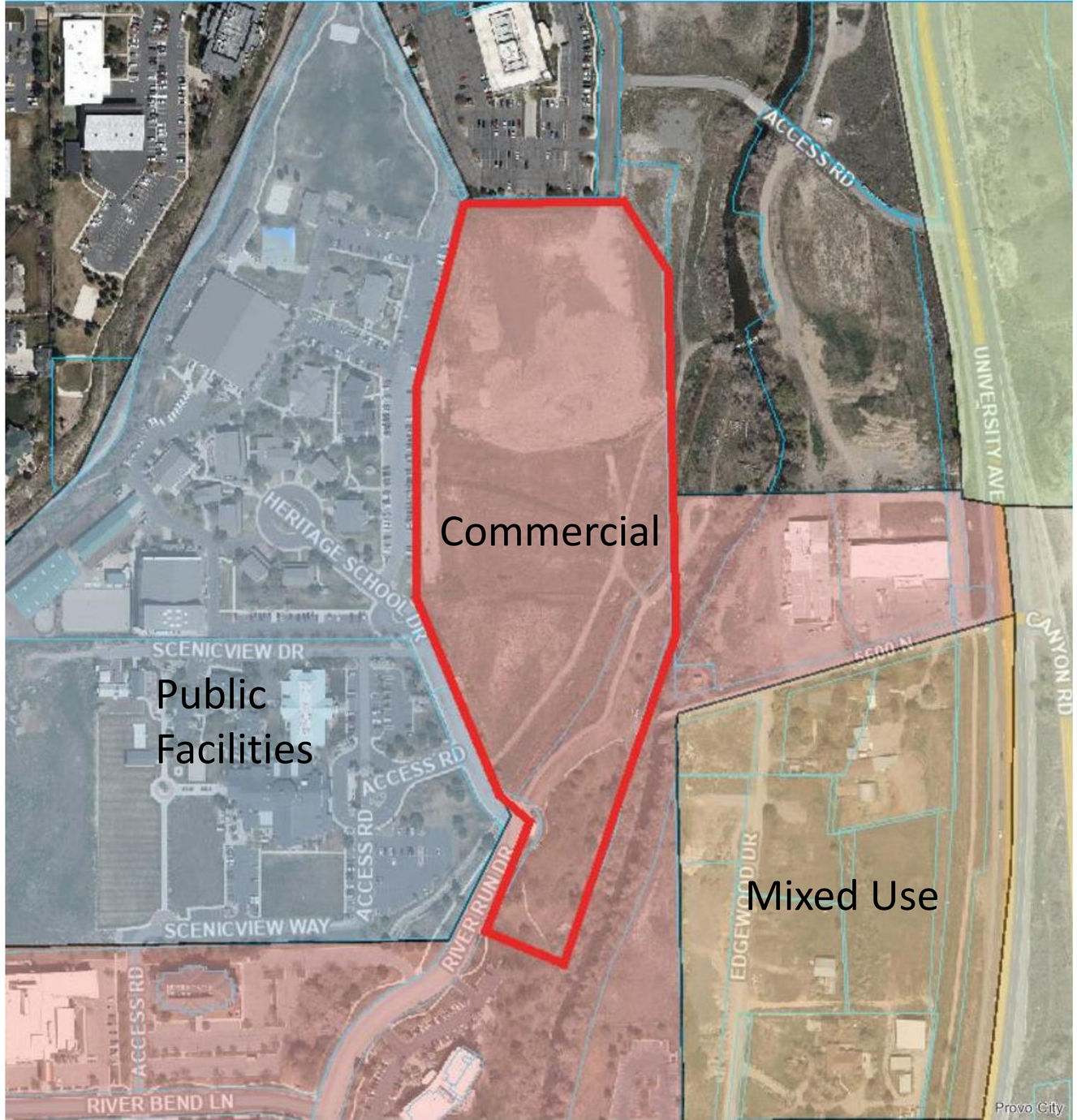
Dudley & Associates requests a Zone Map Amendment from the RBP (Research and Business Park) zone to the MDR (Medium Density Residential) zone to allow for a new multi-family residential district, located approximately at 5544 N River Run Drive.

Riverbottoms Neighborhood

PLRZ20220008

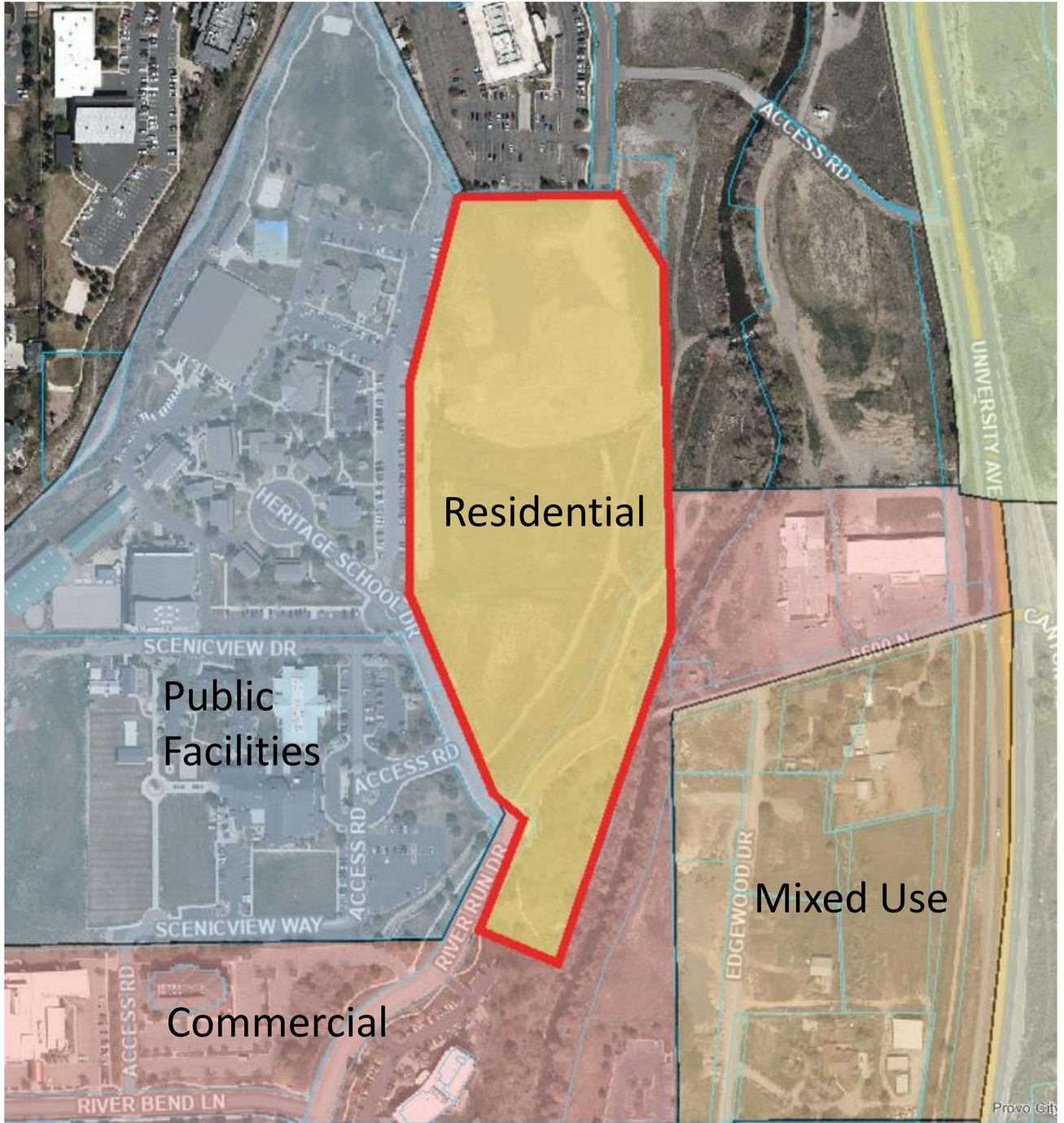
5544 River Run Dr.

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



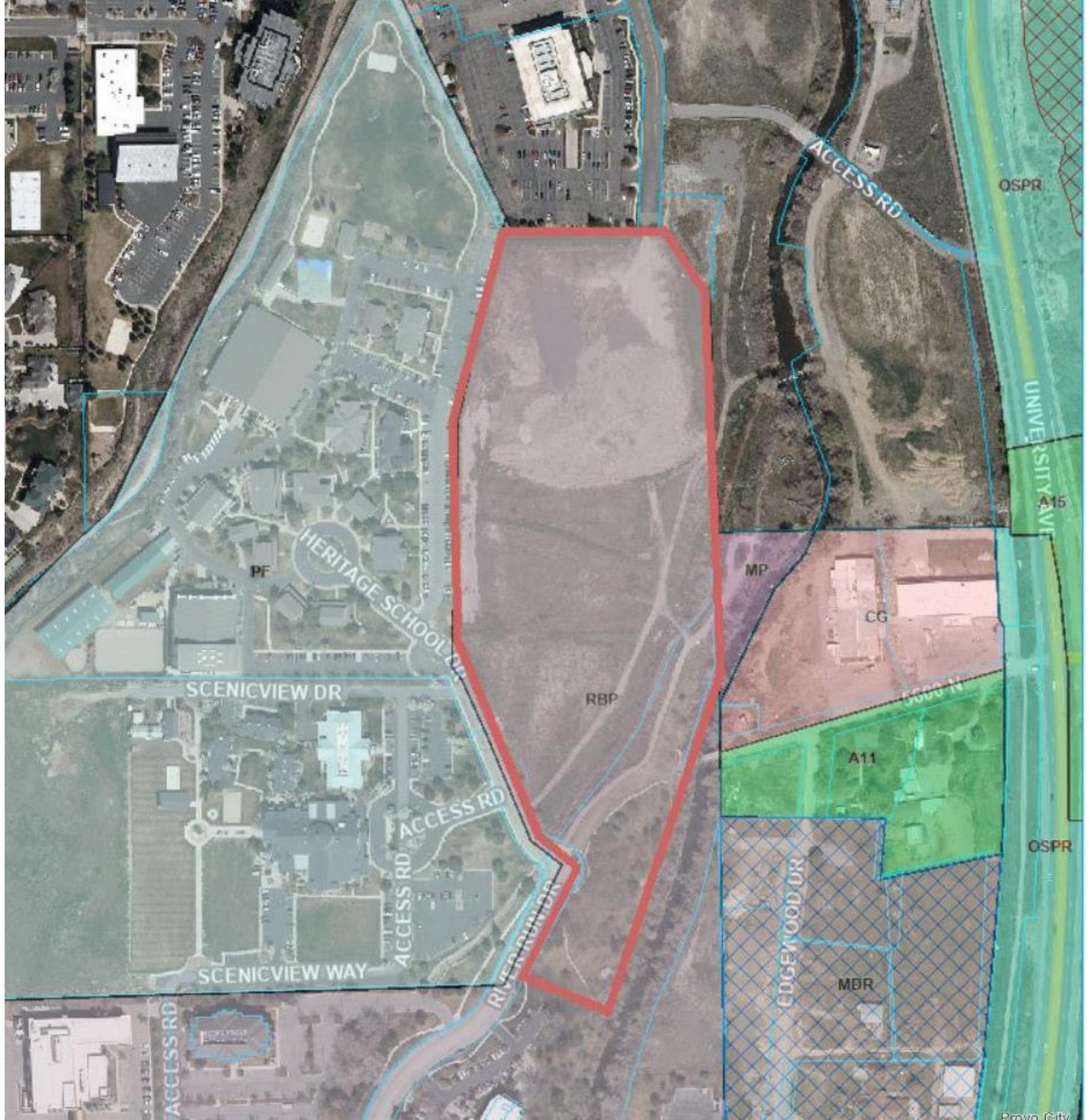
5544 River Run Dr.

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



5544 River Run Dr.

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



5544 River Run Dr.

- Property Photos









5544 River Run Dr.

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



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

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

LANDSCAPE PLAN | L1

URBAN ARENA

5544 River Run Dr.

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



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

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

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION B

URBAN ARENA

5544 River Run Dr.

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



FRONT PERSPECTIVE



REAR PERSPECTIVE



SIDE ELEVATIONS

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

PRELIMINARY SUBMITTAL

ELEVATIONS & PERSPECTIVES | OPTION A

URBAN ARENA

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.

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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.

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

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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

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)**

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.

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
- 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

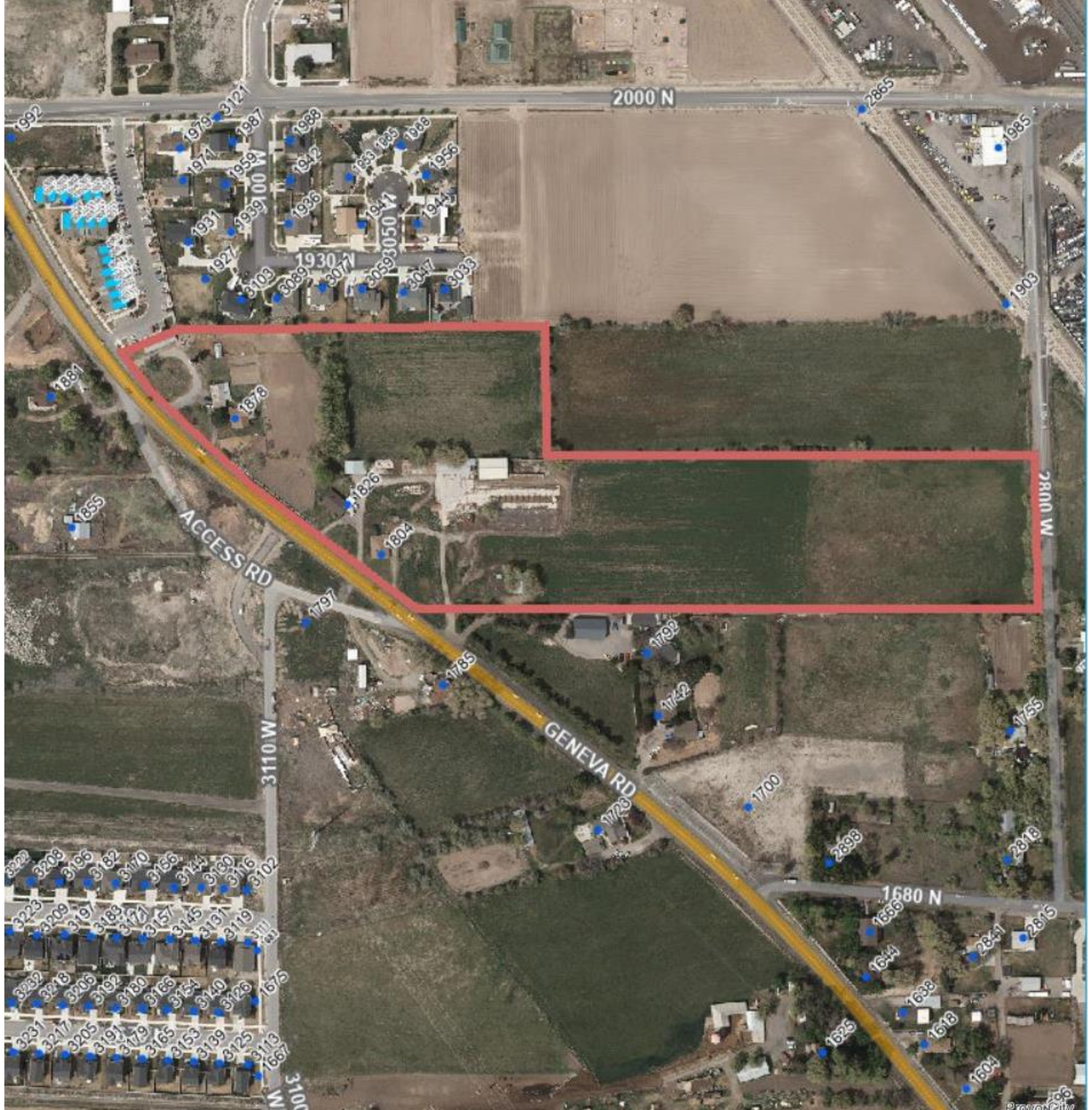
Staff Recommendation:
Public Works staff has major concerns with the requested action. The current General Plan for this area was used to model and design infrastructure including the recently constructed Southwest Sewer Lift Station and large sewer trunk mains. The current General Plan zoning density 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



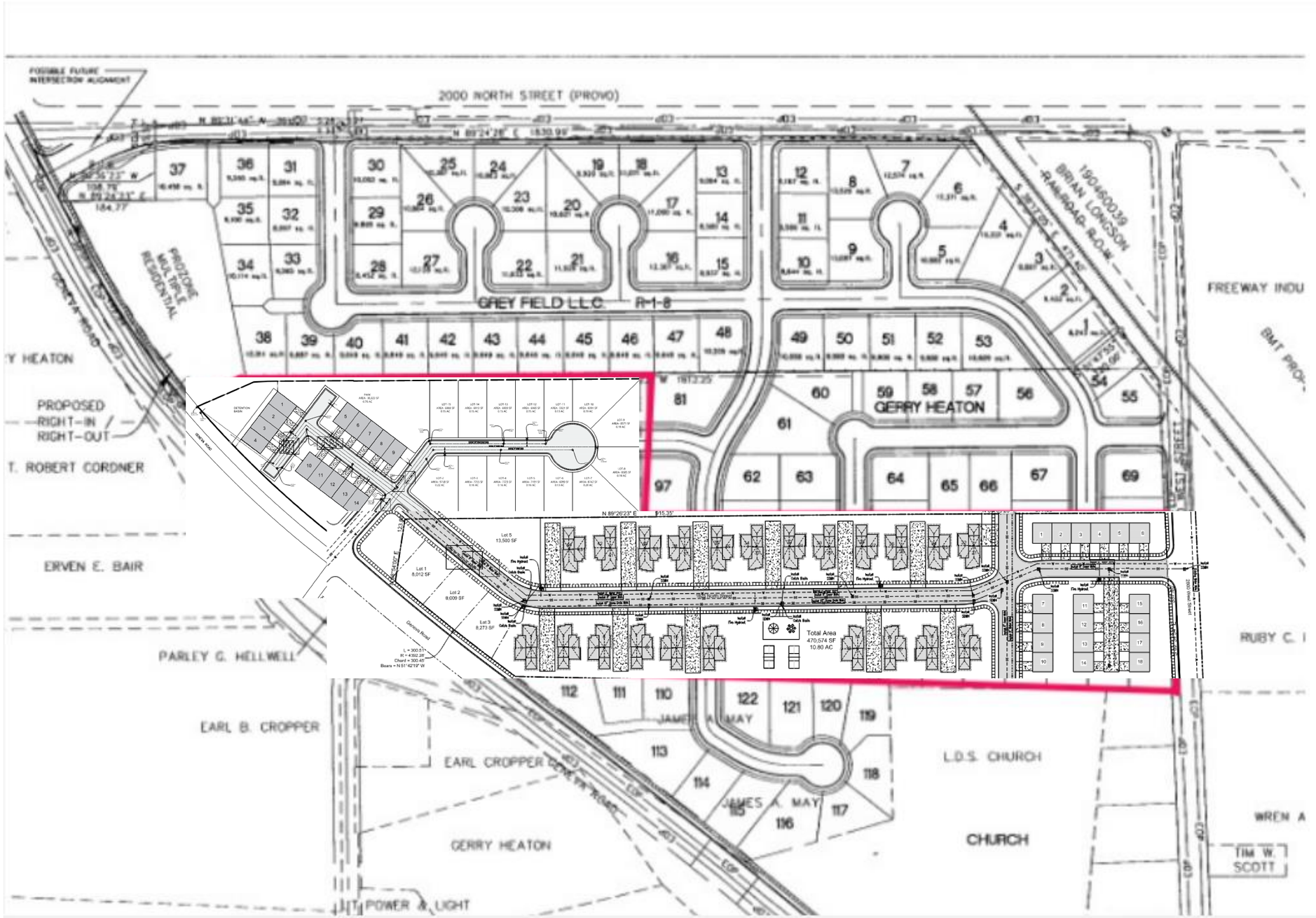
Proposed Map Amendment

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



Proposed Map Amendment

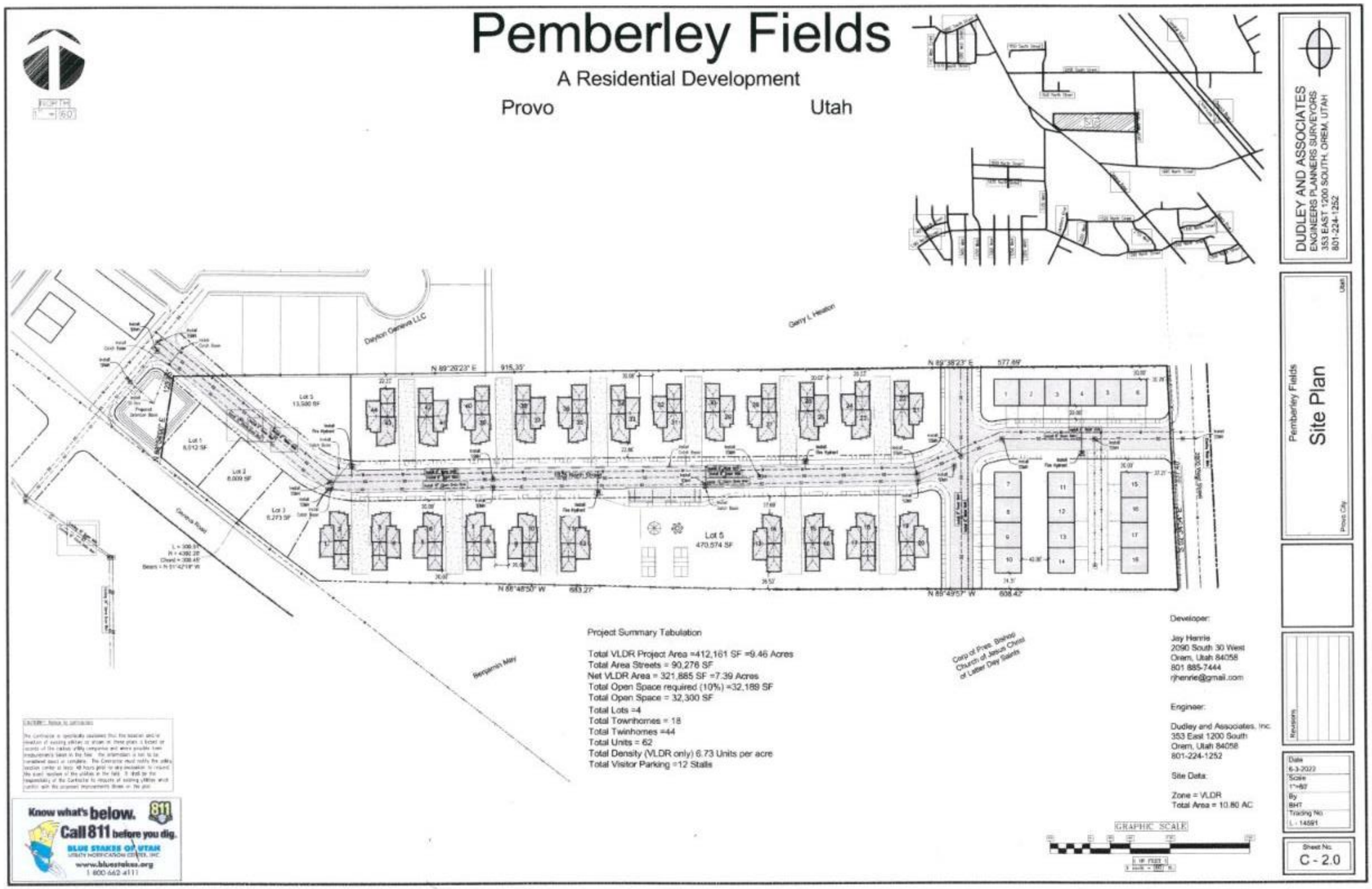
- 1804 N – 1878 N Geneva Road
- Existing General Plan Appendix C5
- Proposed Changes
  - Subject area goes from 48 units to 94 units



Applicant Slides



Applicant Slides



Applicant

Twin-Home Concept



Front View (exterior will be updated)

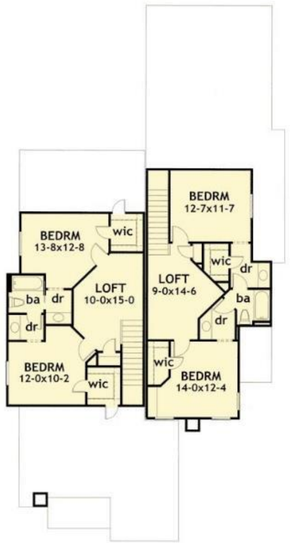


Front – Angle View

Twin-Home Concept



Main Floor

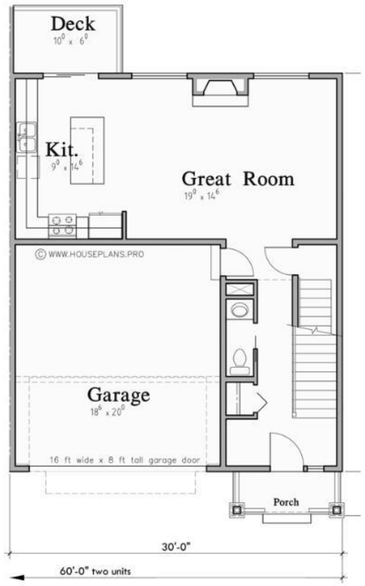


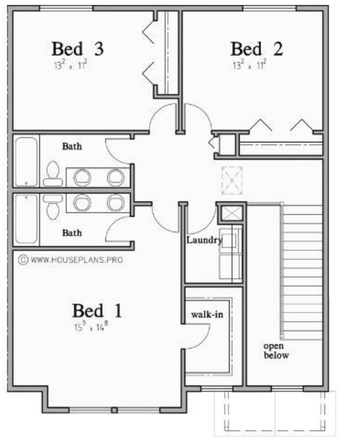
Upper Level

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.

Use No.	Use Classification
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
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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
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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
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Use No.	Use Classification
6498	Saw, knife, and tool sharpening
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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
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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.

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6730	Postal services
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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: NLA
Department: Development Services
Requested Meeting Date: 10-04-2022

SUBJECT: An ordinance amending Provo City code Chapter 14.30, Accessory Dwelling Units. Citywide Application. PLOTA20220263

RECOMMENDATION: To be heard at October 4, 2022 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The Provo City Municipal Council Housing Committee is requesting three ordinance text amendments to Title 14.30 of the Provo City Code; (1) to increase the occupancy limit of unrelated adults that are permitted to live within an accessory dwelling unit, (2) to increase the areas permitted for ADUs west of I-15, and (3) conditionally expand the permitted use of ADUs in areas primarily zoned for residential use throughout the city. These requested amendments have been studied and debated for months within the Council's Housing Committee and been drafted with the help of City Development Services staff.

FISCAL IMPACT:

PRESENTER'S NAME: Melia Dayley, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20220263

ORDINANCE 2022-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING ACCESSORY DWELLING UNITS. CITYWIDE APPLICATION. (PLOTA20220263)

WHEREAS, it is proposed that Provo City Code Chapter 14.30 be amended; and

WHEREAS, on September 14, 2022 and 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 4:2; 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 14.30 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

Chapter 14.30
ACCESSORY DWELLING UNITS

Sections:

14.30.010 Purpose and Objectives.
14.30.020 Permitted Use of Accessory Dwelling Units.
14.30.030 Accessory Dwelling Unit (ADU) Development Standards.
14.30.040 Designation of Permitted Use Areas of Accessory Dwelling Units – ADU Restrictions

14.30.010
Purpose and Objectives.

(1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.

14.30.020
Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section 10-9a-530, as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase “areas zoned primarily for residential use” means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

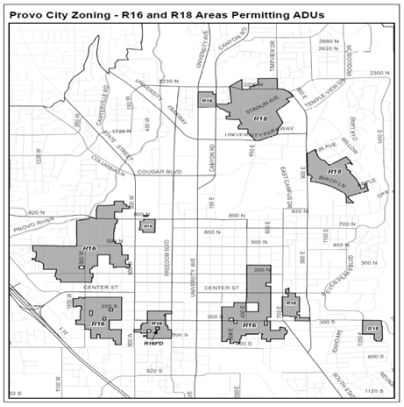
(3) Notwithstanding Subsection (2) of this Section, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones, except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;

(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;

(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and

(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:



(4) Detached accessory dwelling units and detached accessory structures containing an ADU are a permitted use in those areas where internal ADUs are permitted under this Section.

(5) Notwithstanding Subsection (3) of this Section, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use in:

(a) all areas west of Interstate Highway 15; and

(b) all areas approved for their use by the Municipal Council in accordance with Section 14.30.040.

14.30.030
Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

(1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.

(2) *Location.* ADUs may be located only:

(a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or

(d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:

(i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;

(ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;

(iii) The accessory structure shall be architecturally compatible with the main dwelling;

(iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one-family dwelling; and

(vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by

more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(4) *Occupancy.* A one-family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2) component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

(a) Except as otherwise provided in Subsection (4)(d) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020, Provo City Code. If this requirement is not met, no ADU shall be permitted.

(b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter 14.06, Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section 14.06.020, Provo City Code.

(c) The ADU shall not be occupied by more than ~~two (2)~~ three (3) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of

vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(8) *Outside Entrances.* Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(9) *Internal Connections.* To the extent that such a requirement is not prohibited by the laws of the State of Utah, ADUs located inside a one-family detached dwelling or in an addition to a one-family detached dwelling must have an internal connection between the ADU and the principal part of the dwelling.

(10) *Building Codes.* All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(11) *Rental Dwelling License.* In accordance with Chapter 6.26, Provo City Code, any person operating an ADU under this Chapter shall obtain a rental dwelling license (RDL). Such license shall be in addition to any building permits that may be necessary. Before a rental dwelling license for an ADU is issued, the applicant shall:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters 6.01 and 6.26, Provo City Code.

(e) Notwithstanding Section 6.01.090, Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon

transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department or their designee in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction shall run with the land as long as the property contains an ADU as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

14.30.040 Petitions for Additional Accessory Dwelling Unit Allowances

(1) Individuals seeking to allow internal accessory dwelling units in an area zoned primarily for residential use where such units are otherwise prohibited by 14.30.020(3), may submit a petition to the Municipal Council seeking approval of such use.

(2) There is no minimum area that must be included in the petition in order for a petition to be submitted.

(3) A petition must describe the area where it is proposed that internal accessory dwelling units will be allowed and must list the address of all parcels inside the area and all immediate properties, as defined in this Section. A petition may only be submitted if it includes the name, address, and signature of the owners of at least at least sixty-six percent (66%) of properties listed in the petition indicating that they are in support of the adoption. For sake of this subsection, "immediate properties" shall include those properties that share a common border with, or are immediately across or immediately diagonal from any property in the area where it is proposed internal accessory dwelling units should be allowed, so as to only be separated by a street, canal, right-of-way, or other similar feature.

Commented [BJ1]: This section has never made sense to me. It defines answers questions about specific details of petitioning, but doesn't actually say petitioning is allowed or lay out a process for doing so.

Commented [EV2R2]: Amendments to technical logistics to be made during the meeting.

Commented [BJ3]: I actually don't know what to put here. What does the committee intend happen after the petition is submitted? Does it go to Planning Commission? Does it go straight to Council?

Commented [EV4R4]: Amendments to technical logistics to be made during the meeting.

DEVELOPMENT SERVICES

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

***ITEM #1** The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

Applicant: Melia Dayley

Staff Coordinator: Aaron Ardmore

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 5th, at 6:00 P.M.*

2. **Recommend Denial** of 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: The Housing Committee of the Provo City Council has proposed the following amendments to expand the allowance of accessory dwelling units in the City. *This item was continued from the September 14 hearing.*

Neighborhood Issues:
No neighborhood meetings were held specifically about this topic.

Summary of Key Issues:

- The City current meets the State's minimum accessory dwelling unit (ADU) allowance requirement by not prohibiting ADUs in 33% of area primarily zoned residential.
- The proposed amendment would allow:
  - (14.30.020 (5)) ADUs as a permitted use in all areas primarily zoned for residential use, west of I-15.
  - (14.30.030 (4)c) The number of unrelated adults living together in an ADU to increase from 2 to 3.
  - (14.30.040) Residents to apply for ADU allowance for their property through a joint public input and staff and Council evaluation process.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for approval of the proposed ordinance text amendment.

OVERVIEW

The Provo City Municipal Council Housing Committee is requesting three ordinance text amendments to Title 14.30 of the Provo City Code; (1) to increase the occupancy limit of unrelated adults that are permitted to live within an accessory dwelling unit, (2) to increase the areas permitted for ADUs west of I-15, and (3) conditionally expand the permitted use of ADUs in areas primarily zoned for residential use throughout the city. These requested amendments have been studied and debated for months within the Council's Housing Committee and been drafted with the help of City Development Services staff.

RELEVANT HISTORY

In 2021, the Utah State Legislature passed House Bill 82 which required cities to meet certain allowance thresholds for ADUs within areas zoned primarily for residential use. In the Fall of 2021, Provo City Council passed an ordinance text amendment to Title 14.30 of the city code to bring Provo into minimum compliance with the state law. In January of 2022, the City Council formed a housing committee whose main priority was to look at ways of expanding ADUs as a permitted use in primarily residential-zoned areas throughout the city. These ordinance text amendments are the findings of this committee.

FINDINGS OF FACT

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.

The public purpose of the amendment is to increase housing stock and, hopefully, affordable housing options for residents of the City and those looking to move here.

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

By allowing ADUs in more residential areas of the City and for more single adults to live within the ADUs, the housing stock and options for Provo residents has the potential to increase.

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

Further ADU allowance in the City and an increase in single adult occupancy limits would help achieving the following General Plan goals as found in Chapter 3:

- **"Offer a range of housing types within neighborhoods that meets the changing needs of an aging population and facilitate long-term residency,"**
- **"Encourage diversity of age groups in neighborhoods,"**
- **"Develop strategies to increase owner occupancy or long-term residency in the city's residential neighborhoods,"**
- **"Provide sufficient housing options for single professionals,"**
- **"Encourage a diverse population within Provo, blend home ownership with rental housing in developments that are not meant for college student housing,"**
- **"Make quality housing and services that are accessible to all segments of the population"**

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

There are no timing or 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 does not believe the proposed changes will hinder or obstruct the General Plan policies in any way; but help to strengthen them.

(f) Adverse impacts on adjacent landowners.

As all properties that do build out and rent an ADU in a housing unit, they must follow zoning laws already in place for rental dwelling licenses and those applicable to zones primarily zoned for residential use. Adverse impacts would be noticeable if zoning and rental dwelling license laws were not being followed by the landlord and tenants.

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

This is a city-wide amendment- and in the areas West of I-15, this amendment does not conflict with the original zoning or plans; this guideline does not apply.

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

No such conflict exists.

ATTACHMENTS

1. Proposed Ordinance Text Amendments
2. Public Works Report

ATTACHMENT 1- PROPOSED AMENDMENTS

Chapter 14.30
ACCESSORY DWELLING UNITS

Sections:

14.30.010 Purpose and Objectives.

14.30.020 Permitted Use of Accessory Dwelling Units.

14.30.030 Accessory Dwelling Unit (ADU) Development Standards.

14.30.040 Designation of Permitted Use Areas of Accessory Dwelling Units – ADU Restrictions

Prior legislation: Ords. 1991-07, 1998-55, 2000-15, 2009-17, 2010-28, 2013-49, 2019-45.

14.30.010
Purpose and Objectives.

(1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.

(Am 2021-46)

14.30.020
Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section 10-9a-530, as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase "areas zoned primarily for residential use" means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

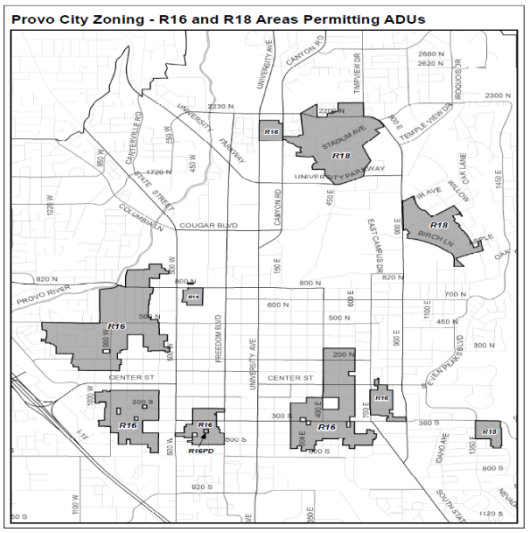
(3) Notwithstanding Subsection (2) of this Section, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones, except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;

(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;

(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and

(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:



(4) Detached accessory dwelling units and detached accessory structures containing an ADU are a permitted use in those areas where internal ADUs are permitted under this Section.

(5) Notwithstanding Subsection (3) of this Section, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15.

(Am 2021-46)

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

(1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.

(2) *Location.* ADUs may be located only:

(a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or

(d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:

(i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;

(ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;

(iii) The accessory structure shall be architecturally compatible with the main dwelling;

(iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one-family dwelling; and

(vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(4) *Occupancy.* A one-family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2)

component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

(a) Except as otherwise provided in Subsection (4)(d) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020, Provo City Code. If this requirement is not met, no ADU shall be permitted.

(b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter 14.06, Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section 14.06.020, Provo City Code.

(c) The ADU shall not be occupied by more than ~~two (2)~~ three (3) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a

driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(8) *Outside Entrances.* Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(9) *Internal Connections.* To the extent that such a requirement is not prohibited by the laws of the State of Utah, ADUs located inside a one-family detached dwelling or in an addition to a one-family detached dwelling must have an internal connection between the ADU and the principal part of the dwelling.

(10) *Building Codes.* All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(11) *Rental Dwelling License.* In accordance with Chapter 6.26, Provo City Code, any person operating an ADU under this Chapter shall obtain a rental dwelling license (RDL). Such license shall be in addition to any building permits that may be necessary. Before a rental dwelling license for an ADU is issued, the applicant shall:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters 6.01 and 6.26, Provo City Code.

(e) Notwithstanding Section 6.01.090, Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department or their designee in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction shall run with the land as long as the property contains an ADU as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

(Am 2021-46, Am 2022-17)

14.30.040

Area of New Zone Overlay Districts

(1) There shall be no minimum area for a new zone overlay district; however each petition for a new overlay district shall include a list containing the name, address, and signature of at least sixty-six percent (66%) of the owners of immediate properties who are in support of the adoption. For sake of this subsection, "immediate properties" shall include those properties that share a common border with, or are immediately across or immediately diagonal from the proposed zone overlay district, so as to only be separated by a street, canal, right-of-way, or other similar feature.

ATTACHMENT 2 – PUBLIC WORKS REPORT

provo
WELCOME HOME

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

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

Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units

Item #1 Summary:
The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

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

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

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Melia Dayley, Policy Analyst

Planning Commission Follow-Up: Accessory Dwelling Units

September 21, 2022

The following memo provides answers to questions posed by Commissioners during the September 14, 2022, Planning Commission meeting regarding the proposed Accessory Dwelling Unit code amendments drafted by the Municipal Council's Housing Committee.

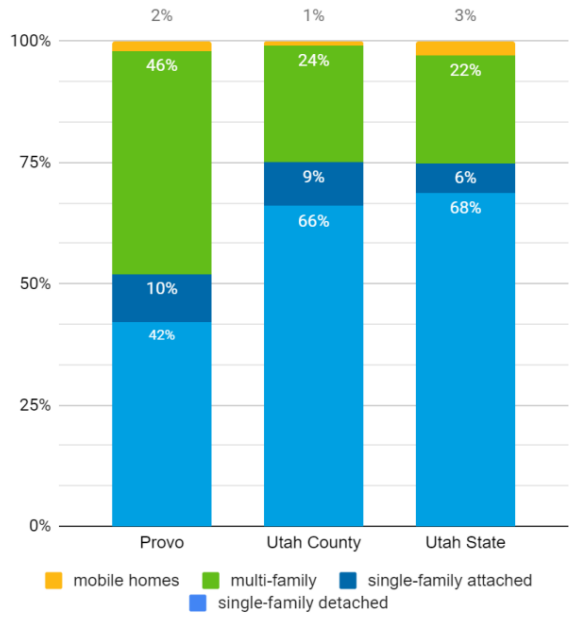
How much does this proposal increase the percentage of area that allows ADUs in Provo?

- Provo currently sits at the minimum threshold for ADU allowance in Provo at 33% of all area acreage zoned primarily for residential use. If the amendment permitting ADUs in residential areas West of Interstate 15 is approved, this acreage percentage would increase to ___(*exact percentage tbd*)___%.
    - This percentage does not account for any properties that would be added through the signature/permit process outlined in the third proposed amendment.

How many rentals in Provo vs. the rest of Utah County?

- According to the recently approved Moderate-Income Housing Report, drafted by Planning Staff and approved by the Municipal Council: *(more detailed information can be found in the official Moderate-Income Housing Report)*

Graph 1: Existing Housing Inventory by Type



Source: American Community Survey, 2019

Enforcement process to ensure houses with ADUs are abiding by laws and restrictions?

- Under current Provo City Code, "either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020…If this requirement is not met, no ADU shall be permitted"
- All currently licensed ADUs in the city are owner-occupied
- Enforcement concerns regarding ADUs fall under the Administration's jurisdiction (see supporting memo documents from Scott Johnson and the Development Services team)
    - The Council regularly checks in with the enforcement manager and team to ensure they are supported through policy tools and budgetary means

Information about similarly sized cities, surrounding communities, etc. and how they are doing ADUs

- Per HB 82, Provo City and other college/university towns have a different threshold for ADUs than all other cities that fall under the law's requirements
    - College towns must not prohibit ADU allowance in 33% of the areas primarily zoned residential throughout the city; in other cities this percentage increases to 66%
    - As such, direct comparison of Provo to any city in Utah is often not a reliable or relevant comparison; however, there are still things to learn from how other cities zone for, license, enforce, and generally approach ADUs
- Utah College Towns & ADUs
    - Orem
        - Allowed city-wide (generally)-
            - ADUs allowed in "owner-occupied detached single-family dwellings and in such other dwellings as may be specifically designated by ordinance, but shall not be allowed in any R5 zone or PRD zone"
        - Owner occupied
        - RDL required
        - At least 3 off-street parking spaces
        - Public list of all current ADUs w/ a RDL (722 as of September 21, 2022)
        - Enforced through resident reporting (same as Provo)
    - Logan
        - Allowed on zones/parcels designated for ADU allowance (see map here: https://cms9files.revize.com/loganut/departments/comdev/ADUs/ADU%20Eligibility%20Map%209.21.21.pdf)
            - Meets the 33% requirement almost exactly, similar to Provo.
        - Owner-occupied
        - RDL required
        - Enforced through resident reporting (same as Provo)
    - Salt Lake
        - Allowed city-wide (generally) including multifamily and non-primarily residential use properties
        - RDL required; largely owner-occupied but some exceptions
- Similar Sized Cities & ADUs
    - West Valley
        - Must have a business license
        - Owner occupied
        - At least one, off-street parking space

        - Use geographical boundary for ADU allowance- “Detached accessory dwelling units are prohibited in the City.
        - Single unit dwellings west of 4000 West are eligible to include one internal accessory dwelling unit, so long as specific requirements are met.
        - Accessory dwelling units or mother-in-law apartments are not allowed on any property zoned for single unit dwellings east of 4000 West, which includes the RB zone, RE zone, all R-1 zones and all A zones.”
    - West Jordan
        - Up to 5 unrelated adults in the ADU
        - Owner-occupied
        - At least 1 off-street parking space for the ADU
            - Existing garage or car port must maintain at least 2 spaces
        - RDL required
        - Allowed in any primarily residential zones except for “any multi-family residential units, mobile homes, or any form of attached housing units.”
    - Sandy City
        - Allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3)
        - No minimum off street parking requirements
        - Max 3 total occupants of the ADU
        - RDL required

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 in Chapter 14.30, Accessory Dwelling Units

Item #1 Summary:
The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

Staff Recommendation:
Public Works staff has no concerns with the requested action.
However, the current zoning densities were used to model and design infrastructure. Changing to a higher density could have major financial implications for both sewer and water utilities in the future.

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

Provo City Planning Commission

Report of Action

September 28, 2022

*ITEM #1 The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

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 4:2, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jeff Whitlock
Second By: Raleen Whalin
Votes in Favor of Motion: Jeff Whitlock, Raleen Whalin, Robert Knudsen, Andrew South
Votes Against the Motion: Melissa Kendall, Lisa Jensen
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.

- Melia Dayley gave an overview of the proposed changes and answered previous questions regarding current ADU allowances, potential ADU numbers, Provo rental rates, enforcement rates, and comparisons to other cities.
- Scott Johnson (Zoning Administrator) defined the process for ADUs and answered questions regarding enforcement procedures.
- Marcus Draper (Provo Attorney) detailed family definitions and parking regulations.
- David Day (Provo Engineering) responded to questions regarding increased infrastructure needs for detached ADUs, but had no issue with the current proposals.

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

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

NEIGHBORHOOD AND PUBLIC COMMENT
- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- 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 the changes would be okay if enforced, but shared opinion that the westside needs more "move-up" housing.
- Leo Lines shared concerns of high rental rates and a lack of enforcement, as well as parking concerns.

APPLICANT RESPONSE

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

- Melia Dayley responded to questions regarding occupancy of the ADUs, locations of ADUs, and reasons for proposals.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission agreed that the questions from the previous hearing had been answered.
- Melissa Kendall shared concerns of the effect on single-family neighborhoods and affordability. She hoped that an approval with a smaller percentage on the westside could be brought forward.
- The Planning Commission discussed the need to balance General Plan goals of affordability and housing stock with diverse housing options in neighborhoods. They found comfort that a rental license for ADUs would need to be renewed annually, which would help enforcement. They also recognized that the proposed limits are related to infrastructure limitations and trying to meet the goals of the City. There was concern expressed by some of enforcement driven by neighbor complaints and other existing sections of 14.30 (temporary leave, description of permitted areas, and occupancy limits).

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

Chapter 14.30
ACCESSORY DWELLING UNITS

Sections:

14.30.010 Purpose and Objectives.

14.30.020 Permitted Use of Accessory Dwelling Units.

14.30.030 Accessory Dwelling Unit (ADU) Development Standards.

14.30.040 Designation of Permitted Use Areas of Accessory Dwelling Units – ADU Restrictions

Prior legislation: Ords. 1991-07, 1998-55, 2000-15, 2009-17, 2010-28, 2013-49, 2019-45.

14.30.010
Purpose and Objectives.

(1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.

(Am 2021-46)

14.30.020
Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section 10-9a-530, as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase "areas zoned primarily for residential use" means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

(3) Notwithstanding Subsection (2) of this Section, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones, except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;

(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;

(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and

(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:



(4) Detached accessory dwelling units and detached accessory structures containing an ADU are a permitted use in those areas where internal ADUs are permitted under this Section.

(5) Notwithstanding Subsection (3) of this Section, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15.

(Am 2021-46)

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

(1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.

(2) *Location.* ADUs may be located only:

(a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or

(d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:

(i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;

(ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;

(iii) The accessory structure shall be architecturally compatible with the main dwelling;

(iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one-family dwelling; and

(vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(4) *Occupancy.* A one-family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2)

component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

(a) Except as otherwise provided in Subsection (4)(d) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020, Provo City Code. If this requirement is not met, no ADU shall be permitted.

(b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter 14.06, Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section 14.06.020, Provo City Code.

(c) The ADU shall not be occupied by more than ~~two (2)~~ three (3) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a

driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(8) *Outside Entrances.* Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(9) *Internal Connections.* To the extent that such a requirement is not prohibited by the laws of the State of Utah, ADUs located inside a one-family detached dwelling or in an addition to a one-family detached dwelling must have an internal connection between the ADU and the principal part of the dwelling.

(10) *Building Codes.* All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(11) *Rental Dwelling License.* In accordance with Chapter 6.26, Provo City Code, any person operating an ADU under this Chapter shall obtain a rental dwelling license (RDL). Such license shall be in addition to any building permits that may be necessary. Before a rental dwelling license for an ADU is issued, the applicant shall:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters 6.01 and 6.26, Provo City Code.

(e) Notwithstanding Section 6.01.090, Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department or their designee in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction shall run with the land as long as the property contains an ADU as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

(Am 2021-46, Am 2022-17)

14.30.040

Area of New Zone Overlay Districts

(1) There shall be no minimum area for a new zone overlay district; however each petition for a new overlay district shall include a list containing the name, address, and signature of at least sixty-six percent (66%) of the owners of immediate properties who are in support of the adoption. For sake of this subsection, "immediate properties" shall include those properties that share a common border with, or are immediately across or immediately diagonal from the proposed zone overlay district, so as to only be separated by a street, canal, right-of-way, or other similar feature.

ITEM 1*

The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units.

Citywide Application

PLOTA20220263

ATTACHMENT 1- PROPOSED AMENDMENTS

Chapter 14.30
ACCESSORY DWELLING UNITS

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14.30.010 Purpose and Objectives.
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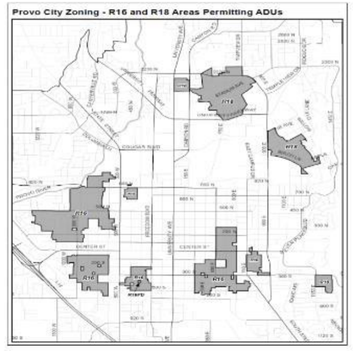
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component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

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(b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter 14.06, Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section 14.06.020, Provo City Code.

(c) The ADU shall not be occupied by more than ~~two (2)~~ three (3) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a

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PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Melia Dayley, Policy Analyst

Planning Commission Follow-Up: Accessory Dwelling Units

September 21, 2022

The following memo provides answers to questions posed by Commissioners during the September 14, 2022, Planning Commission meeting regarding the proposed Accessory Dwelling Unit code amendments drafted by the Municipal Council's Housing Committee.

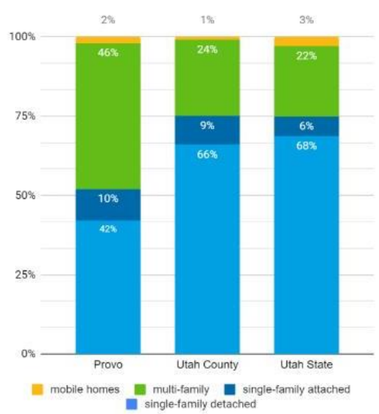
How much does this proposal increase the percentage of area that allows ADUs in Provo?

- Provo currently sits at the minimum threshold for ADU allowance in Provo at 33% of all area acreage zoned primarily for residential use. If the amendment permitting ADUs in residential areas West of Interstate 15 is approved, this acreage percentage would increase to ___(*exact percentage tbd*)___%.
    - This percentage does not account for any properties that would be added through the signature/permit process outlined in the third proposed amendment.

How many rentals in Provo vs. the rest of Utah County?

- According to the recently approved Moderate-Income Housing Report, drafted by Planning Staff and approved by the Municipal Council: *(more detailed information can be found in the official Moderate-Income Housing Report)*

Graph 1: Existing Housing Inventory by Type



Source: American Community Survey, 2019

Enforcement process to ensure houses with ADUs are abiding by laws and restrictions?

- Under current Provo City Code, "either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020…If this requirement is not met, no ADU shall be permitted"
- All currently licensed ADUs in the city are owner-occupied
- Enforcement concerns regarding ADUs fall under the Administration's jurisdiction (see supporting memo documents from Scott Johnson and the Development Services team)
    - The Council regularly checks in with the enforcement manager and team to ensure they are supported through policy tools and budgetary means

Information about similarly sized cities, surrounding communities, etc. and how they are doing ADUs

- Per HB 82, Provo City and other college/university towns have a different threshold for ADUs than all other cities that fall under the law's requirements
    - College towns must not prohibit ADU allowance in 33% of the areas primarily zoned residential throughout the city; in other cities this percentage increases to 66%
    - As such, direct comparison of Provo to any city in Utah is often not a reliable or relevant comparison; however, there are still things to learn from how other cities zone for, license, enforce, and generally approach ADUs
- Utah College Towns & ADUs
    - Orem
        - Allowed city-wide (generally)-
            - ADUs allowed in "owner-occupied detached single-family dwellings and in such other dwellings as may be specifically designated by ordinance, but shall not be allowed in any R5 zone or PRD zone"
        - Owner occupied
        - RDL required
        - At least 3 off-street parking spaces
        - Public list of all current ADUs w/ a RDL (722 as of September 21, 2022)
        - Enforced through resident reporting (same as Provo)
    - Logan
        - Allowed on zones/parcels designated for ADU allowance (see map here: https://cms9files.revize.com/loganut/departments/comdev/ADUs/ADU%20Eligibility%20Map%209.21.21.pdf)
            - Meets the 33% requirement almost exactly, similar to Provo.
        - Owner-occupied
        - RDL required
        - Enforced through resident reporting (same as Provo)
    - Salt Lake
        - Allowed city-wide (generally) including multifamily and non-primarily residential use properties
        - RDL required; largely owner-occupied but some exceptions
- Similar Sized Cities & ADUs
    - West Valley
        - Must have a business license
        - Owner occupied
        - At least one, off-street parking space
        - Use geographical boundary for ADU allowance- "Detached accessory dwelling units are prohibited in the City.
        - Single unit dwellings west of 4000 West are eligible to include one internal accessory dwelling unit, so long as specific requirements are met.
        - Accessory dwelling units or mother-in-law apartments are not allowed on any property zoned for single unit dwellings east of 4000 West, which includes the RB zone, RE zone, all R-1 zones and all A zones."
    - West Jordan
        - Up to 5 unrelated adults in the ADU
        - Owner-occupied
        - At least 1 off-street parking space for the ADU
            - Existing garage or car port must maintain at least 2 spaces
        - RDL required
        - Allowed in any primarily residential zones except for "any multi-family residential units, mobile homes, or any form of attached housing units."
    - Sandy City
        - Allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3)
        - No minimum off street parking requirements
        - Max 3 total occupants of the ADU
        - RDL required

Total Primarily Residential Area Acreage		
8209.667		
ADU Prohibited Acreage	**ADU-Permitted Acreage**	
5483 66.8% of total residential area	2726 33.2% of total residential area	
	Eastside Acreage	**Westside Acreage**
	2307 84.6% of permitted	419 15.4% of permitted

Total Primarily Residential Area Acreage		
8209.667		
ADU Prohibited Acreage	***ADU-Permitted Acreage***	
4178 51% of total residential area	4031 49% of total residential area	
	Eastside Acreage*	**Westside Acreage***
	2307 57% of permitted area	Existing permitted w/ added new R Zones (*1305 acres*)
		1724 43% of permitted area

**Conditional on Westside ADU expansion amendment*

DEVELOPMENT SERVICES

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

***ITEM #1** The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

Applicant: Melia Dayley

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

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

2. **Recommend Denial** of 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: The Housing Committee of the Provo City Council has proposed the following amendments to expand permitted accessory dwelling units in the City.

Neighborhood Issues:
No neighborhood meetings were held specifically about this topic.

Summary of Key Issues:

- The City currently meets the State's minimum accessory dwelling unit (ADU) requirement by not prohibiting ADUs in 33% of area primarily zoned residential.
- The proposed amendment would allow:
  - (14.30.020 (5)) ADUs as a permitted use in all areas primarily zoned for residential use, west of I-15.
  - (14.30.030 (4)c) The number of unrelated adults living together in an ADU to increase from 2 to 3.
  - (14.30.040) Residents to apply for ADU allowance for their property through a joint public input and staff and Council evaluation process.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for approval of the proposed ordinance text amendment.

OVERVIEW

The Provo City Municipal Council Housing Committee is requesting three ordinance text amendments to Title 14.30 of the Provo City Code; (1) to increase the occupancy limit of unrelated adults that are permitted to live within an accessory dwelling unit, (2) to increase the areas permitted for ADUs west of I-15, and (3) conditionally expand the permitted use of ADUs in areas primarily zoned for residential use throughout the city. These requested amendments have been studied and debated for months within the Council's Housing Committee and been drafted with the help of City Development Services staff.

RELEVANT HISTORY

In 2021, the Utah State Legislature passed House Bill 82 which required cities to meet certain allowance thresholds for ADUs within areas zoned primarily for residential use. In the Fall of 2021, Provo City Council passed an ordinance text amendment to Title 14.30 of the city code to bring Provo into minimum compliance with the state law. In January of 2022, the City Council formed a housing committee whose main priority was to look at ways of expanding ADUs as a permitted use in primarily residentially-zoned areas throughout the city. These ordinance text amendments are the suggestions of this committee.

FINDINGS OF FACT

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.

The public purpose of the amendment is to increase housing stock and, hopefully, affordable housing options for residents of the City and those looking to move here.

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

By allowing ADUs in more residential areas of the City and for more single adults to live within the ADUs, the housing stock and options for Provo residents has the potential to increase.

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

Further ADU allowance in the City and an increase in single adult occupancy limits would help achieving the following General Plan goals as found in Chapter 3:

- **"Offer a range of housing types within neighborhoods that meet the changing needs of an aging population and facilitate long-term residency,"**
- **"Encourage diversity of age groups in neighborhoods,"**
- **"Develop strategies to increase owner occupancy or long-term residency in the city's residential neighborhoods,"**
- **"Provide sufficient housing options for single professionals,"**
- **"Encourage a diverse population within Provo, blend home ownership with rental housing in developments that are not meant for college student housing,"**
- **"Make quality housing and services that are accessible to all segments of the population"**

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

There are no timing or 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 does not believe the proposed changes will hinder or obstruct the General Plan policies in any way; but help to strengthen them.

(f) Adverse impacts on adjacent landowners.

As all properties that do build out and rent an ADU in a housing unit, they must follow zoning laws already in place for rental dwelling licenses and those applicable to zones primarily zoned for residential use. Adverse impacts would be noticeable if zoning and rental dwelling license laws were not being followed by the landlord and tenants.

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

This is a city-wide amendment- and in the areas West of I-15, this amendment does not conflict with the original zoning or plans; this guideline does not apply.

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

No such conflict exists.

ATTACHMENTS

1. Proposed Ordinance Text Amendments
2. Public Works Staff Report

ATTACHMENT 1- PROPOSED AMENDMENTS

Chapter 14.30
ACCESSORY DWELLING UNITS

Sections:

14.30.010 Purpose and Objectives.

14.30.020 Permitted Use of Accessory Dwelling Units.

14.30.030 Accessory Dwelling Unit (ADU) Development Standards.

14.30.040 Designation of Permitted Use Areas of Accessory Dwelling Units – ADU Restrictions

Prior legislation: Ords. 1991-07, 1998-55, 2000-15, 2009-17, 2010-28, 2013-49, 2019-45.

14.30.010
Purpose and Objectives.

(1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.

(Am 2021-46)

14.30.020
Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section 10-9a-530, as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase "areas zoned primarily for residential use" means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

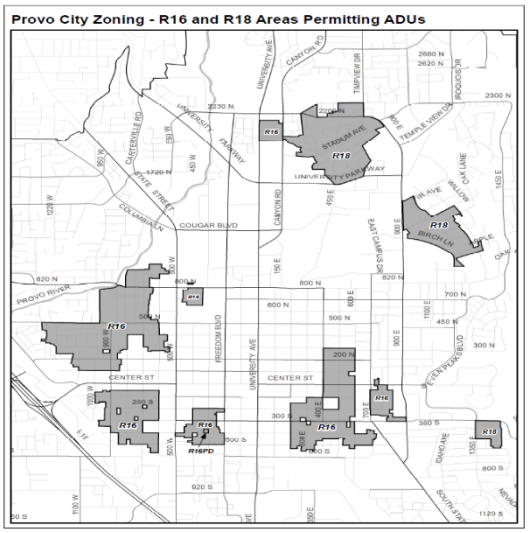
(3) Notwithstanding Subsection (2) of this Section, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones, except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;

(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;

(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and

(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:



(4) Detached accessory dwelling units and detached accessory structures containing an ADU are a permitted use in those areas where internal ADUs are permitted under this Section.

(5) Notwithstanding Subsection (3) of this Section, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15.

(Am 2021-46)

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

(1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.

(2) *Location.* ADUs may be located only:

(a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or

(d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:

(i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;

(ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;

(iii) The accessory structure shall be architecturally compatible with the main dwelling;

(iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one-family dwelling; and

(vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(4) *Occupancy.* A one-family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2)

component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

(a) Except as otherwise provided in Subsection (4)(d) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020, Provo City Code. If this requirement is not met, no ADU shall be permitted.

(b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter 14.06, Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section 14.06.020, Provo City Code.

(c) The ADU shall not be occupied by more than ~~two (2)~~ three (3) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a

driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(8) *Outside Entrances.* Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

(9) *Internal Connections.* To the extent that such a requirement is not prohibited by the laws of the State of Utah, ADUs located inside a one-family detached dwelling or in an addition to a one-family detached dwelling must have an internal connection between the ADU and the principal part of the dwelling.

(10) *Building Codes.* All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(11) *Rental Dwelling License.* In accordance with Chapter 6.26, Provo City Code, any person operating an ADU under this Chapter shall obtain a rental dwelling license (RDL). Such license shall be in addition to any building permits that may be necessary. Before a rental dwelling license for an ADU is issued, the applicant shall:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters 6.01 and 6.26, Provo City Code.

(e) Notwithstanding Section 6.01.090, Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department or their designee in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction shall run with the land as long as the property contains an ADU as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

(Am 2021-46, Am 2022-17)

14.30.040

Area of New Zone Overlay Districts

(1) There shall be no minimum area for a new zone overlay district; however each petition for a new overlay district shall include a list containing the name, address, and signature of at least sixty-six percent (66%) of the owners of immediate properties who are in support of the adoption. For sake of this subsection, "immediate properties" shall include those properties that share a common border with, or are immediately across or immediately diagonal from the proposed zone overlay district, so as to only be separated by a street, canal, right-of-way, or other similar feature.

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

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

Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units

Item #1 Summary:
The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

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

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

Provo City Planning Commission

Report of Action

September 14, 2022

*ITEM #1 The Provo City Council Housing Committee is requesting approval of an Ordinance Text Amendment in Chapter 14.30, Accessory Dwelling Units. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20220263

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

CONTINUED

On a vote of 5:0, the Planning Commission continued the above noted application to September 28, 2022.

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

- New findings stated as basis of action taken by the Planning Commission; Planning Commission determination is not 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. Melia Dayley gave an overview of the proposed text amendments and answered questions from the Planning Commission.

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

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

NEIGHBORHOOD AND PUBLIC COMMENT
- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- 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 related concerns about enforcement in her neighborhood and more ADUs being difficult to enforce. She also stated her personal concerns of small homes and not enough space for large families to grow and stay in the home and neighborhood.
- Steve LaPray also expressed concern about the proposed amendments and his email was given to the Commission.

APPLICANT RESPONSE

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

- Melia gave some background on housing committee discussions regarding the proposed amendments and described that raising occupancy could help the availability and affordability for housing with ADUs.
- Melia offered to send the reports and data that the housing committee looked at to come to the proposed amendments to the Planning Commission to help them understand the background for the proposal.
- Bill Peperone related that the City has a large enforcement staff that addresses complaints quickly, but they need to be told of violations to be able to correct them.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Robert Knudsen expressed concerns about ADUs on the west side due to a high-water table and asked for the reasons behind raising the occupancy from two to three on ADUs.
- Melissa Kendall asked several questions regarding the need for more ADUs and wondered about the numbers on ADUs in the City, County, and State. She also expressed concerns about affordability, enforcement, and lack of timeline for exceptions within Chapter 14.30.
- Daniel Gonzales confirmed with staff that a site plan to show required parking is part of the process to establish the ADU.
- The Planning Commission discussed they support the idea but needed more time and information to address concerns with ADUs and enforcement.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:
The Planning Commission expressed a desire for more information on the following issues to better evaluate the proposal and make a recommendation:

- How much does this proposal increase the % of ADUs in Provo?
- How many rentals in Provo vs. other college towns and other large cities, like West Valley?
- How will the city ensure owner-occupancy of houses with ADUs?
- Information about similarly sized cities, surrounding communities, etc. and how they are doing ADUs



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

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(Am 2021-46, Am 2022-17)

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ITEM 1*

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Citywide Application

PLOTA20220263

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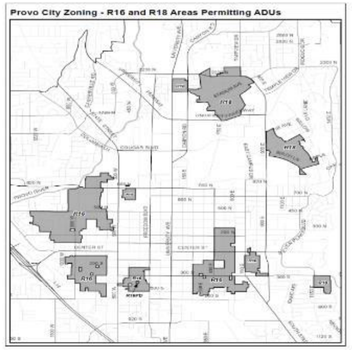
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(c) The ADU shall not be occupied by more than ~~two (2)~~ three (3) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a

14.30.040

Area of New Zone Overlay Districts

(1) There shall be no minimum area for a new zone overlay district; however each petition for a new overlay district shall include a list containing the name, address, and signature of at least sixty-six percent (66%) of the owners of immediate properties who are in support of the adoption. For sake of this subsection, "immediate properties" shall include those properties that share a common border with, or are immediately across or immediately diagonal from the proposed zone overlay district, so as to only be separated by a street, canal, right-of-way, or other similar feature.

Total Primarily Residential Area Acreage		
8209.667		
ADU Prohibited Acreage	**ADU-Permitted Acreage**	
5483 66.8% of total residential area	2726 33.2% of total residential area	
	Eastside Acreage	**Westside Acreage**
	2307 84.6% of permitted	419 15.4% of permitted

Total Primarily Residential Area Acreage		
8209.667		
ADU Prohibited Acreage	*ADU-Permitted Acreage*	
4178 51% of total residential area	4031 49% of total residential area	
	Eastside Acreage*	Westside Acreage*
	2307 57% of permitted area	Existing permitted w/ added new R Zones (*1305 acres*) 1724 43% of permitted area

**Conditional on Westside ADU expansion amendment*

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: NLA
Department: Development Services
Requested Meeting Date: 10-04-2022

SUBJECT: **CONTINUED**A request to change the zone map from the PF (Public Facilities) and the A1.5 (Agricultural) to the AI (Airport Industrial) zone in order to build new warehouses, located at 652 S Lakeview Pkwy. Provo Bay Neighborhood. PLRZ20220022

RECOMMENDATION: **CONTINUED**To be heard at October 4, 2022 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Joel Pilling is requesting approval for a new warehouse development in a proposed at 652 South Lakeview Parkway. This proposal is to the amend the zone map from the Public Facilities (PF) and Agricultural (A1) zones to the Airport Industrial (AI) zone. The project plan shows three separate buildings totaling 109,668 square feet of leasable warehouse space. Adjacent to the street is a landscaped yard, with additional landscaping on the site to buffer the buildings and provide shade in the parking lot. The elevations show a mix of brick and concrete masonry with grey tones. These have been reviewed by the Design Review Committee against the Airport Adjacent Development Design Standards in Section 14.34.296.

FISCAL IMPACT:

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

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20220022

DEVELOPMENT SERVICES

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

***ITEM #7** Joel Pilling requests a Zone Map Amendment from the PF (Public Facilities) zone and the A1.5 (Agricultural) zone to the AI (Airport Industrial) zone in order to build new warehouses, located at 652 S Lakeview Pkwy. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220022

Applicant: Joel Pilling

Staff Coordinator: Aaron Ardmore

Property Owners: 501 Properties LLC (ET AL); PCS Investments LC

Parcel ID#: 44:236:0002; 21:043:0116; 21:034:0014

Acreage: 8.1

Number of Properties: 3

Related Applications: PLPPA20220018

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

Current Legal Use: All the land associated with this request is currently vacant.

Relevant History: The applicant has been working with Staff since January 2022 on a Project Plan related to this rezone request to address code requirements. This application had been awaiting a public hearing until all the staff corrections were addressed. The property was identified for future airport related activities with the Southwest Future Land Use Map in 2018.

Neighborhood Issues: This item has been on Open City Hall since February and has three comments; two positive and one with a concern of having warehouses in west Provo. There was also a neighborhood meeting held where concerns of increased traffic on Center Street were shared.

Summary of Key Issues:

- The proposed plan meets standards of the AI zone.
- The proposal would bring over 109,000 square feet of spec warehouse space adjacent to the airport.
- The proposal meets the General Plan and Southwest Future Land Use Map for the site.

Staff Recommendation: That the Planning Commission recommends approval of the Zone Map Amendment to the City Council.

OVERVIEW

Joel Pilling is requesting approval for a new warehouse development in a proposed at 652 South Lakeview Parkway. This proposal is to the amend the zone map from the Public Facilities (PF) and Agricultural (A1) zones to the Airport Industrial (AI) zone.

The project plan shows three separate buildings totaling 109,668 square feet of leasable warehouse space. Adjacent to the street is a landscaped yard, with additional landscaping on the site to buffer the buildings and provide shade in the parking lot.

The elevations show a mix of brick and concrete masonry with grey tones. These have been reviewed by the Design Review Committee against the Airport Adjacent Development Design Standards in Section 14.34.296.

The adjacent properties include a construction company if the PF zone to the south, vacant Provo City land in the PF zone to the west, and agricultural land in the A1 zone to the north and east. However, all of these properties are included in the Airport Compatible designation in the Southwest Future Land Use Map.

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 public purpose of the amendment is to support the airport and provide economic development for the city.

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

Staff response: Staff believes that the proposed zone change and use for the property is in line with the goals of the city for land near the airport and that the high demand for this type of use will provide strong economic development for Provo.

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

Staff response: This proposal helps to meet the General Plan goals in Chapter Seven to "accommodate an appropriate amount of industrial growth in the city" and to "maximize our airport for business".

(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 provisions related to this request.

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

Staff response: The proposed zone change should not hinder or obstruct any of the General Plan policies for the area.

(f) Adverse impacts on adjacent land owners.

Staff response: There are a small number of residences nearby that could see an increase in traffic in the area due to the zone change, but the majority of that traffic should not impact the residential street.

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

Staff response: Staff has confirmed the original zoning and General Plan designation for the property is correct.

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

Staff response: There are no conflicts.

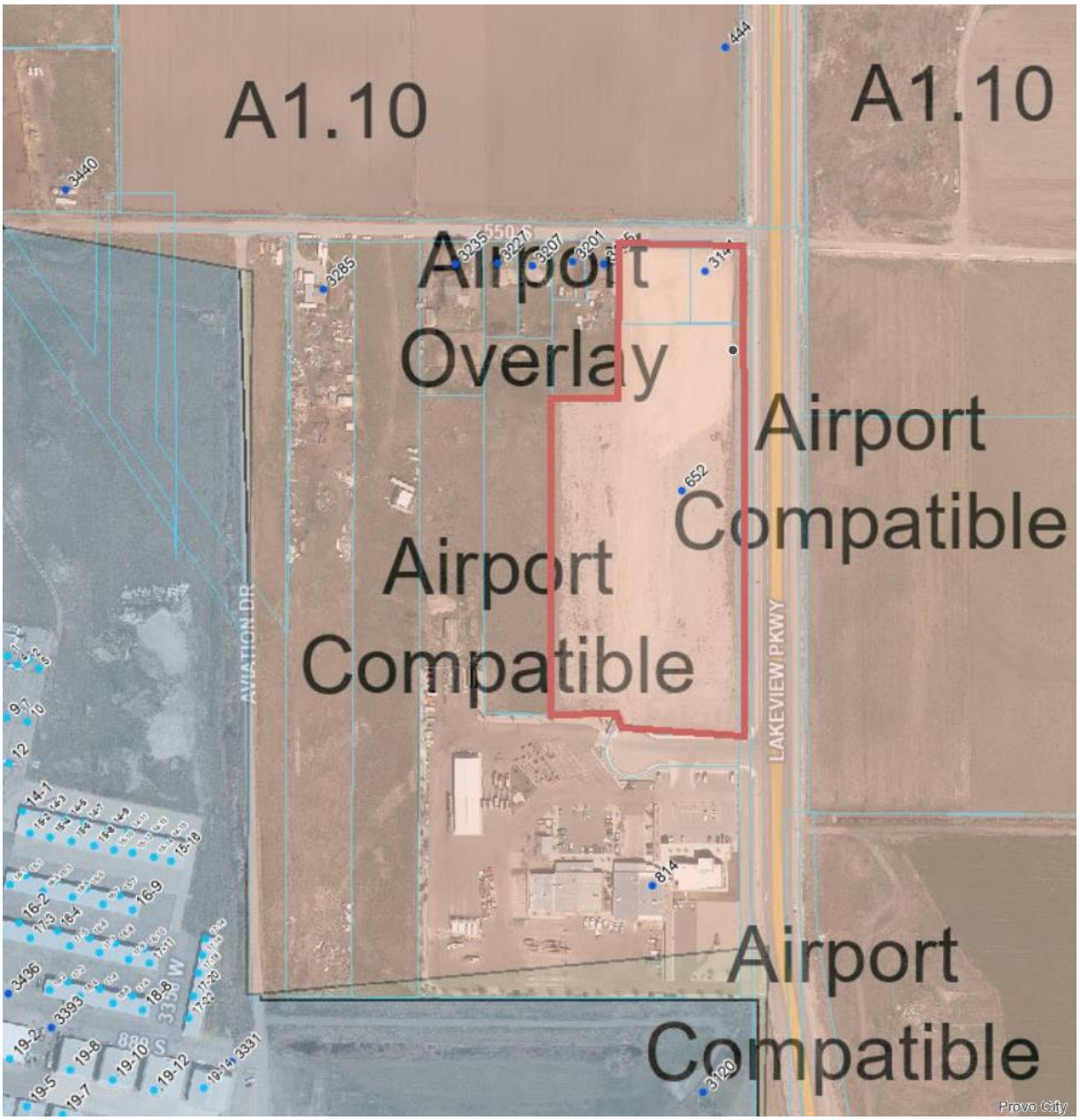
CONCLUSIONS

Staff has worked with the applicant to get the project plan to this point, and he has now addressed all the concerns of the Coordinator Review Committee. The use and building style are compatible with the General Plan and proposed zoning and staff would recommend that the Planning Commission recommend approval of the proposed zone change to the City Council.

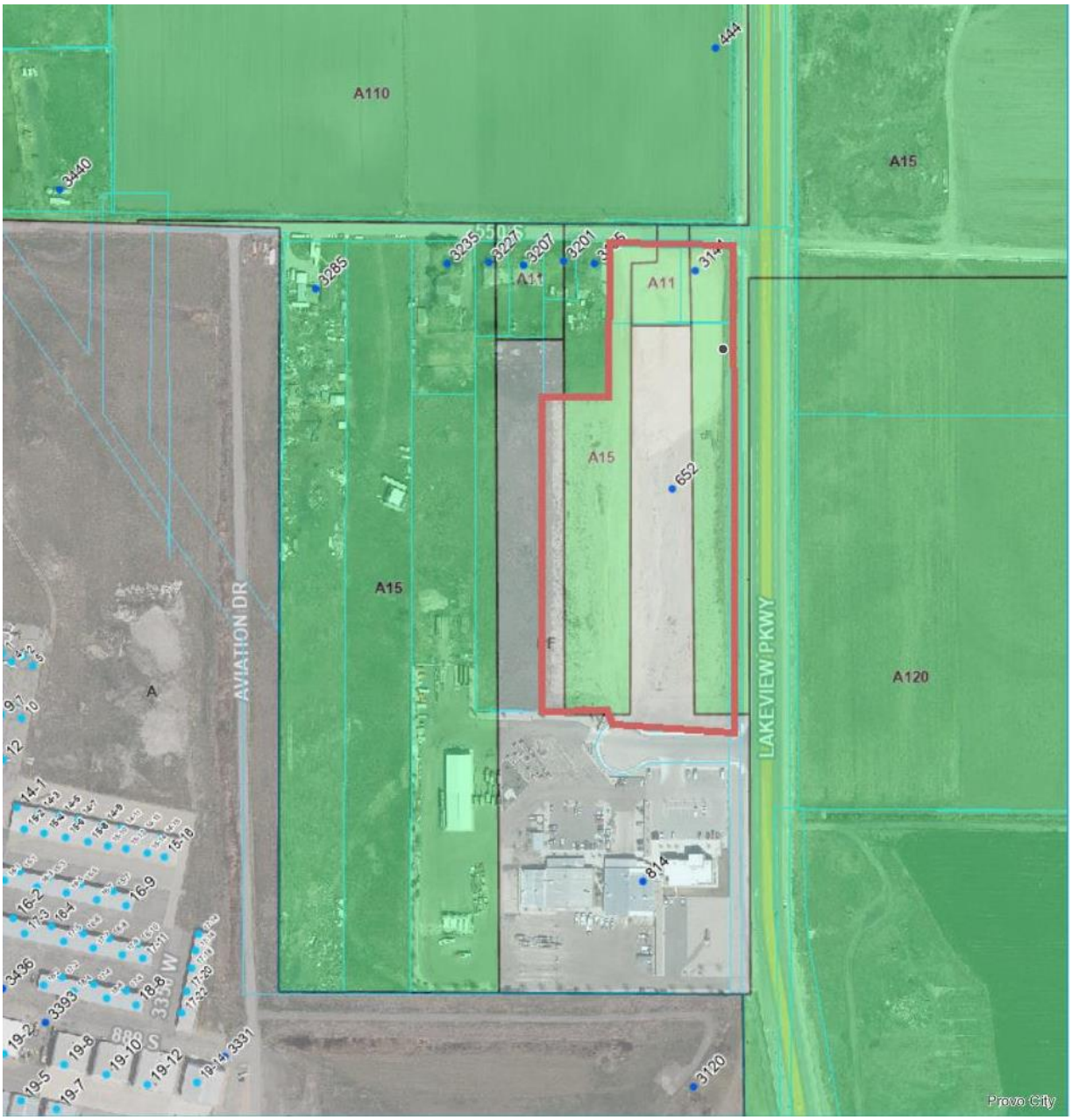
ATTACHMENTS

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

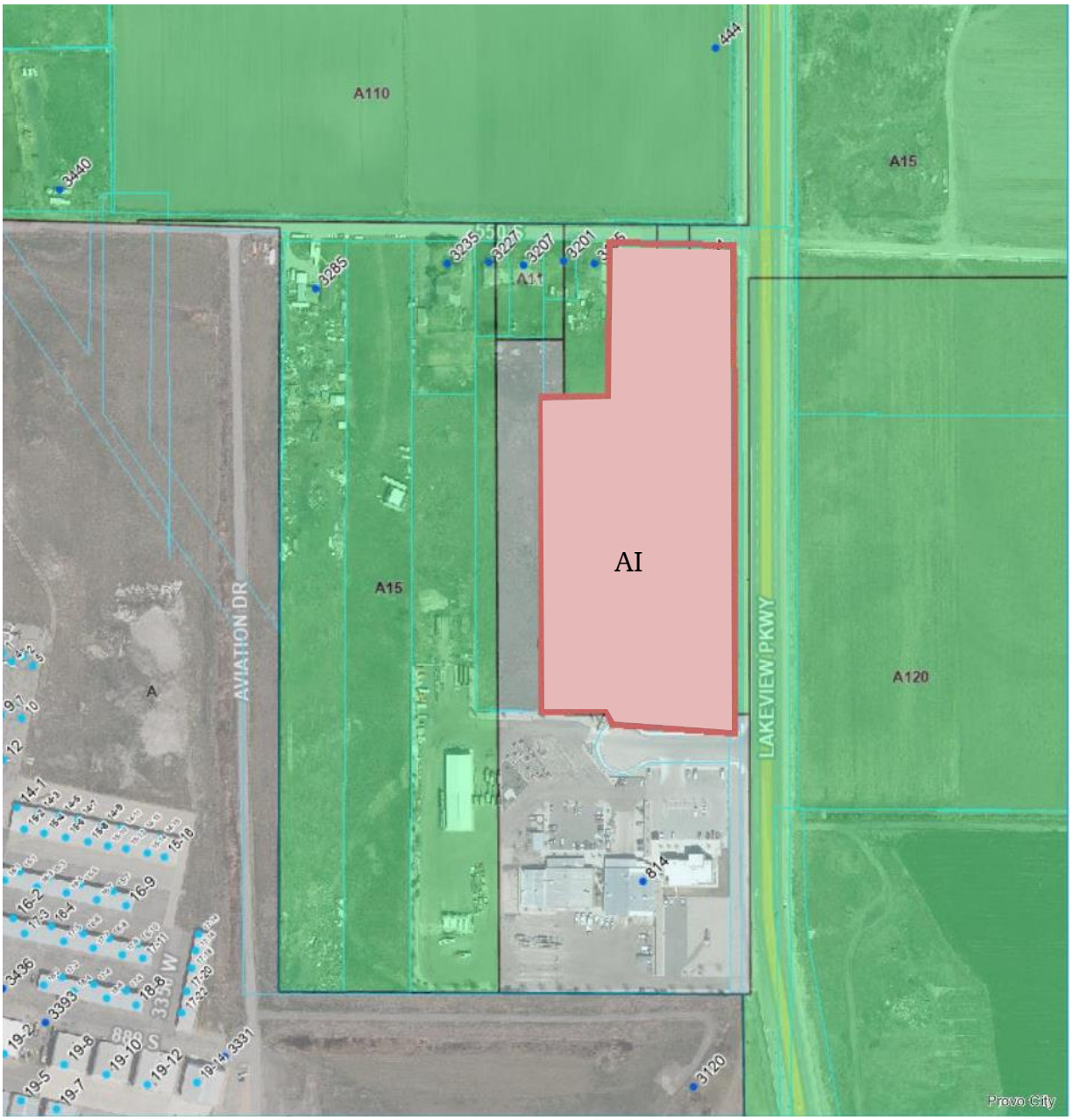
ATTACHMENT 1 – GENERAL PLAN MAP



ATTACHMENT 2 – CURRENT ZONE MAP



ATTACHMENT 3 – PROPOSED ZONE MAP



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

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

Zone Map Amendment from the PF zone and the A1.5 zone to the AI zone

Item #7 Summary:
Joel Pilling requests a Zone Map Amendment from the PF (Public Facilities) zone and the A1.5 (Agricultural) zone to the AI (Airport Industrial) zone in order to build new warehouses, located at 652 S Lakeview Pkwy. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220022

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

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

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

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.

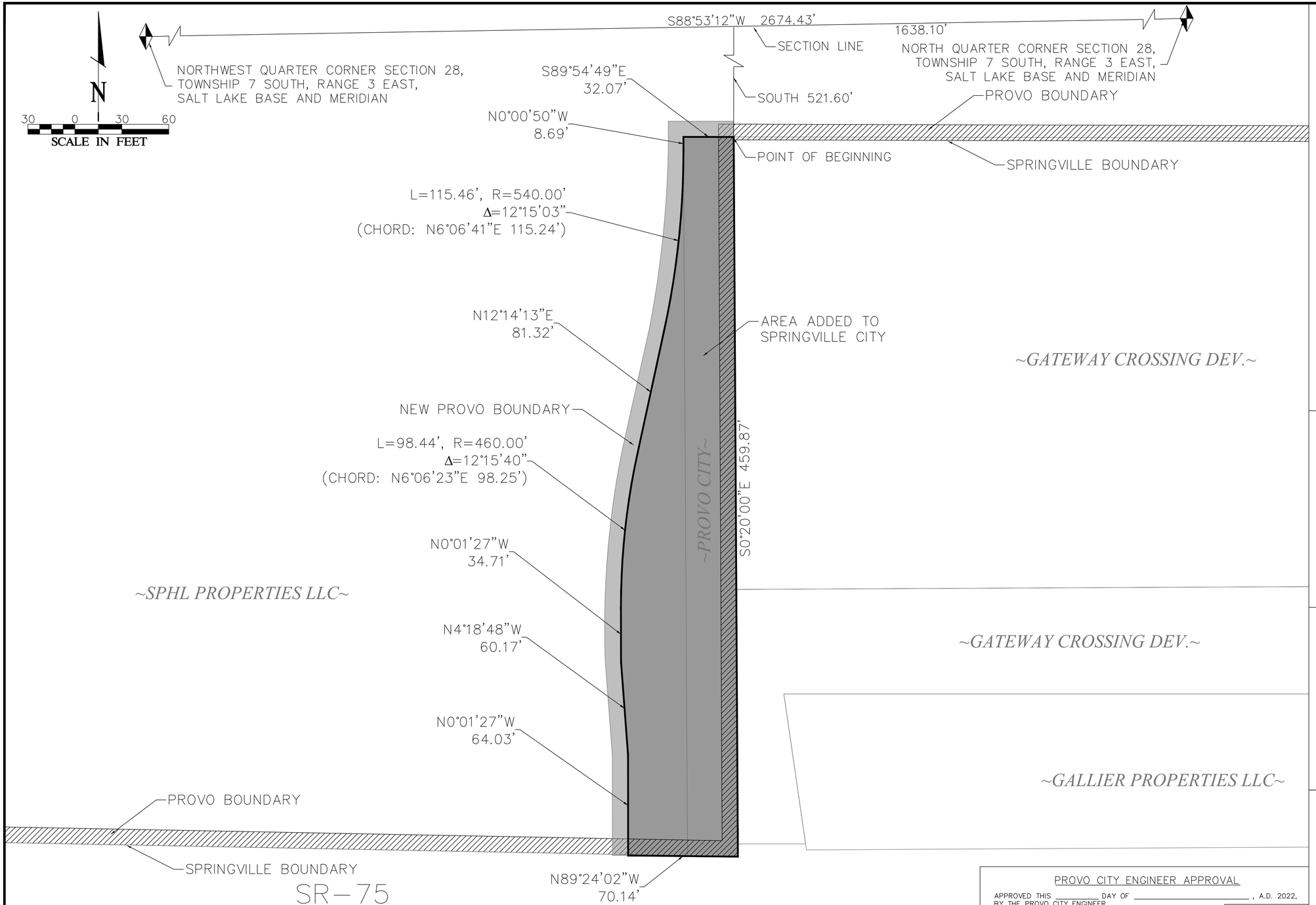
PART II:

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:

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Drawing: 1

Sheet: 1 of 1



provo PUBLIC WORKS ENGINEERING

REMARKS

1.

BOUNDARY LINE ADJUSTMENT

MARCH 2022

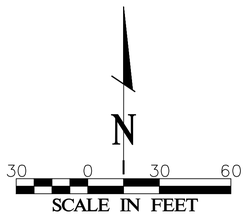
SPROVO-BOUNDARY LINE ADJ.

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

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DATED THIS_____ DAY OF_____, 2022.

MAYOR

ATTEST: _____
RECORDER

ACCEPTANCE BY COUNTY SURVEYOR

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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