PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, March 28, 2023
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).

March 28 Council Meeting: Dial 346 248 7799. Enter Meeting ID 861 2758 4111 and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: 620775.

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 consenting to the appointment of an individual to the Library Board. (23-005)

2 A resolution authorizing the Mayor to approve an interlocal agreement with Utah County to conduct a vote-by-mail election for the Municipal Primary and General Elections to be held in Provo City in 2023. (23-038)

3 An ordinance amending Provo City Code regarding citywide fireworks regulation. (23-024)

4 An ordinance amending Provo City Code regarding fire plan review fee updates. Citywide application. (23-037)

5 A resolution approving a substantial amendment to the program year 2021 Annual Action Plan incorporating funds for HOME-ARP and approve the HOME-ARP allocation. (23-027)

6 A discussion regarding micro mobility devices. (23-022)

7 An ordinance amending the list of appendices included in the Provo City General Plan. Citywide Application. (Related to PLGPA20210364)

8 An ordinance requesting a street vacation for Edgewood drive from 5400 North to 5600 North. Riverbottoms Neighborhood. (PLSV20220006)

9 **CONTINUED** Ginny Smith requests annexation of approximately 9.1 acres located at approximately 5500 N Canyon Rd. The subject property lies adjacent to the North Timpview Neighborhood. (PLANEX20230020)

10 **CONTINUED** An ordinance amending the Zone Map of approx. 5.7 acres, located at 4093 N 100 E, from Low Density Residential (LDR) to Medium Density Residential (MDR) and authorizing a related Development Agreement. Riverbottoms Nbhd. (PLRZ20220345)

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, April 18, 2023. 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: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: A resolution consenting to the appointment of an individual to the Library Board. (23-005)

RECOMMENDATION: Approve the resolution.

BACKGROUND: Councilor David Shipley is no longer able to serve on the Library Board due to a scheduling conflict. Mayor Kaufusi has submitted her recommended appointment for his replacement, Councilor Shannon Ellsworth. Councilor Ellsworth's term will be the remainder of Dave Shipley's unexpired term, set to expire December 31, 2023.

FISCAL IMPACT:

PRESENTER'S NAME: Mayor Michelle Kaufusi

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-005

RESOLUTION 2023-

A RESOLUTION CONSENTING TO THE APPOINTMENT OF AN INDIVIDUAL TO THE LIBRARY BOARD. (23-005)

WHEREAS, the Mayor, acting pursuant to her statutory authority, has recommended an appointment to the Library Board as detailed below; and,

WHEREAS, on March 28, 2023, 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 Mayor's recommendation and facts presented to the Municipal Council, the Council (i) consents to the board appointment set forth below 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:

1. Pursuant to Provo City Code Section 2.26.020, the Municipal Council consents to the appointment of the individuals listed below to serve on the Library Board for the prescribed term:

Appointee's Name	Board	Term Expiration Date
Shannon Ellsworth	Library Board	December 31, 2023

2. Following said appointment, there are 9 members on the Library Board, as shown on the attached Exhibit A.

PART II:

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

END OF RESOLUTION.

EXHIBIT A[1]
LIBRARY BOARD APPOINTMENTS

Name	Seat	Term Expiration Date[2]	Appointing Resolution
Megen Pectol	1	6/30/2023	2020-22
Allyson Condie	2	6/30/2023	2020-21
Jenny Spadafora	3	6/30/2025	2022-35
Jennifer Bruton	4	6/30/2023	2020-21
Karen Salmon	5	6/30/2024	2022-46
Julie Nichols	6	6/30/2024	2022-46
Cynthia Gagon	7	6/30/2025	2022-30
Alyssa Hansen	8	6/30/2025	2022-35
Shannon Ellsworth	9, Council Member	12/31/2023	Attached

[1] This Exhibit includes the Library Board appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[2] Three-year terms or serve until a successor is appointed. One member must be a member of the governing body. Elected official shall be deemed replaced by the elected official's successor in office.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: HALLMAN
Department: Recorder
Requested Meeting Date: 03-28-2023

SUBJECT: A resolution authorizing the Mayor to approve an interlocal agreement with Utah County to conduct a vote-by-mail election for the Municipal Primary and General Elections to be held in Provo City in 2023.

RECOMMENDATION: Approve the resolution. Utah County has requested this agreement be signed and returned to them no later than April 15, 2023.

BACKGROUND: Provo City and Utah County will be working together to administer a vote-by-mail election for the 2023 City Municipal Election. The interlocal agreement specifies the responsibilities for each entity. In summary, Utah County will be responsible for printing and mailing ballots, providing staff and equipment to process and count ballots, providing election returns, and providing postal permits for both outbound and return mail. Provo City will be responsible for administering candidate filings, candidate campaign finance reports, submitting all required notices, and proof of all election programming done for the 2023 City Municipal Election. As of January 4, 2023, there are 35,357 active voters in Provo City. The total cost of the election will not exceed $2.25 per voter, per election. The total estimated cost would not exceed $159,106.50.

FISCAL IMPACT: $159,106.50

PRESENTER'S NAME: Heidi Allman, City Recorder

REQUESTED DURATION OF PRESENTATION: 10 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER:

RESOLUTION 2023-

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE AN INTERLOCAL AGREEMENT WITH UTAH COUNTY TO CONDUCT A VOTE-BY-MAIL ELECTION FOR THE 2024 MUNICIPAL PRIMARY AND GENERAL ELECTIONS.

WHEREAS, municipal primary and general elections within Provo City will be held on Tuesday, August 15, 2023 and Tuesday, November 7, 2023; and

WHEREAS, it is proposed that Provo City should contract with Utah County to conduct a vote-by-mail election; and

WHEREAS, it is proposed that the Mayor be authorized to approve an interlocal agreement allowing Provo City to contract with Utah County to conduct a vote-by-mail election; and

WHEREAS, on March 28, 2023 the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) the agreement attached hereto as Exhibit A should be approved; (ii) the Mayor, or her designee, should be authorized to execute the agreement; and (iii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART 1:

The Interlocal Agreement between Provo City and Utah County, attached hereto as Exhibit A, is hereby approved and the Mayor, or his designee, is authorized to execute the agreement.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION

Agreement No. 2023 - ___

INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND PROVO CITY FOR THE ADMINISTRATION OF THE 2023 MUNICIPAL ELECTIONS

THIS IS AN INTERLOCAL COOPERATION AGREEMENT (Agreement), made and entered into by and between Utah County, a political subdivision of the State of Utah, and PROVO City a Utah municipality and political subdivision of the State of Utah, hereinafter referred to as CITY.

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act ("Act"), Title 11, Chapter 13, Utah Code, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Act, the parties desire to work together through joint and cooperative action that will benefit the residents of both Utah County and CITY; and

WHEREAS, the parties to this Agreement are public agencies as defined in the Act; and

WHEREAS, Utah County and CITY desire to successfully conduct the 2023 CITY Municipal Primary (August 15) and General (November 7) Elections (collectively "2023 CITY Municipal Elections"); and

WHEREAS, it is to the mutual benefit of both Utah County and CITY to enter into an agreement providing for the parties' joint efforts to administer the 2023 CITY Municipal Elections.

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Act, as follows:

Section 1. EFFECTIVE DATE; DURATION

This Agreement shall become effective and shall enter into force, within the meaning of the Act, upon the submission of this Agreement to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this Agreement. The term of this Agreement shall be from the effective date hereof until the completion of the parties' responsibilities associated with the 2023 CITY Municipal Elections or until terminated but is no longer than 1 year from the date of this Agreement. This Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney and the attorney for CITY. Prior to becoming effective, this Agreement shall be filed with the person who keeps the records of each of the parties hereto.

Section 2. ADMINISTRATION OF AGREEMENT

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code, Utah County, by and through the Utah County Clerk Elections Office, shall act as the administrator responsible for the administration of this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as Utah County shall specify and further agrees that said books shall be open for examination by the parties hereto at all reasonable times. The parties agree that they will not acquire, hold nor dispose of real or personal property pursuant to this Agreement during this joint undertaking.

Section 3. PURPOSES

This Agreement has been established and entered into between the parties for the purpose of administering the 2023 CITY Municipal Elections. This Agreement contemplates basic,

traditional primary and general elections (including ranked-choice voting, if applicable) for the 2023 CITY Municipal Elections. All other election-related services, including but not limited to services for special elections or elections for subsequent years, will need to be agreed to in a separate writing signed by both parties.

Section 4. RESPONSIBILITIES

The parties agree to fulfill the responsibilities and duties as contained in Exhibit A which is attached hereto and by this reference is incorporated herein for the 2023 CITY Municipal Elections.

CITY agrees to pay to Utah County the actual cost of County's administration of the 2023 CITY Municipal Elections which cost shall not exceed the estimated costs as contained in Exhibit B which is attached hereto and by this reference is incorporated herein. CITY agrees to pay to County the cost as contemplated herein within 30 days of receiving an invoice from County.

Section 5. METHOD OF TERMINATION

This Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate the Agreement sixty days after providing written notice of termination to the other parties. Should the Agreement be terminated prior to the end of the stated term, CITY will be responsible for any costs incurred, including costs not then incurred but which are contemplated herein and irreversible at the time of termination such as return mailing costs, through the time of termination. The Parties to this Agreement agree to bring current, prior to termination, any financial obligation contained herein.

Section 6. INDEMNIFICATION

The parties to this Agreement are political subdivisions of the State of Utah. The parties

agree to indemnify and hold harmless the other for damages, claims, suits, and actions arising out of a negligent error or omission of its own officials or employees in connection with this Agreement. It is expressly agreed between the parties that the obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, Section 63G-7-604.

Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT

Executed copies of this Agreement shall be placed on file in the office of the County Clerk of Utah County and with the official keeper of records of CITY, and shall remain on file for public inspection during the term of this Agreement.

Section 8. ADOPTION REQUIREMENTS

This Agreement shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5, Utah Code, and (d) filed in the official records of each party.

Section 9. AMENDMENTS

This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-205.5, Utah Code, and (d) filed in the official records of each party.

Section 10. SEVERABILITY

If any term or provision of the Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable,

shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 11. NO PRESUMPTION

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that each of the parties have participated in the preparation hereof.

Section 12. HEADINGS

Headings herein are for convenience of reference only and shall not be considered any interpretation of the Agreement.

Section 13. BINDING AGREEMENT

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

Section 14. NOTICES

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties at the addresses of the City Mayor or County Commission, or at such other addresses as may be designated by notice given hereunder.

Section 15. ASSIGNMENT

The parties to this Agreement shall not assign this Agreement, or any part hereof, without

the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

Section 16. GOVERNING LAW

All questions with respect to the construction of this Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below:

UTAH COUNTY

Authorized by Resolution No. 2023 -___, authorized and passed on the _____ day of _____ 2023.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By:_____
AMELIA POWERS GARDNER, Chair

ATTEST: AARON R. DAVIDSON
Utah County Clerk

By:_____
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
JEFFREY S. GRAY, Utah County Attorney

By:_____
Deputy County Attorney

CITY

Authorized by Resolution No. _____, authorized and passed on the _____ day of _____ 2023.

_____
Mayor, CITY

ATTEST:

_____
NAME
CITY Recorder

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH
CITY Attorney

By: _____

Exhibit A

2023 Municipal Elections

Scope of Work for Election Services

Revised 27 February 2023

Services the City will provide, include, but are not limited to:

- All administrative functions related to candidate filing.
- All administrative functions related to financial disclosure requirements by state code and/or city code.
- Publish Public Notices as required by law. The City may work with the County to publish notices jointly with other jurisdictions.
- Accept responsibility to keep candidates and the public up-to-date and informed on all legal requirements governing candidates, campaigns, deadlines, and recounts.
- Thoroughly examine and proof all election ballots and provide final approval.
- Host on the City website a link to or copy of the unofficial reported results as hosted on the County Elections webpage prior to certification, the official reported results as hosted on the County Elections webpage after certification, the location of the county-owned ballot drop boxes, and a link to the website for voters to opt-in to receive ballot alert texts.
- City will not change the format or otherwise alter the unofficial or official reported results, only displaying them in the form and format as provided by the County.
- City will canvass the final election results 7 days after Election Day, or a date prescribed by the County Clerk.

Annexations or other boundary changes impacting the administration of the municipal elections need to be submitted to the County prior to June 1, 2023. Annexation changes submitted on or after June 1, 2023, will not be incorporated into this election.

The City acknowledges that this Interlocal Agreement relates to a municipal ballot and election and as required by state statute, the City Clerk/Recorder is the Election Officer.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner. The City agrees to consolidate all elections administration functions and decisions in the office of the County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections.

In a consolidated election, decisions made by the County regarding resources, procedures, and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design
- Ballot printing
- Ballot mailings
- Ballot retention and storage
- Outgoing / Return postage
- Ballot processing
- Printing optical scan ballots
- Program and test voting equipment
- Program electronic voter register
- Poll Worker recruitment, training, and supervision
- Compensate vote center poll workers
- Delivery of supplies and equipment
- Tabulate and report election results on county website
- Provisional ballot verification
- Update voter history database
- Conduct audits as required by state statute and/or administrative rule
- Conduct recounts as required by state statute and/or administrative rule
- Election Day administrative support
- Operation of countywide vote centers
- Provide final canvass report of Official Election Results. The City is responsible to canvass their municipal election on the date designated by the County Clerk. Such results will constitute the final Official Results of the Election.
- Ballot drop box services – maintain, unlock and lock boxes, collect ballots, and maintain security camera footage.

The County will provide a good faith estimate for budgeting purposes. Election costs are calculated upon the offices scheduled for election, the volume of voters, and the number of jurisdictions participating. The City will be invoiced for its share of the actual costs of the election(s) which will not exceed the estimated rate in Exhibit B.

In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, may be changed.

The City acknowledges that this Interlocal Agreement relates to a municipal ballot and election as required by state statute, the City Clerk/Recorder is the Election Officer.

Exhibit B

2023 Municipal Elections

Active voters for billing purposes will be calculated 11 days before each Election Day.

Provo

Election	1/4/2023	Not to exceed $2.25 per voter per election
Primary	35,357	$79,553.25
General	35,357	$79,553.25

Estimated Cost as of 3/6/2023	$159,106.50

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: LYNNS
Department: Fire
Requested Meeting Date: 01-01-2018

SUBJECT: An ordinance amending Provo City Code regarding citywide fireworks regulation. (23-024)

RECOMMENDATION: This proposal adds language to our ordinance that prohibits issuing a fireworks display permit to a contractor whose licenses have been suspended or revoked by another regulatory agency.

BACKGROUND: This proposal protects the city when a vendor applies for a display permit when their state or federal license has been suspended or revoked. In the case that brought this issue to the light, a vendor applied for a display permit for BYU Football games. His state license allowed them to shoot the fireworks, but not import or transport them because their state license was suspended and their ATF license was revoked. Similar language has been proposed for the state statute, and will be taken up in the 2024 legislative session.

FISCAL IMPACT: None

PRESENTER'S NAME: Lynn Schofield, Fire Battalion Chief

REQUESTED DURATION OF PRESENTATION: 10 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-024

ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING CITYWIDE FIREWORKS REGULATION. (23-024)

WHEREAS, it is proposed that Provo City Code Chapter 9.43 be amended; and

WHEREAS, on March 28, 2023, 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 Fire Department'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 9.43.060 is hereby amended as set forth in Exhibit A.

Provo City Code Section 9.43.120 is hereby amended as set forth in Exhibit B.

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

Provo City Code 9.43.060 Discharge of Fireworks

(1) Discharge of consumer fireworks is prohibited in the geographical area defined herein:

(a) East of US 89 (South State Street) beginning at the Springville City line and proceeding north to 1320 South; south of 1320 South as it proceeds east along 1320 South until, after becoming 1400 South, it intersects with Slate Canyon Drive; east of Slate Canyon Drive as it proceeds north by northwest until Slate Canyon Drive becomes 300 South; north of 300 South as it proceeds west until 300 South intersects with Seven Peaks Boulevard; east of Seven Peaks Boulevard as it proceeds north until Seven Peaks Boulevard intersects with 700 North; north of 700 North as it proceeds west until 700 North intersects with 1200 East; east of 1200 East as it proceeds north and becomes Birch Lane; east of Birch Lane proceeding north by northwest until it intersects 900 East; east of 900 East as it proceeds north until 900 East becomes 2200 North; north of 2200 North as it proceeds west until 2200 North intersects with Timpview Drive (650 East); east of Timpview Drive as it proceeds north until it intersects with Foothill Drive; north of Foothill Drive as it proceeds west and intersects with Canyon Road; east of Canyon Road as it proceeds north until it intersects with US 189 (University Avenue); and east of US 189 as it proceeds to the Provo City border.

(b) Within one hundred (100) feet of any place where fireworks are sold or offered for sale; and

(c) Any Provo City Park except those listed in Subsections (2) and 3 of this Section.

(2) The following Provo City parks are available for residents to discharge consumer fireworks during the open discharge dates and times from July 2 through July 5, and again from July 22 through July 25:

Seretoma Park – 400 East 2400 North

Kiwanis Park – 820 North 1100 East

Provost Park – 629 South 1000 East

Exchange Park – 900 North 700 West

Fort Utah Park – 200 North Geneva Road

Sunset Park – 500 South 1600 West

Carterville Park – 2400 North Carterville Road

Franklin Park – 807 West 600 South

Lakeview Park – 2825 West 1390 North

Maeser Park – 500 East 600 South

Rotary Park – 1460 North 1500 West

Riverview Park – 4620 North 300 West

Spring Creek Park – 1140 South State

(3) The following Provo City parks are available for residents to discharge consumer fireworks during the open discharge dates and times from December 31 thru January 1 and Chinese New Year's:

Seretoma Park – 400 East 2400 North

Kiwanis Park – 820 North 1100 East

Provost Park – 629 South 1000 East

Spring Creek Park – 1140 South State

Exhibit B

Provo City Code 9.43.120 Application for Fireworks Display Permit

(1) Applications for permits for the display of fireworks shall be made in writing at least ten (10) days in advance of the date of the display. If such permit is granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) The applicant must provide documentation of all current licenses from the Utah State Fire Marshal in order to qualify for a permit.

(3) The City shall deny a permit to any display operator, special effects operator, or flame effects operator whose license is currently suspended or revoked by another regulatory authority.

(42) The permittee for the display shall furnish proof, acceptable to the City, of commercial general liability insurance in an amount no less than two million dollars ($2,000,000.00) per occurrence, combined bodily injury and property damage coverage.

(53) Provo City shall be named as an additional insured on any insurance policy provided under this Section.

(64) All displays of fireworks permitted under this Chapter shall be operated in accordance with the standards established for the public display of fireworks by the National Fire Prevention Association.

(75) The Fire Chief or the Fire Chief's authorized representative may at any time prior to or during a display of fireworks revoke a permit to display fireworks or terminate a display in progress because of winds, dryness, or other factors creating a risk of fire or injury.

Fireworks Ordinance Revisions

March 28, 2023

Provo City Code 9.43.060 *Discharge of Fireworks*

- During the 2023 Legislative session the fireworks statute was amended to include January 1st from 11:00 a.m. to 11:00 p.m. as a legal discharge window. (9.43.010)
- Our proposed amendment adds Spring Creek Park at 1140 South State to our list of approved parks for fireworks discharge. It was inadvertently left off of the list of approved parks (9.43.060 (2))
- Our proposed amendment adds four parks on December 31st, January 1st, and Chinese New Year's for the residents in the Discharge Restricted Area to use consumer fireworks. (9.43.060 (3))
- The parks that we recommend for this discharge window are: Seretoma, Kiwanis, Provost, and Spring Creek (9.43.060(3))

Provo City Code 9.43.120 *Application for Fireworks Display Permit*

- Fireworks are regulated on the federal, state, and local level
- At the federal level the import, transportation, and storage of fireworks (explosives) is regulated by the Bureau of Alcohol, Tobacco, and Firearms (ATF)
- At the state level fireworks display operators, and importers are licensed through the Utah State Fire Marshal's Office
- At the local level fireworks displays must be fired by a licensed pyrotechnician after receiving a permit from the Authority Having Jurisdiction (AHJ)

- To receive a Fireworks Display Permit proof of license and insurance is required
- In the case that brought this forward the applicant for the permit had:

- A display operators license (valid)
- State importer license (suspended)
- Federal ATF license (revoked)

The proposed language provides clear direction that reduces the city's risk and liability

Provo City Code 9.43.120 *Application for Fireworks Display Permit*

Provo City Code 9.43.120 as amended

(1) Applications for permits for the display of fireworks shall be made in writing at least ten (10) days in advance of the date of the display. If such permit is granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) The applicant shall provide documentation of a current license from the Utah State Fire Marshal.

(3) The City shall deny a permit to any display operator, special effects operator, or flame effects operator whose license is currently suspended or revoked by another regulatory authority.

(42) The permittee for the display shall furnish proof, acceptable to the City, of commercial general liability insurance in an amount no less than two million dollars ($2,000,000.00) per occurrence, combined bodily injury and property damage coverage.

(53) Provo City shall be named as an additional insured on any insurance policy provided under this Section.

(64). All displays of fireworks permitted under this Chapter shall be operated in accordance with the standards established for the public display of fireworks by the National Fire Prevention Association.

(75) The Fire Chief or the Fire Chief's authorized representative may at any time prior to or during a display of fireworks revoke a permit to display fireworks or terminate a display in progress because of winds, dryness, or other factors creating a risk of fire or injury

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: LYNNS
Department: Fire
Requested Meeting Date: 03-28-2023

SUBJECT: An ordinance amending Provo City Code regarding fire plan review fee updates. Citywide application. (23-037)

RECOMMENDATION: The city needs to revise the 3rd Party Plan Review fee to account for a price increase from our vendor.

BACKGROUND: In October WC-3 our fire protection systems third party plan reviewers increased their hourly review fees by approximately 40 percent. We proposed changing the consolidated fee schedule to incorporate the price increase while maintaining our current percentage of administrative cost.

FISCAL IMPACT: We are currently operating at a deficiet.

PRESENTER'S NAME: Lynn Schofield, Fire Battalion Chief

REQUESTED DURATION OF PRESENTATION: 10 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-037

ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING FIRE PLAN REVIEW FEE UPDATES. CITYWIDE APPLICATION. (23-037)

WHEREAS, it is proposed that the Provo City Consolidated Fee Schedule be amended; and

WHEREAS, on March 28, 2023, 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 Staff's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) the Provo City Fee Consolidated Schedule 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 Consolidated Fee Schedule 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

(See attached)

Provo City Consolidated Fee Schedule

. . .

FIRE INSPECTION FEES

Automatic Fire Sprinkler Systems	
Plan Review (100 heads or fewer)	~~$90.00~~ $126.00 per hour
Plan Review (101 – 199 heads)	~~$90.00~~ $126.00 per hour
Plan Review (200 – 299 heads)	~~$90.00~~ $126.00 per hour
Plan Review (over 300 heads)	~~$90.00~~ $126.00 per hour
Acceptance Testing	
Underground Flush	$60.00
Hydrostatic Testing for First 2 Tests	$60.00
Acceptance Testing for First 2 Tests	$60.00
Further Hydrostatic or Acceptance Tests	$60.00 each
Other Fire Protection Systems Additional Riser	$50.00
Standpipe	$100.00
Automatic Fire Sprinkler Systems – Remodel or Tenant Finish	
Plan Review (fewer than 5 heads)	$65.00
Plan Review (5 – 50 heads)	$125.00

Plan Review (over 50 heads)	$150.00 plus $0.50 per head
Fire Alarm Systems	
Plan Review New System	~~$90.00~~ $126.00 per hour
Plan Review Remodel	~~$90.00~~ $126.00 per hour
Plan Review Additional Floors	~~$90.00~~ $126.00 per hour
Acceptance Testing for First Two Tests	$60.00
Further Acceptance Tests	$60.00 each
Commercial Hood Systems	
Plan Review Fee (per hood)	$115.00
Acceptance Testing for First Two Tests	$60.00
Further Acceptance Tests	$60.00 each
Fire Hydrant Installation and Testing	
Underground Flush	$60.00
Acceptance Testing for First 2 Tests	$60.00
Fire Hydrant Flow Test	$60.00 for first hour $60.00 each additional hour
LPG Storage Tanks and Gas Systems	
Plan Review (under 2,000 gallons)	$50.00
Plan Review (over 2,000 gallons)	$175.00

Under 500 Gallon Tank Inspection	$140.00
501 – 1,999 Gallons Private Use Inspection	$165.00
501 – 1,999 Gallons Retail Inspection	$215.00
2,000 – 3,999 Gallons Inspection	$215.00
Over 4,000 Gallons Inspection	$265.00
Hazardous Materials Storage Annual Permit Fees	
Minimal Storage	$80.00
Hazardous Materials Storage	$165.00
Hazardous Materials Dispensing	$215.00
Hazardous Materials Manufacturing	$265.00
Hazardous Materials Production	$265.00
Hazardous Waste Production	$300.00
Multiple Use Site	$315.00
Liquid Storage Tank Installation and Closure Fees	
Plan Review	$50.00
Tank Fee under 500 Gallons	$115.00
Tank Fee 501 – 1,000 Gallons	$165.00
Tank Fee over 1,000 Gallons	$265.00

Explosives and Blasting	
Per Project	$90.00
Annual Fee	$365.00
Compressed Gas Systems	
Inspection Fee	$115.00
Combustible/Flammable Liquid Systems	
Plan Review	$50.00
Annual Operational Permit Fees Spray Booth	$165.00
Powder Coating	$165.00
Electrostatic Apparatus	$165.00
Dipping Tank	$165.00 per tank
Amusement Building	$100.00
Combustible Fiber Storage	$75.00
Cutting and Welding	$75.00
Dry Cleaning Plant	$75.00
High Piled Storage	$75.00
Hot Work Operations	$75.00
Industrial Ovens	$75.00 per oven
LPG Dispensing	$75.00
Spray Booths for Auto Painting	$75.00
Lumber Yard	$75.00
Woodworking Plants	$75.00
Fireworks Sales	$275.00 per location
Single Use Permits	

Fireworks Display – Ground	$125.00
Aerial Fireworks Display under 250 Devices	$140.00
Aerial Fireworks Display 250 Devices or More	$215.00
Pyrotechnics, Other	$110.00
Carnivals Less Than 10 Attractions	$60.00
Carnivals 10 or More Attractions	$100.00
Tent Between 200 and 2,000 Sq. Ft.	$60.00
Tent More Than 2,000 Sq. Ft.	$100.00
Canopy Between 400 and 2,000 Sq. Ft.	$60.00
Canopy More Than 2,000 Sq. Ft.	$100.00
Air Supported Structure	$100.00
Aviation Facilities	$60.00
Inspection and Enforcement Fees	
Exempt Child Care Facility	$40.00
Daycare or Preschool	$60.00
Nursing Home	$100.00
Assisted Living Facility	$100.00
Boarding School	$100.00
Outpatient Provider	$75.00
Hospital	$200.00

Final Inspection for Occupancy	$60.00
Each Additional Hour	$100.00
Copy of Fire Report	$15.00
Plan Review for Alarm Expedited	~~$100.00~~ $144.00/hour
Plan Review for Sprinkler System Expedited	~~$200.00~~ $314.00/hour
Stop Work Removal	$100.00
Installation without a Permit	Double fee plus $100.00
After Hours Inspection	$75.00 per hour $150.00 minimum
Standby Costs	
Paramedic Rescue (includes 2 Medics)	$150.00 per hour
Paramedic Team (2 Medics)	$125.00 per hour
Engine Type II (includes 2 FF)	$250.00 per hour
Additional Firefighters	$62.50 per hour
Brush Truck Type 6 (includes 2 FF)	$150.00 per hour
Heavy Rescue/Haz Mat (includes 2 FF)	$250.00 per hour
Disposable Supplies	Market Price
Command Vehicle (includes Battalion Chief)	$135.00 per hour

Update to Consolidated Fee Schedule

Our third-party plan review service has raised their rates, so we need to raise what we are billing for this service. The rate breakdown is as follows:

Current Rate

Service	**WC3 Bills Us**	**We Bill the Contractor**	**Difference**
Standard Plan Review	$75.00/hour	$90.00/hour	20%
Fire Alarm System	$75.00/hour	$90.00/hour	20%
Fire Sprinkler System	$75.00/hour	$90.00/hour	20%
Expedited Plan Review			
Fire Alarm	$80.00/hour	$100.00/hour	20%
Fire Sprinklers	$160.00/Hour	$200/hour	20%
Proposed Change			
Standard Plan Review	$105.00/hour	$126.00/hour	20%
Expedited Plan Review			
Fire Alarm Expedited	$112.00/hour	$144.00/hour	20%
Fire Sprinkler System	$224.00/Hour	$314.00/hour	20%

Justification

We currently send our fire protection system plans, fire alarm, and fire sprinklers, to a third-party plan reviewer to determine code compliance. Our third-party reviewer is WC3. They have increased their fees for service. We need to adjust our fees in the consolidated fee schedule to incorporate the new charges.

The previous rate for a standard plan review for a fire protection system was $75.00 per hour of review. We billed the contractor $90.00 per hour to cover administrative costs. This represents a 20% administrative fee. Expedited plan reviews have higher costs associated with them for two reasons. First, in order to do an expedited review the third-party review has to pull that plan set to the head of the line, and second, we want to encourage timely submissions. In addition, the difference is cost between a fire alarm system reflects the significant difference in the complexity of the plan review between the two systems.

Our proposed increase to the fee schedule includes their price increase of 40 percent, while maintaining administrative costs.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MMCNALLEY
Department: Development Services
Requested Meeting Date: 03-28-2023

SUBJECT: A resolution approving a substantial amendment to the program year 2021 Annual Action Plan incorporating funds for HOME-ARP and approve the HOME-ARP allocation. (23-027)

RECOMMENDATION: Council adoption of the HOME-ARP Allocation plan.

BACKGROUND: HOME-ARP funding to be used throughout Provo and Utah County to benefit people experiencing homelessness, near homelessness, and those fleeing domestic violence/sexual assault/human trafficking.

FISCAL IMPACT: $5 million

PRESENTER'S NAME: Melissa McNalley, Community Grant Administrator

REQUESTED DURATION OF PRESENTATION: 15-30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-027

RESOLUTION 2023-XX.

A RESOLUTION APPROVING THE UTAH VALLEY HOME CONSORTIUM HOME-ARP ALLOCATION PLAN IN THE AMOUNT OF $5,144,957, WHICH IS A SUBSTANTIAL AMENDMENT TO THE PROGRAM YEAR 2021 ANNUAL ACTION PLAN . (23-027)

WHEREAS, the American Rescue Plan Act of 2021 (P.L. No. 117-2) ("ARP") authorized the funds to the U.S. Department of Housing and Urban Development under Section 3205 to provide homeless assistance and supportive services; and

WHEREAS, the U.S. Department of Housing and Urban Development provides HOME Investment Partnership funding authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721) to entitlement communities for the development of affordable housing and rental assistance programs; and

WHEREAS, the U.S. Department of Housing and Urban Development has developed and made available to entitlement communities HOME-ARP Grant funding to provide homelessness assistance and supportive services to qualified populations; and

WHEREAS, the Utah Valley HOME Consortium is a HOME entitlement community eligible to receive HOME-ARP Grant funding; and

WHEREAS, the city of Provo acting as the Participating Jurisdiction and Lead Entity for the Utah Valley HOME Consortium wishes to receive the HOME-ARP funding available to entitlement communities for supportive services and rental assistance; and,

WHEREAS, on March 14 and March 28, 2023, the Municipal Council held duly noticed public hearings to receive public comment and consider public comment and ascertain the facts regarding the Plan and the use of HOME-ARP funds, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the recommendations and facts and comments presented to the Provo Municipal Council, the Council finds (i) the HOME-ARP Allocation plan herein attached as Exhibit A should be approved; (ii) HOME-ARP funds should be allocated as shown in the attachment; and (iii) such use of funds reasonably furthers the health, safety and general welfare of the citizens of Provo City and the Utah Valley HOME Consortium.

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

PART I:

The Utah Valley Home Consortium HOME-ARP Allocation Plan, a substantial amendment to the Program Year 2021 Annual Action Plan, is hereby approved.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Provo City

as lead entity for the

Utah Valley HOME Consortium

HOME-ARP Allocation Plan

March 2023

Utah Valley HOME Consortium
HOME-ARP Allocation Plan
Participating Jurisdiction:
Provo, Utah

Date: March 22, 2023

Introduction

The U.S. Department of Housing and Urban Development (HUD) has awarded Provo City $5,144,957 through the HOME Investment Partnerships American Rescue Plan Program (HOME-ARP). This funding is awarded for the purpose of addressing issues surrounding homelessness in Provo, Utah and the Utah Valley Home Consortium area and can only be used to serve individuals that meet one of the following definitions, defined as "Qualifying Populations" in the HUD funding notice:

- Homeless: as defined in 24 CFR 91.5 *Homeless* (1), (2), or (3).
- At risk of Homelessness: as defined in 24 CFR 91.5 *At risk of homelessness*.
- Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking: as defined by HUD.
- Other Populations: where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability.

The following is a list of the eligible activities which may be undertaken with the funding. All activities must benefit Qualifying Populations described above:

- Rental Housing: Funds may be used to acquire, rehabilitate, or construct affordable rental housing primarily for occupancy by households of individuals and families of qualifying populations.
- Tenant Based Rental Assistance: Assists a household with payments to cover the entire or insufficient amounts that the qualifying household cannot pay for housing and housing-related costs, such as rental assistance, security deposits, and utility deposits.
- Supportive Services: These include services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ("McKinney-Vento Supportive Services")1 (42 U.S.C. 11360(29)); homelessness prevention services; and housing counseling services.
- Non-Congregate Shelter: A non-congregate shelter is one or more buildings that provide private units or rooms as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement. Includes acquisition and renovation or construction of units. HOME-ARP funds may not be used to pay the operating costs of the non-congregate shelter.

To determine local needs and priorities for the use of HOME-ARP funds, Provo City gathered and analyzed data on homelessness, facilities, and services. Provo City also consulted with the local Continuum of Care members, homeless providers, public housing agencies, public agencies serving qualifying populations, and other partners. After this analysis and consultation, Provo City has prepared the following HOME-ARP Allocation Plan.

Consultation

Before developing this Plan, Provo City Development Services staff consulted with a wide variety of partners with expertise in serving the Qualifying Populations. At the inception of the consultation process,

staff met and consulted with agencies who serve the most vulnerable populations in our community. Some of these included the Mountainlands Continuum of Care, Food and Care Coalition, Boys and Girls Club of Utah County, Religious organizations, Public Housing Authorities, Non-Profit serving Hispanics and Latinos, Victims of domestic violence/sexual assault service provider, Victims of Human trafficking service provider, Agencies serving persons with disabilities and addressing fair housing issues and Agencies serving Veterans groups (Full list in table below).

Partners were provided with a description of the grant and funding amount, the qualifying populations, and the range of eligible activities for the use of the funds. Partners were asked to respond with data on their units, resources, and operations. They were also asked to provide feedback on unmet needs and priorities for the qualifying populations they serve, and to discuss gaps in the inventory and service delivery system.

Initial consultation meetings held December 1, 2022 were followed up with a survey to determine priority needs and gaps in service among the Qualifying Populations in the community. The survey along with agency specific questions were emailed to organizations on December 6, 2022. Follow-up questions were sent to organizations again on January 31, 2023 and February 28, 2023 to better clarify gaps and community needs.

Table 1
Organizations Consulted

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
United Way	Mountainland Continuum of Care	Email and in person or Virtual Meeting – Survey	Unmet needs are temporary 30–60-day housing and housing for persons fleeing domestic violence.
Community Action	Homeless Service Provider	Email and in person or virtual meeting – Survey	Largest unmet need is affordable housing for the very-low-income population.
Boys & Girls Club Utah	After School Program for Youth	Email and in person or Virtual Meeting – Survey	The families often need more continued support than we are able to provide in a short-term program. The continued support frequently manifests as needing additional rental assistance that we cannot provide.
Food and Care Coalition	Homeless Service Provider	Email and in person or Virtual Meeting - Survey	1) Supportive services 2) supportive housing (not congregate shelter) 3) Education 4) Substance Abuse and Mental Health Services are the most needed and should be our priorities moving forward as a community. Congregate shelters have proven to be ineffective.

The Refuge	Domestic Violence Service Provider	Email and in person or Virtual Meeting – Survey	Unmet needs are emergency and permanent affordable housing. In the 2022 year 1,075 requests were unmet due to lack of emergency shelter.
Dahlia's Hope	Human Trafficking Survivors	Email and in person or virtual meeting – Survey	The biggest barrier with survivors is quick access to safe and affordable housing. It would be nice to have funds/vouchers that are specifically set aside for survivors of trafficking.
Mountainland Association of Governments	Association of Governments	Email – Survey	Efforts were made to solicit feedback from organization to date there has been no response.
Ability First	Support for Persons with disabilities	Email and in person or virtual meeting – Survey	The biggest needs when transitioning individuals with disabilities back into their communities are housing and transportation. Without these resources it becomes very difficult in assisting them with their transition.
Wasatch Mental Health	Mental Health Provider	Email and in person or virtual meeting - Survey	Efforts were made to solicit feedback from organization to date there has been no response.
State Veteran's Group	Veteran's Agency	Email - Survey	Unmet needs are set aside housing for veterans in Utah County. The VA has set aside units in Salt Lake County. There is a limited supply of affordable units.
Utah Regional Housing	Public Housing Agency	Email and in person or Virtual Meeting – Survey	Waiting lists for housing are currently at 4,356
Utah County Housing Authority	Public Housing Agency	Email - Survey	The highest need in the community is for affordable housing and housing for persons fleeing domestic violence. Current waiting lists for voucher programs are 5,691
Centro Hispano	Latino Service Provider	Email and in person or Virtual Meeting - Survey	Unmet needs include housing, job, and financial assistance.
Provo Victim's Services	Domestic Violence Service Provider	Email and in person or Virtual Meeting - Survey	Efforts were made to solicit feedback from organization, to date there has been no response.
Church of Jesus Christ of Latter-day Saints	Religious Organization	Email and in person or Virtual Meeting - Survey	Shelter for families is needed most. We have some sheltering for individuals and couples but little for families.

Disability Law Center	Non-profit Organization, Fair Housing issues of all types	Email and in person or Virtual Meeting - Survey	Handle all types of fair housing issues housing discrimination complaints on the basis of disability make up the majority of the fair housing complaints to HUD. Supportive housing one of the biggest needs in the community.
Utah Independent Living	Support for Persons with disabilities	Email and in person or Virtual Meeting - Survey	Efforts were made to solicit feedback from organization to date there has been no response.
Office of Homeless Services	State Agency	Email and in person or Virtual Meeting - Survey	Efforts were made to solicit feedback from organization to date there has been no response.
Transition to Adulthood Living	State Health and Human Services	Email and in person or Virtual Meeting - Survey	Unmet needs are supportive housing for youth transitioning out of foster care as well as assistance with deposits to secure housing and transportation from housing to UVX stations or other transportation hubs.
Orem City	City, Member of the Utah Valley HOME Consortium	Email and in person or Virtual Meeting - survey	Supportive of an emergency shelter for Victim's of Domestic Violence/Sexual Assault/Human Trafficking
Lehi City	City, Member of the Utah Valley HOME Consortium	Email and in person or Virtual Meeting - survey	Efforts were made to solicit feedback from organization, to date there has been no response.

From conversations and survey results, there is overwhelming need for more supportive services and housing assistance for all Qualifying Populations.

Public Participation

- **Public Comment Period**: 2/14/2023 – 3/6/2023
- **Public Comment Period**: 3/13/2023 – 3/28/2023
- **Public Hearing**: 3/28/2023

Public participation is a vital element in assessing the needs and gaps in services for the homeless for development of the HOME ARP Allocation Plan. City Council held a session February 14, 2023, that discussed the formation of the HOME ARP Allocation plan, which included a presentation on What HOME-ARP is, how much money was awarded to Provo City on behalf of the Utah Valley HOME Consortium, what the Qualifying Populations are as well as eligible activities to consider. Information was also provided at this meeting, on ways for the public to provide comment and input into the HOME-ARP Allocation Plan.

A second public comment period opened on March 13, 2023, to solicit public comment and feedback on the HOME-ARP Allocation Plan. Provo City Council held a session on March 14, 2023, where details of the HOME-ARP Allocation Plan draft were shared. Information was also shared at this meeting on ways

the public could access the plan draft as well as comment and leave feedback.

Public Hearing held on March 28, 2023 An overview of the HOME-ARP program was presented as well as the process Provo City Staff conducted to draft the HOME-ARP Allocation Plan for the Utah Valley HOME Consortium. The Final Plan and allocation amounts were presented in the public hearing.

Public notices were published in both the Daily Herald as well as the Utah Public Notice website on February 2, 2023 and March 3, 2023. Notices included dates and times of public meetings as well as availability of services for those needing special accommodation or translation for the meetings. Public meetings were held in the evenings and instructions to join via zoom were provided to better accommodate work schedules and increase meeting accessibility.

During the HOME ARP Allocation Plan process, the city followed its Citizen Participation Plan and encouraged the participation of the public, city departments, public agencies and nonprofit housing and public service providers. Additionally, all notices included instructions to contact staff for anyone needing accommodation or translation services at public meetings.

Provo City on behalf of the Utah Valley HOME Consortium expanded its outreach for public participation to include:

- Posting to Provo City Council's Open City Hall page.
- Posting to multiple Provo City department Facebook pages including: Provo City main page, Development Services page, and Provo City Council page.
- Article on the HOME-ARP plan and process published by KUER 90.1 website.
- Infographic and link to leave comment posted on Provo City Development Services webpage.
- All public meetings held in person, over zoom, and through Facebook live to increase accessibility to the public.

Summary of the comments and recommendations received through the public participation process:

Several public comments were received through the public participation process. Broad support was expressed for services for victims of domestic violence/sexual assault/human trafficking. There was also broad support expressed for supportive services for all qualifying populations.

Other comments included ideas for homeless shelters and opposition to homeless shelters. Support for rental housing and rental assistance. There were a range of opinions, and all comments were considered in the formulation of the Plan.

Summary of any comments or recommendations not accepted and the reason(s) why:

A few comments were not accepted as they fell outside the purpose and scope of the HOME-ARP allocation plan. Those comments included suggestions to build houses closer together, give funding to

local businesses to create jobs, and revamp the public housing procedures.

Table 2
Needs Assessment and Gaps Analysis
2022 Point in Time and Housing Inventory Count

		Current Inventory								Homeless Population				
		Total		Family		Adults Only		Vets	DV	Total	Family HH (at least 1 child)	Adult HH (w/o child)	Vets	Victims of DV
		# of Beds	# of Units	# of Beds	# of Units	# of Beds	# of Units	# of Beds	# of Beds					
Emergency Shelter		78		39	10	27			45					
Transitional Housing		74		43	14	31			44					
Permanent Supportive Housing		155		21	7	134		5						
Other Permanent Housing		86		86		86								
Rapid Rehousing		33		24	8	9			25					
Total		**426**						**5**	**114**					
Sheltered Homeless	Households									69	23	46		
	Individuals									201	75	45	1	80
Unsheltered Homeless	Households									92	1	91		
	Individuals									127	2	113	3	9
Total Homeless	**Households**									**161**	**24**	**137**		
	Individuals									**329**	**77**	**159**	**4**	**89**

Source for Individuals: Utah Annual Homeless Report 2022-PIT, Source for Beds/Units: HUD 2022 CoC Housing Inventory

Table 3

Housing Needs Inventory and Gap Analysis Table

Non-Homeless			
	Current Inventory	**Level of Need**	**Gap Analysis**
	# of Units	# of Households	# of Households
Total Rental Units	53,700		
Rental Units Affordable to HH at 30% AMI (At-Risk of Homelessness)	1,650		
Rental Units Affordable to HH at 50% AMI (Other Populations)	2,220		
0%-30% AMI Renter HH w/cost burden >30% (At-Risk of Homelessness)		9,550	
30%-50% AMI Renter HH w/cost burden >30% (Other Populations)		9,070	
Current Gaps			18,620

CHAS data for the 2015-2019 ACS for Utah County

Size and demographic composition of qualifying populations within the PJ's boundaries

Homeless

The 2022 Point in Time Count reported 241 sheltered homeless and 115 unsheltered homeless individuals on a single night in January 2022. On the date of this Point in Time (PIT) count the utilization rate of available units was reported to be 69% for Emergency Shelters, 89% for Transitional Housing, and 100% for Rapid Re-Housing. The PIT count for unsheltered individuals is considered to be a subset of the actual number due to the difficulty of contacting and estimating unsheltered populations. CoC members consider the count to be significantly below the actual number of homeless in Utah County.

Of those included in the 2022 PIT counts, 48% were adults in households without children, and individuals in households with adults and children constituted 23% of those counted. 27% of people counted identified as fleeing domestic violence and veterans made up 1% of the total count.

At Risk of Homelessness

Comprehensive Housing Affordability Strategy data prepared by HUD indicate a large population of households experiencing housing instability who may be at risk of homelessness. There are an estimated 9,190 very low-income households (incomes less than 30% AMI) who are rent burdened (paying greater than 30% of income towards rent). The need for affordable rentals far exceeds the number of available units (see CHAS data in table 3 above).

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

Rates of abuse have increased exponentially since the onset of the pandemic, mainly due to isolation, financial and work-related stressors, homeschooling, and the cost of childcare. As a result, the demand for services for victims of domestic violence in Provo has never been higher. For example, calls to 24- hour crisis line increased 4-fold at the onset of the pandemic, and remains at about twice the level than prior to Covid pandemic. Referrals from law enforcement for those at highest risk have increased nearly 30% and sexual assaults have also seen an increase.

Although there is no definitive number for households fleeing or attempting to flee domestic violence in Provo, according to the National Coalition Against Domestic Violence (NCADV), intimate partner violence accounts for 20% of all violent crimes in the US, and 15% in Utah. Additionally, 33.6% of women and 21.4% of men in Utah experience intimate partner physical violence, intimate partner sexual violence, and/or intimate partner stalking in their lifetimes, which is higher than the national average of 23.2% of women and 13.9% of men. According to the report, in 2020, 2,191 requests for shelter went unmet in Utah.

Other Populations Requiring Services or Housing to Prevent Homelessness or At Greatest Risk of Housing Instability

Comprehensive Housing Affordability Strategy data indicate that there are an estimated 8,435 low-income (incomes between 30% and 50% AMI) rent burdened households (paying greater than 30% of income towards rent).

All of the 33 Rapid Rehousing units and beds were utilized at the time of the 2022 Point in Time Count. At least this number of individuals require services and housing to avoid a return to homelessness.

Unmet housing and service needs of qualifying populations

In consultation with the homeless providers and agencies the following unmet housing and services needs for the Qualifying Populations were identified:

Homeless
Housing: Transitional housing, supportive housing, and deeply affordable housing
Services: Mental health services, supportive services, and transportation
Assessment: Housing affordable to households below 30% AMI is increasingly unattainable. There is currently a need in Utah County for 4,270 deeply affordable rental units and supportive services to stabilize and increase household income.

At Risk of Homelessness
Housing: Deeply affordable housing, rental assistance, and supportive housing
Services: Supportive Services, transportation,
Assessment: According to CHAS data for Utah County there are 13,335 households who pay more than 30% of their income for rent and utilities and 10,060 households paying more than 50% of their income for rent and utilities. Rental assistance and supportive services aimed at stabilizing and increasing household income is a significant and unmet need.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
Housing: Emergency Shelter, rental assistance, and deeply affordable housing
Services: Supportive services
Assessment: Emergency housing and additional housing units for domestic violence, dating violence, sexual assault, and human trafficking is a rapidly growing unmet need.

Other Populations Requiring Services or Housing to Prevent Homelessness or At Greatest Risk of Housing Instability
Housing: Deeply affordable housing, rental assistance, and supportive housing
Services: Supportive services, transportation services
Assessment: Rental assistance and deeply affordable housing in conjunction with supportive services are an unmet need.

Current resources available to assist qualifying populations

Provo City and the Utah Valley Home Consortium area have a variety of funding, providers, facilities, and services to assist the needs of qualifying populations. Funding sources include Low Income Housing Tax Credits, HOME, Temporary Assistance for Needy Families, and Emergency Housing Vouchers.

As discussed in the above section regarding unmet needs, the gap in affordable housing continues to grow. Utah County has a significant number of housing units which are deeply affordable. These include 977 Housing Vouchers, 248 Public Housing Units, 994 Project-Based Subsidized Units, 1,791 Low Income Housing Tax Credit Units of which 43 are no longer within the affordability period and are at risk of losing their low-income status.

Gaps within the current shelter and housing inventory as well as the service delivery system

Specific gaps noted by consulting parties are in the areas of permanent supportive housing and supportive services, affordable housing, and rental assistance. One common theme among many of the respondents was the need for more supportive services for all populations and more available housing especially for those fleeing or attempting to flee domestic violence, sexual assault, and human trafficking.

According to HUD's Comprehensive Housing Affordability Strategy (CHAS) data, Utah County is reported to have an estimated 53,700 total rental units. Only 1,650 or 3% are affordable to households with incomes below 30% of Area Median Income (AMI) and 3,870 or 7% are affordable to households with incomes below 50% AMI. According to CHAS data, a minimum of 18,620 affordable housing units would be needed to address the needs of low- and very-low income rent burdened households.

Many of the needs of the qualifying populations are similar and include the need for affordable housing, wrap around services, and supportive services or assistance that could prevent homelessness or greater housing instability.

Explain how the level of need and gaps in its shelter and housing inventory and service delivery systems based on the data presented in the plan were determined

The gaps in services and programs that provide shelter, housing, and services were determined using data from multiple sources, including stakeholder and public engagement. The level of need for unsheltered and shelter households experiencing homelessness was determined by evaluating the number of unsheltered households and the level of resources available to adequately house the families or individuals with permanent supportive housing and critical long-term supportive services to achieve housing stability.

For households that are currently housed but have challenges maintaining their home, the level of need was measured by the amount of inventory that had affordable, safe, and adequate living conditions and the number of renter households that are experiencing severe housing cost burdens. These households need housing that help them stay housed without encumbering them with the cost of their home.

The Utah State Annual Report on Homelessness gives a total of 389 beds and the Point in Time (PIT) counts state 342 sheltered and unsheltered individuals. However, providers indicate that while not quantifiable the unsheltered homeless count is much higher than the PIT count. Rapid Re-housing reports 100% usage and service providers indicate that there is a gap in this service for all populations. Through the consultation and gap analysis process during the development of the HOME-ARP Allocation Plan, consulting agencies indicated the need for more available affordable housing, permanent supportive housing, and the need for additional rental assistance.

Provo City, with the help of CoC members, partners and stakeholders, identified housing and supportive services as ways to address the gaps in the current shelter and housing inventory to best assist people experiencing homelessness or at risk of homelessness. A rental assistance program with a broad range of connected services could help a significant number of households.

Priority Needs for Qualifying Populations

In the HOME ARP Consultation Survey, partners provided the following set of priority needs:

- Homeless: deeply affordable housing, permanent supportive housing, transitional housing,

supportive services.

- Fleeing Violence, etc.: Emergency Shelter, Short Term Shelter, and affordable rental units.
- At Risk of Homelessness: Supportive Housing, deeply affordable rental units, rental assistance, and homeless prevention supportive services.
- Other Populations: Affordable rental units, supportive housing, transportation assistance, homeless prevention supportive services.

The level of needs and gaps in the shelter and housing inventory and service delivery systems were determined through a review of the CHAS data, homeless reports and counts, and consulting partner surveys and meetings. The priority needs and gaps were driven mostly by consulting party responses. These consulting parties are involved daily in addressing the pressing needs of homeless individuals and households. Greatest weight is given to their responses.

HOME-ARP Activities

Anticipated method for soliciting applications for funding and/or selecting developers, service providers, sub-recipients and/or contractors

As with HOME funds, Provo City will use HOME-ARP funds to work with non-profit and other agencies to leverage funding sources to support activities for supportive services, and tenant-based rental assistance.

Provo City will not administer the proposed activities directly. The programs funded will be selected through a request for proposals process in accordance with the established Provo City policies and procedures. This process will involve development of a scope of services consistent with the HOME-ARP Notice, solicitation to local non-profit and governmental agencies who serve homeless populations, review, scoring, interviews, and award will be conducted through citizen committee of the Utah Valley HOME Consortium.

Proposed Use of HOME-ARP Funding

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	1,093,303.36		
Acquisition and Development of Non-Congregate Shelters	$ 0		
Tenant Based Rental Assistance (TBRA)	3,279,910.09		
Development of Affordable Rental Housing			
Non-Profit Operating	257,247.85		5%
Non-Profit Capacity Building			5%
Administration and Planning	514,495.70		10%
Total HOME ARP Allocation	**5,144,957.00**		

Characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities

Provo City has identified activities that will assist families and individuals of the most vulnerable populations. HUD CHAS data show a need for a significant number of additional deeply affordable housing units. Additional methods of rendering units affordable involve rent subsidies. Tenant Based Rent Assistance is the method which best addresses the needs identified by consulting parties. When coupled with a broad range of linked supportive services, this approach provides assistance for households to obtain and maintain housing that is affordable to them.

Among the most vulnerable qualified populations in jeopardy of housing instability are families and individuals challenged with housing affordability. To help keep families housed, Provo City will fund activities that provide rental assistance to low- and moderate-income families. Tenant-based rental assistance will be administered by local non-profits or public agencies that support families or individuals who are at-risk of homelessness. Many of the families or individuals who receive assistance to mitigate homelessness or flee violent circumstances require wrap-around services because of the compounding challenges they face. Provo City will support organizations that provide supportive services to help program participants achieve self-sufficiency.

Funding will be allocated to non-profit operating to provide support for increased staffing or other needs to carry out the specified activities in the HOME-ARP Plan which will increase organizational overhead costs.

HOME-ARP Production Housing Goals

- Not Applicable

Preferences

No specific preferences are anticipated. Any individual or household in a Qualifying Population will have access to Supportive Services and Tenant Based Rental Assistance upon qualification. Guidelines for administration of these programs will be developed in coordination with the request for proposal process.

HOME-ARP Refinancing Guidelines

- Not applicable

Appendix A

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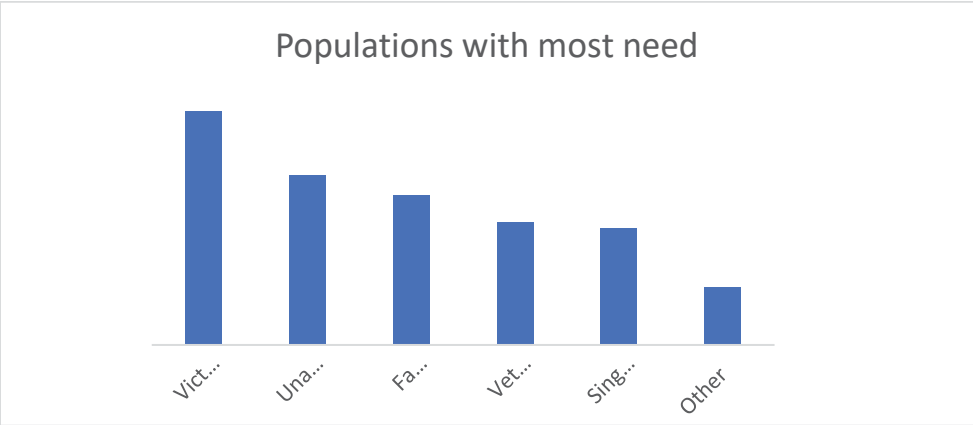
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Fall 2022 Survey

From the list below, please rank the populations below from those who have the most need to those who have the least based on your experience:

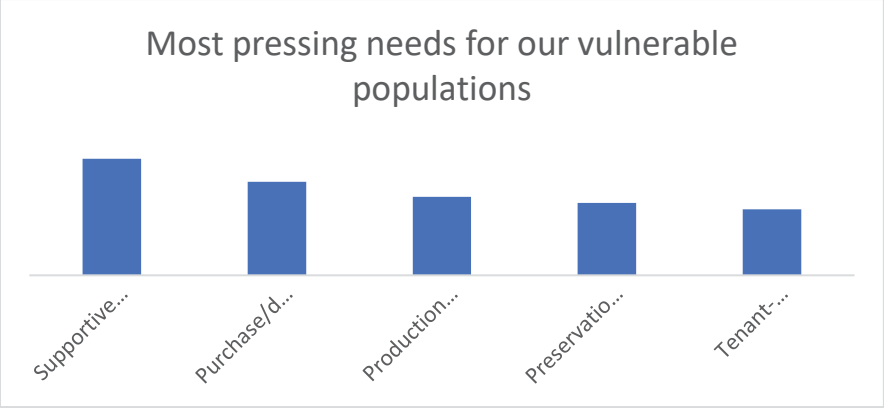
Families
Single Adults
Unaccompanied Youth
Veterans
Victims of Domestic Violence
Other: Please Explain



Responses to the 'Other' category include: Victims of Human Trafficking, Victim's of Sexual assault, persons experiencing disabilities, Families who are unable to qualify for housing assistance with any other service provider due to legal status, income, custody and other issues. Persons experiencing severe and persistent mental illness.

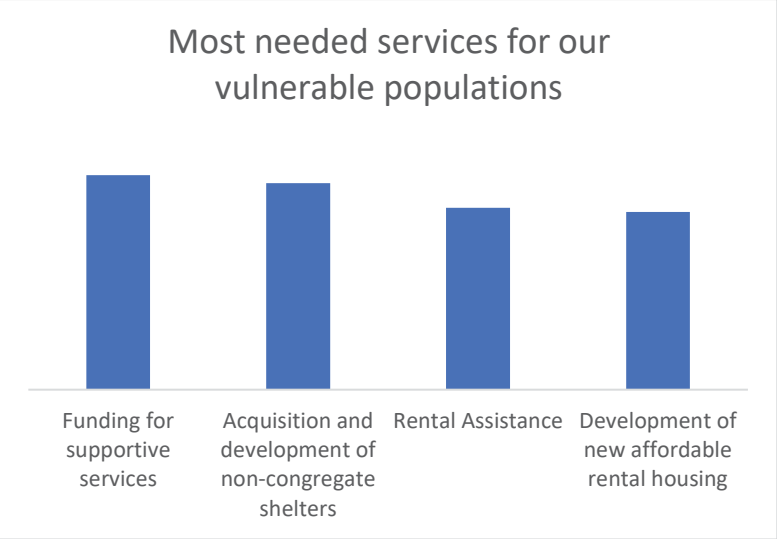
Please rank the most pressing needs for homeless and other vulnerable populations in our community from highest priority to lowest priority:

Tenant-Based Rental Assistance
Preservation of affordable housing
Purchase and/or Development of Non-Congregate Shelter
Supportive Services, Homeless Prevention Services and Housing Counseling
Production of Affordable Housing



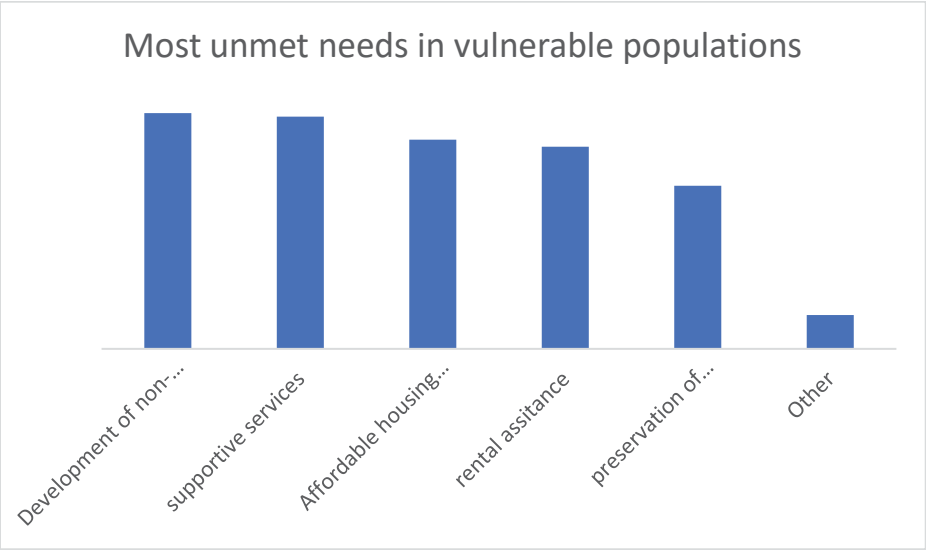
Please rank the following needed services from most to least importance in your opinion:

Rental Assistance
Funding for Supportive Services
Development of new affordable rental housing
Acquisition and development of non-congregate shelters



Please rank the unmet needs you see or experience among people experiencing homelessness or housing insecurity, fleeing domestic violence or otherwise at risk for homelessness:

Development of non-congregate shelter
Supportive services
Affordable housing production
Rental assistance
Preservation of affordable housing
Other



Responses to 'Other' category include: Rent and security deposits, Provide insurance for families who need help qualifying (giving landlords insurance of their rent being paid), Education and self-improvement training for the homeless, funding for programs that help provide childcare so parents are able to work and know their children are safe, Shelter supportive services and rental assistance for domestic violence victims, reliable transportation - an expanded public transportation system in Utah County and funding for independent transportation, Funding for resources provided at the Utah State Hospital, Housing Programs.

Other Comments about vulnerable populations in Utah County:

- Shelter for families is needed most. We have some sheltering in place through Food and Care Coalition for individuals/couples.
- There are so many families who don't qualify for other programs that need help! Please use the money to support people who cannot find support in other places.
- I did not prioritize a congregate shelter as they've proven to be ineffective. Housing, support services, and education should be our priorities moving forward as a community.
- Housing and transportation are two of the biggest needs we have in transitioning individuals with disabilities back out into their communities. Without these resources it becomes very difficult in assisting them with their transition.
- We just don't have enough services to meet our needs of them in our community at this time. We have a lot of them that need services and not enough space to house them and give them services when they need it.
- Yes, People need access to therapy much quicker than they already do. Also, access to healthcare without having to go to the emergency rooms for colds, flu and ear infections. When people have Medicaid they go to the ER more than others.
- Utah County desperately needs a homeless shelter. There is no homeless shelter in Utah County. People either sleep in their cars or have to go to Salt Lake County and pay for the gas to get to one of their shelters.
- I see the need for shelter, supportive services, and rental assistance for domestic violence victims. In Utah County, there is one DV shelter that is full the majority of the time. They are looking to expand to better help the community.
- We need more shelters in Utah County that can address the immediate needs and funnel people toward supportive services for long-term solutions.
- We need more funds to go to support services and rental assistance. Support services are the best way to help individuals.
- Priority needs are an emergency shelter and resources for SPMI population (Severe and Persistent Mental Illness?).
- Please help victims of domestic violence! There is NOT nearly enough shelter housing to meet even a quarter of the needs.
- We need more beds for domestic violence victims.
- Support our domestic violence shelters and provide emergency shelters. Also severe lack of dental services which impacts health, nutrition, and job opportunities.
- Victims of domestic violence and sexual assault need better assistance and services.
- We need more affordable housing. We need a bigger domestic violence shelter and more transitional housing.

Public Notice and Comments for Plan input

Notice February 14 for Plan input:

HOME-American Rescue Plan Program Citizen input for plan preparation
Provo City for the Utah Valley HOME Consortium

Provo City Corporation as the lead entity for the Utah Valley HOME Consortium
Public Hearing inviting input for the development of HOME-American Rescue Plan Program

Provo City as the lead entity in the Utah Valley Home Consortium is opening a comment period beginning February 14, 2023, and ending March 6, 2023, to invite input for the HOME-ARP (American Recovery Plan) plan. The U.S. Housing and Urban Development (HUD), through the American Rescue Plan Act of 2021 allocated to Provo City $5,144,957 in HOME American Rescue Plan (HOME-ARP) funds to assist persons experiencing homelessness, at risk of homelessness, persons fleeing or attempting to flee domestic violence, sexual assault, or human trafficking and other vulnerable populations as defined in HUD Notice CPD-21-10(4)(A). All citizens, partner agencies, as well as other interested parties are encouraged to attend the public hearing or comment as described below to provide their input into the development of this plan.

Notice is hereby given that Provo City will hold Public Hearings on Tuesday February 14, 2023, to obtain input on the HOME-ARP Plan for the Utah Valley HOME consortium.

The meeting will be conducted in-person starting at 5:30 p.m. in the Council Chambers of the Provo City Center, 445 West Center Street. The meetings will be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil and facebook.com/provocouncil. To comment you can attend the meeting in person or call in to 346-248-7799. Enter Meeting 872 4405 6424 and press #. Using a computer, visit zoom.us with Meeting ID: 076421. When asked for a participant ID, press #. Once connected, press *9 to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

You may also send written comments to: Provo City Corporation at 445 West Center, Provo, Utah 84601, c/o: Community Grants Administrator; or by email to: mmcnalley@provo.org. All comments must be received by March 6, 2023, to be considered in the formulation of the HOME-ARP plan.

In accordance with the Americans with Disabilities Act, individuals who wish to attend and participate who need special assistance should contact the Redevelopment staff at least 48 hours prior to the meeting at 801-852-6160. The facility is a handicapped accessible building. If you are deaf or hard of hearing you may dial 711 for relay services from RelayUtah. Any non-English speaking persons requiring special assistance should contact staff at least 48 hours prior to the meeting. *Si usted desea asistir a esta audiencia pública y necesita interpretación, debe llamar al teléfono 801-852-6168 por lo menos 48 horas antes del inicio de la audiencia. Si tiene alguna discapacidad auditiva puede llamar al teléfono 888-346-3162 para recibir ayuda a través de RelayUtah.* The City promotes fair housing and makes all programs available to low- and moderate-income families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income.

Provo City Corporation as the lead entity for the Utah Valley HOME Consortium

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PUBLIC NOTICE WEBSITE
DIVISION OF ARCHIVES AND RECORDS SERVICE

HOME-American Rescue Plan Program

General Information

Government Type:

Municipality

Entity:

Provo

Public Body:

Provo City Administration

Notice Information

Add Notice to Calendar

Notice Title:

HOME-American Rescue Plan Program

Notice Subject(s):

Hearings

Notice Type(s):

Notice, Hearing

Event Start Date & Time:

February 14, 2023 05:30 PM

Event End Date & Time:

March 6, 2023 06:00 PM

Event Deadline Date & Time:

03/06/23 06:00 PM

Description/Agenda:

Provo City Corporation as the lead entity for the Utah Valley HOME Consortium
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families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income.

Notice of Special Accommodations (ADA):

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: 801 852-6120 or email council2@provo.utah.gov at least three working days prior to the meeting. The elevator in the City Center is out of order, please park on 300 West between Center Street and 100 South next to the City Center and use the ramp in the middle of the building

Provo Website Development Services Page




• Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking.
• Part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; or
• Veterans and families that include a veteran family member that meet the criteria in one of the above.
Funding is limited to the following activities:
• Development and support of affordable housing
• Tenant-based Rental Assistance (TBRA)
• Provision of supportive services
• Acquisition and development of non-congregate shelter units
Provo City on behalf of the Utah Valley HOME Consortium was awarded $5,144,957 in HOME ARP funding. Of that award $771,743.55 is set aside for administration and planning of the grant leaving $4,373,213.45 to allocate to the projects listed above.
We are in the process of creating an allocation plan for this funding and invite the public to give input on the allocation plan. Comments may be emailed to mmcnalley@provo.org, mailed to the attention of Melissa McNalley Development Services 445 West Center Provo, UT 84601, or submitted through our website: https://www.provo.org/departments/development/cdbg-home
Name
First Name
Last Name
City
200 characters
Please provide input into the HOME ARP Allocation Plan
1500 Character limit
1500 characters
Review
Submit

Article on KUER Website

kuer 90.1 Donate

Provo wants residents to weigh in on how it will use $4.3M for homelessness

KUER 90.1 | By Curtis Booker

Published February 20, 2023 at 4:46 PM MST



Brett Taylor / Getty Images/iStockphoto

Aerial view of Provo, the Y Mountain, Brigham Young University and the surrounding neighborhoods.

Utah County officials are seeking public comment on ways to spend federal money to reduce homelessness and increase housing stability.

Provo, on behalf of the Utah Valley Consortium, was awarded $5,144,957 in Home American Rescue Plan funding back in September 2021. More than $4.3 million can be used to benefit those who are experiencing homelessness, at risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault and human trafficking.

Developing a permanent, emergency shelter in Provo and Utah County is one idea leaders are hearing about from the community, said Melissa McNalley with the city of Provo's Development Services department.

"It has been mentioned several times in my meetings with the continuum of care members that the most needed housing is the temporary housing that's 30 to 60 days before those who are experiencing homelessness enter into more, more permanent supportive housing," she said during a Feb. 14 city council meeting.

Neither the city nor the county operates a homeless shelter.

According to data from the Point in Time Count, the homeless population in Utah

KUER
Fresh Air

https://www.kuer.org/business-economy/2023-02-20/provo-wants-residents-to-weigh-in-on-how-it-will-use-4-3m-for-homelessness 1/5

are still being tallied.

Per federal regulations, the funding would be limited to the following:

- Development and support of affordable housing
- Tenant based rental assistance
- Provision of supportive services
- Acquisition and development of non-congregate shelter units

While much of the effort to combat homelessness is concentrated in Provo, the funding could go toward efforts in cities throughout Utah County. During the meeting, Councilman George Handley wanted to know what things would look like if they were to develop a countywide plan to take on homelessness.

"I'm just wondering how do we avoid the problem where every city is pointing at everybody else saying 'you do it?' And it seems like the county could be a real helpful partner in saying we're going to do a countywide solution. We're asking for this kind of level of cooperation from all the cities rather than it just grinding into a fight."

In an interview with KUER, Mayor Michelle Kaufusi said the city is working "to dispel this idea that Provo ignores homelessness."

"We are all about help and resources and literally there is no reason a single soul in the city of Provo should be out in the cold," she said of efforts to provide wraparound services.

McNalley told the council they are hoping to get as much public comment as they can on how the funds should be allocated. The comment period goes through Mar. 4, 2023.

From there, the planning commission will produce a draft of the allocation plan and open another comment period for the proposed options to present to the U.S. Department of Housing and Urban Development by Mar. 31, 2023.

"So this is just us telling HUD how we're going to use the money. It's not saying we're specifically going to allocate this, but at that point, once we've submitted the plan and they accepted it, we have until 2030 to spend it."

Tags Business & Economy | Provo | Homelessness | homeless shelters | Housing and Urban Development | provo mayor | Michelle Kaufusi | Utah County

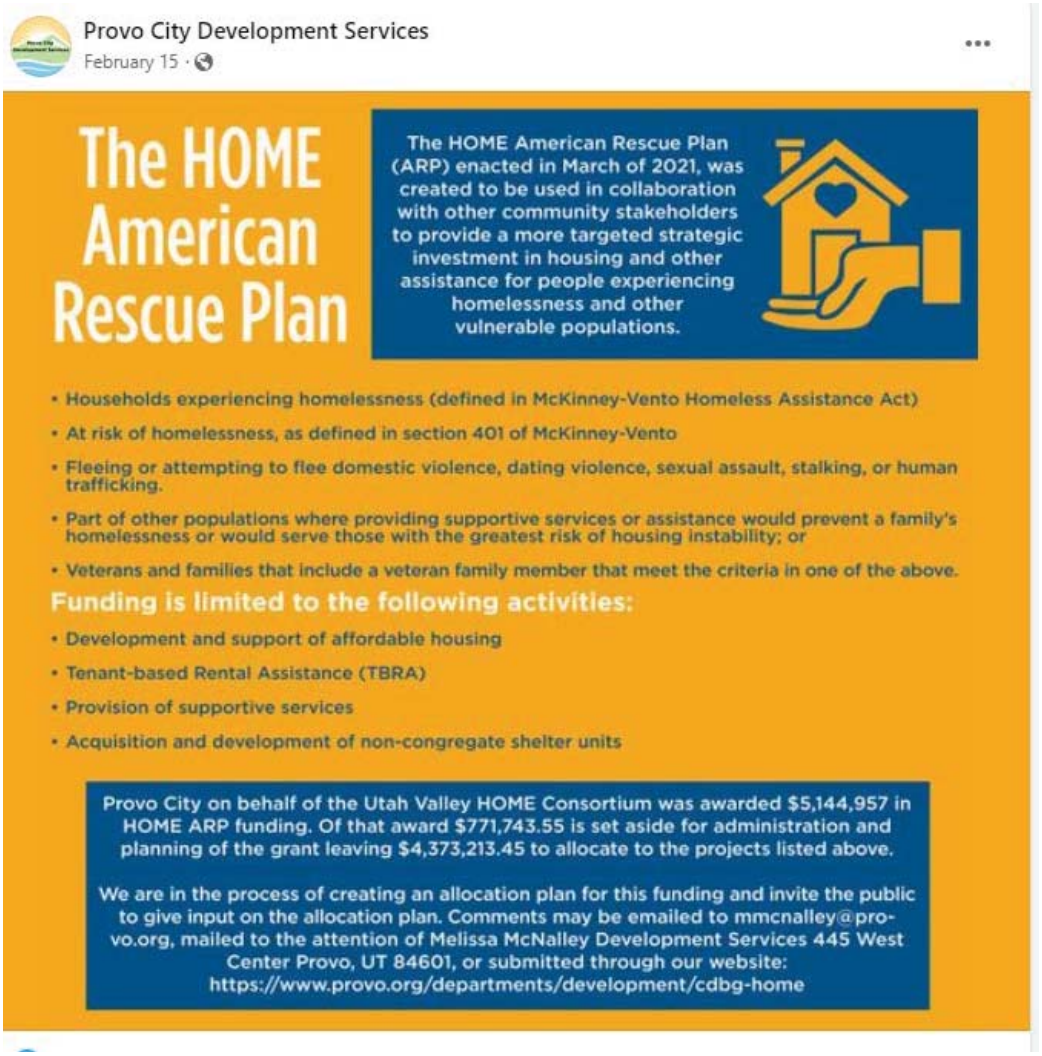


Curtis Booker

Curtis Booker is KUER's growth, wealth and poverty reporter in Central Utah.

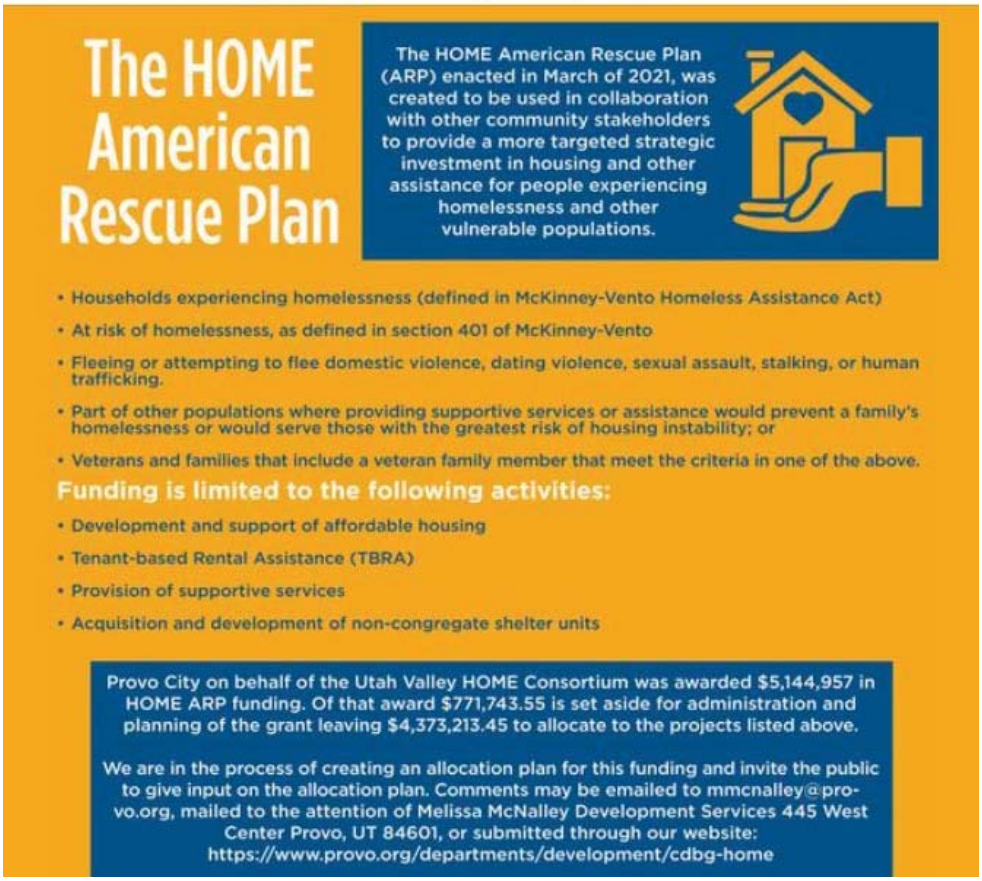
KUER
Fresh Air

Social Media



Provo City Government
February 17 ·

We are in the process of creating an allocation plan for this funding and invite the public to give input on the allocation plan. Comments may be emailed to mmcnalley@provo.org or submitted through our website https://www.provo.org/departments/development/cdbg-home



Provo City Council Open City Hall Page



Public Comments for Plan allocation input

I live in Provo and work as an assistant for a public defender. I work primarily with parents in the juvenile court system. Part of my job description has been to help clients find housing, jobs and childcare.

So many of our clients are either experiencing homelessness or on the brink of it. So much of the abuse and neglect I see could be alleviated if parents had access to safe housing. I would love to see this money go towards either rental assistance or building new homes/apartments. It's heartbreaking to see kids living in hotels, RVs or in unsafe conditions. If we could provide a safety net for these families then both kids and parents would be better off.

Thanks,

Anna Robison

* Name
Abby Wilson

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I teach a current issues class at Provo High school and we have discussed the homelessness issue of Provo in our class. The class has discussed the benefit of a shelter that could provide temporary housing that would help those inbetween homes, as well as payments for a hotel for families that would be separated in a shelter.

* Name
Adam Leeds

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Truly, it's possible there's no way to fully solve homelessness. But with the four million dollars we can use to donate, we can help homeless people have what they need to live. I know, sounds careless but think about it. A homeless man can't get a job in a business with scraggly hair and no proper clothes. If we were to source them with necessities like bedding, clothes, and self-care products, this can help more homeless people. As well as a good meal. Not fast food burgers, but actual food with protein and such. If we had any more money left, that's when we jump in and help them get jobs. And if they wanna work their own hours, support them with a side hustle. We don't need to buy homeless people fancy cars and good houses with rich food because then we are out and they will be bankrupt in a week. Just get them back on their feet. Maybe buy em a good haircut.

* Name
adrian vazquez

* **City**
provo,utah

Please provide input into the HOME ARP Allocation Plan
i think some homeless people should get it because this is a real problem and it really affects us and we should do something about it and because its bad it really makes more crimes happen i feel like this needs to stop because if the homeless had and saved up money and used it to make money and more things they could be able to do but cant afford it

* Name
Alan Kuchar

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
If you built it, they will come. As a police officer, now retired, I regularly had contact with transient and homeless people. These folks have ways of communication to pass along information about resources for food and shelter. I recall one man who learned about Provo from some writing on a restroom wall in Chicago. We should take care of our local citizens but if Provo or Utah County builds a shelter, people from all over will come and fill it up. How do we use our local resources to care for our people in need without enticing others from out of state to come here? The current voucher system and the Food and Care Coalition is helping. Can we improve on those resources without spending the available money on a shelter that will entice people to travel here from other cities and states?

* Name
Arianna Williams

* **City**
Orem

Please provide input into the HOME ARP Allocation Plan
Did you know that Utah County only has 7 shelter bedrooms to support a population of nearly 700,000 ? Those 7 bedrooms are part of The Refuge Utah organization, which serves victims of domestic violence, sexual assault, and stalking. The shelter is almost always full, and the community needs additional resources. The Refuge Utah knows this and has been seeking to purchase or build a new shelter for many months now, but they've seen roadblocks such as space and funds. The Home American Rescue Plan funds would greatly help The Refuge Utah to help the county at a heightened and much needed level. Another program that The Refuge Utah offers is outreach housing services. For those fleeing violence or harm who may not need to go into shelter, or if there is no room in the shelter, The Refuge Utah can still be a support by assisting with deposits, rent, and other associated moving costs. An example of this is if a student was sexually assaulted in their dorm room, The Refuge Utah would help this survivor get into a different place of their own. This example is just one of the many ways the outreach housing program helps those in need. I hope that you will greatly consider allocating some of the Home ARP funds to The Refuge Utah. This county desperately needs enhanced services, and The Refuge Utah is a wonderful vehicle to advance that goal.

* Name
Bridget Martin

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
as a large city in Utah, I believe Provo needs a homeless shelter. I also think we could use some of the money to have food stations that people who can get a card kind of like a subscription can swipe and get food that they need. I think there should be requirements so people aren't taking what they don't need, but if there are requirements then that can help homeless people get the food they need as well as being required to live a better life in order to get that food.

* Name
Bryanna s

* **City**
provo

Please provide input into the HOME ARP Allocation Plan
I feel that we should we should evenly should distribute the money in all categories to help homelessness, like shelters or areas where they are able to be, food supplies, everything a human needs to survive

* Name
Daniel Cabanas Lopez

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I think the money that is gonna be put into this for homelessness and helping them out should be used in making homeless houses but for those who are looking for opportunity to work not to just to be lazy and lay on beds and do nothing.

* Name
Don Jarvis

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Increase tenant-based rental assistance and provide more supportive services.

* Name
Frank Lovato

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I believe we should use the money for housing, homelessness is increasing nowadays so I feel like if we use it more towards housing It will be better to get them off the streets, I also think that some of the money should go towards clothes because if they have nicer and newer clothes then they will do better on job interviews so they can start making a stable income for themselves. Housing and clothes are the two things I would want to see the money go to if they have a house to live in for awhile and new and nicer clothes to wear then I think they will find more stable footing and if they start applying for jobs and they are living at the house for awhile then they can focus on saving and putting the money they make towards better things to get them started.

* Name
hailey tomasino

* **City**
provo

Please provide input into the HOME ARP Allocation Plan
what you could do is see what the people actually need like give them enough money to get a small apartment, food, and pay the bills. or you could build an apartment complex that is paid for by the government, and allow the people to stay until they get back on their feet and can support them selves

Name
Janie Brigman

City
Lehi

Please provide input into the HOME ARP Allocation Plan
Additional funding to The Refuge.

* Name
Janelle Jarvis

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Provo needs a permanent shelter for the homeless, as well as low-cost housing for people who are struggling.

* Name
Jessica Barajas

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I agree that you guys should build a shelter for them, but also should provide supplies for them and make them feel comfortable at the shelter.

* Name
Jessica Ramirez

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I am a high school student and we discussed this in class I believe you should use the money to build a shelter/shelters for the homeless, so they can have a place to stay and not suffer from cold weather and have a roof above their head. The shelter would be a safe place for them.

* Name
Kammie Jones

* **City**
Orem

Please provide input into the HOME ARP Allocation Plan
My daughter is working as a Human Resources Employee a The Refuge Utah. She recently finished her sexual harassment training which was very heavy. She has had two crazy men come to their office demanding to see the women who are being kept safe from them. I also know of a mature woman who is divorced and living alone who engaged in casual conversation with a man she met at a park a few times near her home. He must have secretly followed her home. One day he knocked on her door, forcing himself in and raping her 4 times before leaving. This traumatized her to the point that she was hardly sleeping and eating. We need more than the 7 rooms that The Refuge Utah has to offer. They would be able to run a new facility with appointed funds from the HOME ARP funding in a very efficient manner. The Refuge Utah also offers outreach housing services. They could support by assisting with deposits, rent, and other associated moving costs for victims of abuse who need assistance. Would you please consider funding The Refuge Utah for another safe housing facility for victims of domestic violence, sexual assault, and stalking? They would also need some funds for administration expenses.

* Name
leyla valencia

* **City**
provo

Please provide input into the HOME ARP Allocation Plan
I think that the money could be better used by building a homeless shelter. there are lots of people stuggleing and there are lots of homeless people that need a place to stay warm

Please provide input into the HOME ARP Allocation Plan
The need is ATTENTION to individual needs and an individual triage to determine a positive Treatment Plan is developed and a Follow up Plan is executed. One size doesn't fit all. Caring is believing and sharing the burden for human beings. No more policing but more referrals to supporting agencies.

* Name
naiya torres

* **City**
provo

Please provide input into the HOME ARP Allocation Plan
I'm a high school student and I think that we should use that money to build shelters for the homeless, maybe even have programs that can be helpful where people who need help can go and get the help or resources they need.

* Name
Natalie Stockle

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I think that we should put in more homeless shelters and provide more places for the homeless to sleep. If there are not any homeless shelters we should at least have a building where people can come get sleeping bags and pillows to keep them warm during the night. I also think we should have more resources for the homeless to get food and clean water. Whether that be to have more food banks or have people help hand out food to these homeless people that aren't able to get there.

* Name
Randolph Judge

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Saving money for getting a job to helping homeless people. We can use 4 million to create jobs for homeless people. We can also use some of that money to provide housing. Lastly, we could provide food.

* Name
Ryan Parker

* **City**
Orem

Please provide input into the HOME ARP Allocation Plan
I have worked in homeless services/housing in SL County for over 8 years. I am thrilled to hear that UT County is workign towards finding solutions for those experiencing homelessnes locally. As a property manager for a 100% LIHTC project, I recommend that 25% of the funds go towards TBRA based programs. This could be catered in RRH(Rapid Rehousing) vouchers that provide deposit and 6 months of rent for a client. Other resources could be activating a 3 month motel voucher which could act in place as transitional housing. The final 75% should be utilized with private partners to finance the development of LIHTC properties that are 40/60% set-aside that would target deeply affordable housing. This model can address the immediate need/diversion of those entering homelessness, enter those into housing to become self-sufficient, and on the backend provide more low-income housing options for the community at-large.

Dear Provo City Council and Melissa McNalley,

Since I heard of multiple people in our city dying of exposure to the cold this winter -- from what I have heard locally, possibly closer to 5-8 than the reported 3 -- I have been very concerned about inadequate shelter for my neighbors experiencing homelessness.

Based on the research I have done so far as a local citizen, I think **funding services like (1) an emergency shelter with 24-hour support and (2) alternative short-term shelters like designated camping areas and warming centers is very important**.

Here is what I have learned and would like to contribute toward the wise allocation of ARP funds, followed by problems I have learned about with the current motel voucher system:

- Multiple service providers in Provo have voiced the need for a continuously available emergency overnight shelter in Provo as an important (and basic) missing tier of service
    - Provo City Housing Authority
        - 'Robert Vernon, chief executive officer for the Provo City Housing Authority, said there's a real need for an overnight shelter in the city.' (1)
        - '"We see it all the time where, gee, it would be nice if we had a place to put this person for four or five months, they're coming out of a domestic violence situation, the refuge is full and where are we going to put them? What are we going to do?" he said. "You know, we need some options for people."' (1)
    - Food & Care Coalition
        - '[Executive Director Brent Crane said] he knows a lot of people could benefit from having an overnight shelter in Utah County' (2)
    - Mountainland Continuum of Care
        - '"Having an emergency shelter is a really important part of a service delivery system," [Project Manager and Coordinator Heather] Hogue said. "Do we have people that we could put into emergency shelter if we had one? Yes."' (1)
    - Provo Seventh Day Adventist Church
        - 'Linda P. Walton, community services director for the Provo Seventh-day Adventist Church, said just a single overnight shelter in Utah County won't satisfy the demand.

          "We need to come up with ... maybe a dozen different areas that are going to need care," she said. "Whether it's overnight or whether it's long term."' (1)
- Their efforts to set up such a shelter have been blocked by lack of funding, zoning laws and confusion over said laws and permits, government stonewalling and political pushback
    - Food & Care Coalition, Continuum of Care:
        - '[Crane] said two big reasons the county doesn't have an overnight shelter are zoning and funding issues. Crane said there's also a concern that if a shelter is built, people from other citie would come to it.' (2)
        - '"We had a preliminary meeting as a continuum of care to have a discussion about, 'Hey, what are our service gaps in the community and what can we do?' [As] soon as the idea of an emergency shelter was put out on the table, it was discouraged by city officials." (2)
        - 'Zoning rules in Provo and around the county are so strict that the Food and Care Coalition ultimately decided not to even broach establishing an emergency shelter, after briefly considering it in the early 2000s.

          "We were a little frustrated," Crane said, "because at the time [in] the political environment — which honestly has not changed much — there was not really a high tolerance nor was there very favorable zoning for an emergency shelter in Utah County."' (1)

- Due to this pushback they have focused on very short-term motel vouchers and longer-term housing (1)(2)(3)
- One creative project to get around these difficulties is the effort to secure funding to purchase a motel to serve as a shelter with 24-hour services by Provo Housing Authority (1)
- Homeless residents
    - struggle to secure stable shelter with the current options available (2)
    - struggle even to keep their record clean (very important to obtain jobs and housing) with laws like the anti-camping ordinance passed in 2017 that can make creating their own shelter illegal; some even don't use tents to draw less attention (4) (technically it's legal if there's not available shelter but this is difficult even for service providers to determine as discussed later)
    - welcome a shelter (1)
    - have other excellent ideas such as designated tents and camping areas: '"They should set up a thing for homeless people where they can have a tent that they're given either by the [Food & Care] Coalition or some other company where they can actually go there and camp"' (4)

Here are some reasons for the problems with the current motel voucher system:

- The vouchers are only for a few nights at a time, so not something people can depend on -- hard to have enough stability to be able to rest and recover and take the next steps (2)
    - Food & Care Coalition:
        - 'Brent Crane... said the voucher system is flawed...
          "If I'm a homeless person and I go in, I get a voucher to a motel. It's temporary. It's a night. It's three, it's maybe seven. Two weeks, max," Crane said. "What homeless person out on the street in two weeks time can change their fortunes?"' (2)
    - Community Action Services:
        - 'Today, hotel or motel vouchers provide overnight accommodations for some people in crisis, but they can't help everyone, said Karen McCandless, executive director of Community Action Services and Food Bank. Her nonprofit's emergency program ... usually covers people for only three to seven nights at a hotel or motel, she said.' (1)
    - Mountainland Continuum of Care:
        - '"A lot of the people that are in that gap," Hogue said, "are in a vehicle or they're on the street or they're staying with friends."' (1)
        - '"Is [the motel voucher system] sufficient? No, it's not. It's not sufficient. But it does serve as a backup. A triage for people especially in the wintertime when we're worried about the temperatures killing people. There's no reason for people to freeze to death on the streets, and we see it every week, every winter," she said.' (3)
- Service providers, who get the vouchers from third parties (funders) and have to depend on motel room availability, never know if they'll have enough vouchers to cover the demand (1)
- There is a lack of transparency or clarity as to the actual amount of vouchers available at a given point in time
    - For example, I have heard from local staff of a service provider that there can be a mismatch in the amount of vouchers service providers are aware are available from funding organizations and the amount of vouchers the funding organizations themselves report are available to the press, etc.
    - Also reported in the news recently: 'Some people may view that 41% occupancy rate as proof that there isn't demand for an overnight shelter in Utah County. But that number of available beds is "very misleading," [Heather] Hogue [at Mountainland Continuum of Care] said.' (1)
- In some cases at least, people need to talk to someone else than the original service provider in a certain place to get the voucher, creating an extra barrier to access.
    - For example, I've heard that for vouchers funded by the LDS church, applicants must talk to someone at Deseret Industries -- I think the role is referred to as a Transient Bishop.
- Understandably, people who need these services also have mental and emotional struggles that can make showing up to get help difficult; vouchers alone don't provide care for these struggles (2)

(1) https://www.sltrib.com/news/politics/2021/06/11/why-doesnt-utahs-second/
(2) https://www.kuer.org/race-religion-social-justice/2022-01-21/motel-vouchers-churches-and-more-ways-unsheltered-people-try-to-survive-in-utah-county
(3) https://www.ksl.com/article/50555893/3-unsheltered-people-have-died-on-provo-streets-this-winter-could-a-shelter-prevent-deaths
(4) https://www.sltrib.com/news/politics/2021/06/25/an-anti-camping-ordinance/

Thank you,

Sarah Graham

Provo, UT 84606

* Name
Seth Taylor

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I feel instead of building resources, don't get me wrong. I want those for the people. But I feel it is more efficient to teach the homeless how to get a job, get a house, and pay taxes. And do a rehabilitation center for those who have fallen into addiction. Just imagine this scenario, you get 4 billion dollars to end world hunger, yeah that 4 billion dollars will be useful until the food runs out again. and they are starving, what you would want to get that 4 billion, is to teach how to farm, and how to make electricity. and then give them something to start with, so they don't die. that's what you would want to do with that couple million dollars. I hope that makes sense. or you take that into consideration

I think the best thing you could do to help the housing problem in Provo is to reassess those that already have it. I know three different people living in Provo city housing that probably don't qualify anymore. One only has her son Monday night to Thursday and her ex has him the other nights. That's only three nights for her and 4 for him. another woman has her boyfriend living with her and he works full time at 20.00 an hour.
I am 45 years old with two small kids living with my parents because I have a resisting arrest on my record. One charge out of 45 years and it was 2016 and I was denied for Provo city housing. It is a system set up to help those struggling but they expect you to have perfect credit, background, and 2 landlord references. I have never been evicted but they said one landlord gave me a bad reference but I was never evicted. I was month to month and moved out. He was paid and because of his referral I was denied and when I told them I wanted to appeal they told me my background would be a no too. Most homeless people had to leave their place either for no income or eviction for not being able to make the payments. People with perfect background, credit, and rental history are not usually looking to get low income housing. The system is completely broken.
Rental prices, extensive requirements to rent, and these ridiculous applications you have to pay for are hindering people from getting housing.

Community action is a joke. They never have vouchers to get a hotel and even if you get one as soon as you cant find a rental you "qualify" for you lose your vouchers and you are homeless again. Even to get food from the food bank is a joke. The man running it lets all the Hispanic people take as much as they want and makes it very difficult for other people to get household items or diapers. And by the time he has served everyone else and gets to all the non Hispanics there is usually nothing left. I have two kids to feed and last time I went a single Hispanic man left with three times the food I was given. I am not racist but it's a known fact around the population that goes to the food bank that your lot of food is determined by how many of his "friends" come in before you.
I hope the city uses this money to make a housing option available for people who
May not have perfect credit, background, or enormous income. Being denied for housing crushed all hopes I had of being able to be independent with my two little kids again. I fear I will live with my parents and when they are gone, I will be like the others wandering the streets of Provo, all because I have one charge of resisting arrest and a landlord that didn't give me a stellar recommendation.

Thanks
Shannon Borowski

* Name
Siotame Finau

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I think that a homeless shelter would be good for the city. It would be a very good support system and would allow people that are struggling to get help. People that are suffering on the streets need help and this is what they need.

* Name
Sidney Ames

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Personally, I wouldn't like a homeless shelter where I live. Homeless shelters don't make places better. There was a homeless man behind the church where I lived and he would leave used needles and drug paraphernalia all over. I'm not quite sure where they could go though.

* Name
Sosaia Hifo

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I think we should build smaller homeless centers, in more than just Provo. This could also be more of a countywide thing rather than just Provo's problem because there aren't any homeless centers in Utah County. So we could use the 4.3 million to build them in every city in Utah County, along with some of the money that cities have (not including the 4.3 million) to also pay for food and necessities. We could also get a bunch of volunteers to serve and help with the necessities as people did in Salt Lake at the Bishop's storehouse for NBA All-Star Weekend. Also, we could use the 4.3 million to pay for counselors and therapists to talk with the homeless while they are in these homeless centers so that they can talk about why they are homeless and how they got to the homeless center. This information would help the workers at the homeless center find out what they need to do to help get the homeless people back on their feet.

* Name
Trey Abouo

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Building more homeless shelters around the City.

Comments not considered in formulation of the Plan

* Name
Vangelis Cazares

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Build the houses closer together.

* Name
Jake Mesina

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I think that they should make more houses and make them not as expensive as normal so less fortunate people can buy them.

* Name
Madsen May

* **City**
Provo, Utah

Please provide input into the HOME ARP Allocation Plan
This money should be allocated to creating more career opportunities and supporting local businesses so that the homeless population can find and be accepted into a job easier. If the local businesses are supported and thriving, there will be more opportunity for the homeless community to reach out and try to get a job, thus helping them get back on their feet.

* Name
Zac prescott

* **City**
provo

Please provide input into the HOME ARP Allocation Plan
i think some homeless people should get it because this is a real problem and it really affects us and we should do something about it and because its bad it really makes more crimes happen i feel like this needs to stop because if the homeless had and saved up money and used it to make money and more things they could be able to do but cant afford it i think some homeless people should get it because this is a real problem and it really affects us and we should do something about it and because its bad it really makes more crimes happen i feel like this needs to stop because if the homeless had and saved up money and used it to make money and more things they could be able to do but cant afford it|

Public Hearing Notice and Comments for feedback on the Plan

Notice of Substantial Amendment, Comment period on the Plan and Public Hearings on March 14, and March 28

Provo City Corporation as the lead entity for the Utah Valley HOME Consortium
Public Hearing inviting input for the development of HOME-American Rescue Plan Program

Provo City as the lead entity in the Utah Valley Home Consortium is opening a comment period beginning February 14, 2023, and ending March 6, 2023, to invite input for the HOME-ARP (American Recovery Plan) plan. The U.S. Housing and Urban Development (HUD), through the American Rescue Plan Act of 2021 allocated to Provo City $5,144,957 in HOME American Rescue Plan (HOME-ARP) funds to assist persons experiencing homelessness, at risk of homelessness, persons fleeing or attempting to flee domestic violence, sexual assault, or human trafficking and other vulnerable populations as defined in HUD Notice CPD-21-10(4)(A). All citizens, partner agencies, as well as other interested parties are encouraged to attend the public hearing or comment as described below to provide their input into the development of this plan.

Notice is hereby given that Provo City will hold Public Hearings on Tuesday February 14, 2023, to obtain input on the HOME-ARP Plan for the Utah Valley HOME consortium.

The meeting will be conducted in-person starting at 5:30 p.m. in the Council Chambers of the Provo City Center, 445 West Center Street. The meetings will be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil and facebook.com/provocouncil. To comment you can attend the meeting in person or call in to 346-248-7799. Enter Meeting 872 4405 6424 and press #. Using a computer, visit zoom.us with Meeting ID: 076421. When asked for a participant ID, press #. Once connected, press *9 to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

You may also send written comments to: Provo City Corporation at 445 West Center, Provo, Utah 84601, c/o: Community Grants Administrator; or by email to: mmcnalley@provo.org. All comments must be received by March 6, 2023, to be considered in the formulation of the HOME-ARP plan.

In accordance with the Americans with Disabilities Act, individuals who wish to attend and participate who need special assistance should contact the Redevelopment staff at least 48 hours prior to the meeting at 801-852-6160. The facility is a handicapped accessible building. If you are deaf or hard of hearing you may dial 711 for relay services from RelayUtah. Any non-English speaking persons requiring special assistance should contact staff at least 48 hours prior to the meeting. *Si usted desea asistir a esta audiencia pública y necesita interpretación, debe llamar al teléfono 801-852-6168 por lo menos 48 horas antes del inicio de la audiencia. Si tiene alguna discapacidad auditiva puede llamar al teléfono 888-346-3162 para recibir ayuda a través de RelayUtah.* The City promotes fair housing and makes all programs available to low- and moderate-income families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income.

Provo City Corporation as the lead entity for the
Utah Valley HOME Consortium
Comment Period and Public Hearing for a Substantial Amendment to the Program Year 2021 Annual Action Plan
HOME-American Rescue Plan Allocation Plan

Provo City as the lead entity in the Utah Valley HOME Consortium is opening a comment period beginning March 12, 2023, and ending March 28, 2023, on a Substantial Amendment to the Program Year 2021 Annual Action Plan-HOME-ARP Allocation Plan. The U.S. Housing and Urban Development (HUD), through the American Rescue Plan Act of 2021 allocated to Provo City, acting as Lead Entity in the Utah Valley HOME Consortium, $5,144,957 in HOME American Rescue Plan (HOME-ARP) funds to assist persons experiencing homelessness, at risk of homelessness, persons fleeing or attempting to flee domestic violence, sexual assault, or human trafficking and other vulnerable populations as defined in HUD Notice CPD-21-10(4)(A). All citizens, partner agencies, as well as other interested parties are encouraged to attend the public hearing or comment as described below to provide their input into the development of this plan.

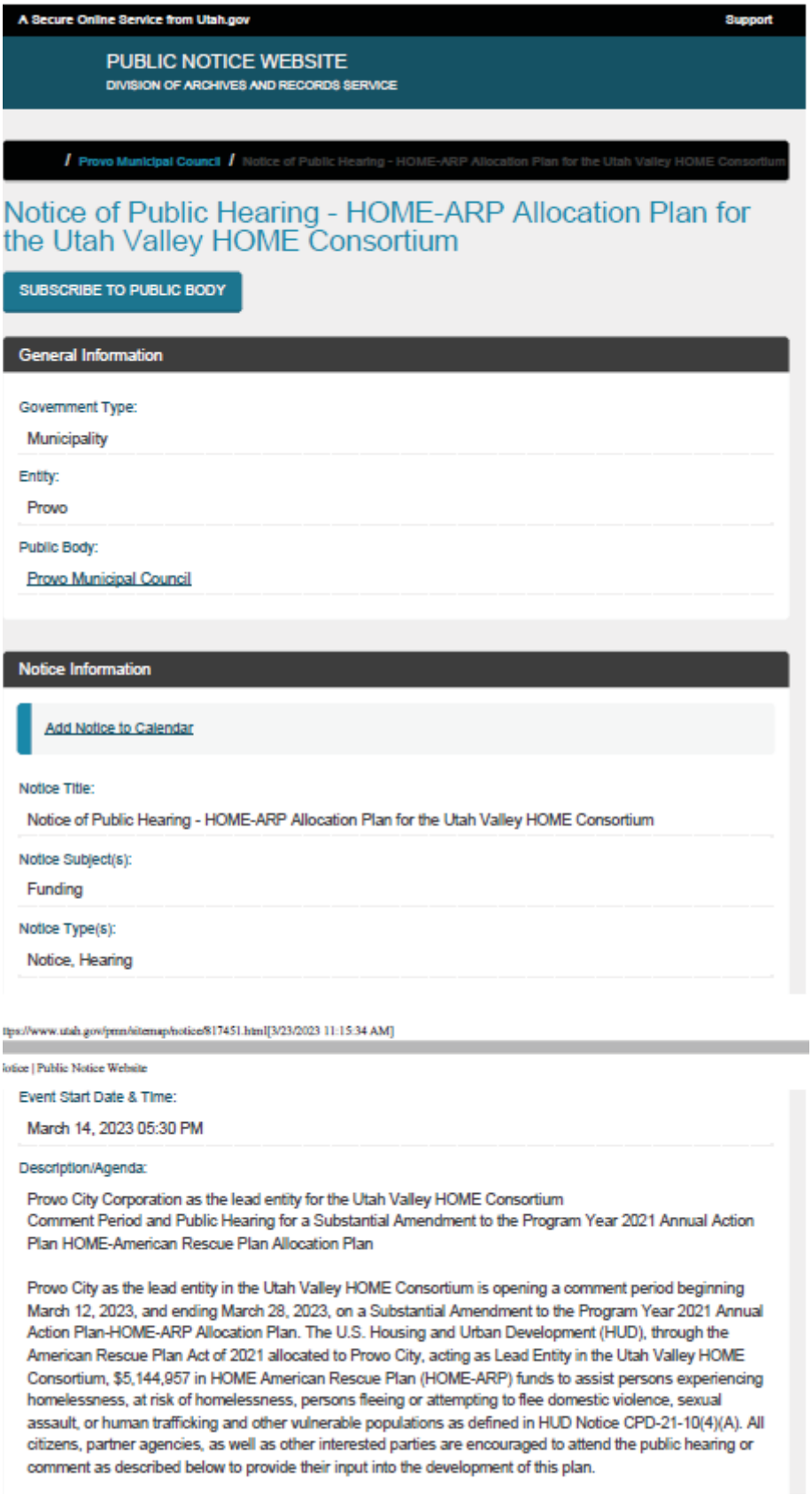
Notice is hereby given that Provo City will hold Public Hearings on Tuesday March 14, 2023, and Tuesday March 28, 2023, to obtain feedback on the HOME-ARP Allocation Plan for the Utah Valley HOME Consortium.

An electronic draft copy of the PY2021 AAP Substantial Amendment – HOME American Recovery Plan Allocation Plan as amended March 28, 2023, will be available for review at: https://www.provo.org/departments/development/cdbg-home no earlier than March 12, 2023. You may also request an electronic copy through email to mmcnalley@provo.org.

The meeting will be conducted in-person starting at 5:30 p.m. in the Council Chambers of the Provo City Center, 445 West Center Street. The meetings will be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil and facebook.com/provocouncil. To comment at the March 14, 2023, hearing, you may attend the meeting in person or call in to 346-248-7799. Enter Meeting 827 3101 3855 and press #. Using a computer, visit zoom.us with Meeting ID: **416165**. When asked for a participant ID, press #. Once connected, press *9 to indicate that you would like to comment. To comment at the March 28, 2023, hearing, you may attend the meeting in person or call in to 346-248-7799. Enter Meeting 861 2758 4111 and press #. Using a computer, visit zoom.us with Meeting ID: **620775**. When asked for a participant ID, press #. Once connected, press *9 to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

You may also send written comments to: Provo City Corporation 445 West Center, Provo, Utah 84601, c/o: Community Grants Administrator; or by email to: mmcnalley@provo.org. All comments must be received by March 28, 2023, to be considered in the HOME-ARP Allocation Plan.

In accordance with the Americans with Disabilities Act, individuals who wish to attend and participate who need special assistance should contact the Development Services staff at least 48 hours prior to the meeting at 801-852-6160. The facility is a handicapped accessible building. If you are deaf or hard of hearing you may dial 711 for relay services from RelayUtah. Any non-English speaking persons requiring special assistance should contact staff at least 48 hours prior to the meeting. *Si usted desea asistir a esta audiencia pública y necesita interpretación, debe llamar al teléfono 801-852-6160 por lo menos 48 horas antes del inicio de la audiencia. Si tiene alguna discapacidad auditiva puede llamar al teléfono 888-346-3162 para recibir ayuda a través de RelayUtah.* The City promotes fair housing and makes all programs available to low- and moderate-income families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income



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/ Provo Municipal Council / Notice of Public Hearing - HOME-ARP Allocation Plan for the Utah Valley HOME Consortium

Notice of Public Hearing - HOME-ARP Allocation Plan for the Utah Valley HOME Consortium

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General Information

Government Type:
Municipality

Entity:
Provo

Public Body:
Provo Municipal Council

Notice Information

Add Notice to Calendar

Notice Title:
Notice of Public Hearing - HOME-ARP Allocation Plan for the Utah Valley HOME Consortium

Notice Subject(s):
Funding

Notice Type(s):
Notice, Hearing

https://www.utah.gov/pmn/sitemap/notice/817451.html[3/23/2023 11:15:34 AM]

Notice | Public Notice Website

Event Start Date & Time:
March 14, 2023 05:30 PM

Description/Agenda:

Provo City Corporation as the lead entity for the Utah Valley HOME Consortium
Comment Period and Public Hearing for a Substantial Amendment to the Program Year 2021 Annual Action Plan HOME-American Rescue Plan Allocation Plan

Provo City as the lead entity in the Utah Valley HOME Consortium is opening a comment period beginning March 12, 2023, and ending March 28, 2023, on a Substantial Amendment to the Program Year 2021 Annual Action Plan-HOME-ARP Allocation Plan. The U.S. Housing and Urban Development (HUD), through the American Rescue Plan Act of 2021 allocated to Provo City, acting as Lead Entity in the Utah Valley HOME Consortium, $5,144,957 in HOME American Rescue Plan (HOME-ARP) funds to assist persons experiencing homelessness, at risk of homelessness, persons fleeing or attempting to flee domestic violence, sexual assault, or human trafficking and other vulnerable populations as defined in HUD Notice CPD-21-10(4)(A). All citizens, partner agencies, as well as other interested parties are encouraged to attend the public hearing or comment as described below to provide their input into the development of this plan.

Notice is hereby given that Provo City will hold Public Hearings on Tuesday March 14, 2023, and Tuesday March 28, 2023, to obtain feedback on the HOME-ARP Allocation Plan for the Utah Valley HOME Consortium.
An electronic draft copy of the PY2021 AAP Substantial Amendment - HOME American Recovery Plan Allocation Plan as amended March 28, 2023, will be available for review at: https://www.provo.org/departments/development/cdbg-home no earlier than March 12, 2023. You may also request an electronic copy through email to mmcnalley@provo.org.

The meeting will be conducted in-person starting at 5:30 p.m. in the Council Chambers of the Provo City Center, 445 West Center Street. The meetings will be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil and facebook.com/provocouncil. To comment at the March 14, 2023, hearing, you may attend the meeting in person or call in to 346- 248-7799. Enter Meeting 827 3101 3855 and press #. Using a computer, visit zoom.us with Meeting ID: 416165. When asked for a participant ID, press #. Once connected, press *9 to indicate that you would like to comment. To comment at the March 28, 2023, hearing, you may attend the meeting in person or call in to 346-248-7799. Enter Meeting 861 2758 4111 and press #. Using a computer, visit zoom.us with Meeting ID: 620775. When asked for a participant ID, press #. Once connected, press *9 to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

You may also send written comments to: Provo City Corporation 445 West Center, Provo, Utah 84601, c/o: Community Grants Administrator; or by email to: mmcnalley@provo.org. All comments must be received by March 28, 2023, to be considered in the HOME-ARP Allocation Plan.

In accordance with the Americans with Disabilities Act, individuals who wish to attend and participate who

need special assistance should contact the Development Services staff at least 48 hours prior to the meeting at 801-852-6160. The facility is a handicapped accessible building. If you are deaf or hard of hearing you may dial 711 for relay services from RelayUtah. Any non- English speaking persons requiring special assistance should contact staff at least 48 hours prior to the meeting. Si usted desea asistir a esta audiencia p blica y necesita interpretaci n, debe llamar al tel fono 801-852-6160 por lo menos 48 horas antes del inicio de la audiencia. Si tiene alguna discapacidad auditiva puede llamar al tel fono 888-346-3162 para recibir ayuda a trav s de RelayUtah. The City promotes fair housing and makes all programs available to low- and moderate- income families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income.

Notice of Special Accommodations (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, (801) 852-6120 or email evanderwerken@provo.org

Notice of Electronic or Telephone Participation:

One or more Councilors may participate by telephone or Internet communication in this meeting. Phone or Internet communications will be amplified as needed so all Councilors and others attending the meeting will be able to hear the persons participating.

Provo City Development Services Page

CDBG/HOME



About Us

Provo City is an entitlement city that receives funds from the Department of Housing and Urban Development. We are able to use this funding to:

- Improve neighborhoods
- fund social service organizations in the community
- provide down-payment assistance to first-time home buyers
- help businesses improve facades
- assist businesses affected by Covid

WE WANT TO KNOW WHAT YOU THINK

Recently, we asked for your input in the creation of the HOME-ARP Allocation Plan. We would now like to know your thoughts on the plan draft.

Important things to remember when reviewing the HOME-ARP Allocation Plan:

- Funds will benefit specific 'Qualifying Populations':
  - Homeless
  - At risk of Homelessness
  - Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; as defined by HUD.
  - Other populations: where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability.

- Eligible Activities which may be undertaken with the funding (all activities MUST benefit Qualifying Populations described above):
  - Rental Housing: Funds may be used to acquire, rehabilitate, or construct affordable rental housing primarily for occupancy by households of individuals and families of qualifying populations.
  - Tenant Based Rental Assistance (TBRA): Assists a household with payments to cover the entire or insufficient amounts that the qualifying household cannot pay for housing and housing-related costs, such as rental assistance, security deposits, and utility deposits.
  - Supportive Services: These include services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ("McKinney-Vento Supportive Services"); 42 U.S.C. 11360 (29)); homeless prevention services; and housing counseling services.
  - Non-Congregate Shelter: A non-congregate shelter is one of more buildings that provide private units or rooms as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement. It includes acquisition and renovation or construction of units. HOME-ARP funds may not be used to pay the operating costs of the non-congregate shelter.

The HOME-ARP Allocation Plan for the Utah Valley HOME Consortium was formulated with these constraints in mind. The plan was created through input from both private and non-profit organizations serving the qualifying populations, feedback from Provo City Staff and members of the Utah Valley HOME Consortium, and public comment. You can find a draft of the plan at: https://www.provo.org/departments/development/cdbg-home
Comments may be entered at the above website, mailed to Community Grants Administrator 445 West Center Provo, UT 84601, and emailed to marcnalley@provo.org.

Click here to download the HOME-ARP plan draft or you may click here for a Spanish version of the above request.

* Name

First Name | Last Name

* City

200 characters

Please provide input into the HOME ARP Allocation Plan

1500 Character limit

1500 characters

Review | Submit

provo
DEVELOPMENT SERVICES

CONTACT INFORMATION

Main Office - (801) 852-6400

HOURS OF OPERATION

Monday - Thursday
7:00AM - 6:00PM
Building Permits Issued Until 5:30PM

Holiday Schedule
Memorial Day: May 29, 2023 - Closed
Juneteenth: June 19, 2023 - Closed
Independence Day: July 4, 2023 - Closed
Pioneer Day: July 24, 2023 - Closed
Labor Day: September 4, 2023 - Closed
Thanksgiving Day: November 23, 2023 - Closed
Christmas Eve: December 21, 2023 - Closed
Christmas Day: December 25, 2023 - Closed

PHYSICAL LOCATION

City Hall
445 W Center St Suite 200
Provo, UT 84601

View Map »

MAILING ADDRESS

Development Services
445 W Center St Suite 200
Provo, UT 84601

Link to Map of Current Projects

CDBG Documents

- Fair Housing Brochure 10-18-22
- Fair Housing Spanish Brochure 10-18-22
- CAPER 21-22 Final

Spanish Translation of feedback request:

Nos gustaría escuchar su opinión

Recientemente solicitamos su apoyo y aporte sobre la creación del Plan de rescate estadounidense (HOME-ARP). Ahora nos gustaría escuchar su opinión del plan.

Detalles importantes al revisar el Plan de rescate HOME-ARP.

- Los fondos de HOME-ARP deben utilizarse para beneficiar las siguientes poblaciones elegibles:
  - Personas sin hogar
  - Personas en riesgo de quedarse sin hogar
  - Personas que huyen o tratan de huir de la violencia doméstica, violencia en el noviazgo agresión sexual, acecho o tráfico de personas según lo define el Departamento de Vivienda y Desarrollo Urbano. (HUD por sus siglas en inglés)
  - Parte de otras poblaciones en las que le hecho de ofrecer servicios de apoyo o asistencia bajo la sección 212(a) del NAHA (42U.S.C12742(a)) evitaría que una familia no tenga hogar o serviría de ayuda a quienes se enfrentan a riesgos mas elevados de experimentar inestabilidad en cuanto a la vivienda.
- Actividades elegibles que pueden llevarse acabo con los fondos (todas las actividades **DEBEN** beneficiar a las poblaciones elegibles descritas anteriormente):
  - Viviendas de alquiler: Los fondos se pueden utilizar para adquirir, rehabilitar o construir viviendas de alquiler accesibles principalmente para que las ocupen familias o individuos de poblaciones elegibles.
  - Asistencia de alquiler basada en inquilinos (TBRA por sus siglas): Ayuda con pagos para cubrir la totalidad o cantidades insuficientes que el hogar elegible no pueda pagar los costos relacionados con la vivienda tales como ayuda con el pago de la renta, deposito de seguridad de la vivienda, deposito de seguridad de servicios públicos.
  - Servicios de apoyo: Estos incluyen los servicios enumerados en la sección 401(29) de la Ley de asistencia para personas sin hogar de McKinney-Vento (“Servicios de apoyo de McKenney-Vento”)1 (42 U.S.C 11360(29)); servicios de prevención de personas sin hogar y servicios de asesoramiento de vivienda.
  - Refugio no congregado: Un refugio colectivo es uno a más de un edificios que brinda unidades o habitaciones privadas como refugio temporal para individuos y familias y que no requieren que los ocupantes firmen un acuerdo de alquiler o estadía. Incluye adquisición y renovación o construcción de unidades. Los fondos del plan de rescate (HOME-ARP por sus siglas) no puede usarse para pagar los costos operativos del refugio no colectivo.

El Plan de rescate HOME-ARP para el consorcio de Utah Valley se formulo teniendo en cuenta estas limitaciones en mente. El plan fue creado con el apoyo de organizaciones privadas y sin fines de lucro que ayudan a las poblaciones elegibles, comentarios del personal de la ciudad de Provo y miembros del consorcio del valle de Utah y comentarios del público.

Para ver un borrador del plan visite: https://www.provo.org/departments/development/cdbg-home

Puede dejar sus comentarios acezando la página web arriba, enviando un correo electrónico a mmcnalley@provo.org o enviarlos por correo a

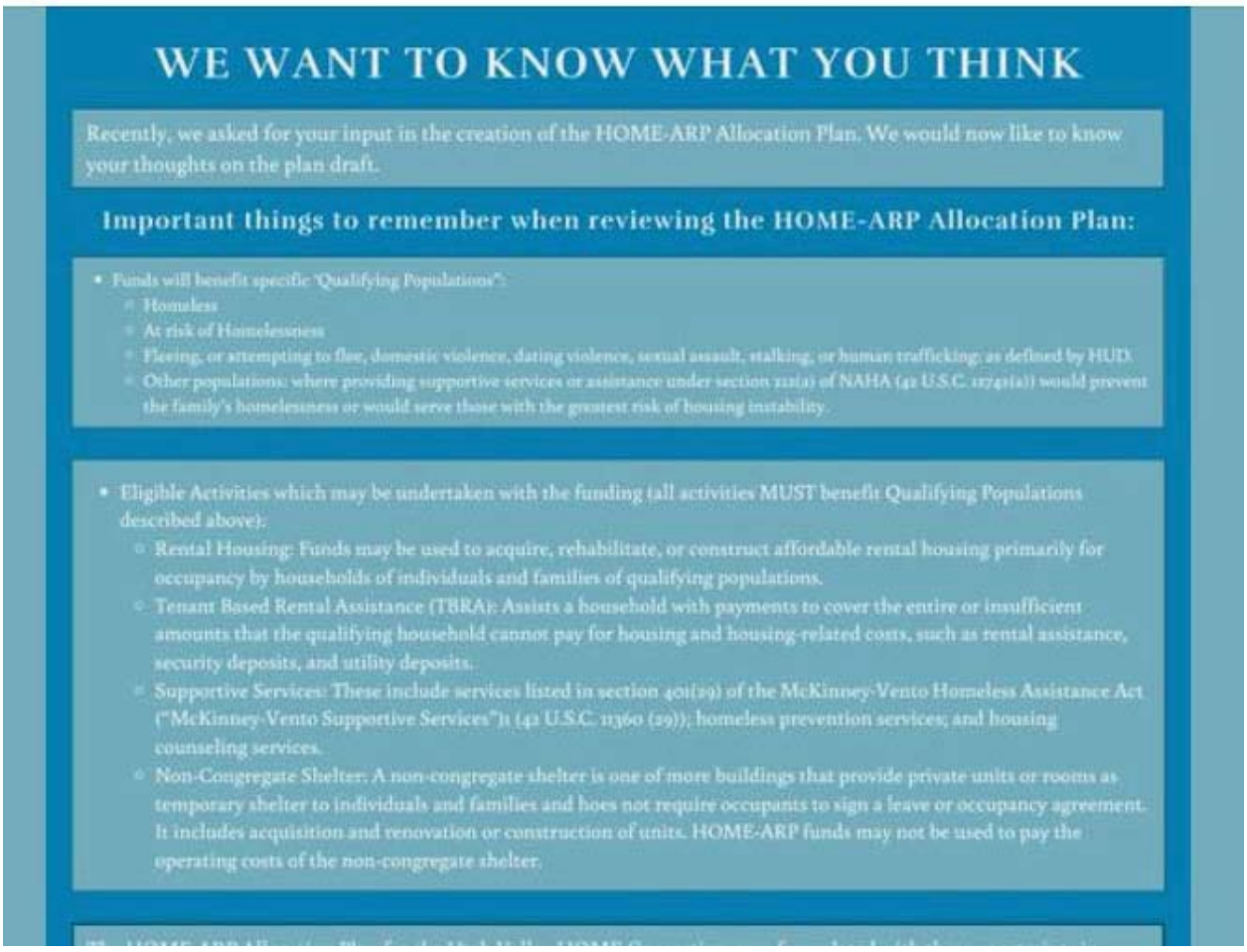
Community Grants Admintrator,
445 West Center
Provo, UT 84601

Social Media

Provo City Government
6d ·

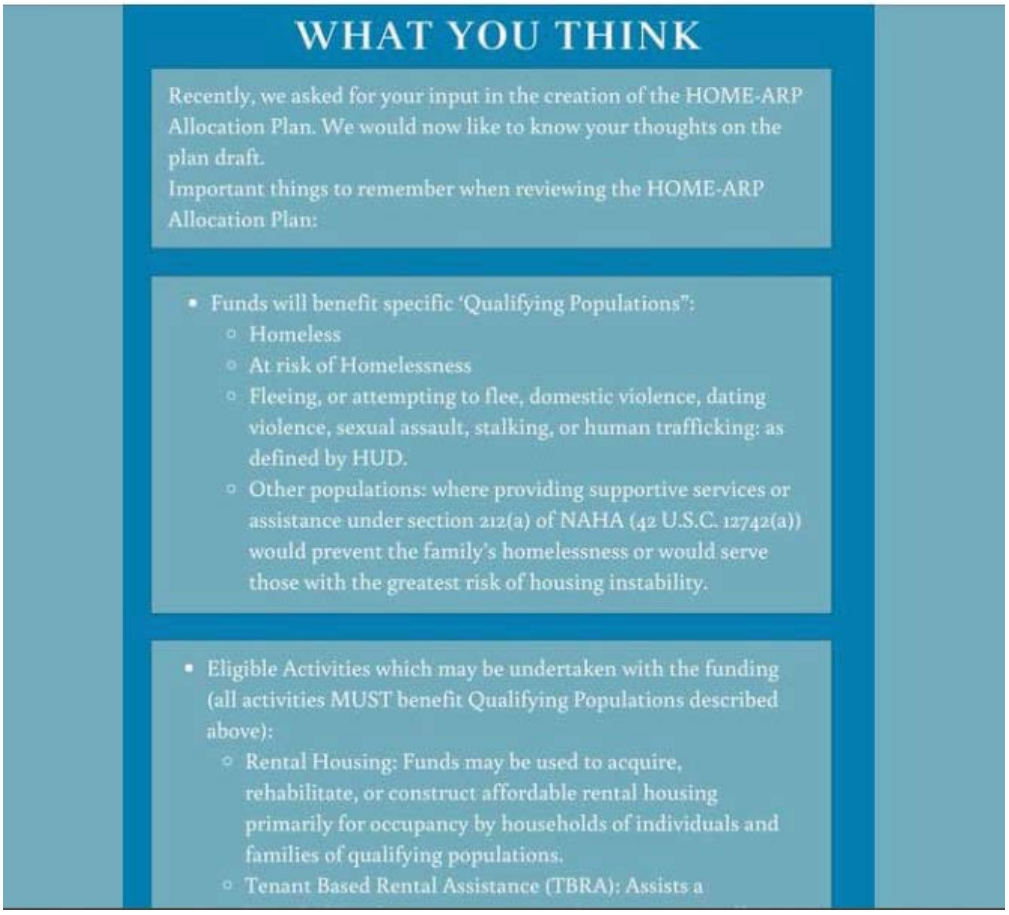
We want to know what you think! Recently, we asked for your input in the creation of the HOME-ARP Allocation Plan. We would now like to know your thoughts on the plan draft. You can find a draft of the plan at: https://www.provo.org/departments/development/cdbg-home

Comments may be entered at the above website, mailed to Community Grants Administrator at 445 West Center Provo, UT 84601, or emailed to mmcnalley@provo.org.



Provo City Council
March 14 at 7:35 PM ·

WE WANT TO KNOW WHAT YOU THINK
You can find a draft of the plan at: https://www.provo.org/home/showpublisheddocument/21965
Comments may be emailed to mmcnalley@provo.org or mailed to Community Grants Administrator 445 W Center St Provo UT 84601 or entered at:
https://www.provo.org/departments/development/cdbg-home



Public Comments on Plan

* Name
Brent Hutchison

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Permanent supportive housing is crucial for many experiencing homelessness, because for many, it will take years to acquire the skills, know how, and social connections to fully integrate and function in society like getting a job, caring for themselves with proper hygiene, finding housing options, finding resources in the community, and acquiring other skills to be independent. Others with mental health issues may never fully be able to live without support. ALSO—it is ridiculous that Provo refuses to build an emergency/temporary homeless shelter. The lack of any temporary shelter in Utah Valley besides the Food and Care Coalition (which is not a temporary shelter) puts incredible strain on the shelters in Ogden and Salt Lake, and creates safety concerns for those seeking shelter in Utah valley and elsewhere along the Wasatch Front. Provo needs to step up and recognize that its current model is not sufficient for serving those who are in need of temporary and long term shelter/housing.

* Name
Dustin Higginson

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I vote for using the money to acquire, rehabilitate, or construct affordable rental housing. I agree with the other options as well, but my top by far is that one.

* Name
Heidi Perez

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
It all looks well and good. My only concern is a principle of economics that states, "What you subsidize, you increase." I think that should be balanced with compassion and generosity, and maybe this plan accomplishes that - it seems compassionate and generous to me. I simply wonder if city officials working with these gov't "entitlement" funds have considered the potential increase of all the things that this plan aims to mitigate.

* Name
Kaye Woodworth

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
It seems obvious that our biggest problem is a lack of affordable housing. In that case, why is none of the money going to development of affordable housing? There are certainly myriads of apartment complexes going up. What if developers were required to either include affordable housing units in their complexes or build a certain percentage of their total housing construction to be complexes of only affordable housing.

* Name
Sam Watson

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I'm fully in support of this; the goals of the plan sound very good.

* Name
Sariah Masterson

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
I feel like the decision to allocate funds to rental programs within existing housing makes sense - do we have the relationships with this many organizations to support the need for thousands of units? I've always heard people complaining about how we don't have a homeless shelter in Utah County/Provo, but after reading this report, I understand how that really might not be the best option for our valley -- could funds be used too on better educating people about this so we can better support this plan's efforts? Especially information on how we can get our homeless to these rental resources? I feel like the general public just has no idea what to do besides giving to pan handlers...

* Name
Tom Chapman

* **City**
Provo

Please provide input into the HOME ARP Allocation Plan
Remember.....If you build it they will come. There is a benefit to helping the homeless as well as a danger to our population. It is a fine line and I don't want Provo to be overrun by homeless becasue they will be taken care of.



WELCOME HOME

HOME-ARP Allocation Plan
for the Utah Valley HOME Consortium

HOME-ARP Allocation Plan for the Utah Valley HOME Consortium

In September of 2021 Provo was awarded $5,144,957 in HOME American Recovery Plan (ARP) funding from the Department of Housing and Urban Development (HUD) on behalf of the Utah Valley HOME Consortium. These are Federal tax dollars we are able to use in our communities.

This funding is limited to certain Qualifying Populations and specific activities to benefit those Qualifying Populations.

Funding is intended to benefit:

- Households experiencing homelessness (defined in McKinney-Vento Homeless Assistance Act)
- At risk of homelessness, as defined in section 401 of McKinney-Vento
- Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; or
- Veterans and families that include a veteran family member that meet the criteria in one of the above.

Funding is limited to the following:

- Development and support of affordable housing
- Tenant-based Rental Assistance (TBRA)
- Provision of supportive services
- Acquisition and development of non-congregate shelter units

Plan Process:

Beginning in fall of 2022, Provo City staff began reaching out to consult with agencies who specifically service those qualifying populations described previously. Through the consultation process with these agencies, needs and gaps in service were determined.

Determinations include: Broad need for increased supportive services. Persons experiencing homelessness or at risk of homelessness are most successful in overcoming their situation when housing includes wrap-around services.

Determinations also include the need for affordable housing. Tenant-Based Rental Assistance was determined to be one of the most immediate remedies to assist the qualifying populations. This type of assistance is person/household specific and does not limit those being assisted to a specific area or housing development.

Allocations for Supportive Services $1,093,303.36 and Tenant Based Rental Assistance (TBRA) $3,279,910.09 were made based on those determinations.

Additional funding is set aside for administration and planning of the HOME-ARP Allocation Plan as well as funding for non-profit overhead in order to cover additional costs of added services.

Once accepted by The Department of Housing and Urban Development, funding will be released to the Utah Valley HOME Consortium and organizations will be invited to submit applications to carry out the activities identified in the Allocation Plan specifically serving the Qualified Populations identified earlier.



Utah Valley HOME Consortium
HOME-ARP Allocation Plan
Participating Jurisdiction:
Provo, Utah

Date: March 21, 2023

Introduction

The U.S. Department of Housing and Urban Development (HUD) has awarded Provo City $5,144,957 through the HOME Investment Partnerships American Rescue Plan Program (HOME-ARP). This funding is awarded for the purpose of addressing issues surrounding homelessness in Provo, Utah and the Utah Valley Home Consortium area and can only be used to serve individuals that meet one of the following definitions, defined as "Qualifying Populations" in the HUD funding notice:

- Homeless: as defined in 24 CFR 91.5 *Homeless* (1), (2), or (3).
- At risk of Homelessness: as defined in 24 CFR 91.5 *At risk of homelessness.*
- Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking: as defined by HUD.
- Other Populations: where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability.

The following is a list of the eligible activities which may be undertaken with the funding. All activities must benefit Qualifying Populations described above:

- Rental Housing: Funds may be used to acquire, rehabilitate, or construct affordable rental housing primarily for occupancy by households of individuals and families of qualifying populations.
- Tenant Based Rental Assistance: Assists a household with payments to cover the entire or insufficient amounts that the qualifying household cannot pay for housing and housing-related costs, such as rental assistance, security deposits, and utility deposits.
- Supportive Services: These include services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ("McKinney-Vento Supportive Services")1 (42 U.S.C. 11360(29)); homelessness prevention services; and housing counseling services.
- Non-Congregate Shelter: A non-congregate shelter is one or more buildings that provide private units or rooms as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement. Includes acquisition and renovation or construction of units. HOME-ARP funds may not be used to pay the operating costs of the non-congregate shelter.

To determine local needs and priorities for the use of HOME-ARP funds, Provo City gathered and analyzed data on homelessness, facilities, and services. Provo City also consulted with the local Continuum of Care members, homeless providers, public housing agencies, public agencies serving qualifying populations, and other partners. After this analysis and consultation, Provo City has prepared the following HOME-ARP Allocation Plan.

Consultation

Before developing this Plan, Provo City Development Services staff consulted with a wide variety of partners with expertise in serving the Qualifying Populations. At the inception of the consultation process,

staff met and consulted with agencies who serve the most vulnerable populations in our community. Some of these included the Mountainlands Continuum of Care, Food and Care Coalition, Boys and Girls Club of Utah County, Religious organizations, Public Housing Authorities, Non-Profit serving Hispanics and Latinos, Victims of domestic violence/sexual assault service provider, Victims of Human trafficking service provider, Agencies serving persons with disabilities and addressing fair housing issues and Agencies serving Veterans groups (Full list in table below).

Partners were provided with a description of the grant and funding amount, the qualifying populations, and the range of eligible activities for the use of the funds. Partners were asked to respond with data on their units, resources, and operations. They were also asked to provide feedback on unmet needs and priorities for the qualifying populations they serve, and to discuss gaps in the inventory and service delivery system.

Initial consultation meetings held December 1, 2022 were followed up with a survey to determine priority needs and gaps in service among the Qualifying Populations in the community. The survey along with agency specific questions were emailed to organizations on December 6, 2022. Follow-up questions were sent to organizations again on January 31, 2023 and February 28, 2023 to better clarify gaps and community needs.

Table 1
Organizations Consulted

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
United Way	Mountainland Continuum of Care	Email and in person or Virtual Meeting – Survey	Unmet needs are temporary 30–60-day housing and housing for persons fleeing domestic violence.
Community Action	Homeless Service Provider	Email and in person or virtual meeting – Survey	Largest unmet need is affordable housing for the very-low-income population.
Boys & Girls Club Utah	After School Program for Youth	Email and in person or Virtual Meeting – Survey	The families often need more continued support than we are able to provide in a short-term program. The continued support frequently manifests as needing additional rental assistance that we cannot provide.
Food and Care Coalition	Homeless Service Provider	Email and in person or Virtual Meeting - Survey	1) Supportive services 2) supportive housing (not congregate shelter) 3) Education 4) Substance Abuse and Mental Health Services are the most needed and should be our priorities moving forward as a community. Congregate shelters have proven to be ineffective.

DRAFT

The Refuge	Domestic Violence Service Provider	Email and in person or Virtual Meeting – Survey	Unmet needs are emergency and permanent affordable housing. In the 2022 year 1,075 requests were unmet due to lack of emergency shelter.
Dahlia's Hope	Human Trafficking Survivors	Email and in person or virtual meeting – Survey	The biggest barrier with survivors is quick access to safe and affordable housing. It would be nice to have funds/vouchers that are specifically set aside for survivors of trafficking.
Mountainland Association of Governments	Association of Governments	Email – Survey	Efforts were made to solicit feedback from organization to date there has been no response.
Ability First	Support for Persons with disabilities	Email and in person or virtual meeting – Survey	The biggest needs when transitioning individuals with disabilities back into their communities are housing and transportation. Without these resources it becomes very difficult in assisting them with their transition.
Wasatch Mental Health	Mental Health Provider	Email and in person or virtual meeting - Survey	Efforts were made to solicit feedback from organization to date there has been no response.
State Veteran's Group	Veteran's Agency	Email - Survey	Unmet needs are set aside housing for veterans in Utah County. The VA has set aside units in Salt Lake County. There is a limited supply of affordable units.
Utah Regional Housing	Public Housing Agency	Email and in person or Virtual Meeting – Survey	Waiting lists for housing are currently at 4,356
Utah County Housing Authority	Public Housing Agency	Email - Survey	The highest need in the community is for affordable housing and housing for persons fleeing domestic violence. Current waiting lists for voucher programs are 5,691
Centro Hispano	Latino Service Provider	Email and in person or Virtual Meeting - Survey	Unmet needs include housing, job, and financial assistance.
Provo Victim's Services	Domestic Violence Service Provider	Email and in person or Virtual Meeting - Survey	Efforts were made to solicit feedback from organization, to date there has been no response.
Church of Jesus Christ of Latter-day Saints	Religious Organization	Email and in person or Virtual Meeting - Survey	Shelter for families is needed most. We have some sheltering for individuals and couples but little for families.

DRAFT

Disability Law Center	Non-profit Organization, Fair Housing issues of all types	Email and in person or Virtual Meeting - Survey	Handle all types of fair housing issues housing discrimination complaints on the basis of disability make up the majority of the fair housing complaints to HUD. Supportive housing one of the biggest needs in the community.
Utah Independent Living	Support for Persons with disabilities	Email and in person or Virtual Meeting - Survey	Efforts were made to solicit feedback from organization to date there has been no response.
Office of Homeless Services	State Agency	Email and in person or Virtual Meeting - Survey	Efforts were made to solicit feedback from organization to date there has been no response.
Transition to Adulthood Living	State Health and Human Services	Email and in person or Virtual Meeting - Survey	Unmet needs are supportive housing for youth transitioning out of foster care as well as assistance with deposits to secure housing and transportation from housing to UVX stations or other transportation hubs.
Orem City	City, Member of the Utah Valley HOME Consortium	Email and in person or Virtual Meeting - survey	Supportive of an emergency shelter for Victim's of Domestic Violence/Sexual Assault/Human Trafficking
Lehi City	City, Member of the Utah Valley HOME Consortium	Email and in person or Virtual Meeting - survey	Efforts were made to solicit feedback from organization, to date there has been no response.

From conversations and survey results, there is overwhelming need for more supportive services and housing assistance for all Qualifying Populations.

Public Participation

- **Public Comment Period**: 2/14/2023 – 3/6/2023
- **Public Comment Period**: 3/13/2023 – 3/28/2023
- **Public Hearing**: 3/28/2023

Public participation is a vital element in assessing the needs and gaps in services for the homeless for development of the HOME ARP Allocation Plan. City Council held a session February 14, 2023, that discussed the formation of the HOME ARP Allocation plan, which included a presentation on What HOME-ARP is, how much money was awarded to Provo City on behalf of the Utah Valley HOME Consortium, what the Qualifying Populations are as well as eligible activities to consider. Information was also provided at this meeting, on ways for the public to provide comment and input into the HOME-ARP Allocation Plan.

A second public comment period opened on March 13, 2023, to solicit public comment and feedback on the HOME-ARP Allocation Plan. Provo City Council held a session on March 14, 2023, where details of the HOME-ARP Allocation Plan draft were shared. Information was also shared at this meeting on ways

the public could access the plan draft as well as comment and leave feedback.

Public Hearing March 28, 2023 TBD

Public notices were published in both the Daily Herald as well as the Utah Public Notice website on February 2, 2023 and March 3, 2023. Notices included dates and times of public meetings as well as availability of services for those needing special accommodation or translation for the meetings. Public meetings were held in the evenings and instructions to join via zoom were provided to better accommodate work schedules and increase meeting accessibility.

During the HOME ARP Allocation Plan process, the city followed its Citizen Participation Plan and encouraged the participation of the public, city departments, public agencies and nonprofit housing and public service providers. Additionally, all notices included instructions to contact staff for anyone needing accommodation or translation services at public meetings.

Provo City on behalf of the Utah Valley HOME Consortium expanded its outreach for public participation to include:

- Posting to Provo City Council's Open City Hall page.
- Posting to multiple Provo City department Facebook pages including: Provo City main page, Development Services page, and Provo City Council page.
- Article on the HOME-ARP plan and process published by KUER 90.1 website.
- Infographic and link to leave comment posted on Provo City Development Services webpage.
- All public meetings held in person, over zoom, and through Facebook live to increase accessibility to the public.

Summary of the comments and recommendations received through the public participation process:

Several public comments were received through the public participation process. Broad support was expressed for services for victims of domestic violence/sexual assault/human trafficking. There was also broad support expressed for supportive services for all qualifying populations.

Other comments included ideas for homeless shelters and opposition to homeless shelters. Support for rental housing and rental assistance. There were a range of opinions, and all comments were considered in the formulation of the Plan.

Summary of any comments or recommendations not accepted and the reason(s) why:

A few comments were not accepted as they fell outside the purpose and scope of the HOME-ARP allocation plan. Those comments included suggestions to build houses closer together, give funding to local businesses to create jobs, and revamp the public housing procedures.

DRAFT

Table 2
Needs Assessment and Gaps Analysis
2022 Point in Time and Housing Inventory Count

		Current Inventory								Homeless Population				
		Total		Family		Adults Only		Vets	DV	Total	Family HH (at least 1 child)	Adult HH (w/o child)	Vets	Victims of DV
		# of Beds	# of Units	# of Beds	# of Units	# of Beds	# of Units	# of Beds	# of Beds					
Emergency Shelter		78		39	10	27			45					
Transitional Housing		74		43	14	31			44					
Permanent Supportive Housing		155		21	7	134		5						
Other Permanent Housing		86		86		86								
Rapid Rehousing		33		24	8	9			25					
Total		**426**						**5**	**114**					
Sheltered Homeless	Households									69	23	46		
	Individuals									201	75	45	1	80
Unsheltered Homeless	Households									92	1	91		
	Individuals									127	2	113	3	9
Total Homeless	**Households**									**161**	**24**	**137**		
	Individuals									**329**	**77**	**159**	**4**	**89**

Source for Individuals: Utah Annual Homeless Report 2022-PIT, Source for Beds/Units: HUD 2022 CoC Housing Inventory

DRAFT

Table 3

Housing Needs Inventory and Gap Analysis Table

Non-Homeless			
	Current Inventory	**Level of Need**	**Gap Analysis**
	# of Units	# of Households	# of Households
Total Rental Units	53,700		
Rental Units Affordable to HH at 30% AMI (At-Risk of Homelessness)	1,650		
Rental Units Affordable to HH at 50% AMI (Other Populations)	2,220		
0%-30% AMI Renter HH w/cost burden >30% (At-Risk of Homelessness)		9,550	
30%-50% AMI Renter HH w/cost burden >30% (Other Populations)		9,070	
Current Gaps			18,620

CHAS data for the 2015-2019 ACS for Utah County

DRAFT

Size and demographic composition of qualifying populations within the PJ's boundaries

Homeless

The 2022 Point in Time Count reported 241 sheltered homeless and 115 unsheltered homeless individuals on a single night in January 2022. On the date of this Point in Time (PIT) count the utilization rate of available units was reported to be 69% for Emergency Shelters, 89% for Transitional Housing, and 100% for Rapid Re-Housing. The PIT count for unsheltered individuals is considered to be a subset of the actual number due to the difficulty of contacting and estimating unsheltered populations. CoC members consider the count to be significantly below the actual number of homeless in Utah County.

Of those included in the 2022 PIT counts, 48% were adults in households without children, and individuals in households with adults and children constituted 23% of those counted. 27% of people counted identified as fleeing domestic violence and veterans made up 1% of the total count.

At Risk of Homelessness

Comprehensive Housing Affordability Strategy data prepared by HUD indicate a large population of households experiencing housing instability who may be at risk of homelessness. There are an estimated 9,190 very low-income households (incomes less than 30% AMI) who are rent burdened (paying greater than 30% of income towards rent). The need for affordable rentals far exceeds the number of available units (see CHAS data in table 3 above).

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

Rates of abuse have increased exponentially since the onset of the pandemic, mainly due to isolation, financial and work-related stressors, homeschooling, and the cost of childcare. As a result, the demand for services for victims of domestic violence in Provo has never been higher. For example, calls to 24- hour crisis line increased 4-fold at the onset of the pandemic, and remains at about twice the level than prior to Covid pandemic. Referrals from law enforcement for those at highest risk have increased nearly 30% and sexual assaults have also seen an increase.

Although there is no definitive number for households fleeing or attempting to flee domestic violence in Provo, according to the National Coalition Against Domestic Violence (NCADV), intimate partner violence accounts for 20% of all violent crimes in the US, and 15% in Utah. Additionally, 33.6% of women and 21.4% of men in Utah experience intimate partner physical violence, intimate partner sexual violence, and/or intimate partner stalking in their lifetimes, which is higher than the national average of 23.2% of women and 13.9% of men. According to the report, in 2020, 2,191 requests for shelter went unmet in Utah.

Other Populations Requiring Services or Housing to Prevent Homelessness or At Greatest Risk of Housing Instability

Comprehensive Housing Affordability Strategy data indicate that there are an estimated 8,435 low-income (incomes between 30% and 50% AMI) rent burdened households (paying greater than 30% of income towards rent).

All of the 33 Rapid Rehousing units and beds were utilized at the time of the 2022 Point in Time Count. At least this number of individuals require services and housing to avoid a return to homelessness.

DRAFT

Unmet housing and service needs of qualifying populations

In consultation with the homeless providers and agencies the following unmet housing and services needs for the Qualifying Populations were identified:

Homeless
Housing: Transitional housing, supportive housing, and deeply affordable housing
Services: Mental health services, supportive services, and transportation
Assessment: Housing affordable to households below 30% AMI is increasingly unattainable. There is currently a need in Utah County for 4,270 deeply affordable rental units and supportive services to stabilize and increase household income.

At Risk of Homelessness
Housing: Deeply affordable housing, rental assistance, and supportive housing
Services: Supportive Services, transportation,
Assessment: According to CHAS data for Utah County there are 13,335 households who pay more than 30% of their income for rent and utilities and 10,060 households paying more than 50% of their income for rent and utilities. Rental assistance and supportive services aimed at stabilizing and increasing household income is a significant and unmet need.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
Housing: Emergency Shelter, rental assistance, and deeply affordable housing
Services: Supportive services
Assessment: Emergency housing and additional housing units for domestic violence, dating violence, sexual assault, and human trafficking is a rapidly growing unmet need.

Other Populations Requiring Services or Housing to Prevent Homelessness or At Greatest Risk of Housing Instability
Housing: Deeply affordable housing, rental assistance, and supportive housing
Services: Supportive services, transportation services
Assessment: Rental assistance and deeply affordable housing in conjunction with supportive services are an unmet need.

Current resources available to assist qualifying populations

Provo City and the Utah Valley Home Consortium area have a variety of funding, providers, facilities, and services to assist the needs of qualifying populations. Funding sources include Low Income Housing Tax Credits, HOME, Temporary Assistance for Needy Families, and Emergency Housing Vouchers.

As discussed in the above section regarding unmet needs, the gap in affordable housing continues to grow. Utah County has a significant number of housing units which are deeply affordable. These include 977 Housing Vouchers, 248 Public Housing Units, 994 Project-Based Subsidized Units, 1,791 Low Income Housing Tax Credit Units of which 43 are no longer within the affordability period and are at risk of losing their low-income status.

DRAFT

Gaps within the current shelter and housing inventory as well as the service delivery system

Specific gaps noted by consulting parties are in the areas of permanent supportive housing and supportive services, affordable housing, and rental assistance. One common theme among many of the respondents was the need for more supportive services for all populations and more available housing especially for those fleeing or attempting to flee domestic violence, sexual assault, and human trafficking.

According to HUD's Comprehensive Housing Affordability Strategy (CHAS) data, Utah County is reported to have an estimated 53,700 total rental units. Only 1,650 or 3% are affordable to households with incomes below 30% of Area Median Income (AMI) and 3,870 or 7% are affordable to households with incomes below 50% AMI. According to CHAS data, a minimum of 18,620 affordable housing units would be needed to address the needs of low- and very-low income rent burdened households.

Many of the needs of the qualifying populations are similar and include the need for affordable housing, wrap around services, and supportive services or assistance that could prevent homelessness or greater housing instability.

Explain how the level of need and gaps in its shelter and housing inventory and service delivery systems based on the data presented in the plan were determined

The gaps in services and programs that provide shelter, housing, and services were determined using data from multiple sources, including stakeholder and public engagement. The level of need for unsheltered and shelter households experiencing homelessness was determined by evaluating the number of unsheltered households and the level of resources available to adequately house the families or individuals with permanent supportive housing and critical long-term supportive services to achieve housing stability.

For households that are currently housed but have challenges maintaining their home, the level of need was measured by the amount of inventory that had affordable, safe, and adequate living conditions and the number of renter households that are experiencing severe housing cost burdens. These households need housing that help them stay housed without encumbering them with the cost of their home.

The Utah State Annual Report on Homelessness gives a total of 389 beds and the Point in Time (PIT) counts state 342 sheltered and unsheltered individuals. However, providers indicate that while not quantifiable the unsheltered homeless count is much higher than the PIT count. Rapid Re-housing reports 100% usage and service providers indicate that there is a gap in this service for all populations. Through the consultation and gap analysis process during the development of the HOME-ARP Allocation Plan, consulting agencies indicated the need for more available affordable housing, permanent supportive housing, and the need for additional rental assistance.

Provo City, with the help of CoC members, partners and stakeholders, identified housing and supportive services as ways to address the gaps in the current shelter and housing inventory to best assist people experiencing homelessness or at risk of homelessness. A rental assistance program with a broad range of connected services could help a significant number of households.

DRAFT

Priority Needs for Qualifying Populations

In the HOME ARP Consultation Survey, partners provided the following set of priority needs:

- Homeless: deeply affordable housing, permanent supportive housing, transitional housing, supportive services.
- Fleeing Violence, etc.: Emergency Shelter, Short Term Shelter, and affordable rental units.
- At Risk of Homelessness: Supportive Housing, deeply affordable rental units, rental assistance, and homeless prevention supportive services.
- Other Populations: Affordable rental units, supportive housing, transportation assistance, homeless prevention supportive services.

The level of needs and gaps in the shelter and housing inventory and service delivery systems were determined through a review of the CHAS data, homeless reports and counts, and consulting partner surveys and meetings. The priority needs and gaps were driven mostly by consulting party responses. These consulting parties are involved daily in addressing the pressing needs of homeless individuals and households. Greatest weight is given to their responses.

HOME-ARP Activities

Anticipated method for soliciting applications for funding and/or selecting developers, service providers, sub-recipients and/or contractors

As with HOME funds, Provo City will use HOME-ARP funds to work with non-profit and other agencies to leverage funding sources to support activities for supportive services, and tenant-based rental assistance.

Provo City will not administer the proposed activities directly. The programs funded will be selected through a request for proposals process in accordance with the established Provo City policies and procedures. This process will involve development of a scope of services consistent with the HOME-ARP Notice, solicitation to local non-profit and governmental agencies who serve homeless populations, review, scoring, interviews, and award will be conducted through citizen committee of the Utah Valley HOME Consortium.

DRAFT

Proposed Use of HOME-ARP Funding

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	1,093,303.36		
Acquisition and Development of Non-Congregate Shelters	$ 0		
Tenant Based Rental Assistance (TBRA)	3,279,910.09		
Development of Affordable Rental Housing			
Non-Profit Operating	257,247.85		5%
Non-Profit Capacity Building			5%
Administration and Planning	514,495.70		10%
Total HOME ARP Allocation	**5,144,957.00**		

Characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities

Provo City has identified activities that will assist families and individuals of the most vulnerable populations. HUD CHAS data show a need for a significant number of additional deeply affordable housing units. Additional methods of rendering units affordable involve rent subsidies. Tenant Based Rent Assistance is the method which best addresses the needs identified by consulting parties. When coupled with a broad range of linked supportive services, this approach provides assistance for households to obtain and maintain housing that is affordable to them.

Among the most vulnerable qualified populations in jeopardy of housing instability are families and individuals challenged with housing affordability. To help keep families housed, Provo City will fund activities that provide rental assistance to low- and moderate-income families. Tenant-based rental assistance will be administered by local non-profits or public agencies that support families or individuals who are at-risk of homelessness. Many of the families or individuals who receive assistance to mitigate homelessness or flee violent circumstances require wrap-around services because of the compounding challenges they face. Provo City will support organizations that provide supportive services to help program participants achieve self-sufficiency.

HOME-ARP Production Housing Goals

- Not Applicable

Preferences

No specific preferences are anticipated. Any individual or household in a Qualifying Population will have access to Supportive Services and Tenant Based Rental Assistance upon qualification. Guidelines for administration of these programs will be developed in coordination with the request for proposal process.

HOME-ARP Refinancing Guidelines

- Not applicable

DRAFT

Appendix A (to include)

EXPANDED OUTREACH EFFORTS:

PROVO CITY WEBSITE WITH OPTION TO COMMENT
ADDITIONAL REQUEST FOR COMMENT IN SPANISH
February … 2023
March 2023

POSTED TO SOCIAL MEDIA SITES

PROVO CITY COUNCIL PUBLIC NOTICES

PROVO CITY COUNCIL FACEBOOK

PROOF OF PUBLICATION:

FULL LEGAL NOTICE:

DRAFT

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: A discussion regarding micromobility devices. (23-022)

RECOMMENDATION: Presentation

BACKGROUND: The Administration has requested this item to discuss the emergence of new types of micromobility devices, including, but not limited to, e-scooters, e-bikes, hoverboards, etc. and how these devices might be best regulated throughout the City.

FISCAL IMPACT:

PRESENTER'S NAME: Brian Jones, City Attorney

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-022

ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING MICROMOBILITY DEVICES. CITYWIDE APPLICATION.

WHEREAS, it is proposed that Provo City Code Section 9.32.170 (Riding Skateboards, Roller Skates or Bicycles) be repealed and replaced with an ordinance defining and governing micromobility devices; and

WHEREAS, the current version of Section 9.32.170 allows private property owners to either allow or prohibit the use skateboards, roller skates, and other similar devices on their property; and

WHEREAS, the proposed replacement version would allow property owners to allow the use of micromobility devices, but impose restrictions on the use, such as limiting the speeds at which such devices may be operated on the property; and

WHEREAS, on March 28, 2023, 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 proposal and the 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 9.32.170 is hereby repealed and replaced in its entirety 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

9.32.170 Micromobility devices

(1) (a) Micromobility device means a human-, motor-, or electric-powered transportation device that is driven by the user personally.

(b) Micromobility device includes, but is not limited to, the following as defined in Utah Code Section 41-6a-102:

(i) electric personal assistive mobility device;

(ii) electric assisted bicycle;

(iii) motor assisted scooter;

(iv) moped;

(v) bicycle; and

(vi) motor-driven cycle.

(c) Micromobility device includes, but is not limited to, any device that would be described in Subsection (1)(b) but for the fact that it is capable of speeds greater than those set forth in Utah Code Section 41-6a-102 in the relevant definition.

(d) Micromobility device includes, but is not limited to, skateboards, roller skates, roller blades, hoverboards, non-motor-assisted scooters, and any other small, lightweight, wheeled conveyance that meets the definition in Subsection (1)(a) and is not specifically excluded in this Section.

(e) Micromobility device does not include automobiles, motorcycles, golf carts, manual or electric wheelchairs, or other such vehicles.

(2) It is unlawful to operate any micromobility device described in Subsection (1)(c) on city sidewalks.

(3) It is unlawful to ride or use a micromobility device on a public street or sidewalk after dark unless the user is equipped with reflective material of sufficient size and reflectivity to be visible from both sides for five hundred (500) feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet. “After dark” shall mean one-half (1/2) hour after sunset.

(4) It is unlawful to leave a micromobility device obstructing pedestrian travel on the sidewalk, in a pedestrian crosswalk, or in a roadway except in an area where it would be lawful to park a motor vehicle.

(5) It is unlawful to use a micromobility device on any property in a manner prohibited by the property owner if the property owner has posted signs on the property giving reasonable notice of the prohibited use or uses.

(6) It is unlawful for any company to provide micromobility device rentals for use upon City streets unless done on behalf of the City pursuant to a contract with the City.

Code Change to 09.32.170

Scooters, E-riders,
Skateboards, Roller Skates,
Bicycles, etc.

CURRENT CODE:
9.32.170 Riding Skateboards, Roller Skates or Bicycles.

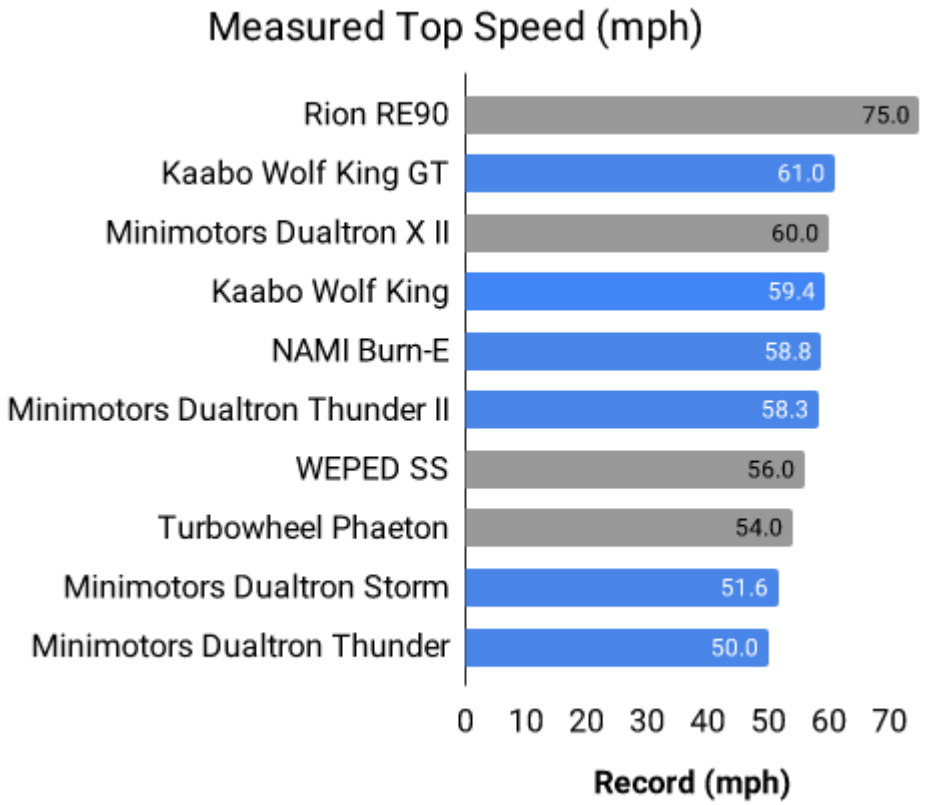
(1) It shall be unlawful to ride or use a skateboard, roller-skates, roller-blades, or similar device on a public street or sidewalk after dark unless the user is equipped with reflective material of sufficient size and reflectivity to be visible from both sides for five hundred (500) feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or in lieu of reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet. "After dark" shall mean one-half (1/2) hour after sunset.

(2) It shall be unlawful to ride or use a bicycle, skateboard, roller-skates, roller-blades, or similar device on the sidewalks, steps, or ramps adjacent to the Provo City Library.

(3) It shall be unlawful to use a skateboard, roller-skates, roller-blades, or similar device on private property or school property if the property owner has posted signs on the property prohibiting such conduct. Such signs shall be of reasonable size and number, and shall give notice that use of a skateboard, roller-skates, roller-blades, or similar device on the property is prohibited by this Section of the Provo City Code.
(Am 1989-62, Am 1999-09, Am 1999-11)

CURRENT CODE ISSUES

- Requires safety equipment, but for an outdated list of platforms
- Prohibition near Library is potentially overbroad
- Doesn't address City's new e-rider program
- Doesn't address parking
- Forces private property owners into an all-or-nothing choice, can prohibit use, but can't allow and regulate
    - Some property owners may be more willing to allow if they could regulate for safety concerns
    - Speed is one of top safety considerations
        - Average top speed is 26mph
        - Some models capable of 75+mph



Suggested Changes:

- Expand definition in safety regulations to explicitly include additional platforms
- Remove Library specific provision, but allow Library to post regulations (see below)
- Explicitly reference exclusive City e-rider program
- Prohibit parking that blocks sidewalks or lanes of travel
- Allow property owners (including City and therefore the Library) to post regulations, such as maximum speed, and make it unlawful to violate those regulations
  - Those who violate the regulations could be cited, just as those who ride where it is prohibited can be cited

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 03-28-2023

SUBJECT: An ordinance amending the list of appendices included in the Provo City General Plan. Citywide Application. (Related to PLGPA20210364)

RECOMMENDATION: To be heard at the March 28, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The 2023 General Plan was adopted on January 17, 2023. The Plan was adopted with Appendices A-D, which were presented to you. At the January 17, 2023 Council meeting, the Council acted to include many of the appendices from the 2004 General Plan because they contain information and data that is still applicable to the City's planning efforts (there were a handful that were no longer applicable).

FISCAL IMPACT:

PRESENTER'S NAME: Brandon Larsen, Planning Supervisor

REQUESTED DURATION OF PRESENTATION: 10 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLGPA20210364

ORDINANCE 2023-___.

AN ORDINANCE AMENDING THE LIST OF APPENDICES INCLUDED IN THE PROVO CITY GENERAL PLAN. CITYWIDE APPLICATION. (RELATED TO PLGPA20210364)

WHEREAS, on January 17, 2023, the Provo Municipal Council adopted an ordinance completely amending, revising, and updating the Provo City General Plan; and

WHEREAS, the ordinance adopted on January 17, 2023, for the Provo City General Plan included an amended, revised, and updated list of appendices; and

WHEREAS, after adoption of said ordinance, the list of appendices was found needing additional revisions. The Development Services Department staff prepared an amended, updated, and revised list of appendices for the General Plan; and

WHEREAS, on March 8, 2023, the Planning Commission held a duly noticed public hearing to consider a proposed amendment to amend, update, and revise the list of appendices included in the General Plan, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 7-0; and

WHEREAS, on March 28, 2023, 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 list of appendices for the Provo City General Plan should be amended, revised, and updated as described herein and (ii) the proposed amendment, revisions, and updates 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 amended, revised, and updated list of appendices for the Provo City General Plan is hereby adopted as set forth in Exhibit A and B. Any appendix listed in Exhibit A that was not previously a part of the General Plan is hereby added in its entirety. Any appendix stricken from the list in Exhibit A is hereby repealed and deleted from the General Plan.

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. 1789 W 520 S

EXHIBIT A

Included Appendices

Appendix A: Public Engagement Summary
Appendix B: Moderate-Income Housing Supply and Strategies
Appendix C: Annexation Map and Policies
Appendix D: General Plan Map
Appendix E: Parks & Recreation Master Plan
Appendix F: Transportation Master Plan
Appendix G: Wastewater Collection Master Plan
Appendix H: Water System Master Plan
Appendix I: Airport Master Plan
Appendix J: Village at Riverwoods SDP
Appendix K: Country Club Villas SDP
Appendix L: Residential Agricultural SDP
Appendix M: Rivers End SDP
Appendix N: Lakeview Fields SDP
Appendix O: Villages at Celebrations SDP
Appendix P: General Plan Amendments
Appendix Q: Bicycle Master Plan
Appendix R: Joaquin Neighborhood Plan
Appendix S: Downtown Master Plan
Appendix T: Franklin Neighborhood Plan
Appendix U: Southeast Neighborhoods Plan
Appendix V: Timp Neighborhood Plan
Appendix W: Maeser Neighborhood Plan
Appendix X: Southwest Neighborhoods Plan
Appendix Y: Downtown Streetscape Standards

EXHIBIT B

Links to Appendices

Appendix A: Public Engagement Summary:
https://www.provo.org/home/showpublisheddocument/21344/638065147495600000

Appendix B: Moderate-Income Housing Supply and Strategies
https://www.provo.org/home/showpublisheddocument/21346/638048040950370000

Appendix C: Annexation Map and Policies
https://www.provo.org/home/showpublisheddocument/21348/638131096401430000

Appendix D: General Plan Map
https://www.provo.org/home/showpublisheddocument/21350/638048026351700000

Appendix E: Parks & Recreation Master Plan
https://www.provo.org/home/showpublisheddocument/20394/637781209101530000

Appendix F: Transportation Master Plan
https://www.provo.org/home/showpublisheddocument/18371/637243758686000000

Appendix G: Wastewater Collection Master Plan
https://www.provo.org/home/showpublisheddocument/1641/637837234228030000

Appendix H: Water System Master Plan
https://www.provo.org/home/showpublisheddocument/1645/635682522672670000

Appendix I: Airport Master Plan
https://www.provo.org/Home/ShowDocument?id=1647

Appendix J: Village at Riverwoods SDP
https://www.provo.org/Home/ShowDocument?id=1653

Appendix K: Country Club Villas SDP
https://www.provo.org/Home/ShowDocument?id=1655

Appendix L: Residential Agricultural SDP
https://www.provo.org/Home/ShowDocument?id=1657

Appendix M: Rivers End SDP
https://www.provo.org/Home/ShowDocument?id=1659

EXHIBIT B, cont.

Links to Appendices

Appendix N: Lakeview Fields SDP
https://www.provo.org/Home/ShowDocument?id=1661

Appendix O: Villages at Celebrations SDP
https://www.provo.org/Home/ShowDocument?id=1663

Appendix P: General Plan Amendments

Appendix Q: Bicycle Master Plan
https://www.provo.org/home/showpublisheddocument/21412/638061108371330000

Appendix R: Joaquin Neighborhood Plan
https://www.provo.org/Home/ShowDocument?id=4447

Appendix S: Downtown Master Plan
https://www.provo.org/Home/ShowDocument?id=5515

Appendix T: Franklin Neighborhood Plan
https://www.provo.org/Home/ShowDocument?id=8931

Appendix U: Southeast Neighborhoods Plan
https://www.provo.org/Home/ShowDocument?id=11873

Appendix V: Timp Neighborhood Plan
https://www.provo.org/home/showdocument?id=13413

Appendix W: Maeser Neighborhood Plan
https://www.provo.org/home/showpublisheddocument/20284/637744965638770000

Appendix X: Southwest Neighborhoods Plan
https://www.provo.org/home/showpublisheddocument/21322/638061093652400000

Appendix Y: Downtown Streetscape Standards
https://www.provo.org/home/showpublisheddocument/20568/637837139664372900

provo
Development Services

Memo

To: Provo City Planning Commission

From: Brandon Larsen, Development Services Department

Date: March 8, 2023

RE: Appendices for the 2023 General Plan

The 2023 General Plan was adopted on January 17, 2023. The Plan was adopted with Appendices A-D, which were presented to you. At the January 17, 2023 Council meeting, the Council acted to include many of the appendices from the 2004 General Plan because they contain information and data that is still applicable to the City's planning efforts (there were a handful that were no longer applicable). In preparing the said ordinance for publication it was discovered that we failed to do the following:

1. Include the following appendices in the 2023 General Plan adoption ordinance:
    a. Transportation Master Plan
    b. Parks & Recreation Master Plan
    c. Southwest Neighborhoods Plan
    d. South Joaquin Residential Design Standards
    e. Wastewater Collection Master Plan
    f. Water System Master Plan

2. Have the Planning Commission give a recommendation on the inclusion of most the appendices from the 2004 General Plan (or General Plan version that was current before the 2023 General Plan adoption)

As such, Item 2 is simply a request for you to consider recommending approval of adding the following appendices to the 2023 General Plan:

1. Appendix E: Parks & Recreation Master Plan
2. Appendix F: Transportation Master Plan
3. Appendix G: Wastewater Collection Master Plan
4. Appendix H: Water System Master Plan
5. Appendix I: Airport Master Plan
6. Appendix J: South Joaquin Residential Design Standards
7. Appendix K: State Canyon Area Master Plan
8. Appendix L: Village at Riverwoods SDP
9. Appendix M: Country Club Villas SDP
10. Appendix N: Residential Agricultural SDP
11. Appendix O: Rivers End SDP
12. Appendix P: Lakeview Fields SDP
13. Appendix Q: Villages at Celebrations SDP
14. Appendix R: General Plan Amendments
15. Appendix S: Bicycle Master Plan

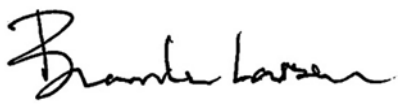
16. Appendix T: Joaquin Neighborhood Plan
17. Appendix U: Downtown Master Plan
18. Appendix V: Franklin Neighborhood Plan
19. Appendix W: Southeast Neighborhoods Plan
20. Appendix X: Timp Neighborhood Plan
21. Appendix Y: Maeser Neighborhood Plan
22. Appendix Z: Southwest Neighborhoods Plan
23. Appendix AA: Downtown Streetscape Standards

Staff Recommendation:

Recommend approval to the Municipal Council to include the following appendices to the 2023 General Plan:

1. Appendix E: Parks & Recreation Master Plan
2. Appendix F: Transportation Master Plan
3. Appendix G: Wastewater Collection Master Plan
4. Appendix H: Water System Master Plan
5. Appendix I: Airport Master Plan
6. Appendix J: South Joaquin Residential Design Standards
7. Appendix K: State Canyon Area Master Plan
8. Appendix L: Village at Riverwoods SDP
9. Appendix M: Country Club Villas SDP
10. Appendix N: Residential Agricultural SDP
11. Appendix O: Rivers End SDP
12. Appendix P: Lakeview Fields SDP
13. Appendix Q: Villages at Celebrations SDP
14. Appendix R: General Plan Amendments
15. Appendix S: Bicycle Master Plan
16. Appendix T: Joaquin Neighborhood Plan
17. Appendix U: Downtown Master Plan
18. Appendix V: Franklin Neighborhood Plan
19. Appendix W: Southeast Neighborhoods Plan
20. Appendix X: Timp Neighborhood Plan
21. Appendix Y: Maeser Neighborhood Plan
22. Appendix Z: Southwest Neighborhoods Plan
23. Appendix AA: Downtown Streetscape Standards

Respectfully,



Brandon Larsen
Planner
jblarsen@provo.utah.gov

Attachment
1. Public Works Staff Report

Attachment 1

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

Public Works Staff Report
Hearing Date: 3/8/2023

Inclusion of appendices from the 2004 General Plan into the 2023 General Plan.

Item #2 Summary:
Development Services requests inclusion of certain appendices from the 2004 General Plan into the 2023 General Plan. Citywide Application. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLGPA20210364

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

March 08, 2023

*ITEM 2	Development Services requests a General Plan amendment, inclusion of multiple appendices into the General Plan. City wide application. Brandon Larsen (801) 852-6408. Related to PLGPA20210364

The following action was taken by the Planning Commission on the above-described item at its regular meeting of March 8, 2023:

RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Daniel Gonzales
Second By: Raleen Wahlin
Votes in Favor of Motion: Lisa Jensen, Melissa Kendall, Robert Knudsen, Jeff Whitlock, Daniel Gonzales, Raleen Wahlin, and Andrew South

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.

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.

NEIGHBORHOOD AND PUBLIC COMMENT
- No public comment was received for this item.

CONCERNS RAISED BY PUBLIC
No neighborhood or district chairs spoke to this item. No members of the public commented on this item.

APPLICANT RESPONSE
Key points addressed in the applicant's presentation to the Planning Commission included the following:
- Development Services staff explained that this item was proposed to include many of the appendices from the General Plan, which was recently replaced on January 17, 2023, into the new General Plan. There are a few appendices from the outgoing General Plan that are proposed to not be included because the information in them is outdated.

PLANNING COMMISSION DISCUSSION
Key points discussed by the Planning Commission included the following:
- Commissioner Kendell wanted to make sure staff included all applicable appendices. She asked about a Wasatch Neighborhood Plan. Staff explained that such a plan does not exist or is no longer effective. Staff assured her that if there are other appendices that staff becomes aware of they can go through a similar process, as this one, to include them as appendices.

- Commissioner Gonzales recommended the Commission recommend approval of certain appendices being included with the 2023 General Plan, as set forth in "Exhibit A." It was seconded by Commissioner Wahlin. The motion was approved 7-0.

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 Development Services Department, 445 W Center Street, 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

The Planning Commission recommends approval to the Municipal Council to include the following appendices with the 2023 General Plan:

Appendix E: Parks & Recreation Master Plan
Appendix F: Transportation Master Plan
Appendix G: Wastewater Collection Master Plan
Appendix H: Water System Master Plan
Appendix I: Airport Master Plan
Appendix J: Village at Riverwoods SDP
Appendix K: Country Club Villas SDP
Appendix L: Residential Agricultural SDP
Appendix M: Rivers End SDP
Appendix N: Lakeview Fields SDP
Appendix O: Villages at Celebrations SDP
Appendix P: General Plan Amendments
Appendix Q: Bicycle Master Plan
Appendix R: Joaquin Neighborhood Plan
Appendix S: Downtown Master Plan
Appendix T: Franklin Neighborhood Plan
Appendix U: Southeast Neighborhoods Plan
Appendix V: Timp Neighborhood Plan
Appendix W: Maeser Neighborhood Plan
Appendix X: Southwest Neighborhoods Plan
Appendix Y: Downtown Streetscape Standards

ITEM 2*

Development Services requests inclusion of certain appendices from the 2004 General Plan into the 2023 General Plan.

Citywide Application

PLGPA20210364

Revised Staff Recommendation:

Recommend approval to the Municipal Council to include the following appendices to the 2023 General Plan:

1.Appendix E: Parks & Recreation Master Plan
2.Appendix F: Transportation Master Plan
3.Appendix G: Wastewater Collection Master Plan
4.Appendix H: Water System Master Plan
5.Appendix I: Airport Master Plan
~~6.Appendix J: South Joaquin Residential Design Standards~~
~~7.Appendix K: State Canyon Area Master Plan~~
8.Appendix ~~L~~J: Village at Riverwoods SDP
9.Appendix ~~M~~K: Country Club Villas SDP
10.Appendix ~~N~~L: Residential Agricultural SDP
11.Appendix ~~O~~M: Rivers End SDP
12.Appendix ~~P~~N: Lakeview Fields SDP
13.Appendix ~~Q~~O: Villages at Celebrations SDP
14.Appendix ~~R~~P: General Plan Amendments
15.Appendix ~~S~~Q: Bicycle Master Plan
16.Appendix ~~T~~R: Joaquin Neighborhood Plan
17.Appendix ~~U~~S: Downtown Master Plan
18.Appendix ~~V~~T: Franklin Neighborhood Plan
19.Appendix ~~W~~U: Southeast Neighborhoods Plan
20.Appendix ~~X~~V: Timp Neighborhood Plan
21.Appendix ~~Y~~W: Maeser Neighborhood Plan
22.Appendix ~~Z~~X: Southwest Neighborhoods Plan
23.Appendix ~~AA~~Y: Downtown Streetscape Standards

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 03-14-2023

SUBJECT: An ordinance requesting a street vacation for Edgewood drive from 5400 North to 5600 North. Riverbottoms Neighborhood. (PLSV20220006)

RECOMMENDATION: To be heard at March 28, 2023 Work and Night Meeting.

BACKGROUND: Dudley & Associates requests a Street Vacation for the northern portion of Edgewood Drive, starting approximately at 5404 N Edgewood Drive, to allow for a new office development in a proposed PO zone. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLSV20220006

FISCAL IMPACT:

PRESENTER'S NAME: Aaron Ardmore, Planning Supervisor

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLSV20220006

ORDINANCE 2023-.

AN ORDINANCE REQUESTING A STREET VACATION FOR EDGEWOOD DRIVE FROM 5400 NORTH TO 5600 NORTH. RIVERBOTTOMS NEIGHBORHOOD. (PLSV20220006)

WHEREAS, it is proposed that the Municipal Council vacate Edgewood Drive from 5400 North to 5600 North to facilitate the River District Commercial development proposal; and

WHEREAS, the item is associated with a rezone action that was approved on March 14, 2023, for the River District Commercial development proposal; and

WHEREAS, on February 22, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 5:0; and

WHEREAS, on March 14, 2023, the Municipal Council held a duly noticed public hearing to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the hearing records; and

WHEREAS, all persons for and against the proposed vacation were given an opportunity to be heard; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) that the street vacation should be approved as described in Exhibit A and (ii) the proposed public street vacation 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 Corporation hereby vacates its property interest in Edgewood Drive from 5400 North to 5600 North, Provo, Utah, as described in the attached Exhibit A.

PART II:

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

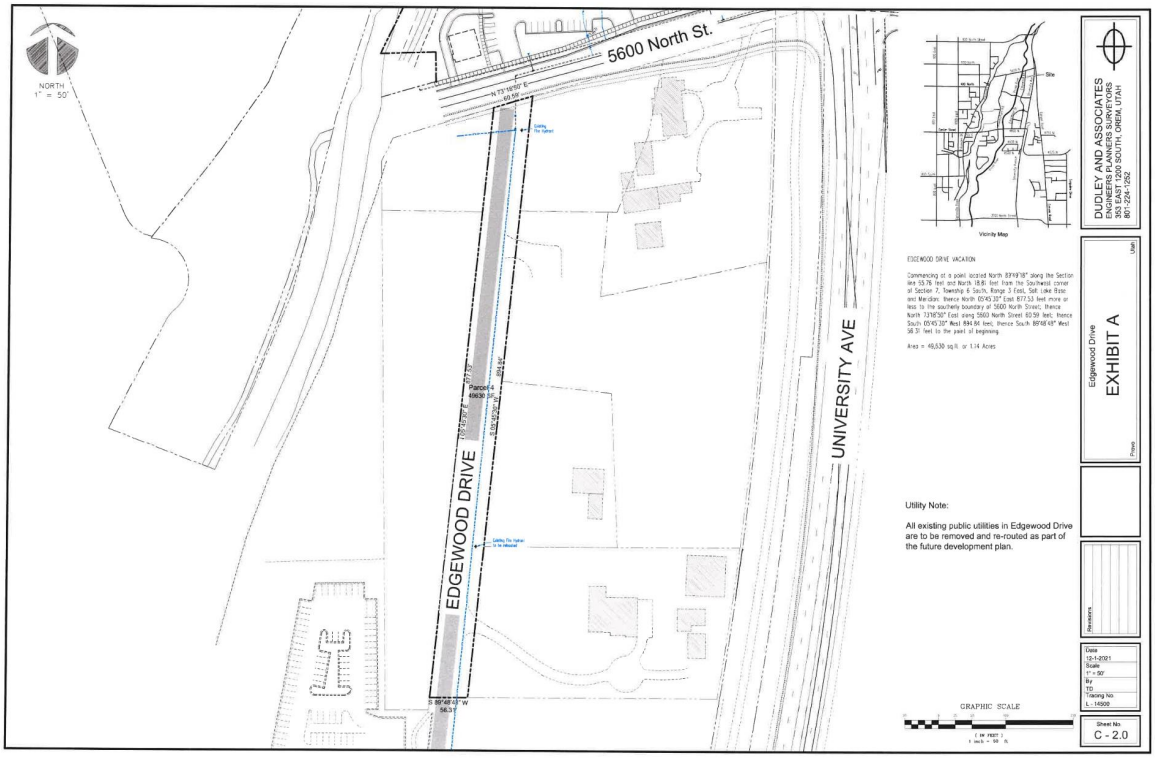
B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that this Ordinance remain 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—Proposed Street Vacation



NORTH
1" = 50'

5600 North St.

N 73°18'50" E
60.59'

Existing Fire Hydrant

Parcel 4
49630 SF

105.45'30" E 877.53'

S 05°45'30" W 894.84'

EDGEWOOD DRIVE

Existing Fire Hydrant to be relocated

S 89°48'48" W
56.31'

UNIVERSITY AVE



EDGEWOOD DRIVE VACATION

Commencing at a point located North 89°49'18" along the Section line 55.76 feet and North 18.81 feet from the Southwest corner of Section 7, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence North 05°45'30" East 877.53 feet more or less to the southerly boundary of 5600 North Street; thence North 73°18'50" East along 5600 North Street 60.59 feet; thence South 05°45'30" West 894.84 feet; thence South 89°48'48" West 56.31 feet to the point of beginning.

Area = 49,630 sq.ft. or 1.14 Acres

Utility Note:

All existing public utilities in Edgewood Drive are to be removed and re-routed as part of the future development plan.

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft

DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252

Edgewood Drive
Provo Utah

EXHIBIT A

Revisions

Date
12-1-2021
Scale
1" = 50'
By
TD
Tracing No.
L - 14500

Sheet No.
C - 2.0

PLSV20220006 - Riverbottoms Neighborhood

March 16, 2023, 4:29 PM

Contents

i.	Introduction	2
ii.	Summary of registered statements	4
iii.	Individual registered statements	5

PLSV20220006 - Riverbottoms Neighborhood

What do you think about a request to vacate a street at 5404 N Edgewood Drive in the Riverbottoms Neighborhood to allow for new office development?

Introduction

Provo City residents are encouraged to provide input on new development within the city. We value our residents' opinion and ideas. Your input assists staff in ensuring that all viewpoints are heard and to make them aware of concerns as well as what residents see as a match to the City's vision.

Developer/Applicant
Dudley & Associates

Project address
5515 N Edgewood Drive

Description
Dudley & Associates requests a street vacation for the northern portion of Edgewood Drive, starting approximately at 5404 N Edgewood Drive, to allow for a new office development in a proposed Professional Office zone in the Riverbottoms Neighborhood. A street vacation is a type of easement in which a government transfers the right-of-way of a public street to a private property owner.

The full plan submitted by the applicant can be seen here.

This project has several different applications:

PLRZ20220005 - zone change for office buildings
PLRZ20220008 - zone change for residential district
PLCUP20220032 - conditional use permit to increase building height for offices
PLSV202220006 - vacating a portion of Edgewood Drive
PLGPA20220004 - General Plan Map amendment for offices
PLGPA20220007 - General Plan Map amendment for multi-family residential district
Status
A neighborhood meeting was held on February 3. The application has been under review of various Provo City departments and will later be heard by the Planning Commission. Because it is a zone change, it will also need to be heard by the Provo City Council.

Project Contacts
Planner - Aaron Ardmore, 801-852-6404, aardmore@provo.org

Resources

PLSV20220006 - Riverbottoms Neighborhood

What do you think about a request to vacate a street at 5404 N Edgewood Drive in the Riverbottoms Neighborhood to allow for new office development?

Provo City Zoning Map
Provo City Code
Key Land Use Policies - listed by area and neighborhood (see policies that guide the land use for particular areas of the city)

Video from neighborhood meeting

PLSV20220006 - Riverbottoms Neighborhood

What do you think about a request to vacate a street at 5404 N Edgewood Drive in the Riverbottoms Neighborhood to allow for new office development?

Summary Of Registered Statements

As of March 16, 2023, 4:29 PM, this forum had:		Topic Start	Topic End
Attendees:	66	February 7, 2022, 5:08 PM	March 8, 2023, 11:59 PM
Registered Statements:	3		
Minutes of Public Comment:	6		

PLSV20220006 - Riverbottoms Neighborhood

What do you think about a request to vacate a street at 5404 N Edgewood Drive in the Riverbottoms Neighborhood to allow for new office development?

Individual Registered Statements

Name not shown
more than 2 miles
February 8, 2022, 7:06 PM

Simply put, no, don't do it at this time. Several things jump out in looking at this, but I'll only mention two. There is a higher priority in this area that needs to be addressed first. The interchange from University Ave. to 800 N. Orem at the mouth of Provo Canyon needs to be updated, made smoother and allow it to accommodate the ever growing traffic this interchange supports between these two roads and Provo Canyon. To do that this land may be needed to work things out, i.e. to provide space in order move things around to accommodate any changes to improve this interchange. Until this is done, Provo City has no business trying to add any kind of development in this area for any reason. The problems with this interchange and the traffic it supports have to be solved first! Then we can better use the land.

Plus, while the developer's plan looks like it could be reasonable use of land, it is to put it kindly rather ugly. Maybe in the time it takes this city to fix the traffic problems in the area, the developer can come up with something that looks good to put in the unused space that is not needed to resolve the interchange and traffic problems. This way the city will be beautified and the development will be able to go in without increasing the traffic problems that already exist in this area.

Chris West
more than 2 miles
February 9, 2022, 9:04 AM

In regards to vacating the street to allow for the new office development, I have no issue with that. That seems perfectly reasonable especially given that the access provided by the street will still be there in the parking lot. It seems silly to block the project because of little used section of frontage road.

One concern is if the nearby interchange to the North is redeveloped in the future, this project could be in the way; however, I that's not likely. The closest part of the project, is 0.3 miles away. The only way the interchange would reach the development is if the interchange doubled in size, secondly, in the unlikely case that it did, it would be meeting a parking lot which would not be hard to redevelop into whatever features are needed to make the interchange work.

Furthermore, I think the issues of traffic at this interchange are overblown. In my experience they only occur at certain times of day during certain times of year (e.g. between sessions of general conference), but other wise this interchange functions well.

Our need for housing and job opportunities is of great importance here in Provo and concerns of small increases in traffic or "ugly" housing should not stop a developer from providing such a service to those in need of their services.

William Taylor
more than 2 miles
February 9, 2022, 9:58 PM

I support this as the road is not used very much as is. This development will be a nice addition to this part of Provo and will bring some much needed Class A office space.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 8, 2023

***ITEM 1**	Ginny Smith requests annexation of approximately 9.1 acres located at approximately 5500 N Canyon Rd. The subject property lies adjacent to the North Timpview Neighborhood. Brandon Larsen (801) 852-6408 PLANEX20230020

Applicant: Ginny Smith

Staff Coordinator: Brandon Larsen

Property Owners: Ginny and Scott Smith, Provo City, Utah County, and Provo Canyon Estates LLC

Parcel ID#: 200140054, 200140081, 200140082, 200140083, 200140091, and 200140092

Acreage: 9.1 acres

Number of Properties: 6

General Plan Designation: Residential and Agricultural

Related Applications: None

Alternative Actions:

1. *Continue to a future date* to obtain additional information or to further consider information presented. The next available meeting date is March 22, 2023, at 6:00 P.M.

2. Recommend *Denial* of the proposed annexation. This recommendation would be inconsistent with the staff report. The Planning Commission must make specific findings that the proposal does not meet City Code requirements.

Relevant History: None

Neighborhood Issues: None

Summary of Key Issues:

- A small portion of unincorporated land is proposed to be annexed into Provo City.
- All land proposed to be annexed appears to have an associated Residential land use designation, except for Parcel 200140054, which is home to a city utility facility, and a portion of Parcel 200140081, which is owned by Provo Canyon Estates LLC.

Recommended Action:
Recommend approval to the Municipal Council of the proposed Smith-Provo Annexation of approximately 9.1 acres, located at approximately 5500 N Canyon Rd.

OVERVIEW

This item is an annexation request for property located at 5500 N Canyon Road. The subject area is located just south of the Indian Road Trailhead and east of University Avenue. The total property proposed for annexation equals approximately 9.1 acres. There are two areas of this annexation, which are separated by approximately 200 feet. Canyon Road runs through the westerly portion of the annexation area. A portion of Canyon Road is owned by Utah County. They have prepared a deed to transfer this land to Provo City upon recordation of the proposed annexation plat. The applicant owns property in both of the small areas shown on the annexation plat. The westerly area includes the applicant's home, a portion of Canyon Road, and a city utility facility. The easterly area includes agricultural land owned by the applicant, a city utility facility, and a small parcel owned by Provo Canyon Estates LLC. A portion of an access road runs through the Provo Canyon Estates parcel.

The subject area is located within “Area Five” on the city’s Annexation Policy Map. A portion of Appendix C: Annexation Map and Policies sets forth the following regarding “Area Five”:

> *“Area Five is bounded on the west and south by existing Provo City limits, and on the east by the Uinta National Forest boundary. Existing water pressure zones can serve this area to an elevation of approximately 4,876 feet. Area Five can be served by gravity wastewater systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in sizeable portions of this area would be subject to the city’s Hillside Development Standards, as well as the Critical Hillside Overlay (CH) Zone. The General Plan Map calls for residential development in a portion of this area; however, any property identified as Agriculture on the map should be included in the OSPR zone upon being annexed. Any future development project requiring a rezone from the OSPR Zone would be required to demonstrate a substantial benefit to the city and would be subject to the requirements of the Critical Hillside Overlay Zone.”*

§14.02.080 provides the following regarding the zoning of annexed property: *“any property in the process of annexation, or annexed to or consolidated to Provo City subsequent to the effective date of this Section, shall be deemed to be classified in accordance with the lowest density zone allowed by the land use designation set forth for the subject property in the Provo City General Plan.”*

The westerly area, as well as Parcel 200140082 and the western most portion of Parcel 200140081, has a Residential land use designation on the General Plan Map. Provo City Parcel 200140054, as well as the majority of Parcel 200140081, has an Agricultural land use designation.

The applicant desires to have agricultural zoning for her property. Staff recommends A1.1 (Agricultural, 1-ac) zoning for the land owned by Smith. Such zoning is less intense than the least intense residential zone (One-Family Residential – R1.2 Zone, 20,000 SF). Staff recommends A1.5 (Agricultural, 5-ac) zoning for the more easterly Parcels 200140054 and 200140081—to match the adjacent agricultural zoning. All agricultural zoning in the broader vicinity is A1.5.
There is no proposed development plan in connection with this annexation.

FINDINGS OF FACT

- The subject property is within “Area Five” of the Provo City Annexation Policy Map.
- The majority of the subject land is designated as “Residential” in the Provo City General Plan.
- The Provo City parcel, as well as a majority of the Provo Canyon Estates parcel, has an “Agricultural” land use designation.

CONCLUSIONS

In its review and evaluation of this request, Development Services Staff believes the proposed annexation is consistent with the adopted Annexation Plan and will be a benefit to the City.

RECOMMENDATION

Recommend Approval to the Municipal Council of the proposed Smith-Provo Annexation of approximately 9.1 acres, located at approximately 5500 N Canyon Rd.

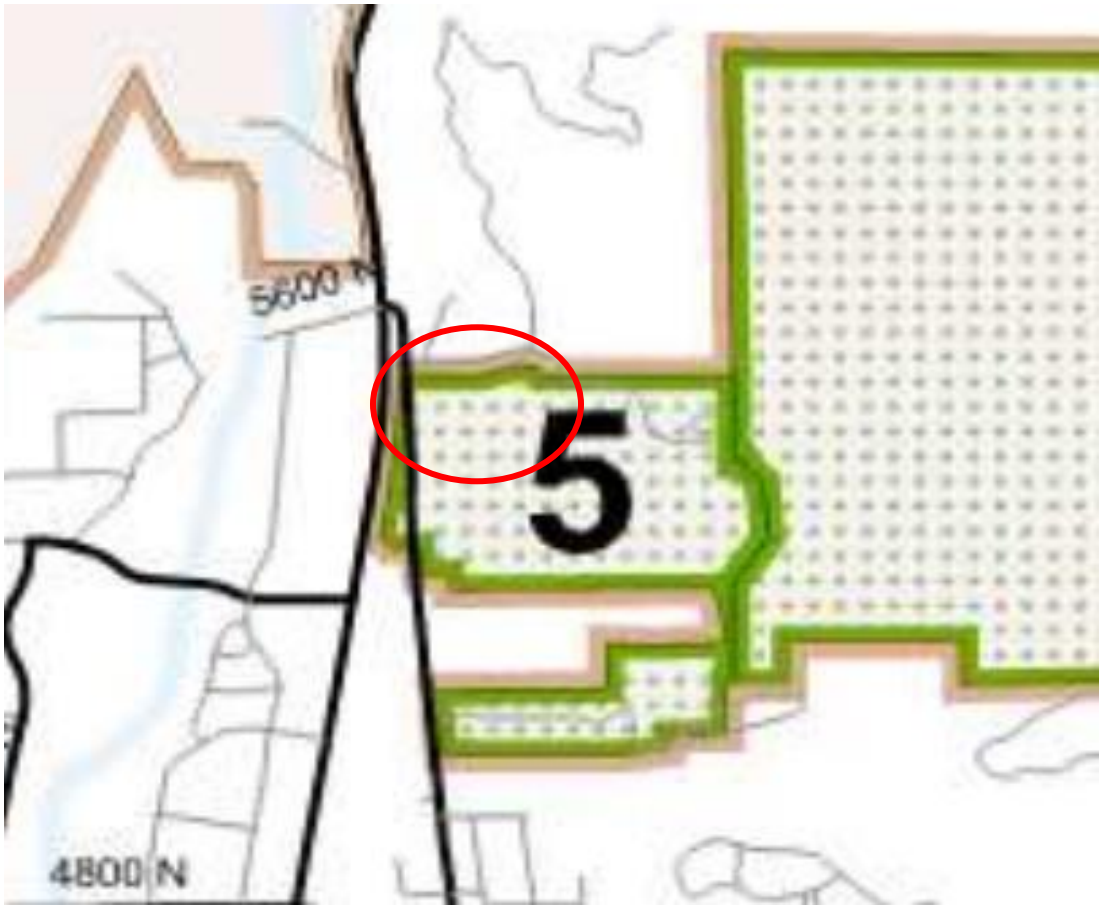
ATTACHMENTS

1. Location Map
2. Annexation Policy Map
3. Annexation Plat Map
4. General Plan Map
5. Public Works Staff Report

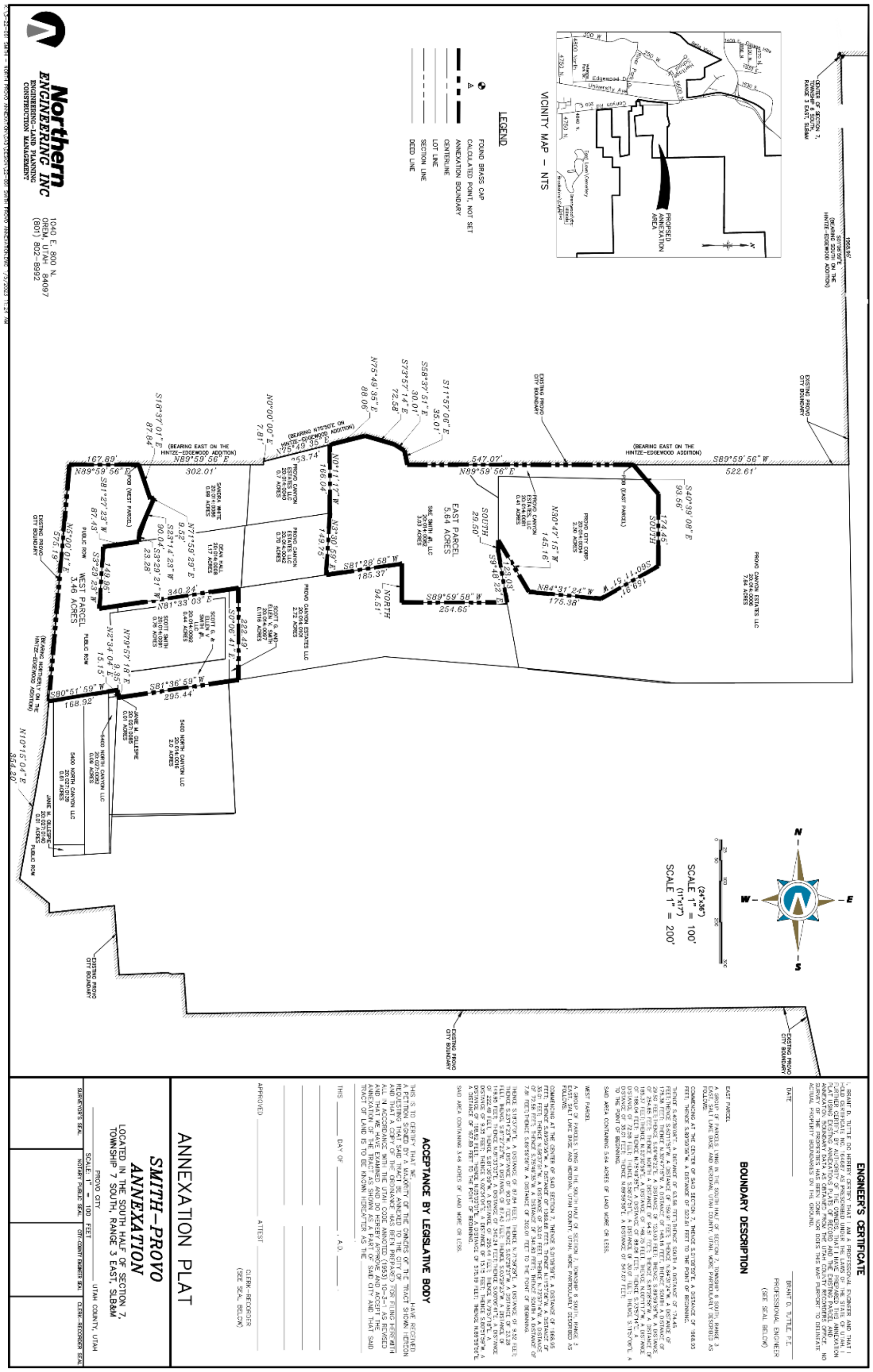
Attachment 1: Location Map



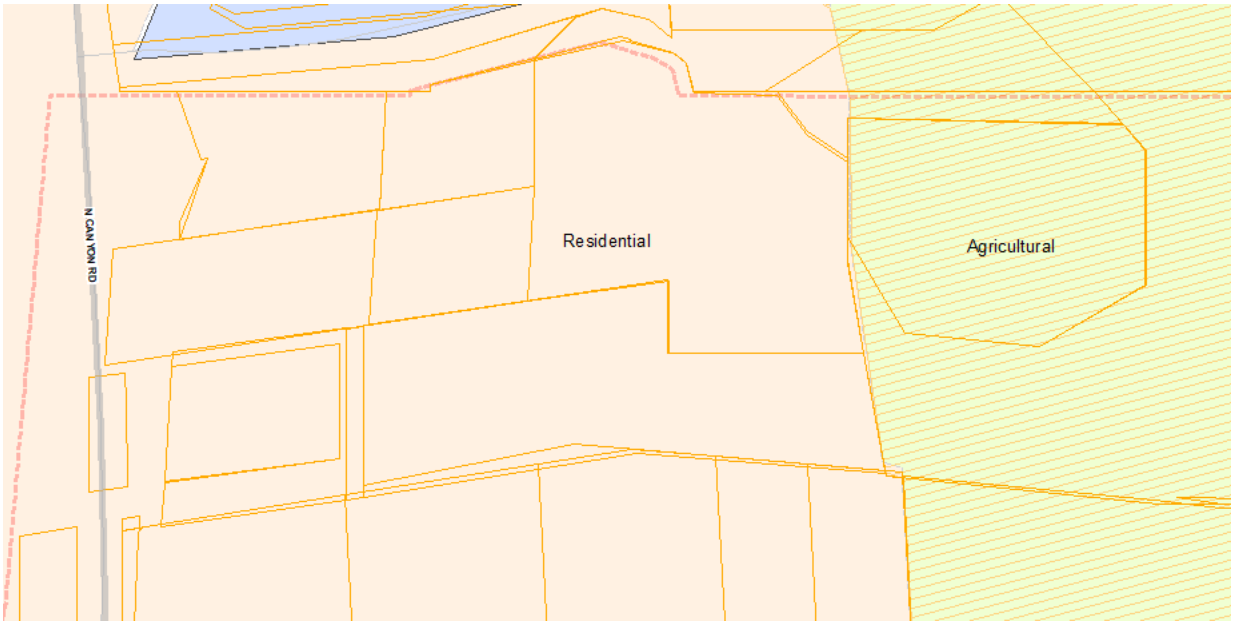
Attachment 2: Annexation Policy Map



Attachment 3: Annexation Plat Maps



Attachment 4: General Plan Map



Attachment 5: Public Works Staff Report

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

Public Works Staff Report
Hearing Date: 3/8/2023

Annexation of approximately 9.1 acres located at approximately 5500 N Canyon Rd.

Item #1 Summary:
Ginny Smith requests annexation of approximately 9.1 acres located at approximately 5500 N Canyon Rd. The subject property lies adjacent to the North Timpview Neighborhood. Brandon Larsen (801) 852-6408 PLANEX20230020

Staff Recommendation:
Public Works staff has major concerns with the requested action. Sewer, water and storm drain service systems are not available throughout this annexation area.

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

RESOLUTION 2023-___

A RESOLUTION INDICATING THE INTENT OF PROVO CITY TO ANNEX APPROXIMATELY 9.10 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 5500 N CANYON ROAD. NORTH TIMPVIEW NEIGHBORHOOD. (PLANEX20230020)

WHEREAS, the owners of approximately 9.10 acres of real property generally located at 5500 N Canyon Road, as shown in Exhibit A (the "Property"), are desirous of having their properties annexed into the City; and

WHEREAS, pursuant to Utah Code 10-2-418, the City may annex property in an unincorporated peninsula without a petition and may leave unincorporated the remainder of the peninsula if such action is found to be in the municipality's best interest; and

WHEREAS, per Map 1: Annexation Policy Map, Appendix C: Annexation Map and Policies, Provo City General Plan 2023, the Property is within Annexation Policy Area #5; and

WHEREAS, on February 28, 2023, the Municipal Council met to ascertain the facts regarding this matter, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, pursuant to Utah Code 10-2-418, the Municipal Council determines that annexing the Property, and not the entire unincorporated peninsula, is in the Provo City's best interest; and

WHEREAS, after considering the facts and comments presented at the meeting on February 28, 2023, the Council finds that further consideration of the annexation of the Property by the City without a petition would 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:
The Municipal Council intends to annex approximately 9.10 acres of real property generally located at 5500 N Canyon Road, as shown on Exhibit A. The matter of this annexation will be considered at a public hearing to be held during the regular meeting of the Municipal Council on April 18, 2023.

PART II:
As required by Utah Code Section 10-2-418(6)(a), the City shall provide notice of the public hearing:

(a) (i) at least three weeks before the day of the public hearing, by posting one notice, and at least one additional notice per 2,000 population in the municipality and the area proposed for annexation, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area, subject to a maximum of 10 notices; or
(ii) at least three weeks before the day of the public hearing, by mailing notice to each residence within, and each owner of real property located within, the combined area described in Utah Code Subsection 10-2-418 (6)(a)(i);

(b) by posting notice on the Utah Public Notice Website, created in Utah Code Section 63A-16-601, for three weeks before the day of the public hearing;

(c) by sending written notice to:
(i) the board of each local district and special service district whose boundaries contain some or all of the area proposed for annexation; and
(ii) the legislative body of the county (Utah County Commission) in which the area proposed for annexation is located; and

(d) by posting notice on the Provo City website for three weeks before the day of the public hearing.

The notice of public hearing shall be in substantially the following form:

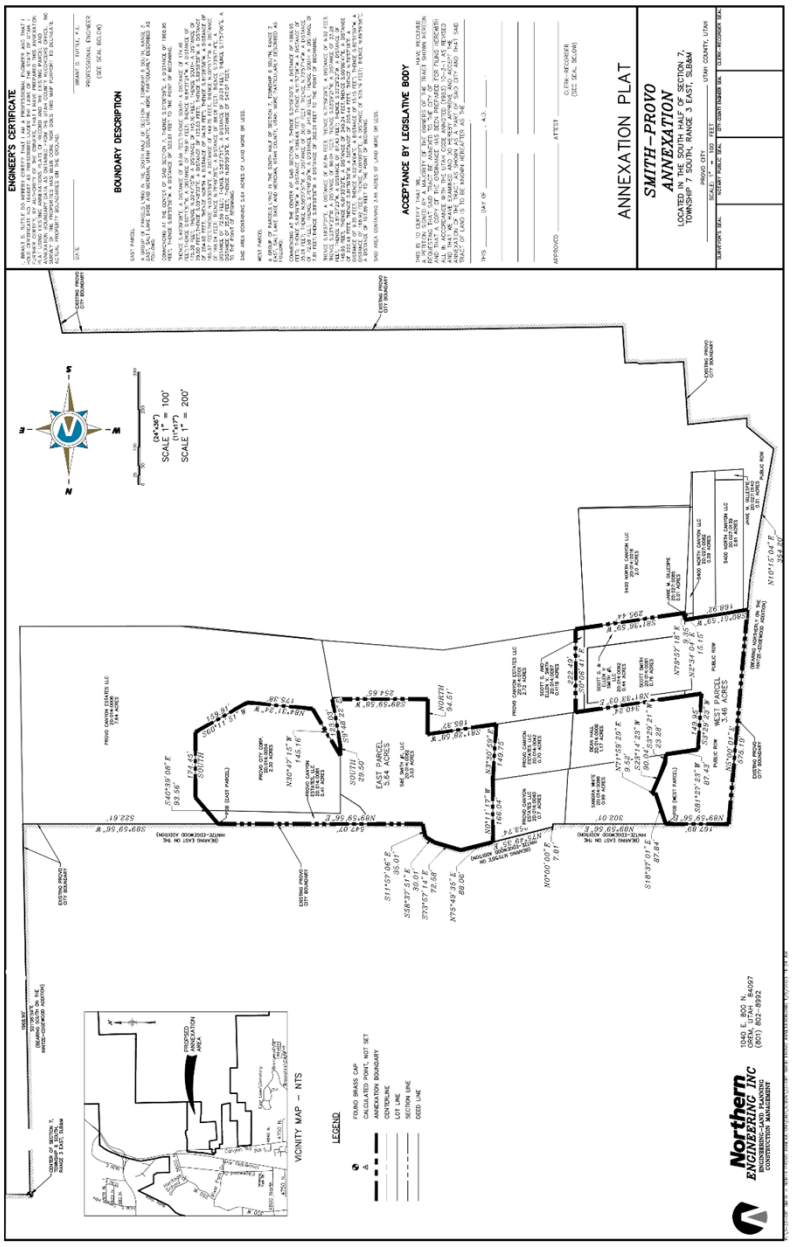
NOTICE OF INTENT TO ANNEX

NOTICE IS HEREBY GIVEN that on February 28, 2023, the Municipal Council of the City of Provo, Utah (the "City") adopted a resolution indicating its intent to annex into the City approximately 9.10 acres of real property generally located at 5500 N Canyon Road and identified in Utah County Land Records by the Serial Numbers 200140054, 200140082, 200140083, 200140091, and 200140092. The Council will hold a public hearing on the proposed annexation on April 18, 2023, at 5:30 PM in the Municipal Council Chambers, located at 445 West Center Street, Provo, Utah. The Municipal Council will annex the subject property unless, at or before the public hearing, written protests to the annexation are filed by the owners of private real property that: (a) is located within the area proposed for annexation; (b) covers a majority of the total private land area within the entire area proposed for annexation; and (c) is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation.

PART III:
This resolution shall be effective immediately.

END OF RESOLUTION.

Exhibit “A”


ENGINEER'S CERTIFICATE
BOUNDARY DESCRIPTION
ACCEPTANCE BY LEGISLATIVE BODY
ANNEXATION PLAT
SMITH-PROVO
ANNEXATION
LOCATED IN THE SOUTH HALF OF SECTION 7,
TOWNSHIP 6 SOUTH, RANGE 3 EAST, SLB&M.
PROVO CITY, UTAH COUNTY, UTAH
SCALE: 1" = 100 FEET
SURVEYOR'S SEAL
NOTARY PUBLIC SEAL
CITY ENGINEER SEAL
CLERK-RECORDER SEAL
SCALE (8.5"x11") SCALE 1" = 100'
SCALE (11"x17") SCALE 1" = 200'
VICINITY MAP - NTS
PROPOSED ANNEXATION AREA
LEGEND
FOUND BRASS CAP
CALCULATED POINT, NOT SET
ANNEXATION BOUNDARY
CENTERLINE
LOT LINE
SECTION LINE
DEED LINE
EAST PARCEL
5.64 ACRES
246 LOTS
SOUTH PARCEL
3.46 ACRES
87 LOTS
Northern
ENGINEERING INC
1040 E. 800 N.
OREM, UTAH 84097
(801) 802-3160

ITEM 1*

Ginny Smith requests annexation of approximately 9.1 acres located at approximately 5500 N Canyon Rd. The subject property lies adjacent to the North Timpview Neighborhood.

Citywide Application

PLANEX20230020

SMITH-PROVO ANNEXATION



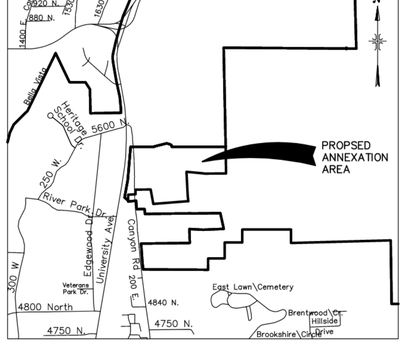
Vicinity

Smith-Provo Vicinity and Zoning Map



Vicinity

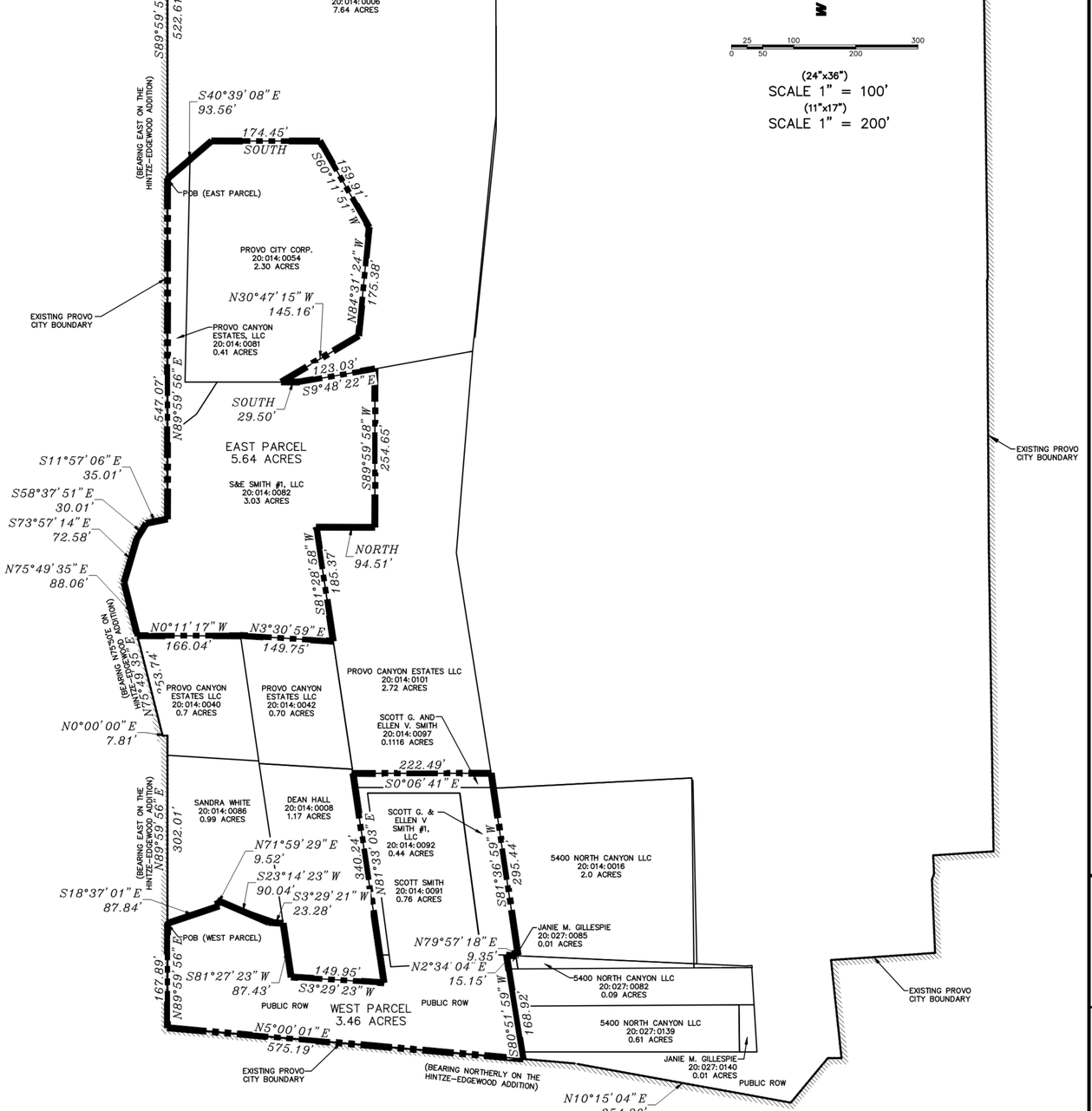




VICINITY MAP – NTS

LEGEND

- FOUND BRASS CAP
- CALCULATED POINT, NOT SET
- ANNEXATION BOUNDARY
- CENTERLINE
- LOT LINE
- SECTION LINE
- DEED LINE



BOUNDARY DESCRIPTION

EAST PARCEL

A GROUP OF PARCELS LYING IN THE SOUTH HALF OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, UTAH COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 5.64 ACRES OF LAND MORE OR LESS.

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SAID AREA CONTAINING 3.46 ACRES OF LAND MORE OR LESS.

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, _____ HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF _____ AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTED (1953) 10-3-1 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE _____ .

THIS _____ DAY OF _____ , A.D. _____ .

APPROVED _____ ATTEST _____

CLERK-RECORDER
(SEE SEAL BELOW)

ANNEXATION PLAT

SMITH-PROVO ANNEXATION

LOCATED IN THE SOUTH HALF OF SECTION 7,
TOWNSHIP 7 SOUTH, RANGE 3 EAST, SLB&M

PROVO CITY _____ UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDER SEAL

Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

Provo City Planning Commission

Report of Action

March 08, 2023

*ITEM 1	Ginny Smith requests annexation of approximately 9.1 acres located at approximately 5500 N Canyon Rd. The subject property lies adjacent to the North Timpview Neighborhood. Brandon Larsen (801) 852-6408 PLANEX20230020

The following action was taken by the Planning Commission on the above-described item at its regular meeting of March 8, 2023:

RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Melissa Kendall
Second By: Jeff Whitlock
Votes in Favor of Motion: Lisa Jensen, Melissa Kendall, Robert Knudsen, Jeff Whitlock, Daniel Gonzales, Raleen Wahlin, and Andrew South

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.

LEGAL DESCRIPTION FOR PROPERTY TO BE ANNEXED

The property to be annexed is described in the attached 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 Public Works Department wants an acknowledgement from, or agreement with, the Smiths essentially acknowledging they will not receive additional utility services from the city upon annexation. The Power Department wants powerline easements on future plats involving the subject property.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- Steve Turley expressed a desire for the city to not bring in the proposed annexation without requiring utilities. He also said there is a recorded restrictive covenant against all or some of the subject property that could be impacted through the annexation. The restrictive covenant is referred to as a Declaration of Zoning Lot, which was signed in 2004.

CONCERNS RAISED BY PUBLIC

The only comments staff received from the public are related to the comment above from Steve Turley.

APPLICANT RESPONSE

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

- Ginny Smith said this annexation will help them to maintain their agricultural pursuits on their property, as well as help keep their property safer with better police protection through the city.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Jensen suggested zoning, the issue with the restrictive covenant referenced by Mr. Turley, and development issues are interesting, but not relevant to their decision tonight because there is no development being proposed.
- The restrictive covenant issue can be addressed at the Council level.
- Commissioner Jensen suggested we typically do not like patch work annexations, but it is adjacent to land within the city. We are not dealing with a county island.
- Commissioner Gonzales requested the following finding be included in their motion: The property is mainly used for agricultural purposes, namely fruit growing, and the applicant intends to continue to use the property for agricultural operations.
- Commissioner Kendell recommended the Commission recommend approval of the annexation with Commissioner Gonzales's finding. The motion was seconded by Commissioner Whitlock. The motion was approved 7-0.

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 Development Services Department, 445 W Center Street, 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

EAST PARCEL

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PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 03-28-2023

SUBJECT: An ordinance amending the Zone Map of approx.. 5.7 acres, located at 4093 N 100 E, from Low Density Residential (LDR) to Medium Density Residential (MDR) and authorizing a related Development Agreement. Riverbottoms Neighborhood. (PLRZ20220345)

RECOMMENDATION: To be heard at the March 28, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The subject property is the last phase of a larger development that includes an assisted living facility to the north and townhomes and single-family homes to the south. The zone changes needed to facilitate this development were very controversial at the time and after a year of meeting with surrounding residents, the current zoning was approved by the Municipal Council. Because of the controversial nature of this project, a development agreement was executed to assure citizens and the builder/developer exactly what was agreed upon and what could be built.
The applicant is requesting approval for two parcels of land (Attachment 1) to be rezoned from the (Low Density Residential) LDR zone to the Medium Density Residential (MDR) zone totaling approximately 5.7 acres. The reason for the rezone request is to get a zone that allows for more height than the existing zone does. The reason that both parcels (phase I and II) are being rezoned is because the lots will be combined into one lot and the zoning needs to be consistent throughout the whole parcel.

FISCAL IMPACT:

PRESENTER'S NAME: Dustin Wright, Planner

REQUESTED DURATION OF PRESENTATION: 10 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20220345

ORDINANCE 2023-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 5.7 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 4093 N 100 E, FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) AND AUTHORIZING A RELATED DEVELOPMENT AGREEMENT. RIVERBOTTOMS NEIGHBORHOOD. (PLRZ20220345)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 5.7 acres of real property, generally located at 4093 N 100 E (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 Low Density Residential (LDR) to Medium Density Residential (MDR); and

WHEREAS, on March 8, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended denial to the Municipal Council by a 7:0 vote; and

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

WHEREAS, on March 28, 2023, 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, consistent with the representations made by the applicant and the applicant's representatives in the Council Meeting of March 28, 2023 and in

form substantially similar to the draft attached hereto as Exhibit C, an executed copy of which shall be attached hereto as Exhibit ~~[C/~~D~~]~~ after execution.

PART II:

The classification on the Zone Map of Provo, Utah is hereby amended from the Low Density Residential (LDR) Zone to the Medium Density Residential (MDR) Zone for approximately 5.7 acres of real property generally located at 4093 N 100 E, 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.

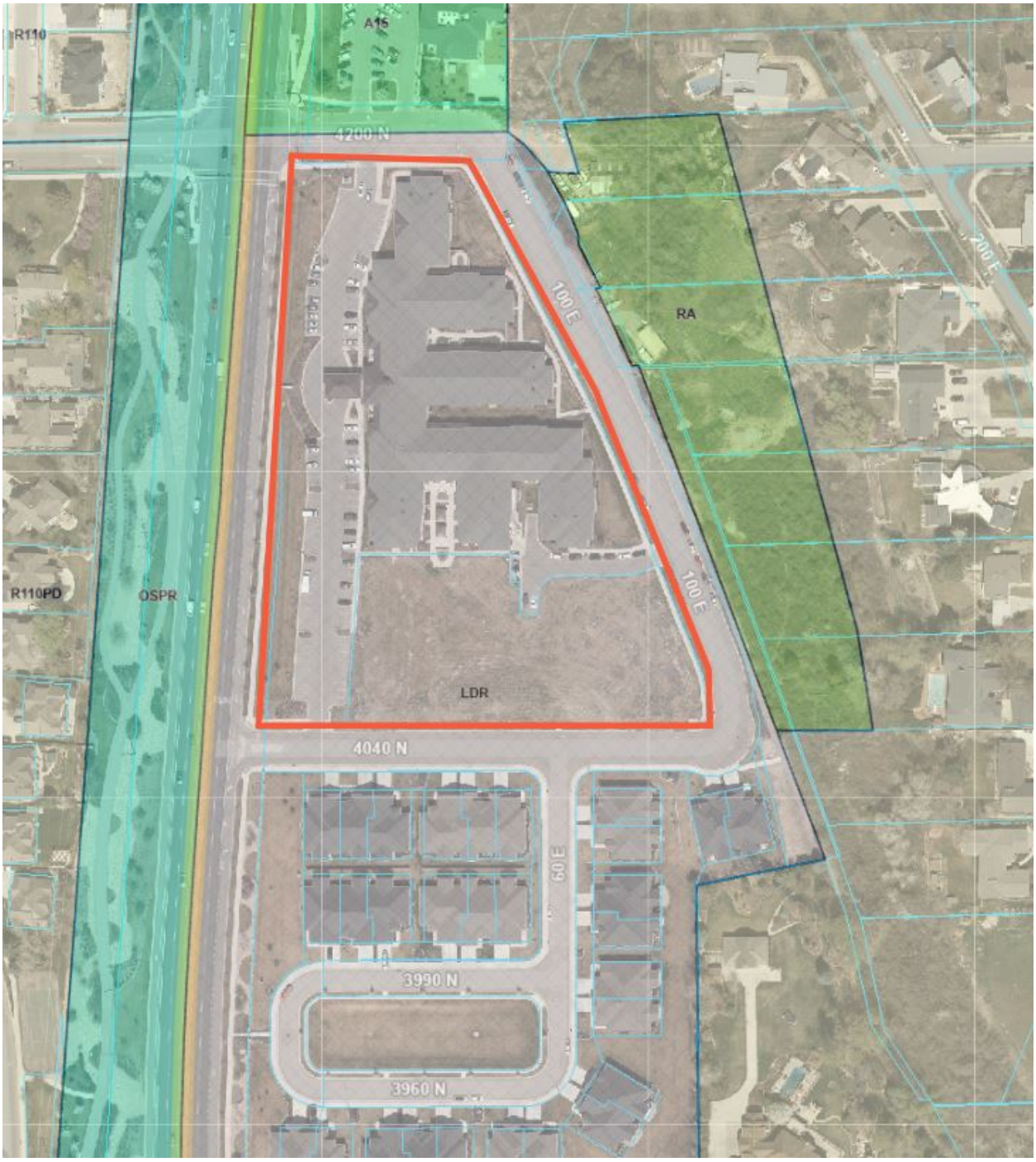
C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

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 SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 8, 2023

***ITEM # 4** Cole Smith requests a Zone Map Amendment from the LDR (Low Density Residential) zone to the MDR (Medium Density Residential) zone in order to build phase II of the Legacy Village Retirement Home, located at 4093 N 100 E. Riverbottoms Neighborhood. PLRZ20220345

Applicant: Cole Smith

Staff Coordinator: Dustin Wright

Property Owner: ORCHARD ESTATES LLC
Parcel ID#: 48:454:0001 and 48:454:0002

Acreage: Approximately 5.7
Number of Properties: 2

Current Zone: LDR
Proposed Zone: MDR

Council Action Required: Yes
Development Agreement: Yes

Related Projects: PLCP20220344

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented. The next available meeting date is March 22, 2023, at 6:00 p.m.

2. **Approve** the requested Concept Plan Application. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use:
Phase II is a vacant lot in the LDR zone. There is a development agreement associated with the property that limits the overall development of the site to 187 licensed beds.

Relevant History:
This property was rezoned to LDR to allow for an assisted living facility. 133 licensed beds were built. This left 54 beds for Phase II in a two-story addition. An amendment to the original Development Agreement is being requested with this rezone to allow for more assisted living beds and a three-story addition.

Neighborhood Issues:
A neighborhood meeting was held on November 17, 2022. The neighborhood chair said that parking and height were the main concerns of the neighbors that had issues with the proposed development. When this item went to the Design Review Committee, there were neighbors that expressed concerns with the bulkiness and height of the proposed structure.

Summary of Key Issues:
The proposed zone would allow more development than the original development agreement allowed.
The applicant is requesting to have that agreement amended by the City Council to allow for the increases proposed in the concept plan.
Neighbors have explained how they have purchased their property knowing that there is a development agreement in place to limit the type of development across the street and are not supportive of having that changed. The existing LDR zone has height limits that they were comfortable with.
The height in the MDR zone is 45 feet. The proposed development agreement does not limit the height.

Staff Recommendation:
That the Planning Commission recommend to the City Council denial of the requested Zone Map Amendment.

BACKGROUND

The subject property is the last phase of a larger development that includes an assisted living facility to the north and townhomes and single-family homes to the south. The zone changes needed to facilitate this development were very controversial at the time and after a year of meeting with surrounding residents, the current zoning was approved by the Municipal Council. Because of the controversial nature of this project, a development agreement was executed to assure citizens and the builder/developer exactly what was agreed upon and what could be built.

The applicant is requesting approval for two parcels of land (Attachment 1) to be rezoned from the (Low Density Residential) LDR zone to the Medium Density Residential (MDR) zone totaling approximately 5.7 acres. The reason for the rezone request is to get a zone that allows for more height than the existing zone does. The reason that both parcels (phase I and II) are being rezoned is because the lots will be combined into one lot and the zoning needs to be consistent throughout the whole parcel.

When the first phase was approved, there was a development agreement that the developer and the city signed that allowed for 187 licensed beds. The applicant is asking the City Council to amend the existing development agreement to allow for the proposed increase in phase II to be permissible.

Across the street to the south of the project there are 29 townhomes in the LDR zone and five single-family homes in the R110 zone. To the east there are single-family homes that sit on top of the hill. To the north of the project site is an existing school and on the west is University Avenue and the trail corridor.

The General Plan for this area is designated as residential and that would not need to be amended for the MDR zone or the proposed use as assisted living.

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 proposed MDR zone change would allow for more assisted living units in the city to help support housing needs for that demographic. However, when this project was originally approved, a cap was placed on the number of beds at this location. The proposed zone change would significantly increase that number.

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

Staff response: While this type of housing is a benefit to the city, there was a development agreement that placed limits on how much would be allowed at this location. Some additional assisted living units can be added at this site without need to change the zone.

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

Staff response: Goal 4b. in the Housing chapter encourages the development of additional housing for older adults and disabled individuals. Additional new assisted living units will be helpful to these residents.

(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 that would be affected with this rezone request.

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

Staff response: Staff does not believe that this rezone would hinder the General Plan as it is in alignment with the desired land use for the area.

(f) Adverse impacts on adjacent land owners.

Staff response: There was a development agreement when this property was last rezoned. This development agreement is something that some neighboring property owners understood would ensure a certain development would take place at some point in the future.

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

Staff response: The land use map from the General Plan has been reviewed and found to be correct for this area.

(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 noted by staff.

CONCLUSION

The General Plan supports additional assisted living units in the city and staff supports that goal, however, Staff feels this can be done under the current zoning and development agreement. Rezoning the property and amending the development agreement would result in a height increase beyond what was allowed and agreed to in the original development agreement and staff is not supportive of doing that. The neighboring property owners purchased their homes knowing that there was a development agreement outlining what would be built there in the future. The city and citizens regularly rely on development agreements to memorialize agreements that are made at the time of a zone change. Amending development agreements undermines their value.

The applicant would like to increase the amount of assisted living units beyond what had been approved in the past. A height increase is needed for the additional units, but the LDR zone will not allow the needed height. The applicant has proposed the site be rezoned to MDR to allow for this development to work. Staff believes these requests substantially deviate from the development agreement and, therefore, are not supported by Staff.

ATTACHMENTS

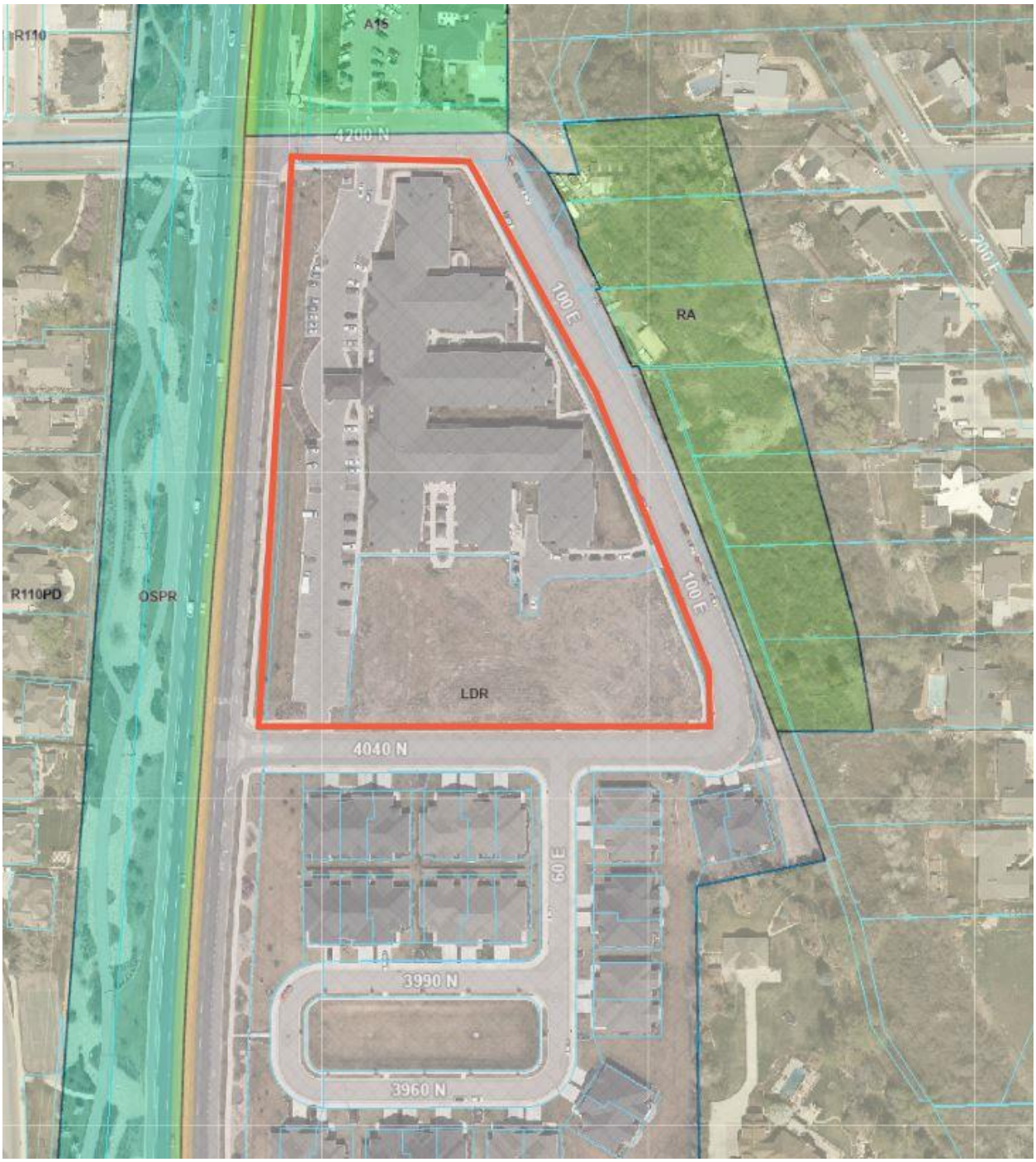
1. Area to be Rezoned
2. Current Zone Map
3. General Plan Map
4. Neighborhood Meeting Response
5. Public Works Staff Report

Attachment 1 –Area to be Rezoned



Legal Descriptions:
LOT 1, PLAT B, ORCHARD ESTATES 2ND AMD SUB AREA 4.055 AC.
And
LOT 2, PLAT B, ORCHARD ESTATES 2ND AMD SUB AREA 1.653 AC.

Attachment 2 – Current Zone Map



Attachment 3 – General Plan Map



Attachment 4 – Neighborhood Meeting Response

Provo Riverbottoms Neighborhood Meeting Feedback - Legacy Village Expansion - November 17, 2022 6:30 - 8:00 PM held at Legacy Village Ballroom				
Your name	Your email address	How do you feel about this project? (Rate your response - # is neutral)	What is the primer driver of why you feel about the project the way you do?	Is there anything you would like to see become part of this project design? Or anything you wish would change?
Gordon Robinson	Gordonr4@gmail.com	3	Oversized for neighborhood	2 story limit
Athena Bowler	athena7480@msn.com	5	It will ruin out neighborhood	Building smaller, more green areas
Alan Parkinson	parkinsonar@gmail.com	2	Nice looking, integrates well with existing development, relatively low impact use	I think a careful look at parking based on unique characteristics of this area. For example, I served at Jamestown with 40 other volunteers (who needed parking). Lots of visitors from BYU, etc.
Ben Markham	bsmarkham@gmail.com	3	Too dense, not enough parking and amenity places.	Parking, traffic planning.
Dave Rosen	dave rosen227@gmail.com	2	The 98 under ground parking spaces	Could the underground parking be expanded ?
Thomas Lowe	lowetr@gmail.com	4	View and traffic	Lower roof line
Greg Dox	gregorywdox@gmail.com	3	Need to understand the parking, traffic issues and height of the roof.	
Mark Nixon	Mnixon@bentley.edu	4	Height of building	Height of building
Phyllis Rosen	Grammyrosen43@gmail.com	2	It will be a good business for the location.	Keep it low profile as possible. Parking issues.
Deborah Fox	dkafox2@yahoo.com	3	I feel like there are some unknowns that are a bit of a concern, but the developer seems interested in addressing those while taking neighborhood interests into account. Legacy is a beautiful property and is nicely maintained, so I am hopeful that this addition will be the same.	I wish it could be 2 stories rather than three.
Ken Bourne	92 East 4040 North Provo, Utah 84604	4	Major changes in what was initially represented	For future discussion

Attachment 5 –Public Works Staff Report

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

Public Works Staff Report
Hearing Date: 3/8/2023

Zone Map Amendment from the LDR zone to the MDR zone.

Item #4 Summary:
Cole Smith requests a Zone Map Amendment from the LDR (Low Density Residential) zone to the MDR (Medium Density Residential) zone in order to build phase II of the Legacy Village Retirement Home, located at 4093 N 100 E. Riverbottoms Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20220345

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

March 08, 2023

*Item 4	Cole Smith requests a Zone Map Amendment from the LDR (Low Density Residential) zone to the MDR (Medium Density Residential) zone in order to build phase II of the Legacy Village Retirement Home located at 4093 N 100 E. Riverbottoms Neighborhood. PLRZ20220345

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 08, 2023:

RECOMMENDED DENIAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

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

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
PLCP20220344 Planning Commission Item 3 on March 8, 2023.

APPROVED/RECOMMENDED OCCUPANCY
N/A

APPROVED/RECOMMENDED PARKING
N/A

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.

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

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on 11/17/2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Representative was present /addressed the Planning Commission during the public 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:

- Multiple letters were received and distributed to the Planning Commission.
- The surrounding streets are already very narrow and increasing the number of residents in the area will potentially increase the number of parked cars on the street. This will affect city services like snow plowing and firefighting accessibility. Inadequate parking was discussed by a few residents as an issue.
- School drop-off and pick-up parking already backs up along 100 West creating safety concerns where some Legacy Village employees park.
- The original development agreement should not be changed.
- The height allowed in the MDR zone is not what they anticipated would be allowed at this location.
- The permitted 54 units should be able to fit in two stories. If residents are able to have cars, then there will not be enough parking.
- The number of dwelling units exceeds that of the MDR zone.

APPLICANT RESPONSE

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

- The development team has been doing this type of development all over Utah. The properties are maintained by the team and not sold off to someone else.
- There is currently a need for this housing type and there will be an increasing need for it in the years to come.
- There are 140 employees, and 45 new employees would be needed with the next phase.
- After meeting with neighbors, the parking lot design was redesigned to be underground and accessed away from the residential entrance. More stalls are being provided than are required by code.
- The units in phase II are larger and have higher ceilings to improve living conditions and increased height to accommodate the needed mechanical equipment for assisted living units is needed.
- The density in the original development does not work with today's costs to provide this type of housing.
- They are willing to make some adjustment to the height and still work at getting the increase in units to make it work financially.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission received various letters from the public that were submitted before the hearing.
- The lot coverage of the MDR was discussed with staff and how comparable it is with the existing LDR zone.
- The Commission discussed losing the top floor if there would be a way to make the project work financially. There would be about 45 less units than the applicant was looking for.
- Vacancy in the existing assisted living of phase 1 was discussed. There is about nine percent vacancy now.
- The density of site was discussed. The type of land use is not the same as apartment units. It was explained that with assisted living there is a higher threshold and the original development agreement placed a cap on the number of licensed beds.
- This development acts as a transition from more intense use down to townhomes and single-family housing. Adding more intensity in the middle disrupts the transition.
- Residents put their trust in the zoning and the development agreement knowing that the height would not be more that what they have see presented before purchasing their homes. The development agreement needs to continue to protect the terms of development that were agreed to.

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, 445 W Center Street, 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



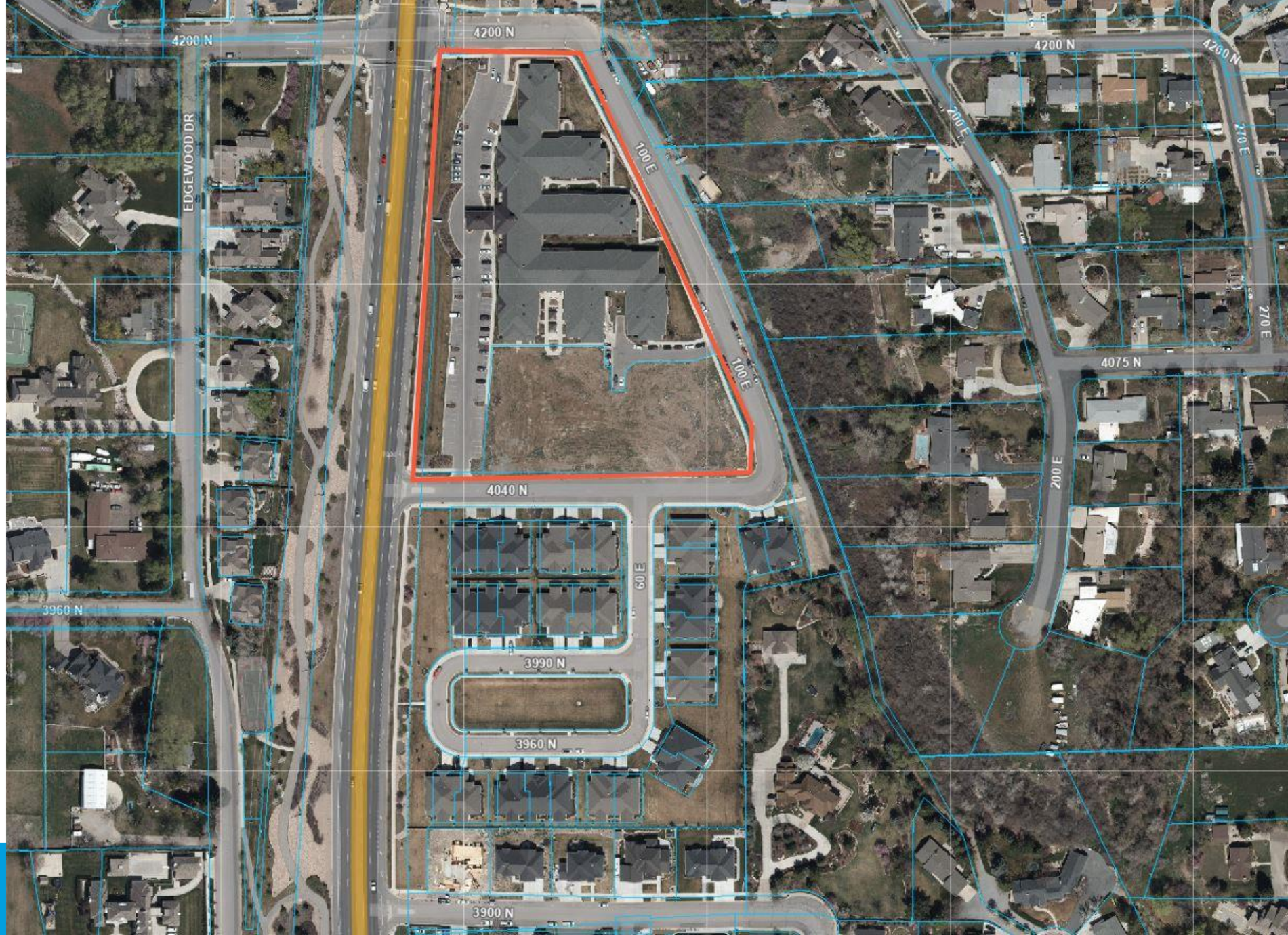
ITEM 4*

Cole Smith requests a Zone Map Amendment from the LDR (Low Density Residential) zone to the MDR (Medium Density Residential) zone in order to build phase II of the Legacy Village Retirement Home, at 4093 N 100 E.

Riverbottoms Neighborhood

PLRZ20220345

4093 N 100 E


4200 N
4200 N
4200 N
4200 N
EDGEWOOD DR
100 E
100 E
200 E
270 E
270 E
4075 N
4040 N
200 E
60 E
3960 N
3990 N
3960 N
3900 N

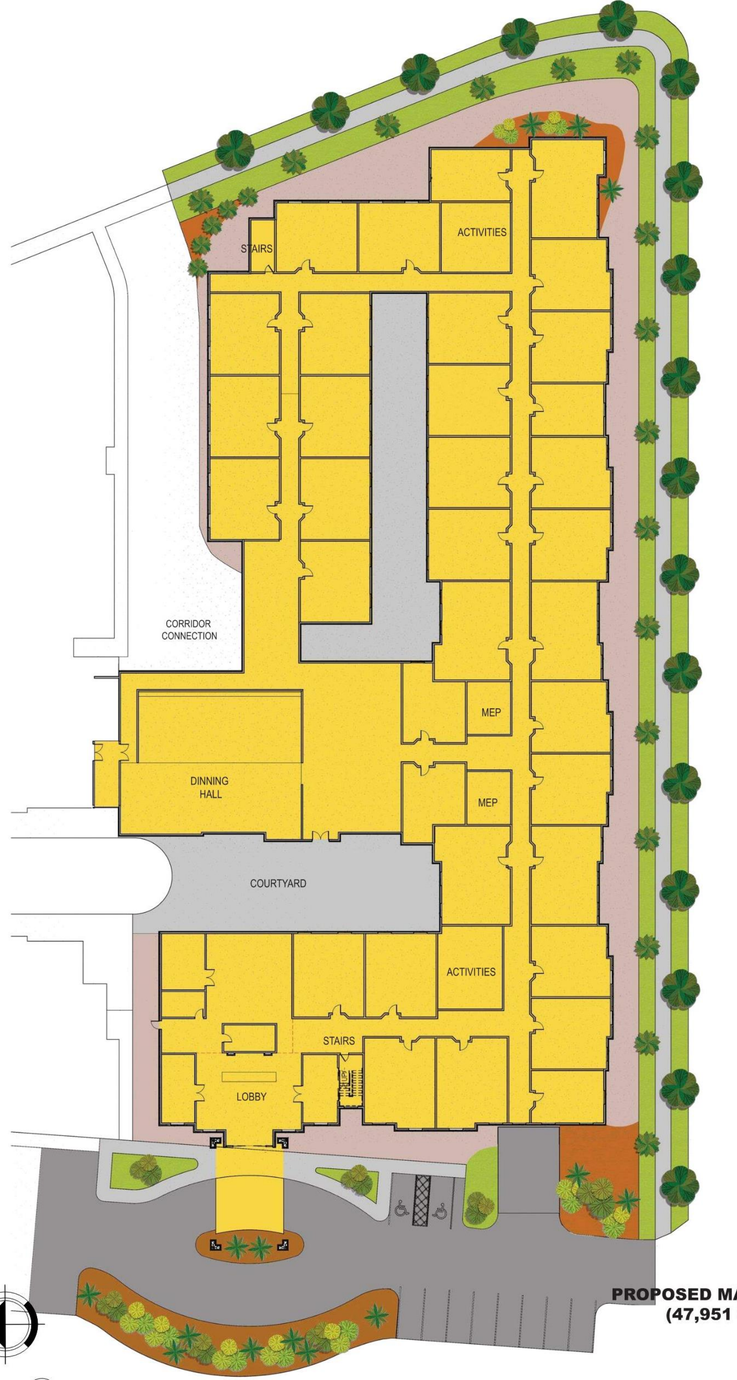
Concept Plan



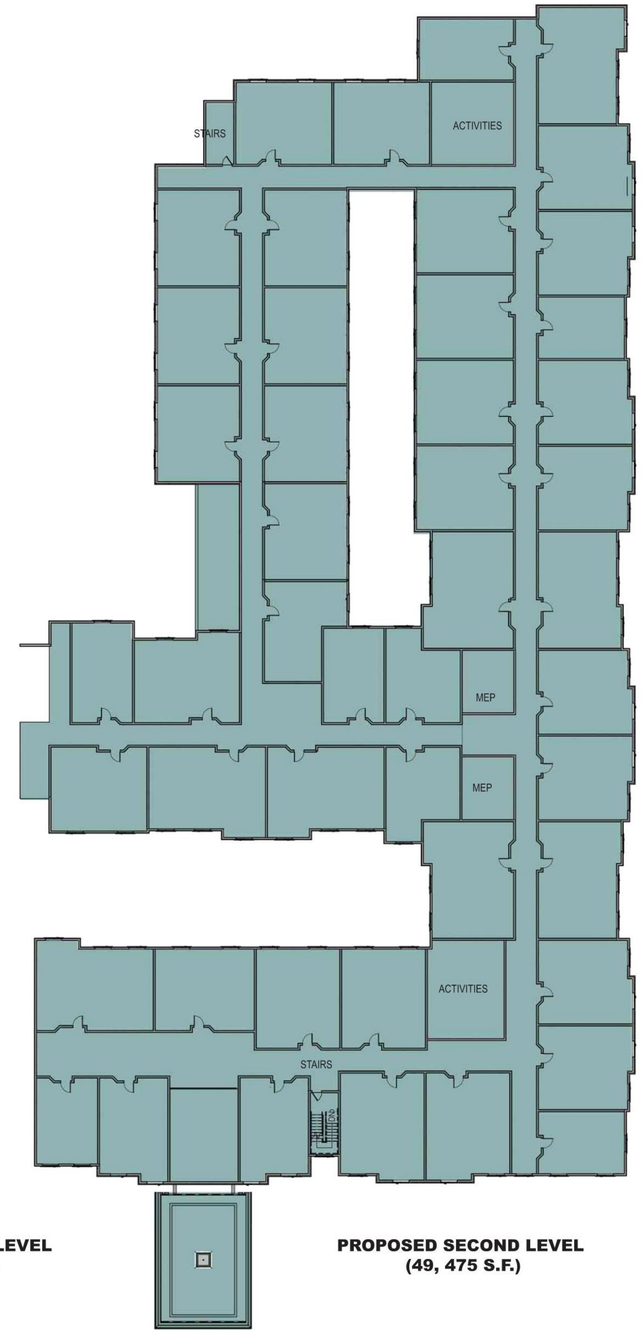
Landscape Plan



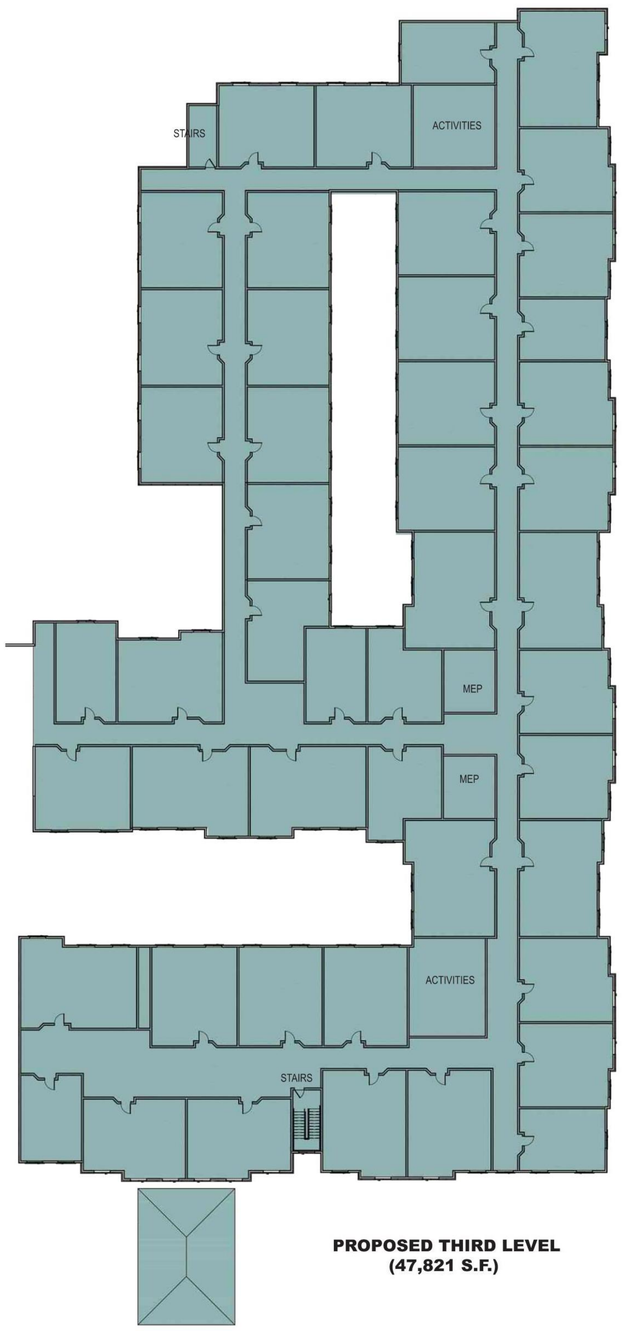
Floor Plans



PROPOSED MAIN LEVEL
(47,951 S.F.)



PROPOSED SECOND LEVEL
(49, 475 S.F.)



PROPOSED THIRD LEVEL
(47,821 S.F.)

Elevations

West



South





EXTERIOR MATERIALS LEGEND

- STUCCO SYSTEM. COLOR TO MATCH EXISTING. NOT TO EXCEED 20% OF EACH FACADE
- BRICK VENEER SYSTEM. COLOR TO MATCH EXISTING
- STANDING SEAM METAL ROOF. COLOR TO MATCH EXISTING
- ASPHALT SHINGLE ROOF SYSTEM. COLOR TO MATCH EXISITNG

Rendering

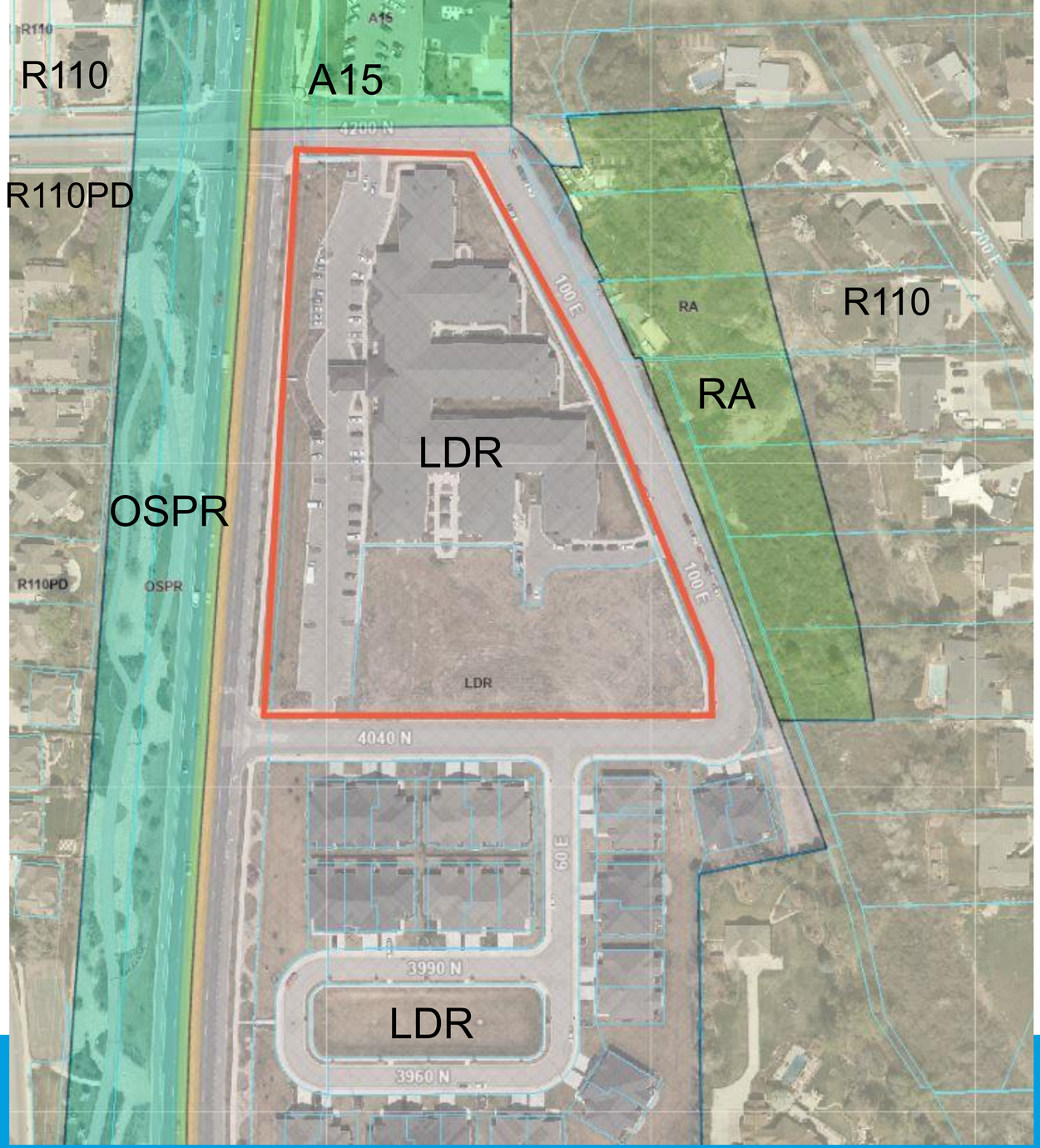


Area to be Rezoned

Legal Descriptions:
LOT 1, PLAT B, ORCHARD ESTATES 2ND AMD SUB
AREA 4.055 AC.
And
LOT 2, PLAT B, ORCHARD ESTATES 2ND AMD SUB
AREA 1.653 AC.



Zone Map


R110
A15
R110PD
OSPR
LDR
RA
R110
4200 N
4040 N
3990 N
3960 N
100 E
200 E
60 E

Development Agreement

Existing Development Agreement:

- Low Density Residential (LDR) Zone
- Assisted Care Facility Density 187 Licensed Beds

Intense negotiation took over a year for the rezone.
The DA ensures project won't change from what is approved and reassures neighbors what will be built.

Proposed Development Agreement Amendment:

- Add 130 Assisted Living Units with 151 Licensed Beds (97 more beds)
- Allow Medium Density Residential (MDR) Zone
- Limits age to 55+
- Concept plan included

Phase I & II

Phase I:

- 126 Units
- 133 Beds
- Left 54 Beds for Phase II
- LDR 30' building height

Phase II:

- MDR zone allows 45' building height. DA does not limit height to 40' being proposed
- Concept shows 16 parking stalls over minimum requirement, but this is not included in DA

Tom and Linda Lowe | March 8, 2023
Items 3 & 4 on 3/8/23 Hearing

Dear Planning Commision,

I am writing to ask you to DENY the two referenced items presented by Orchard Estates. I agree with the staff recommendation. This plot is and must remain LDR.

I am a resident of Broadstone Estates and I live on 4040 N. The proposed development will be directly across the street from my home so naturally I am very interested in what the development of the lot will bring.

I think the staff did a great job on studying the plan and making a recommendation. However there is one point that I would like to add...the staff relied on information supplied by a representative of the developer and other hired experts. One piece of information supplied was a parking study by A-Trans Engineering. The expert deviates from the parking formula by citing Provo code Section 14.34.050 (2)(d)(vi) *If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.*

The expert then goes on to use parking data from Legacy facilities in UT, AZ, and CO. On page 8 of the report, the expert shows bullets from five independent living facilities and the precentage of residents that have vehicles. This is pretty compelling...but not accurate. I called the sales office in St. George and was told that less than 50% of the independent living apartments were sold. The bullet makes it look like all the units are occupied when in fact no more than 20 are occupied. The ration would then be (25 of 20) 1.25

Likely the expert relied on data supplied by the developer but the misrepresentation in the parking make me suspect of all the data points that the developer supplied.

The plot is LDR for a reason and the development agreement must remain unaltered. Please deny the requested concept plan and recommend that the City Council deny the Zone Map Amendment.

We are for any development which fits within LDR.

Respectfully,

Tom and Linda Lowe

30 E 4040 N

Ken & Sandy Bourne | March 8, 2023
Regarding Items 3 & 4 on Planning Commission Hearing 3/8/2023

Dear Commissioners/Council Members,

I would like to express my concerns over items 3 & 4 scheduled for the hearing on March 8, at 1800.

I feel the proposed actions would create, density, traffic, parking, and safety issues if allowed to proceed as proposed. It is my belief that the specifics of those concerns will be addressed by residents at the meeting.

The proposed actions presented by Mr. Smith are not in alignment with the current zoning (LDR) for the area, or the development agreement currently in place for development the property listed.

A change in zone from the current LDR to MDR would be very much out of sync with the present LDR make up of the surrounding neighborhood.

The neighbors are not opposed to Mr. Smith's developing the property, but feel that the development should be within the requirements of the current LDR zone, and the development agreement, which was the representation made by the property owner, Perry Homes, when they marketed their Broadstone Estates townhomes project to potential buyers, which is immediately across the street from Mr. Smith's proposed development.

Thank you for your consideration of this matter.

Ken & Sandy Bourne
92 East 4040 North
Provo, 84604

Richard Bowler | March 2, 2023
Legacy Village Phase II expansion

It has come to my attention that the Planning Commission has been requested to approve a Concept Plan (PLCP20220344) and Zone Map Amendment (PLRZ20220345) relating to the Legacy Village Retirement Home, located at 4093 N 100 E. I object to approval of these items because it will have an adverse effect on adjacent landowners and others. I plan to attend the meeting and provide more specific comments on my objections.

David Rosen | March 3, 2023
PLPC20220344 and PLPC20220345 Cole Smith and Legacy Village Retirement

Dear Planning Commission Members,

Thank you for taking time to review and consider the opinions and comments of neighbors.

I have the following comments on the upcoming meeting on March 8, 2023 and items 3 and 4 on the agenda as reference above.

There are two things that were not mentioned in the neighborhood meeting that should have been by the developers:

1-The developers should have mentioned there is an existing Development Agreement already in place and that limits the number of units for the remainder of the site. This should have been mentioned by the developer as a proper disclosure.

2-At the same meeting there was no mention that the property was being sold to a different entity. We all were under the "impression" that Perry Homes and Legacy were developing the property and they would be the owners. This is a major point that should have been made very clear at the neighborhood meeting.

These are the types of disclosures that should be made at neighborhood meetings.

In order for this property to remain as an Assisted Living Center and provide protection to the neighborhoods surrounding it, the zone needs to stay as LDR. Moving the zone to MDR will open up many additional uses for the property and any buildings on the property. These uses would not require the land owners to return to the planning commission or council for approval. These uses are not in harmony with the original development and what was promised to the neighbors and those who invested in the homes immediately across the street. The Developers proposed using a development agreement to give assurances to the neighbors that the use remains as an Assisted Living Center. However, they are seeking to void a development agreement that was put in place to protect those very concerns.

Development agreements are a tool that the City has used to promote development and also protect those that surround the development. As mentioned by the planning staff, when these agreements are set aside in favor of new

development they lose any efficacy and thus the trust and confidence of the citizens of Provo in its elected and appointed staff members to hold fast to these agreements.

For these reasons I request that you follow the planning staff recommendations and deny the proposed changes to this property

Respectfully,

Dave Rosen

David Sewell | March 6, 2023
3/8/23 meeting, agenda items 3 and 4

Re: Planning Commission, 3/8/2023, Agenda Items 3 and 4

Dear Planning Commissioners Melissa Kendall, Miles Miller, Peter Fife, Lisa Jensen, Daniel Gonzales, Andrew South, Raleen Walhlin, Robert Knudsen, and Jeff Whitlock:

I am writing in support of staff's recommendation to deny the requested Concept Plan Application for agenda item 3 and to recommend to the City Council denial of the requested Zone Map Amendment for agenda item 4. As mentioned by staff, the original proposal some ten years ago was indeed controversial. Over 700 signatures were gathered in opposition to the original higher density proposal – mostly from area residents but also from parents with children attending the nearby school. With help from then Mayor John Curtis, a hard-earned compromise was worked out between representatives of area residents and the developer – resulting in the current LDR zoning and development agreement.

The development thus far has been a benefit to the city and to the Riverbottoms area. The facility provides needed assisted living services, is visually compatible with the Riverbottoms Design Corridor, and is compatible with adjacent uses. The traffic signal installed to facilitate the development, the "right in, right out" intersection at 4040 North, and the road looping behind the development have solved a major traffic flow and safety issue associated with school traffic queuing, allowing it to occur behind the development rather than on University Avenue.

Perry Homes should be commended for their contribution to our community. I was initially supportive of expansion plans based on how well their current facility integrates with the community and complements adjacent uses. However, the current proposal dramatically increases the number of expansion beds by nearly three times to 151 (as per staff report) from 54. Furthermore, though the proposal is for assisted living units, the developer stated in the last neighborhood meeting that the intent was for these to be "independent living" units, with fewer services provided than are provided for current residents. That type of resident will bring more cars and drive more than current residents.

The residents to the south and the school to the north made investments in reliance on the current development agreement concerning what would be built. The surrounding community gave its blessing for the original project to proceed based on the parameters in the development agreement. I believe the best way for an expansion to remain compatible with adjacent uses, and with the surrounding community, is to abide by the parameters of the original development agreement.

Thank you for your service to our community.

Dave Sewell

Richard and Sue Hammond | March 6, 2023
Legacy Village Phase II expansion

Dear Council members,

A request to approve a Concept Plan (PLC20220344) and Zone Map Amendment (PLRZ20220345) relating to the Legacy Village Retirement Home , located at 4093 N 100 E. has been submitted to you. I object to the approval of these plans because of the adverse effect on the neighboring community and adjacent landowners. A three-story building with 130 apartment units will essentially occupy the entire street in front of the single family homes. The area is designed for single family type living, not apartment style buildings.

Respectfully,

Richard and Sue Hammond

60 Marrcrest South, Provo, UT 84604

Richard Bowler | March 6, 2023
Planning Commission meeting agenda items 3 and 4

It has come to my attention that the Planning Commission has been requested to approve a Concept Plan (PLCP20220344) and Zone Map Amendment (PLRZ20220345) relating to the Legacy Village Retirement Home, located at 4093 N 100 E. I object to approval of these items because it will have an adverse effect on adjacent landowners and others. I plan to attend the meeting and provide more specific comments on my objections.

Richard Bowler
3998 N 60 E
Provo, Utah 84604

Athena Lampros Bowler | March 6, 2023
March 8 Planning Commission meeting agenda items 3 and 4

It has come to my attention that the Planning Commission has been requested to approve a Concept Plan (PLCP20220344) and Zone Map Amendment (PLRZ20220345) relating to the Legacy Village Retirement Home, located at 4093 N 100 E. I object to approval of these items because it will have an adverse effect on adjacent landowners and others. I plan to attend the meeting and provide more specific comments on my objections.

Athena Bowler
3998 N 60 E
Provo, Utah 84604

Gordon Robinson

4012 N 60 E

Provo, Utah


100 E
60 E
4040 N
3990 N
3960 N
University Avenue




Fex


CAUTION
provo
PUBLIC WORKS




4040 North

LEGACY VILLAGE OF PROVO

Senior Living Addition

LEGACY

beecherwalker
Architecture/Interiors





- Locally owned and operated since 1996
- Still own and operate our first Senior Living Community located in South Jordan, UT
- Currently operate 19 senior living communities through the Western U.S.
- We are not a build and flip developer. We are a long-term business within a community.









LEGACY VILLAGE OF PROVO

Since 2015

Dining
Transportation
Recreation
Social
Personal Care

AGING DEMOGRAPHICS

30% increase in 75+ population over the next 5 years

Roughly 600 new 75+ year olds in Provo/Orem each year

Design preferences are different today than 2013

Important seniors stay close to home and their families right here in Provo

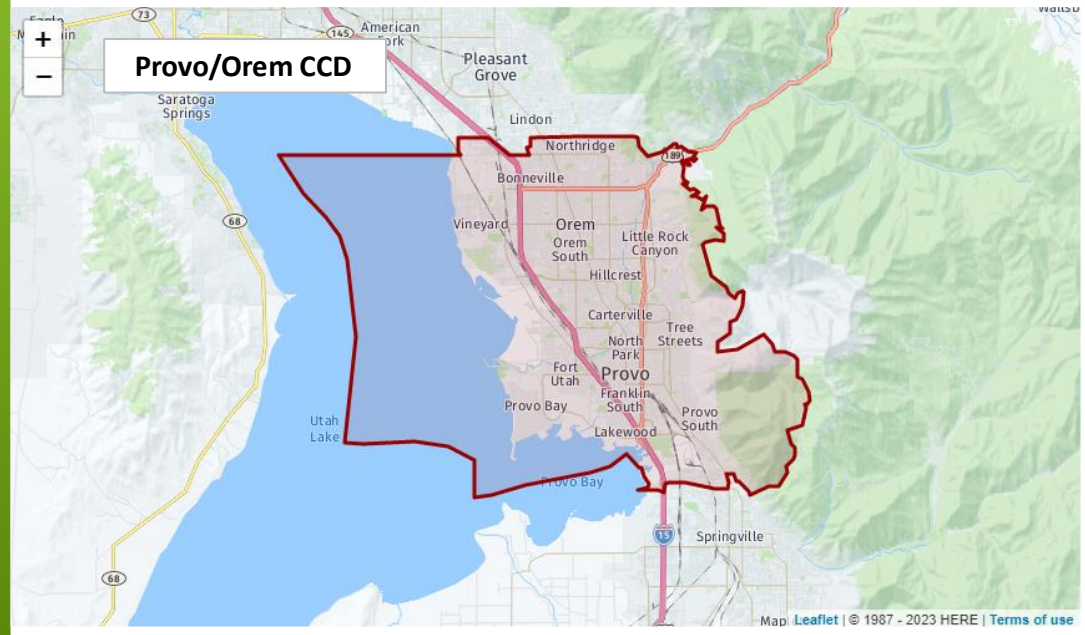
Our proposed expansion plans will help provide this critical housing while keeping the costs of these elderly services down

Senior Population Growth Projections

	Utah County[1]		Provo/Orem CCD[2]
Current 65+ Pop Estimate	64,168	35%	22,555
Current 75+ Pop Estimate	25,713	39%	9,949
Current 85+ Pop Estimate	6,877	50%	3,409
65+ 5 yr Growth Rate	23.05%		
75+ 5 yr Growth Rate	30.51%		
85+ 5 yr Growth Rate	23.56%		
Ave Annual Pop Increase 65+	2,958		1,040
Ave Annual Pop Increase 75+	1,569		607
Ave Annual Pop Increase 85+	324		161

1- Kem C Gardner Policy Institute State and County Projections 2020-2026

2- using data from Census Report the Provo/Orem CCD are these percentages of the broader Utah County populat



PARKING:

Required stalls: 51
Provided stalls: 80+/-

Underground parking provides the following benefits:

- Safety and security for residents
- Covered parking out of the weather
- Discourages residents, visitors and staff from parking on the street.
- Significantly more stalls than is required by code.
- Less asphalt while emphasizing useable landscaping and plaza space on site.



FLOOR PLANS:

TYPE 1 ASSISTED LIVING UNITS :

- Studios
- 1 bedroom
- 2 bedrooms

AMENITIES:

- Dinning room
- Bistro
- Outdoor dining
- Arts & craft room
- Library
- Seating areas
- Hair salon
- Game room
- Exercise room
- Theater
- Conference and event center
- Courtyards



COURTYARDS:

A new trend in senior living is to provide internal courtyards, which provides common outdoor spaces that are safer, more secure & quieter areas that are more likely to be used by residents than landscaping that fronts the street.















INTERIOR CEILING HEIGHTS:

We provide taller ceilings in both common areas and resident units to meet the discerning tastes of our residents.











ELEVATIONS:





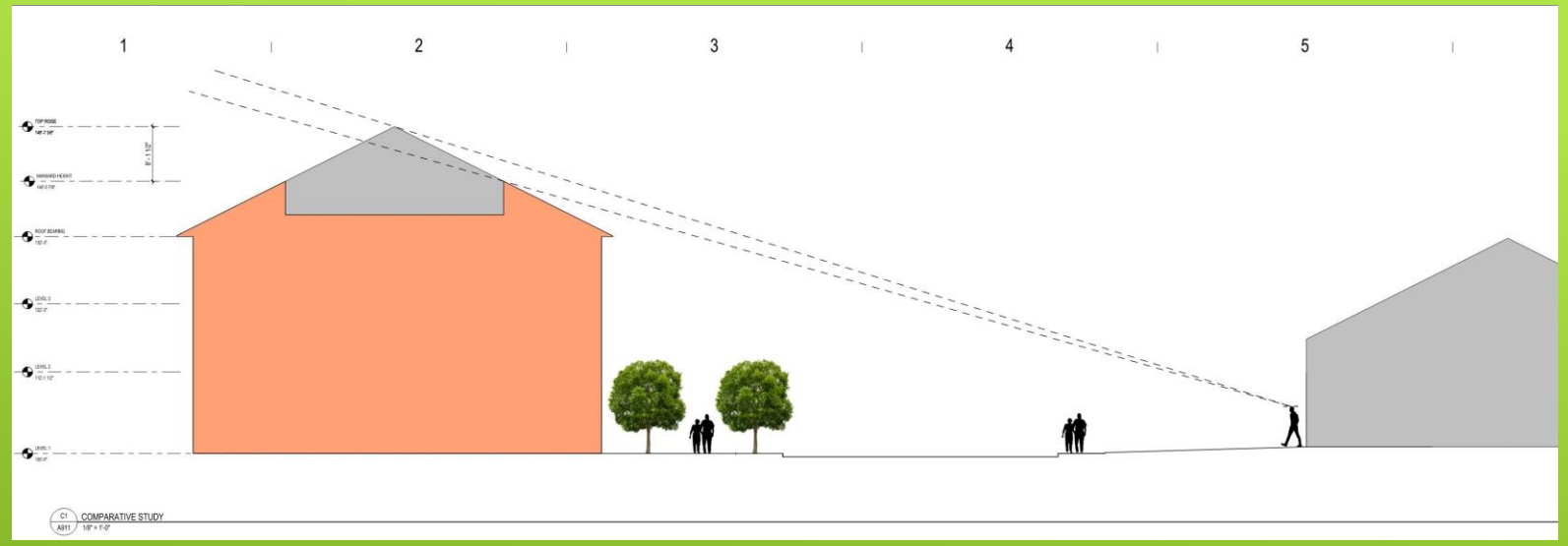
The design intent is to make our second phase feel like it was part of the original building. Design themes and materials are very similar to the existing building.



EXTERIOR BUILDING HEIGHT:

In order to reduce the visual impact of the building, we created roof wells, reducing the roof height by 8’-0”.

By doing this in combination with the slope of the site, our building height at the southeast corner is only 36’-9”.





MATERIALS:

STUCCO AND SIDING
MATCH EXISTING





BRICK VENEER
MATCH EXISTING



ASPHALT SHINGLE ROOF
MATCH EXISTING



STANDING METAL SEAM ROOF
MATCH EXISTING



CAST STONE
MATCH EXISTING





WESTERN STATE LODGING Is committed to providing their senior residents with excellent quality of life and to being a valued member of the community.

THANK YOU!

WESTERN STATES
Lodging | Management | Development

LEGACY

beecherwalker
Architecture/Interiors

BEFORE AND AFTER

From the Front Walk of Greg and Debbie Fox

56 E 4040 N

Provo, Utah





Before and After



