PROVO MUNICIPAL COUNCIL

Work Meeting

12:30 PM, Tuesday, May 02, 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 listen to the meeting by phone: May 02 Work Meeting: Dial 346-248-7799. Enter Meeting ID 849 8658 5991 and press #. When asked for a participant ID, press #.

Agenda
Roll Call
Prayer
Approval of Minutes

April 18, 2023 Work Meeting

Business

1. An ordinance amending the Zone Map of approx. 0.48 acres, located at 2050 N Canyon Road, from General Commercial (CG) and Two Family Residential (R2PD) to Medium Density Residential (MDR) & authorizing a related development agreement. (PLRZ20220302)

2. An ordinance amending the General Plan Map classification of approx. 0.23 acres of real property, generally located at 2050 North Canyon Road, from Commercial (C) to Residential (R). Pleasant View Neighborhood. (PLRZ20220301)

3. A resolution accepting an annexation petition for further consideration for approximately 9.1 acres of property generally located at 5500 N Canyon Road. North Timpview Neighborhood. (PLANEX20230020)

4. A resolution appropriating $1,060,000 in the Mountain Vista Fund for completing the Mountain Vista Business Park Road construction project. (23-006)

5. A presentation updating the Council and public on Accessory Dwelling Units (ADUs). (23-034)

6. A presentation regarding efforts addressing homelessness in Provo City- Community Action Services & Food Bank. (23-018)

7. A discussion on parking requirements in the Downtown core (23-045)

8. A discussion regarding zoning code. (23-042)

9. A discussion regarding housing policy in Provo. (23-043)

10. A resolution authorizing the Mayor to submit an application for a Utah County Municipal Recreation Grant to be used for restroom and playground improvements at Rock Canyon Park. (23-044)

11. A discussion regarding water management programs for Provo City residents. (23-031)

Adjournment

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

Materials and Agenda: agendas.provo.org
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To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Budget Work Meeting will be held on Tuesday, May 9, 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.

Pending minutes – awaiting approval

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

PROVO MUNICIPAL COUNCIL
Work Meeting Minutes

11:30 AM, Tuesday, April 18, 2023
Council Chambers
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

Agenda (0:00:00)

Roll Call

The following elected officials participated:

Council Chair Katrice MacKay, conducting
Council Vice-chair Rachel Whipple
Councilor David Shipley
Councilor Shannon Ellsworth
Councilor George Handley
Councilor Travis Hoban
Councilor Bill Fillmore, arrived 12:09 PM
Mayor Michelle Kaufusi, arrived 12:53 PM

Prayer

Michael Sanders offered the prayer.

Approval of Minutes

February 28, 2023 Council Meeting
March 14, 2023 Work Meeting
March 14, 2023 Council Meeting
March 28, 2023 Council Meeting
Approved by unanimous consent.

Business

1. An ordinance amending Provo City code to prohibit the issuance of administrative approvals for noncompliant properties or businesses. (PLOTA20230048)

Aaron Ardmore, Planning Supervisor, presented. He explained the purpose of this item which was to provide the City administration with an additional tool to allow them to get properties into compliance. They are currently allowed to withhold permits for properties which have code compliance issues; this ordinance would expand that to include withholding administrative approvals such as site plans, sign permits, variance requests, etc.

Councilor Katrice MacKay asked what an administrative approval was. Mr. Ardmore explained that a conditional use permit was an example of an administrative approval. He clarified what they could withhold if there were non-compliance issues with a property or project. Mr. Ardmore shared an example, for instance they could withhold a grading permit (another administrative approval) if there are issues with illegal grading on the site. Councilor Rachel Whipple asked for clarification and Mr. Ardmore outlined several other scenarios. She asked what they do to resolve illegal grading. Mr. Ardmore said it starts with getting a grading permit (which requires a geotechnical study) and returning things to their original condition. Councilor George Handley expressed full support for this code amendment. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

2. An ordinance approving the petition to annex approximately 106 acres of property located at approximately 2250 S 950 E. East Bay Neighborhood PLANEX20220317

Brandon Larsen, Planning Supervisor, presented. This annexation is the project known as the Scotty Dog annexation. The annexation process has multiple steps in the process in which it comes to the Council—this is the next step in the process for the Council to formally approve the annexation request. This property is designated as open space in the general plan. Since it is not in the city boundaries, the city cannot enforce city code or police patrol on safety issues. Since the property is city-owned, it makes sense to bring this into the city.

Councilor Rachel Whipple asked about the impact of flooding in this wetlands area and whether or how this would impact the people encamped on this property. Mr. Larsen indicated that as this is a flood area, the spring runoff could potentially be an issue. Ms. Whipple asked what the annexation timeline was like after the Council had approved it. Mr. Larsen indicated that after adopting the annexation ordinance at that evening's Council Meeting, they will send the plat and ordinance to the Lieutenant Governor's office. The Lt. Governor has 10 days to respond and they will send a certification to the city. Mr. Larsen will then take the plat and certification to be recorded by Utah County, after which the property is officially part of the city's jurisdiction. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

3. An ordinance amending the Zone Map classification of approximately 0.84 acres of real property, located at 141 E 500 N, from Residential Conservation (RC) to Medium Density Residential (MDR) & authorizing a related development agreement. Joaquin Neighborhood. (PLRZ20220343)

Aaron Ardmore, Planning Supervisor, presented. Mr. Ardmore shared a site plan for the project with the improvements including firepit and grill, sports courts, improved landscaping, and parking. He noted the house at 141 East would be converted to a duplex as part of the project. Staff have recommended approval of the rezone. It complies with Joaquin Neighborhood Plan and General Plan. The property also is essentially a medium-density residential property due to the existing buildings' density. The site improvements will be memorialized in a development agreement, which would represent an overall improvement for the site.

Councilor Rachel Whipple asked about the surrounding properties which seemed consistent with the MDR designation. Mr. Ardmore indicated that the MDR use is consistent with the current

use of the rest of the block. He indicated a similar rezone was done a few years ago for a property to the north which was rezoned to the campus mixed-use zone. Staff feel this current proposal is a similar idea which brings the area closer to the vision of the Joaquin Neighborhood Plan. Ms. Whipple asked several further questions and Mr. Ardmore responded with how the development approval process would work after this rezone approval. Councilor Katrice MacKay commented that she liked the amenities that were going in as part of this proposal. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

4. An ordinance amending the Zone Map classification of approx. 0.48 acres of real property, located at 734 S Utah Ave, from Heavy Commercial (CM) to One Family Residential (R1.8). Provost Neighborhood. (PLRZ20230019)

Aaron Ardmore, Planning Supervisor, presented. This proposal originated after staff approached the property owner about submitting a rezone. The property owner was doing some work to realign the platted parcel lines consistent with how the property is being used. Staff suggested a rezone as the property line cleanup would leave some zoning anomalies between neighboring properties. The proposal is simply adjusting the heavy commercial and one-family residential zoning to be aligned with the new property lines. The neighborhood is supportive. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

5. A Resolution to place the vacant property known as a "proposed tennis court" in Block "A" Vivian Park Subdivision on the Surplus Property List. (23-040)

Bill Peperone, Development Services Director, presented. Mr. Peperone gave background information on this property, which is currently part of a nonconforming subdivision in Provo Canyon. This property was originally designed for tennis courts and it has an abandoned city water line beneath it. A neighboring property owner wants to use this lot for parking and a garden. The property was first offered to the HOA which declined to purchase it. The property is not a buildable lot and an updated appraisal reflects this reduced value. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

6. A presentation regarding the proposed Annual Action Plan funding for the 2023-2024 year. (23-027)

Melissa McNalley, Community Grants Coordinator, presented. Every year of the adopted five-year plan, they create an annual action plan outlining how they plan to meet the goals of the five-year plan. Ms. McNalley reviewed the past timeline with this process and the various meetings and presentations that are held as part of it. Ms. McNalley outlined funding scoring and how they propose allocating funds. The public service agencies are jointly funded by Provo and Orem.

Councilor David Shipley asked about one-time funds (such as ARP) versus ongoing funding sources. He wondered whether there was overlap in the committee work for the two types of funding or if they were reviewed by separate committees. Ms. McNalley noted that the HOME consortium was involved in both the one-time and ongoing funding discussions. For most of the other funds there was not a lot of overlap. Ms. McNalley indicated that there was a draft on the

plan available online. The public comment period begins today and runs through June 6, 2023. Comments can be submitted online, via email, or by mail.

Mr. Shipley asked if there were any entities in Utah County who have chosen not to participate—he noted that there were some cities missing from the list and wondered whether that was because they decided not to participate or they were ineligible, etc. Ms. McNalley explained how the funding entitlement designation works for cities in Utah County. Only cities with a large enough population to receive their own money from HUD in Utah County participate. The other cities are eligible for a similar program through Utah County. She noted that the joint CDBG committee does involve a few mayors from the other entitlement cities. Mr. Shipley clarified these are designated by the federal government, not a local decision and Ms. McNalley confirmed that this was the case. ***Presentation only. This item was already scheduled for a public hearing at the Council Meeting on April 18, 2023.***

7. An ordinance granting FIF Utah LLC, DBA Utah Broadband, a nonexclusive franchise to operate a telecommunications network in Provo, Utah. (23-039)

Matthew Griffiths, Assistant City Attorney, presented. This is a standard franchise agreement for telecommunications networks in the City and is required by city code. Representatives from Utah Broadband were in attendance if there were questions. They are planning to lay some fiber for high-speed internet they will operate in the City. This follows the standard template and requires that they comply with city ordinances and the process in place through Provo Public Works.

Councilor Katrice MacKay said they appreciate it when these companies keep their infrastructure installations tidy, without hanging wires, or damage to the roads. Councilor Travis Hoban asked whether this was a continuation of an agreement already in place or a new agreement and he wondered about the implications of this. Mr. Griffiths explained this was a new company. If a company is just running a network line through the city and not operating in Provo, then they do not need this agreement. Since this company intends to sell to Provo customers, that requires a full franchise agreement and there was no previous agreement on file. Ms. MacKay asked who Utah Broadband is, who they were servicing, and what work would be done. John Hagen, Utah Broadband, addressed questions from the Council. Their company has been in business since 2001. They primarily provide internet wirelessly but are shifting some of their business to a fiber-optic network. They are asking for permissions to use the City's right of way and easements to install conduit and cables. This is a new franchise agreement they are seeking.

Mr. Hoban asked how it worked to install a new line. Mr. Hagen explained that they obtain a permit for each project and they would install their own fiber and conduit. Ms. MacKay asked what part of the city they would be working in. Mr. Hagen said it would mainly be small areas as they come up, such as service requested by neighborhoods or HOAs; this was not a citywide deployment. Ms. MacKay asked about their target customers and Mr. Hagen said residential service; they are an alternative to other internet service providers such as CenturyLink, Comcast, and Google Fiber. Councilor Shannon Ellsworth asked if the City had a standard for placement of road repairs that were required for this type of project. Mr. Griffiths said that question would be better referred to Public Works. Athina Riddell, Utah Broadband, said that each time they permit with the city, the city has standards they need to meet in the restoration. Brian Jones, City

Attorney, explained that federal law requires Provo to grant a franchise to anyone who meets the requirements and will meet the conditions imposed on everyone else. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

8. An ordinance amending Provo City code regarding micromobility devices. Citywide application. (23-022)

Mary Ditto, Assistant City Attorney, presented. She reviewed the background on this item and the draft code amendment. She referenced several other sections of city code about vehicles or bicycles and some of the issues with these other sections of code. She reviewed the proposed ordinance along with why these recommendations have been made. They have proposed a repeal of the old sections and will reenact a new section 9.32.170.

Councilor George Handley shared comments about sidewalks which had been designed wide enough to accommodate cyclists and pedestrians, such as along 900 East and along University Parkway near 2230 North. He wondered if these areas should be striped to indicate that cyclists are allowed in certain areas of these sidewalks. Brian Jones, City Attorney, thought the City had jurisdiction of the sidewalks on 900 East. He suggested that the City Administration were to stripe those sidewalks, that would be possible. Councilor Katrice MacKay agreed that it would be helpful to mark that sidewalk so that cyclists were aware they could use it. Councilor Rachel Whipple commented on a couple of other sidewalks designed as multiuse trails in the city, including the north side of 300 South and South State Street on the east side. Just as there are different street types, she wondered if it would be useful to designate different sidewalk types. She also noted the inconsistent expectations of cyclist access due to Utah County's lack of maintenance on parts of Provo River Trail.

Councilor Travis Hoban asked how they decided on 10 mph; he thought that seemed very fast for a sidewalk speed. Ms. Ditto responded to this with some additional details. Brian Jones, City Attorney, also added context from some confusing elements of state law. The Council has several decision points, including whether the Council wants to adopt the state code which prohibits from using sidewalks any devices capable of going over a certain speed limit and whether the Council wants to adopt a speed limit.

Councilor Bill Fillmore thought that having both provisions could be confusing to citizens; he wanted to make things easier for the average user. He also thought a map was not necessarily helpful. Mr. Fillmore asked about enforcement. He recalled that the Council had previously indicated they wanted a speed limit. Mr. Jones shared comments about enforcement. Passing the law allows these provisions to be enforced; enforcement may not catch all incidents but creates the standard that should be adhered to, similar to any other law.

Mr. Hoban thought they should leave subsection 9 in the code. He thought this helped to add additional protection for the downtown area, particularly to aid in enforcement during events like the Freedom Festival. The general consensus of the Council was to keep subsections 8 and 9. ***Presentation only. This item was already scheduled for the Council Meeting on April 18, 2023.***

9. A presentation regarding the FY2024 Budget- Legal (23-008)

Brian Jones, City Attorney, presented. Mr. Jones briefly highlighted the different divisions of the Legal Department and what each division does. The department includes several divisions: City Legal Services; Criminal Prosecution; and Claims, Litigation, Risk Management, and Safety. Mr. Jones shared a graph illustrating data about their staffing. In 28 years, they have added two attorneys and one paralegal, while reducing one full-time equivalent in staff positions. In that time, the responsibility for the Council Office and city safety and risk management has been added to their work. Mr. Jones displayed a graph of their operating budget year-to-year. Since 2015, they have had some significant changes to their budget, notably that software licensing and the computer bank program were added to their budget in 2015. Since these were not in the budget prior to 2015, this is differentiated on the graphs in the presentation. He also showed their operating budget graph adjusted for inflation.

Mr. Jones outlined some of their challenges in fiscal year 2023. They experienced some personnel constraints during the pandemic; now they are fully staffed but have a more challenging workload. They also experienced some backlogs with equipment; only 8 of the current 25 machines are under warranty. They have lost several staff members since last fall (family reasons, advancement, and one lateral move). It has taken a long time to fill those positions, and they are now back to full staffing; they will also have their grant-funded domestic violence prosecutor position through the end of the 2023 calendar year. For equipment needs, they have reduced several workstations. The out-of-warranty machines have been reduced and several of these remaining devices have been replaced in the current fiscal year.. There are some discussions at the state level regarding justice court reform. This could have a significant impact on their staffing and workload if it increases the numbers of courts. Any official change would likely not happen until the next legislative session, however. For equipment in the coming fiscal year, they are almost caught up on equipment replacement. The three remaining devices which are out-of-warranty will be replaced in the new fiscal year. In order to go forward with their computer replacement plan, they need some additional funds in their computer bank account—they need an additional $10,000 (or about $17,000 total per year) in the computer bank account to continue to replace computers on a regular basis moving forward and stay on schedule.

Mr. Jones invited questions from the Council. Councilor Bill Fillmore asked about any impacts to their office of the major change in prosecutorial philosophy in the Utah County Attorney's office after the last election. Mr. Jones did not think the impact was significant on their staff time. Previously, cases that would be sent to the County were often declined under the prior administration. Now cases are not often declined. Those cases were not coming to the City, they were just not being prosecuted. Mr. Jones thought the needs of justice were being better served and they did not feel an impact to their staff. Mr. Fillmore shared additional thoughts about the cases at the Utah County Attorney's office and their jurisdiction, specifically which entity was responsible for cases. Mr. Jones said that debate impacted other cities and not Provo, due to an earlier policy change at the City regarding the handling of Class A misdemeanors. He noted that this was more of an issue arising from the court rather than the County Attorney's office. Provo City Legal is primarily involved in the justice court, and an occasional appeal of an old case that the City had handled in the old system. ***Presentation only.***

10. A presentation regarding the FY2024 Budget- Council Office (23-008)

Justin Harrison, Council Executive Director, presented. The Council office budget is fairly personnel-heavy; a large percentage of the Council budget goes to pay and paid benefits for staff and Councilors. About 10% went to chargebacks and carryovers from the last fiscal year for some current projects being completed in the Council Chambers. There were many unique milestones and projects involving the Council in the last year. Mr. Harrison outlined some of these items, including:

- ADU code updates
- General Plan adoption
- Percent-for-the-Arts policy
- Redistricting
- Allocating $33 million in ARPA funds
- Passing a balanced budget for fiscal year 2023
- Airport terminal completion last year
- City Hall and Public Safety building completed in the last fiscal year
- Neighborhood District Program updates
- New staff members hired

This was a unique year with the culmination of many one-time projects. The Council did not have any supplemental requests in fiscal year 2023. In the coming fiscal year, they have two supplemental requests—one is a recurring cost of approximately $25,000 for public engagement and neighborhood district program enhancements. A mailer was sent to every address in Provo to inform residents about the new neighborhood district program. They plan to do this every year going forward. The mailing was about $15,000. The other $10,000 includes funds for enhancing programming and planning events. The other supplemental request is for a one-time cost of hiring a communications consultant. Mr. Harrison welcomed feedback from the Council regarding whether they were still interested in doing this. The one-time request is for $25,000 but they will do an RFP to further determine the direction and scope of the consultant.

Councilor Shannon Ellsworth voiced support for hiring a communications consultant. She thought the Council could communicate more directly with citizens and better help them understand where decisions are made and how they can be involved. Councilor Rachel Whipple agreed that a communications consultant would be very useful. Many citizens are not well-informed and this could help improve the engagement. She appreciates the work done since hiring Rachel Breen and Hannah Rigby as Community Relations Coordinators in the Council Office. She thought better communication helps them to be more responsive to the public. Councilor Katrice MacKay appreciated hearing that staff thought a communications consultant would be helpful. She thought the one-time cost made a lot of sense in order to set a roadmap for the Council's communications strategy for the future. Councilor Bill Fillmore suggested engaging the public administration classes at BYU for recommendations. Ms. Ellsworth loved the idea of engaging MPA classes, but she thought they would be a better fit for evaluating the neighborhood district program.

Mr. Harrison indicated that these supplemental requests have been submitted and they will see what is included in the tentative budget from the Mayor. Mr. Harrison outlined the performance measures that were part of the current fiscal year budget. He invited the Council's thoughts and

feedback on these performance measures. They have changed slightly in the new fiscal year budget to include numeric indicators. Ms. Ellsworth thought performance measures were a good place to start, but she wondered if the metrics for the Council office should be more focused on things relating to the Council staff to enable Council staff to have control over their performance. Mr. Harrison indicated that was one question he had; the performance measures seemed more Council-focused rather than Council Office-focused.

Mr. Harrison also highlighted the Council's preliminary budget priorities. Many of the departments' budget presentations have addressed these priorities and he gave updates on several of them. Councilor David Shipley asked about a five-year public safety staffing plan. If the Council intends to do Truth-in-Taxation this year, he thought it would be helpful to have a clear idea of public safety staffing needs, including at the airport. Mr. Harrison indicated that Finance was working with the related departments, and they anticipate having a presentation in May about this after the tentative budget is presented. Mr. Shipley also commented on City debt reduction. He is pleased they can collaborate with Finance and hear detailed updates on the City's debt and how it works. One of the things he has encouraged Finance to consider if it would be worth paying off the last of the debt that has a variable interest rate—whatever they can do in the coming budget cycle to eliminate that as interest rates rise would be in the City's best interests. Mr. Harrison continued providing updates on the budget priorities.

Mr. Harrison addressed the Rock Canyon Master Plan, which is nearly fully funded. The coming year's CIP plan has some funding in place. There is an outside fundraising campaign to raise $500,000 with a match by the City to complete that funding. The Slate Canyon Master Plan is a bit longer-term. The current budget includes funds for the construction documents and designs. For the Peaks Ice Arena, they have received some state funding which would be implemented for updates to make the facility Olympic-ready in the event that the winter Olympics return to Salt Lake. Several other items included sidewalk repair and replacement, traffic calming, and Center Street improvements. Mr. Harrison addressed these items and related inclusions in the CIP. The remaining items on the list are unfunded and will still need to be addressed. He welcomed feedback or comments from the Council on these priorities.

Mr. Shipley remarked on the disaster recovery fund. With the heightened flooding risk this year, this has been top-of-mind for him. The disaster recovery fund can fund preventative measures and disaster response. He hoped the City Administration could prioritize this and put 10% of carryovers and 10% of net income each year into this fund. This is a priority for him and he thought that this needs to continue to be a priority. He does not want the conversation to cease after he leaves, as a constant influx to this account is necessary in order to make an impact.

Councilor George Handley reiterated his priority of preserving open space in the City by identifying potential properties for conservation easements. Mr. Handley raised this idea initially but he wanted to make sure the Council was considering this. There are some properties in Provo that have been vulnerable at various times. The City does not have dedicated funding for this purpose, which makes it hard to react quickly when key properties become available. He was not sure how the rest of the Council felt about this. Councilor Rachel Whipple recalled a discussion about using some of the general fund balance for some of those opportunities and then later replenishing those funds. Ms. Whipple suggested the revenue from sale of surplus properties as a

potential funding source. This seemed like a related issue and there could be many reasons the City wants to purchase properties or easements in addition to conservation. Mr. Handley added comments to this—he thought that could be a good solution. Mr. Jones clarified that the Disaster Recovery Fund had specific purposes and constraints. John Borget, Administrative Services Director, agreed that the General Fund Balance could be helpful to take advantage of those kinds of key opportunities. The Council could have an opportunity to do an appropriation from General Fund Balance if needed. Ms. Whipple noted that the biggest problem was being able to act quickly in one of those situations. Mr. Borget clarified that this is a large part of Tara Riddle's role as property manager. He suggested there could be additional coordination between the Administration, Tara Riddle, and the Council.

Ms. Ellsworth noted that one of the key issues is Provo's willingness to complete commitments and finishing projects that have been started and continuing to provide high levels of service. She thought being moderate across the board and focusing on needs versus wants was critical when evaluating these priorities. ***Presentation only.***

11. A presentation regarding the FY2024 Budget - Library (23-008)

Carla Gordon, Library Director, presented. She recognized members of the Library Board who were present, as well as some of the Library staff members. She reviewed data on circulation, registered borrowers, physical items, outreach, and other programming at the Library. She also highlighted their accomplishments in 2023. She was grateful for the support she has received as the new Library Director since August. Other accomplishments included:

- Part-time salary review
- New outreach services introduced
- New programs created and implemented
- Rental space back to pre-2020 revenues
- First annual report distributed in September to cardholders

It is important to them to offer access to technology and programs to allow people to engage with the library and be able to use technology they may not have access to in their homes.

Ms. Gordon outlined details about their revenues. Most of their revenue comes from a dedicated property tax source, which accounts for about 81% of their revenue. Other revenue sources are other taxes, materials fees, rental fees, and more. They stopped charging fees on children's books as they felt this was a barrier to their patrons—they wanted to encourage easier renewals and that has also helped. As a result they have lost $80,000 in fees, but they are happy with this change because they feel it is a better service to their patrons and encouraging more visitors to use the library. Ms. Gordon highlighted their anticipated expenditures in fiscal year 2024. She shared some details on their ending fund balance and how this has shifted over time. They are currently at just under $3 million in their ending fund balance. They want to keep this fund balance at 50% of their budget so about $2.5 million. If something happened to the building or a major revenue source was interrupted, they want to ensure they are in a good position to respond to those kinds of situations. They have not asked for a property tax rate increase since 1999. Due to how rates are structured, this rate has decreased every year. They would like to increase their revenues by $100,000 per year for the next five years. After that, they would like to evaluate where they are at to continue to keep up with inflation and increased costs. Ms. Gordon deferred to Finance on

the exact property tax increase percentage. Ms. Gordon also thanked Councilors David Shipley and Shannon Ellsworth, who had served and were serving on the Library Board. Mr. Shipley asked if Library truth-in-taxation had to be separate from the City General Fund. Brian Jones, City Attorney, indicated that if they are doing both the Library and General Fund, it would be held as one hearing. Mr. Jones indicated that if they were holding a truth-in-taxation for any of the City's rates, it would delay the budget process. ***Presentation only.***

12. A presentation regarding the FY2024 Budget - Energy (23-008)

Travis Ball, Provo Power Director, presented. He welcomed his staff members and Energy Board members. Gary Winterton, Energy Board Chair, thanked the Energy Board for their work. Mr. Winterton noted that the Utah Municipal Power Agency was observing cost increases for their energy sources. UMPA has been very proactive with seeking out renewable energy sources. Provo is the largest member of UMPA at 60%. Provo Power does not have the desired reserves and they want to make sure they are ready to face the future challenges in the energy industry.

Mr. Ball also recognized Councilor Shannon Ellsworth who is the Council's liaison to the Energy Board. Mr. Ball said their strategic plan is focused on reliability, sustainability, safety, and their employees. He shared data on outages which showed that both frequency and duration of outages is decreasing. Ms. Whipple asked about several acronyms on the graph and Mr. Ball explained the acronyms. Mr. Ball thanked the Council for their support of their staffing and other needs. He outlined capital improvements for the coming fiscal year, including several major projects. He briefly reviewed their performance measures, which they compare to other power industry benchmarks. Regarding sustainability, their power sources have dropped from 45% coal in Fiscal Year 2020 to 24% coal in Fiscal Year 2024, with cogeneration, solar, and natural gas increasing to fill in the gap. Mr. Ball also highlighted information about some of their programs and incentives to encourage customers to move to more sustainable choices.

Mr. Ball briefly reviewed their budget. They estimate increases of approximately $1.5 million to their operating budget and $3.1 million to their operations and maintenance budget. With current revenues, this budget would result in a deficit. In response to UMPA raising power costs by 6% in fiscal year 2024, the Energy Board has recommended a 2% rate increase to be implemented in September 2024, which is a very small increase for customers. With this increase, Provo still stays fairly static compared to other cities in the low end of power rates; for commercial rates there is a slight change. Many other municipalities and agencies are also raising rates, as they have been hit with increased costs across the board. There are large increases for major utility companies, so Provo's rates will still be very competitive. Councilor Katrice MacKay asked why they are raising 2% versus UMPA's increase of 6%. Mr. Ball noted that only some of their power is from UMPA, so only a portion of their costs are increasing 6%. ***Presentation only.***

13. A presentation regarding the FY2024 Budget - Customer Service (23-008)

Amanda Ercanbrack, Customer Service Director, presented. She highlighted the services offered by Customer Service and shared an organization chart of the department. Ms. Ercanbrack outlined accomplishments of the current fiscal year. Several functions were moved back into Customer Service to make the process easier for citizens, including business licensing, rental

dwelling licenses, and special events. They have also implemented new processes for chicken registration and the city carpool vehicle reservations. They have repurposed and changed several positions within the department. They have added a dedicated Quality and Training Coordinator. They have also added a part-time remittance processing services clerk. They have also created a peer committee who meet weekly to coordinate work within the department. They have also refreshed their branding to be more modern in look and feel.

Their new executive assistant, Amber Reese, created an executive assistant committee to create more peer-to-peer resources within the city. Customer Service has also done several service activities in the community. Soon they will be implementing a new chat system that customers can use. With the City's change to a new phone system, they have also updated their call center system and have added a billing queue and a Spanish-speaking queue to their call-in services.

Their billing team is responsible for many utilities-related issues. Ms. Ercanbrack outlined metrics related to their billing operations. They outsource collections to a collections agency, but they have started doing some collections in-house, which has accounted for a third of what they used to send to collections. Their remittance processing service processes an average of $5.3 million per month. They have also worked to document all the job processes to provide better job training and cross training to employees—this was a significant and very needed project. They have also implemented several new rates, including time-of-use, time-of-use for electric vehicles, solar, and shared solar rates.

Councilor Travis Hoban thanked Customer Service for their work. He asked what percentage of the city was on paperless billing—Ms. Ercanbrack said about 33% of customers are using paperless billing. They are doing a push at an upcoming Slate Canyon event and other events this summer to encourage more customers to use paperless billing.

Laramie Gonzales, Business Manager, presented. He shared metrics about their call volumes and call center operations. About 60% of their calls relate to utilities; Mr. Gonzales shared a graph showing the distribution of calls outside of utilities-related calls. He shared detailed metrics on their passport services, fingerprinting, and airport badging (which has nearly doubled from the previous year). Mr. Gonzales outlined their proposed budget for the coming fiscal year compared to their current budget. They do not have any supplemental requests in the current fiscal year and they do not anticipate increases to their budget in fiscal year 2024. There are possible funding needs in the future for system upgrades and for future app/website integrations as well.

Ms. Ercanbrack responded to the question about their main challenges, which primarily relate to recruitment and retention. The customer service representatives often advance to other positions within the City organization, but this is hard on the call center as it results in high turnover. Unemployment is also very low, which contributes to their hiring challenges. Ms. Ercanbrack reviewed some solutions they have implemented to try and improve recruitment and retention:

- Department reorganization in 2021
- Gamification and incentives to encourage department unity and improving metrics
- Exploring hybrid work schedule through a pilot program. This would include rigorous qualifications and every employee may not qualify. There are no added costs on this.
- Peer committee and activities

- They have implemented a weekly employee blog, as with the nature of their work it is difficult to hold regular department meetings.
- Consideration of career series advancement
- Enhanced learning opportunities, including learning lounge (taught by their billing division) and a dedicated trainer. They have a dedicated training room that is utilized daily and has been a huge asset to their department.

Their other main challenge relates to their software called POB (Point of Business). They want to work with the departments to make this a regular part of the business process of every department. They have several solutions in progress including:

- Department accountability metrics
- Public Information Officer group
- Executive Assistant peer committee

Councilor Katrice MacKay shared some feedback about the response emails they receive. Ms. Ercanbrack said they just made updates to this response so it is more detailed and allows citizens to see what service request the email relates to. Ms. Ercanbrack shared more information about how POB works and how they are involving departments in using this program. Ms. MacKay asked Customer Service to let them know if there is anything the Council can do to help improve this process across the City. Ms. MacKay suggested adding these items as a performance measure for future budget years. Ms. Ercanbrack said there is a way for a department to suspend a case if the item is a seasonal item they cannot address due to the weather or timing. She noted one issue with sidewalk replacement issues and gave more details about it. ***Presentation only.***

14. A presentation regarding vehicle replacement and fleet management. (23-008)

Warren Merritt, Fleet Manager, presented. He shared details about the decision process for replacing city fleet vehicles. There is a Fleet Advisory Committee which includes representatives from several different departments representing General, Internal, and Enterprise Funds. They use industry best practices to inform the process as well. He outlined some of the challenges of fleet funding, including inflation and outsized demand versus vehicle availability. He displayed a chart illustrating inflation for specific vehicles in the City fleet, which ranged from 13% to 30% depending on the vehicle type. They want to ensure that their forecasting is accurate, so they will be forecasting 10% annual inflation for the coming fiscal year and beyond. Supply chain issues and ordering and production delays have also had a negative impact on fleet replacement and vehicle availability. Since older vehicles are staying in the fleet longer than the projected lifespan, this results in increased maintenance costs.

Councilor Rachel Whipple asked about how payment is handled for delayed orders. Mr. Merritt said they are required to show that the money is encumbered and then they pay for the vehicles upon delivery. He deferred to Jimmy McKnight on the vehicles that are leased such as garbage trucks. Regarding hybrid and electric vehicles, they have 1 EV in Development Services, 1 EV in Energy, 2 hybrid trucks in Engineering, and 32 hybrid vehicles in Police. They hope to purchase an additional 20 hybrid vehicles for Police in fiscal year 2024. He noted there is additional discussion needed with Provo Power regarding infrastructure (such as charging stations).

Councilor Bill Fillmore asked about some research Council staff did on electric vehicles last year. Mr. Merritt responded to this comment and shared some of the constraints with certain types of fleet vehicles, such as Police and Public Works vehicles. Mr. Merritt said he is committed to moving the fleet to electric in step with what our infrastructure will allow. Most of the electric vehicle chargers within the City are for public use, so they are working through some of the infrastructure issues with recharging of city fleet vehicles and chargers.

Councilor George Handley commented that Mark Eyo, Council Intern, prepared updates to his electric vehicle memo and this was recently redistributed to the Council. Mr. Handley referenced this updated report, which included additional details and context on some of the issues. Mr. Handley noted that the earlier version of the report was missing some of the calculations on maintenance of some of the impacted cars. Mr. Handley also noted that some considerations such as specific vehicle standards for Police and Fire was not contemplated by the report. Mr. Handley noted that it is a current policy of the Council and City that when possible the City should pursue electric or hybrid vehicle replacement. The affordability of electric vehicles is best when calculating overall costs. Mr. Handley said that Mr. Eyo included information about rebate and grant programs available for paying for installation of charging stations. He encouraged the City to move in that direction and start addressing these infrastructure needs by building charging stations for city vehicles at city buildings where they can be the most useful. He felt the infrastructure needs would only grow as more consumers purchased electric vehicles.

Mr. Fillmore shared comments. He agreed with Mr. Handley's comments about utilizing grant money for constructing the necessary infrastructure. Mr. Fillmore asked Mr. Merritt for his thoughts on hydrogen cell vehicles. Mr. Merritt said these vehicles are not mainstream; there is not infrastructure for these vehicles anywhere in the state, so this does not seem like a viable or practical option for the City at this time.

Councilor David Shipley asked if the City has a relationship with Ford, or just that when taking everything into consideration these vehicles have been the most affordable. Mr. Merritt said it was a combination of factors. Mr. Shipley understood the consistency across product type was helpful to the technicians performing maintenance. Mr. Merritt said this was definitely a factor—it helped for their employees to specialize and know about one manufacturer as well as stock parts for one make of vehicle. Mr. Shipley shared about Tesla cybertrucks and he thought that might be a good retention tool for the Police Department. He said they were really amazing.

Mr. Merritt shared the five-year General Fund replacement list by department. In the upcoming fiscal year they have a need for 38 vehicles. Councilor Rachel Whipple asked if there were any uses where a bicycle or electric bicycle could be used instead of a vehicle. Mr. Merritt was not aware of anything initially, but he said he could look into it. He noted weather was a major consideration. Jimmy McKnight, Public Works Business Manager, shared details about the financial impact of the proposed vehicle replacement in the General Fund in fiscal year 2024. They are requesting an additional $388,000 to be added to the base budget for recommended General Fund fleet replacement in fiscal year 2024. ***Presentation only.***

15. A presentation regarding the FY2024 Airport Budget and a general airport update. (23-008)

Dave Decker, Public Works Director, presented. Mr. Decker reviewed the airport budget for the current fiscal year. They were asked to review the Airport's revenues during this presentation. Mr. Decker displayed a spreadsheet that showed an overview of the Airport's revenue sources. Mr. Decker reviewed the Airport's budget goals, including sufficient airport revenue to cover airport operations, police and fire support at the airport, and all capital improvement (including property purchases) needs at the airport. One of their significant achievements this year was getting their revenues in place such that they are completely able to cover their airport operating costs. Mr. Decker gave additional context on the other goals. Currently they are just covering the overtime costs for the Police and Fire employees serving the airport; they would like to get to the point where they are able to cover the full cost. The goal to cover their capital improvement costs is a significant goal, as these are expensive CIP projects.

Mr. Decker outlined their fee changes. He noted they are adding some additional staff, which will be included in the proposed budget. Mr. Decker provided additional details about potential impacts to the Police and Fire staffing in the coming fiscal year, which they will continue to follow and coordinate. Councilor Katrice MacKay asked about the Spanish Fork Airport and how they do more with private planes. She wondered if they had set fees appropriately to maximize and utilize Provo's space and not lose business to Spanish Fork. Mr. Decker responded to this question and how they determine their focus at the Provo Airport. This is an ongoing exercise as they update the Provo Airport Master Plan for the new airport. Councilor Shannon Ellsworth asked about parking at the airport and the fee increase. She noted that long-term parking at the Salt Lake International Airport is $10 so Provo will be exceeding that. She asked how they make these long-term decisions on fees. Mr. Decker said with parking fees, they often look at other airports. They were told that long-term parking at the Salt Lake airport will be increasing to $13 per day in their upcoming budget. They are trying to stay within the ballpark of other airports. He also noted much of the current parking is temporary asphalt and Provo has some capital improvement needs with airport parking.

Councilor Bill Fillmore relayed compliments he has heard from citizens about the new airport. The only complaint he has heard is related to signage; he asked if the airport budget included signage improvements. Mr. Decker said they are making signage changes based on feedback they have received from passengers. This is built into their budget. Mr. Decker shared a list of some of the immediate needs of their upcoming CIP projects, that did not include FAA funding. They have a financial strategy to complete several of these projects with no general fund contribution. For the remaining projects (parking lot expansion, security badging office space, and north taxiway C hangar expansion) they are identifying funding sources and may need to request money from the general fund for this.

Brian Torgersen, Airport Manager, presented. Much has changed at the Provo Airport in the last year. Mr. Torgersen introduced his staff members who manage different aspects of the airport operations. He also shared some updates on the Airport's marketing and local partnerships they have had with Explore Utah Valley and other media outlets. They are an official sponsor of the Western Athletic Conference. Additionally, the airlines do their own marketing.

Mr. Torgersen shared a snapshot of their daily gate schedule. Councilor Rachel Whipple asked about how flight delays impact airport operations. Mr. Torgersen provided additional context on the point-to-point flight model (rather than a hub model) these local carriers typically use. Under this business model, delays have a cascading effect and that is a reality of the business model. They recognize this experience is not ideal for everyone, so they are working on attracting a major network carrier that has more liability for these types of issues. Mr. Torgersen noted that seasonal impacts like the winter winds caused longer flight times that the airlines had not necessarily accounted for. Mr. Torgersen shared updated metrics about commercial operations at the Provo Airport since July 2022. Mr. Torgersen addressed the incentives that had been in place and he was confident that the parking revenue was compensating for this.

Mr. Torgersen addressed their Airport Rescue and Firefighting (ARFF) requirements and the general impact of the ARFF index. The index is determined by the length of aircrafts and average daily departures. One of Breeze's aircraft types falls in index C (which is one level higher than the current Index B). Since their current departures is under 5 per day, they are still in Index B, but with more than 5 departures on this aircraft per day, this would bump the Provo Airport up to Index C, which has a higher staffing and response commitment from the Fire Department. Mr. Torgersen explained the intricacies of this system. Ms. Whipple asked how much notice the airlines need to give the Airport before they make these switches so the Airport can be prepared. Mr. Torgersen said they cannot operate if they do not meet the index requirements, so it is wise and helpful for the airlines to give them very advanced notice of their intentions to change their aircraft fleet or flight frequency. Ms. Whipple asked if they have ordered the new equipment that will be needed in Index C. Mr. Torgersen responded with additional details. The FAA has approved funding to purchase an additional ARFF vehicle, however those funds will not be released prematurely. Mr. Torgersen also noted that this impacts their staffing levels which will require coordination. Ms. Whipple asked if the contracts with Breeze and Allegiant have contemplated a change in ARFF index. Mr. Torgersen said the agreements do not address the ARFF index. He noted that most of the airlines they are working to attract typically operate at the Index C level.

Mr. Torgersen shared data that showed where passengers are generally coming from; about 68% are coming from the Provo and Orem metro area. About 19% are coming from the Salt Lake metro area, and 5% from the Ogden-Clearfield metro area. This data is from 2021 and they anticipate those numbers have increased since then. He shared data showing cities serviced by the Provo airport versus cities serviced by Salt Lake and the numbers of Provo-area residents flying out of Salt Lake to other cities. Mr. Torgersen noted there is a large pilot shortage in the airline industry. They have also surveyed the business community about travel data. Seattle and San Francisco are in the top 15 destinations, while Denver and Dallas are major unserved destinations from Provo. Airlines have industry data, but they do not have the more granular local employment data that can inform decisions in recruiting new airlines to the Provo Airport.

Mr. Torgersen addressed terminal expansion and noted that as they want to expand to an international airport, there are additional requirements they need to meet with customs clearance in addition to expanding their gates. The main expansion in the first stage will primarily be on the south side of the airport. They will utilize jet bridges in the gate expansion for a more consistent experience going forward. There will not be a separate international terminal, but

international arrivals will be funneled to the customs clearance area. They anticipate the project cost for phase 1 is about $62 million. Mayor Michelle Kaufusi and Deputy Mayor Isaac Paxman have been working on securing funding from the federal, state, and local governments. Mr. Torgersen displayed the current project funding plan and they hope to start construction on some of the expansion this fall.

Ms. Whipple repeated her request for long-term bicycle parking. She hopes the airport will address this issue. Many people will travel light on these budget airlines, so it is certainly possible that some passengers will get to the airport on a bicycle. If nothing else, bicycle parking is helpful for airport employees and the airport is serviced by a great trail system. Mr. Fillmore asked what the full expansion timeframe is if they have secured funding. Mr. Torgersen said they will apply for federal funding in October and will hear about the results in March. They will be working on concept development in the coming year so they are ready to work on construction for the following 2-3 years. They hope that by fall 2024 they can operate a satellite gate out of the existing terminal as a stopgap measure. Mr. Fillmore asked if any of the major airlines are willing to contribute financially to the expansion. Mr. Torgersen responded that this has not happened yet, but could be possible with the right carrier and conditions. In response to a question from Ms. Whipple, Mr. Torgersen indicated they anticipated being able to increase flights even during construction, although it will be a complex operation. Mr. Decker commended the work Mr. Torgersen was doing at the Provo Airport. He also thanked the Council and Mayor for their support of the Provo Airport. The Provo Fire and Police Departments have also been commendable and they have received many positive comments from passengers about the Police and Fire staff who service the airport. ***Presentation only.***

16. A presentation regarding flood mitigation and Spring run-off. (23-041)

Council Chair Katrice MacKay said the Council requested this presentation as this topic is front and center in the community as well as at the forefront of City communications. Dave Decker, Public Works Director, presented. He shared a City website which was accessible to residents and shared a lot of great information. Mr. Decker gave an update on snowpack in the watershed of the Provo area. He shared context on how this data is gathered. Mr. Decker shared information about the sandbagging effort and the coordination done by Public Works staff on this. Councilor David Shipley asked if the City's goal of 100,000 sandbags by May 1 included sandbags filled by residents for their home use. Mr. Decker said this goal is for sandbags filled for city use. They have distributed over 30,000 empty sandbags to residents to fill for home use.

Mr. Decker addressed the Provo River. Their efforts there have focused on cleaning debris out of the river. They have worked with homes and HOAs along the river, along with Provo Power, Public Works, and Parks and Recreation on river cleanup. Mr. Decker referenced the 1983 flood and the sandbagging they did then. They are preparing for this potential event, which is why they are preparing so many sandbags. The frontal canyons that flooded in the 1980s have been addressed with infrastructure and retention basins so the situation would be very different now. One of the concerns throughout the state is where pipe systems are plugged with rocks or debris and then back up onto the street and does significant damage. They are watching for this—they have video feeds on the major drainage sites in the city so they can monitor this on an ongoing basis and address potential issues very quickly.

Councilor Bill Fillmore asked if there is any information publicly available about how water will be routed. Mr. Decker said they have these maps but he is hesitant about making them public because they will generate a lot of concerns. They have spent several weeks on this process, including drainage surveys, making plans for sandbagging, and creating traffic plans for each of the routes. They have additional pipes ordered for making temporary bridges over some of these channels. They hope to have planned for the worst-case scenario and these maps will be ready for publication soon. Mr. Fillmore also asked about the river cleanup efforts; he asked how they will address debris that is part of the runoff. Mr. Decker said they anticipate likely triple or quadruple the current river volume. They will focus on areas like bridges for obstructions. They have encouraged residents to move their things out of the riverbank area so items are not swept away. If debris is snagged under a bridge, it may be very difficult to get it out. Mr. Decker shared additional comments about some of the local coordination they are doing with the Provo River Users Association and local reservoirs. He also highlighted some of their recent work on aquifer storage and recovery projects and how this effort interacts with spring runoff.

Ms. MacKay asked about concrete barriers next to the river. Mr. Decker said these have been put in several locations—other agencies such as the Provo Delta Restoration group have placed these due to their ongoing construction. Ms. MacKay asked if someone has water in their backyard at 2 AM, who do they call about a water emergency. Mr. Decker said 311 will be the fastest at any time of day. They are coordinating with Customer Service on these issues. At night, those calls roll over to Energy Dispatch and there is a list of employees they can contact immediately. Ms. MacKay also asked about islands that have been built in the river and whether this would cause issues. Mr. Decker said they have met with HOAs or private individuals who have built those islands. Most have responded in a positive way; some islands have been naturally formed but he is not aware of any islands that were constructed.

Councilor Rachel Whipple asked about people who have been camping along the river and whether they have been able to help these individuals relocate to a safer location. Mr. Decker said they have not addressed this and they will need to in the immediate future. They have been coordinating with a number of City departments on an ongoing basis, so they will address this question with that group and this effort will likely be taken on by one of the other departments. Councilor Shannon Ellsworth said that a lot of the flooding in Salt Lake last week was related to clogged street drains. She asked if that was going to be an issue in Provo. Mr. Decker said this is part of the FAQs and they have asked residents to do this. In some situations, it is more than a resident can do, so they have Public Works employees helping with some of these issues. They have repurposed some sewer equipment and staff to cleaning out storm drain issues that exceed the ability of homeowners to address. Ms. Ellsworth asked what areas are most susceptible. Mr. Decker said they have tried to emphasize rising groundwater could be an issue in any area, but generally areas near the foothills and river are going to face the most issues.

Isaac Paxman, Deputy Mayor, commended Public Works staff who worked all night assisting a household with backyard flooding issues. Mr. Decker thanked several staff members including Richard Snider, Streets Manager, whose crew has done an amazing job. ***Presentation only.***

Closed Meeting

Pending minutes – awaiting approval

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

Adjournment

Adjourned by unanimous consent.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 05-02-2023

SUBJECT: An ordinance amending the Zone Map of approx. 0.48 acres, located at 2050 N Canyon Road, from General Commercial (CG) and Two Family Residential (R2PD) to Medium Density Residential (MDR) & authorizing a related development agreement. (PLRZ20220302)

RECOMMENDATION: To be heard at the May 2, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Ryan Salmon is requesting approval of a rezone from the CG and R2PD zones to the HDR zone in order to build a twelve-unit apartment building over two properties on North Canyon Road. This request is associated with a request to change the General Plan designation of the north property from commercial to residential, and a concept plan that would be tied to this rezone request through a Development Agreement. The reason the HDR zone is being requested for a MDR (Medium Density Residential) zone density project is for the reduced yard requirements in the HDR zone. The related concept plan proposes an "L-shaped" apartment building fronting Canyon Road, with a surface parking lot hidden behind and accessed off of 2100 North. The building has six, one-bedroom units on each of the two levels, each around eight-hundred (800) square feet. The building elevations show a height of twenty-four feet (24') to the parapet, and just under thirty-feet (30') to the midpoint of the sloped roof features. For context, single-family homes have a permitted height of 35'.
The site includes twenty-one off-street parking spaces and approximately 8,600 square feet of landscape/open space. There is no requirement for amenities for projects under twenty units in the HDR zone, but the applicant has provided landscaped space for around forty-one percent (41%) of the project area.

FISCAL IMPACT:

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

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20220302

ORDINANCE 2023-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 0.48 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 2050 NORTH CANYON ROAD, FROM GENERAL COMMERCIAL (CG) AND TWO FAMILY RESIDENTIAL (R2PD) TO MEDIUM DENSITY RESIDENTIAL (MDR) AND AUTHORIZING A RELATED DEVELOPMENT AGREEMENT. PLEASANT VIEW NEIGHBORHOOD. (PLRZ20220302)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 0.48 acres of real property, generally located at 2050 North Canyon Road (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from General Commercial (CG) and Two Family Residential (R2PD) to Medium Density Residential (MDR); and

WHEREAS, on April 12, 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 6:0 vote; and

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

WHEREAS, on May 2, 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 those commitments described in the development agreement and the representations made by the applicant and the applicant's representatives in the Council Meeting of May 2, 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 D after execution.

PART II:

The classification on the Zone Map of Provo, Utah is hereby amended from the General Commercial (CG) Zone and the Two Family Residential (R2PD) Zone to the Medium Density Residential (MDR) Zone for approximately 0.48 acres of real property generally located at 2050 North Canyon Road, 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

2120 N
2100 N
2090 N
2050 N
1990 N
1980 N
CANYON RD
80 E
180 E
220 E
220 E
2105
2102
2115
2109
2048
2085
2039
2038
2075
2019
2020
2065
1998
2055
1991
1981
1937
2122
2114
2112
2110
200
206
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EXHIBIT C – DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT
FOR
Ryan Salmon Canyon Road Development

(2050 N Canyon Rd)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2023 (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and Canyon FG LLC, a Utah limited liability company, hereinafter referred to as "Developer." The City and Developer are hereinafter collectively referred to as "Parties."

RECITALS

A. Developer is the owner of approximately .48 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the "Property").

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

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

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

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

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

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

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

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

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

AGREEMENT

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

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

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

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

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

a. Maximum building height: thirty (30) feet.

b. Unit density maximum: 12 units for the combined parcels.

c. Parking density: parking will meet or exceed parking standards outlined in 14.37.060. Additionally, developer will provide ample covered bicycle storage.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-9a-509.

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

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

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

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

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

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

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

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

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

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

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

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

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

The rights and remedies set forth herein shall be cumulative.

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

To the Developer: Canyon FG LLC
Attn: Ryan Salmon
1012 Quail Summit Dr.
Provo, UT 84604
Phone: (801) 360-8810

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

9. General Term and Conditions.

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

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

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

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

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

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

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

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

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

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

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

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

m. Termination.

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

ii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the defaulting party to each other hereunder shall terminate, but none of the licenses,

building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

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

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

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

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

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

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

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

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

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

shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

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

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

CITY:

CITY OF PROVO

ATTEST:

By: _____ By:_____
City Recorder Mayor Michelle Kaufusi

DEVELOPER:

Canyon FG LLC, a Utah limited liability company

By: _____
Name: Ryan Salmon
Title: Owner/Developer

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On the ____ day of _____, 2023, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of _____, a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

_____
Notary Public
Residing at:

Exhibit A

Legal Description of the Property

Parcel 1: 2048 N Canyon Road, Provo UT

Legal Description: COM N 102.58 FT & E 257 FT FR SW COR. SEC. 30, T6S, R3E, SLB&M.; N 85.42 FT; E 116 FT; S 83.37 FT; S 88 DEG 59' 3" W 116.02 FT TO BEG. AREA 0.225 AC.

Parcel 2: 2044 N 150 East, Provo UT

Legal Description: COM N 88 DEG 59' 3" E 257.04 FT & N 20.59 FT FR SW COR. SEC. 30, T6S, R3E, SLB&M.; N 77.43 FT; N 88 DEG 58' 57" E 117.12 FT; S 0 DEG 0' 18" W 20.06 FT; S 42 DEG 41' 47" E 2.97 FT; S 4 DEG 14' 47" E 1.79 FT; S 45 DEG 10' 38" E 82.34 FT; N 89 DEG 10' 34" W 177.66 FT TO BEG. AREA 0.254 AC.

Exhibit B

Concept Plan

D2 ARCHITECTURAL SITE PLAN

PARKING CALCULATION SUMMARY
1.5 STALL PER BED
12 BEDS PROVIDED
18 PARKING STALLS REQUIRED
21 PARKING STALLS PROVIDED

WATER LINE NOTE:
2 INCH LINE PERPENDICULAR TO MAIN METER, SPLIT INTO (6) 1" LINE MANIFOLD WITH INDIVIDUAL METERS (FOR EACH BUILDING)

SEWER NOTE:
MANHOLE AT MAIN CONNECTION, 6" LINE FROM MAIN TO BUILDING (FOR EACH BUILDING)

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report Hearing Date: April 12, 2023

***ITEM #8** Ryan Salmon is requesting a Zone Map Amendment from the CG (General Commercial) and R2PD (Two Family Residential) zones to the HDR (High Density Residential) zone in order to build a new twelve-unit apartment building, located at 2050 N Canyon Road. Pleasant View Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220302

Applicant: Ryan Salmon

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon FG LLC; Salmon, Ryan J & Jessica (ET AL)

Parcel ID#: 20:050:0029; 20:050:0031

Acreage: 0.48

Number of Properties: 2

Number of Units: 12

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 26, 2023, at 6:00 P.M.*

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

Current Legal Use: The property at 2050 N Canyon Road is currently a real estate office in the CG (General Commercial) zone; and the legal use of 2044/2046 N Canyon is a two-family dwelling in the R2PD zone.

Relevant History: The properties have been zoned CG and R2PD since 1993, and the commercial property has had a variety of uses over the last thirty years. The applicant initially made an application for a three-story, fifteen-unit apartment building, but has worked over the last six months to address neighborhood and staff concerns and now is asking for a two-story, twelve-unit building.

Neighborhood Issues: Initial concerns from an October 2022 neighborhood meeting were related to the height, density, and parking for the original concept. There have not been any comments on Open City Hall on the revised concept at the time of this report.

Summary of Key Issues:

- The concept plan layout, density, height, and parking count are being secured by a proposed Development Agreement with the rezone request.
- The plan brings an additional twelve residential units that fit in to the surrounding area.
- The rezone is tied to a General Plan map amendment for 2050 N Canyon Road.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the zone change subject to approval of a Development Agreement.

OVERVIEW

Ryan Salmon is requesting approval of a rezone from the CG and R2PD zones to the HDR zone in order to build a twelve-unit apartment building over two properties on North Canyon Road. This request is associated with a request to change the General Plan designation of the north property from commercial to residential, and a concept plan that would be tied to this rezone request through a Development Agreement. The reason the HDR zone is being requested for a MDR (Medium Density Residential) zone density project is for the reduced yard requirements in the HDR zone.

The related concept plan proposes an “L-shaped” apartment building fronting Canyon Road, with a surface parking lot hidden behind and accessed off of 2100 North. The building has six, one-bedroom units on each of the two levels, each around eight-hundred (800) square feet. The building elevations show a height of twenty-four feet (24’) to the parapet, and just under thirty-feet (30’) to the midpoint of the sloped roof features. For context, single-family homes have a permitted height of 35’.

The site includes twenty-one off-street parking spaces and approximately 8,600 square feet of landscape/open space. There is no requirement for amenities for projects under twenty units in the HDR zone, but the applicant has provided landscaped space for around forty-one percent (41%) of the project area.

RELEVANT HISTORY

As stated earlier, the applicant has adjusted his proposed project over the previous six months. The initial concept for three levels, fifteen units, and a reduced parking request raised concerns from the neighborhood and from Provo City Staff. Through discussions with the applicant and three rounds of revised plans with the CRC (Coordinator Review Committee) the project has been able to address concerns with building height, setback, and parking. The applicant has been responsive to staff comments and acknowledges future design details that will need to be addressed in the future Project Plan application if the zone change and General Plan amendment are granted by the City Council.

STAFF ANALYSIS

Analyzing the surrounding area shows a variety of land uses within five hundred feet of the subject property. Overall, there are single-family homes to the west, condos (Garden Villa) to the north and east, and apartments (Stadium 150 and Stadium Garden) to the south; equating to around 118 residential units. Further to the south along Canyon Road there are the Timp Towers apartments and Timpangos Gateway Condominiums; another 178 units between them. The scale for the proposed project would fit well in this corridor. The two-story concept is not as tall to the apartments and condos to the south, and would match the level of the condos to the north and east; with

a height restriction of thirty feet (30'), it would be less than what the single-family homes can be built to in the R1 zoning to the west.

In order to analyze the proposed zone change against the General Plan, staff uses the criteria in Section 14.02.020, as follows: **(Staff response in bold type)**

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

Staff response: The applicant has noted that the purpose is "to engage in a redevelopment that significantly improves the aesthetic and use of these otherwise under-utilized properties" and to provide additional housing in the area.

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

Staff response: Staff feels that the applicant has worked to provide a project that would help meet the above goals and that the zone map amendment with the proposed development agreement would best meet those goals.

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

Staff response: One of the top three land use strategies listed in Chapter Three is to "promote small scale, infill development across the city". Staff feel this plan is consistent with that strategy, but also is consistent with the goals later on in that chapter to "promote neighborhood scale development in residential areas, including a mix of density" (goal 1c).

> (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: This proposal is consistent with the relevant implementation matrix on page 92 of the General Plan.

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

Staff response: The proposed amendment should not hinder or obstruct attainment of the General Plan policies. The zone change away from the General Commercial zone in this case doesn't have much impact on the economic development goals for the City, as this commercial property has been struggling over the past decade.

> (f) Adverse impacts on adjacent land owners.

Staff response: Staff feel that the ability to guarantee the building height and off-street parking as shown in the concept plan alleviates any possible adverse

impacts on adjacent land owners with this request. The height is consistent with surrounding allowances and the parking provides more stalls than what is required by code.

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

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

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

Staff response: Staff has shown that this rezone will be consistent with the policies of the General Plan, which is important in this case, as the General Plan map for the property is proposed to change with this request.

In addition to these standards, the General Plan identifies the following criteria for proposed rezone applications for housing developments: **(Staff response in bold)**

- Would the rezone promote one of the top 3 housing strategies?
  - Promote a mix of home types, sizes, and price points
  - Support zoning to promote ADUs and infill development
  - Recognize the value of single-family neighborhoods

Staff feel that this request meets all three strategies. The proposed rezone would help to promote a mix of home types, sizes, and price points by bringing in a different style of one-bedroom units. It is also recognized that this zone change would bring in an infill development for property that is underutilized. The project also recognizes the value of the nearby single-family neighborhoods by keeping the height of the building consistent with that of those homes.

- Are utilities and streets currently within 300 feet of the property proposed for rezone?

The adjacent streets, 2210 North and Canyon Road, have been verified by engineering to be able to handle the additional vehicle trips. Utilities are available in the area but will most likely be upgraded for water service.

- Would the rezone exclude land that is currently being used for agricultural use?

There are no agricultural uses in the area.

- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations?

Yes, the closest transit stop is at 2230 N Freedom Blvd and is about a ½ mile away, as is the BYU Stadium UVX stop.

- Would the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone lands? If so, has the applicant demonstrated these issues can reasonably be mitigated?

No, the request would not encourage development in any hazardous lands.

- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? If so, is the applicant willing to guarantee use of a TDM in relation to the property to reduce the need for on-street parking?

No, the applicant has provided twenty-one (21) off-street parking spaces on the site when the city code only requires eighteen (18) off-street spaces.

- Would the rezone facilitate a housing development where a majority of the housing units are owner-occupied? Is the applicant willing to guarantee such?

These units could be built as condos or apartments. The developer could bring a Project Plan for condo units and a HOA that restricts rental units.

- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making between 50-97% AMI? Is the applicant willing to guarantee such?

No, the current proposal would be market-rate.

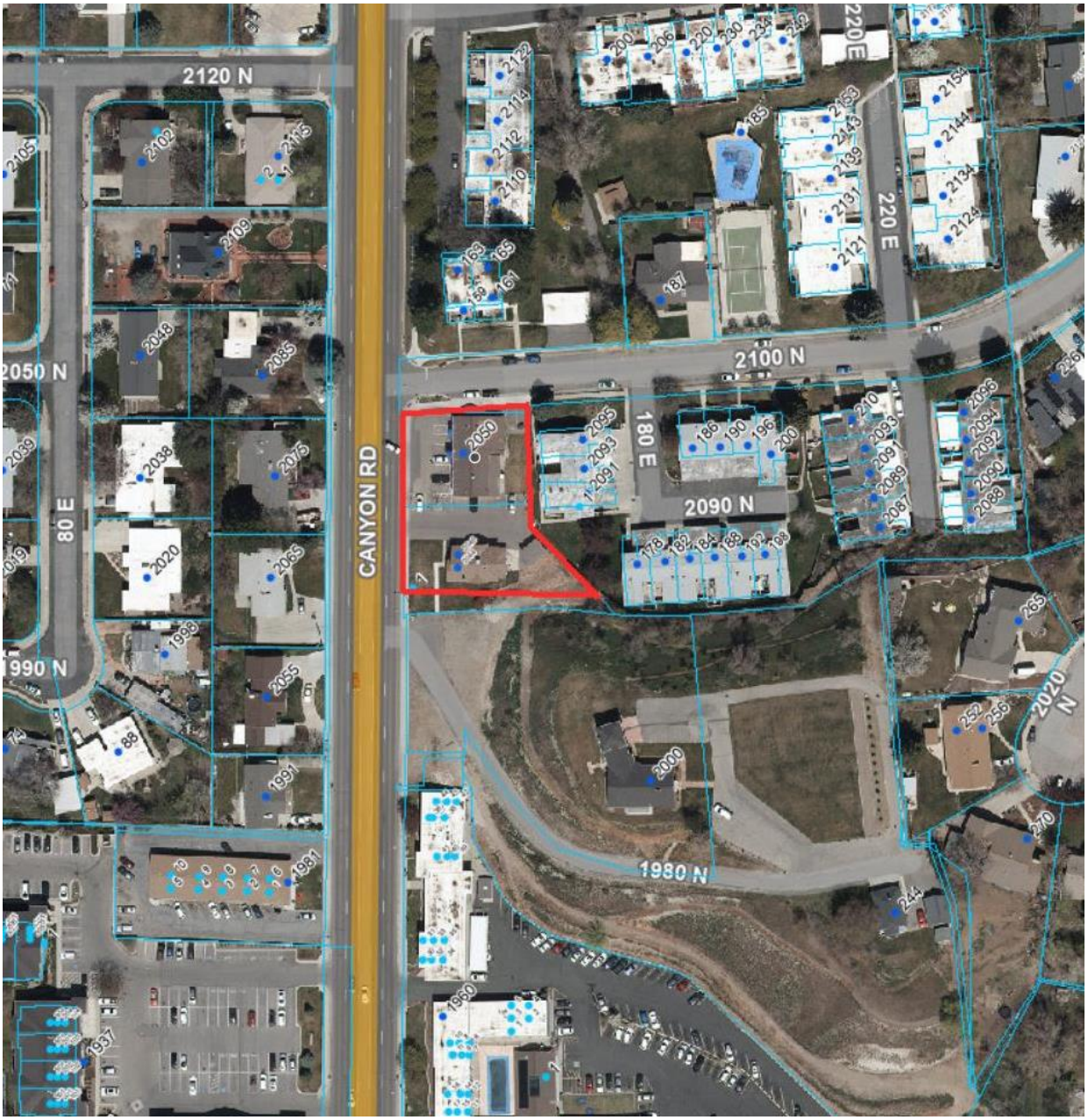
CONCLUSIONS

Staff has appreciated working through the different iterations of this project and believes the current version has addressed the initial concerns. Being able to guarantee the site layout with a limit on the height and number of units, while providing the required parking should be a benefit to the tenants and the area. Additionally, keeping a good percentage of the site as landscaped space helps to provide a more livable apartment for future residents. The scale and design blend with the residential character of the neighborhood more appropriately than the previous proposal. Additionally, various uses have been tried in the commercial building and all have struggled to stay in business.

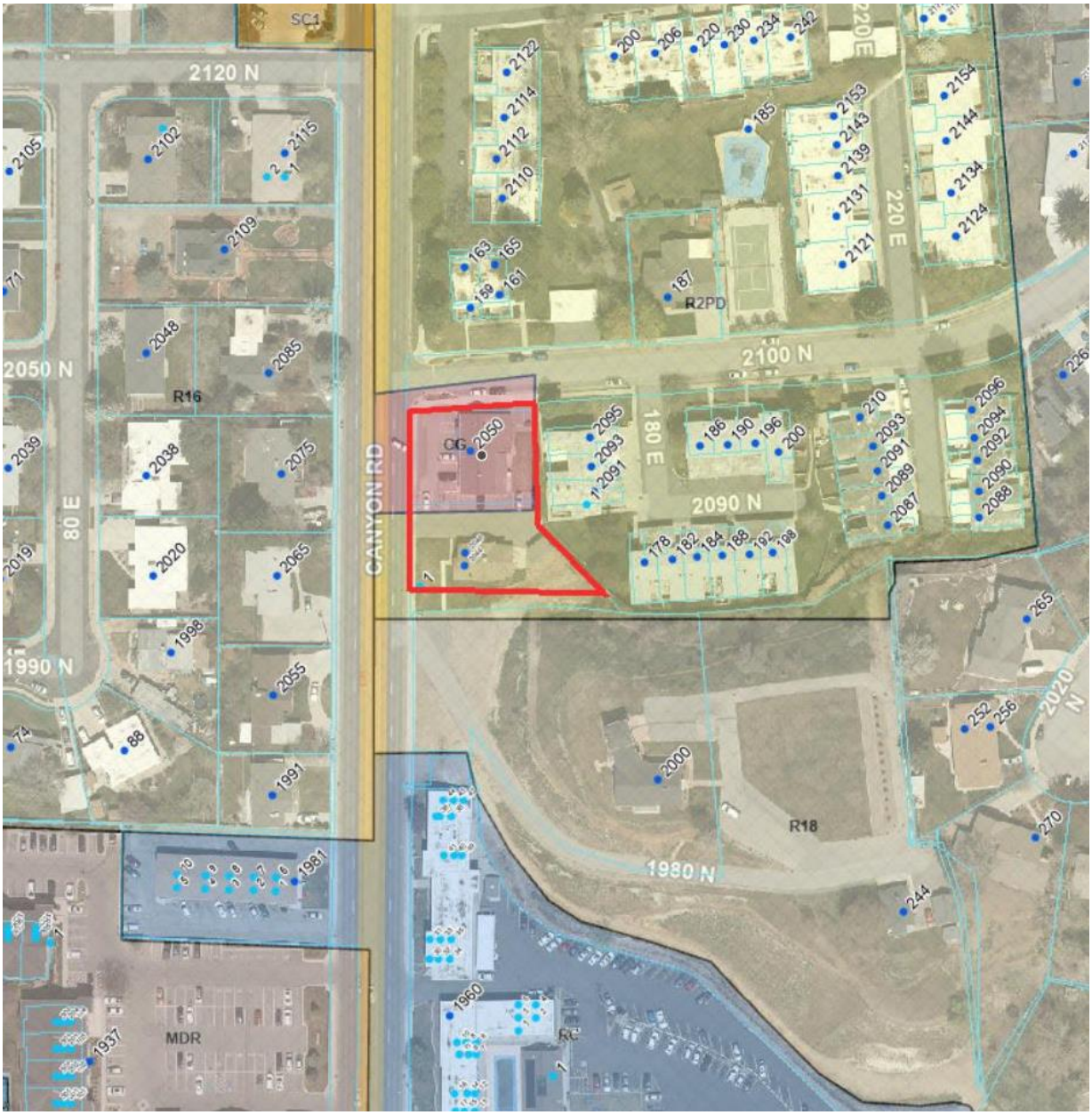
ATTACHMENTS

1. Area Map
2. Zone Map
3. General Plan Map
4. Concept Site Plan

ATTACHMENT 1 – AREA MAP



ATTACHMENT 2 – ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP

ATTACHMENT 4 – SITE PLAN

ITEM 8*

Ryan Salmon is requesting a Zone Map Amendment from the CG (General Commercial) and R2PD (Two Family Residential) zones to the HDR (High Density Residential) zone in order to build a new twelve-unit apartment building, located at 2050 N Canyon Road.

Pleasant View Neighborhood

PLRZ20220302

2050 N Canyon Road

2050 N Canyon Road

- Concept: 12 one-bed residential units

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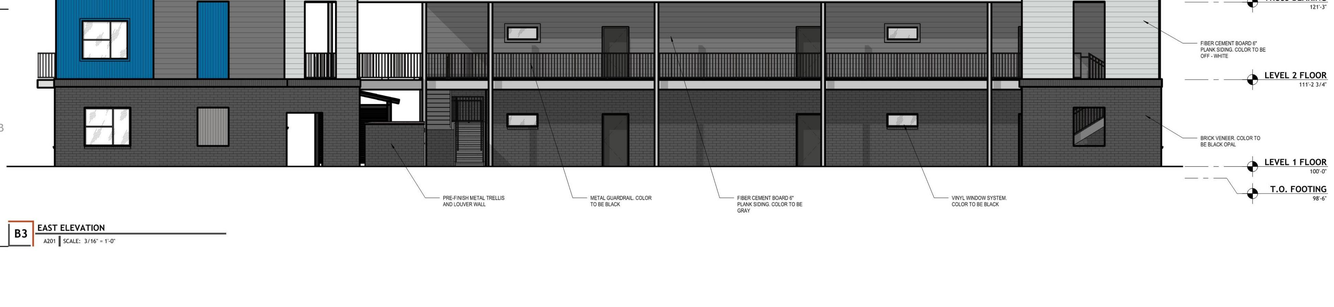
- Concept: 12 one-bed residential units

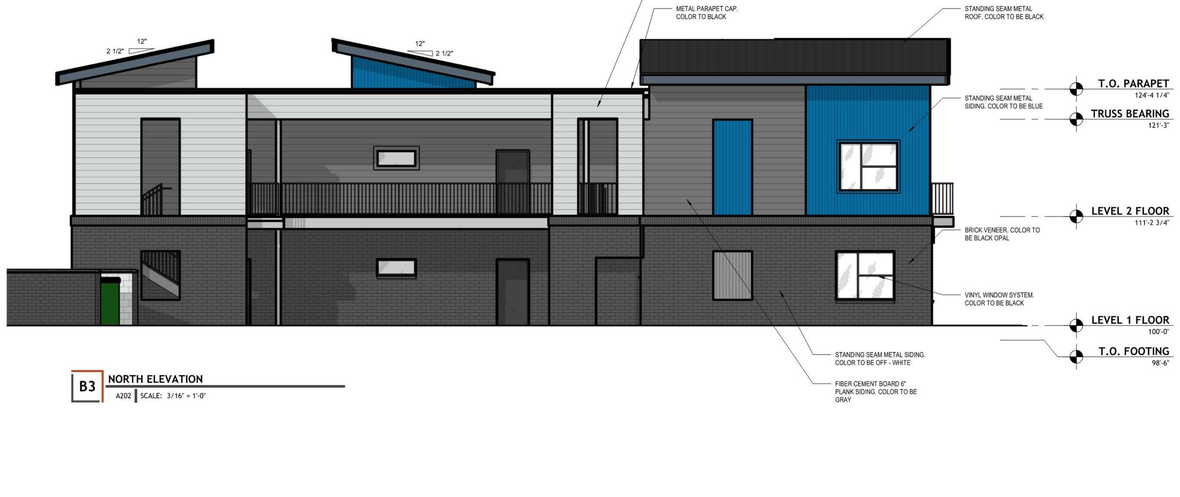
- Providing 21 parking stalls (requirement is 18)

2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.



B3 EAST ELEVATION
A201 | SCALE: 3/16" = 1'-0"



B3 NORTH ELEVATION
A202 | SCALE: 3/16" = 1'-0"

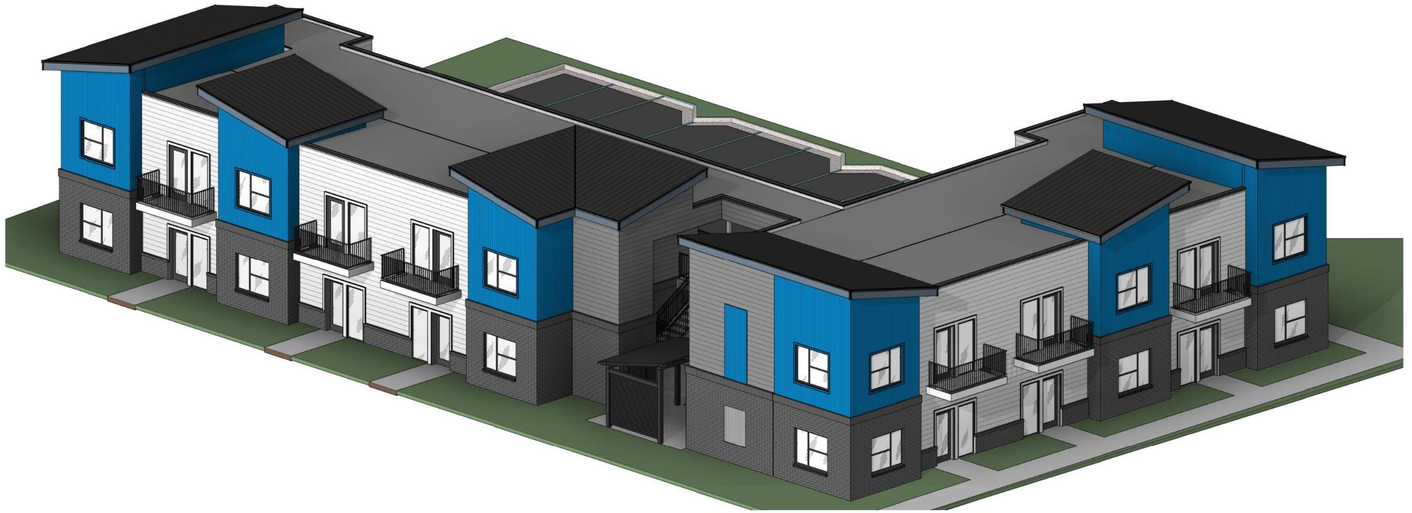
D3 WEST ELEVATION
A201 | SCALE: 3/16" = 1'-0"

D3 SOUTH ELEVATION
A202 | SCALE: 3/16" = 1'-0"

2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.
- Providing Development Agreement on all the above.

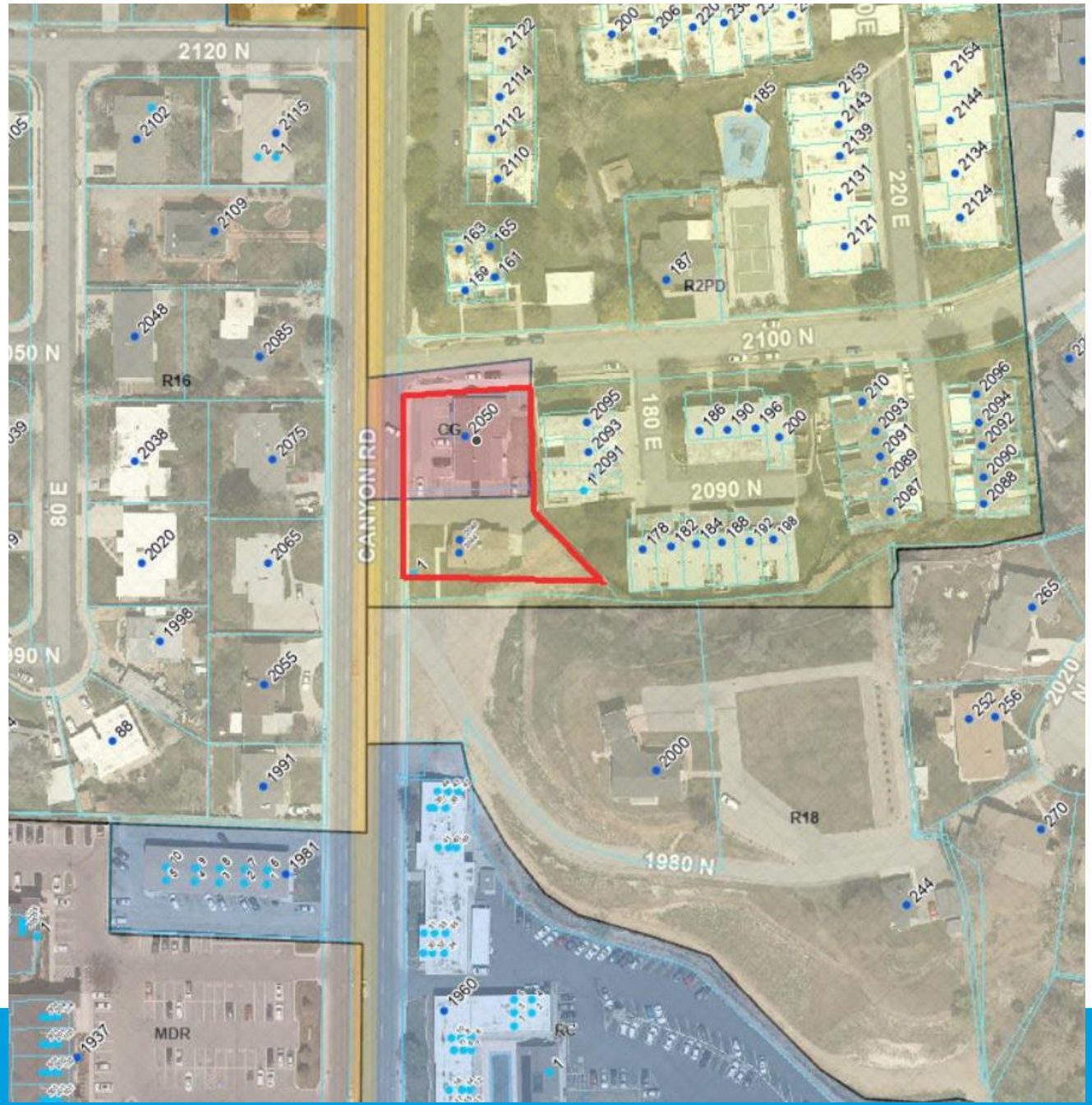
B1 NORTHWEST PERSPECTIVE
A203 | SCALE:



D1 SOUTHWEST PERSPECTIVE
A203 | SCALE:

2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.
- Providing Development Agreement on all the above.
- Rezone Request: From CG and R2PD to HDR (for setbacks)

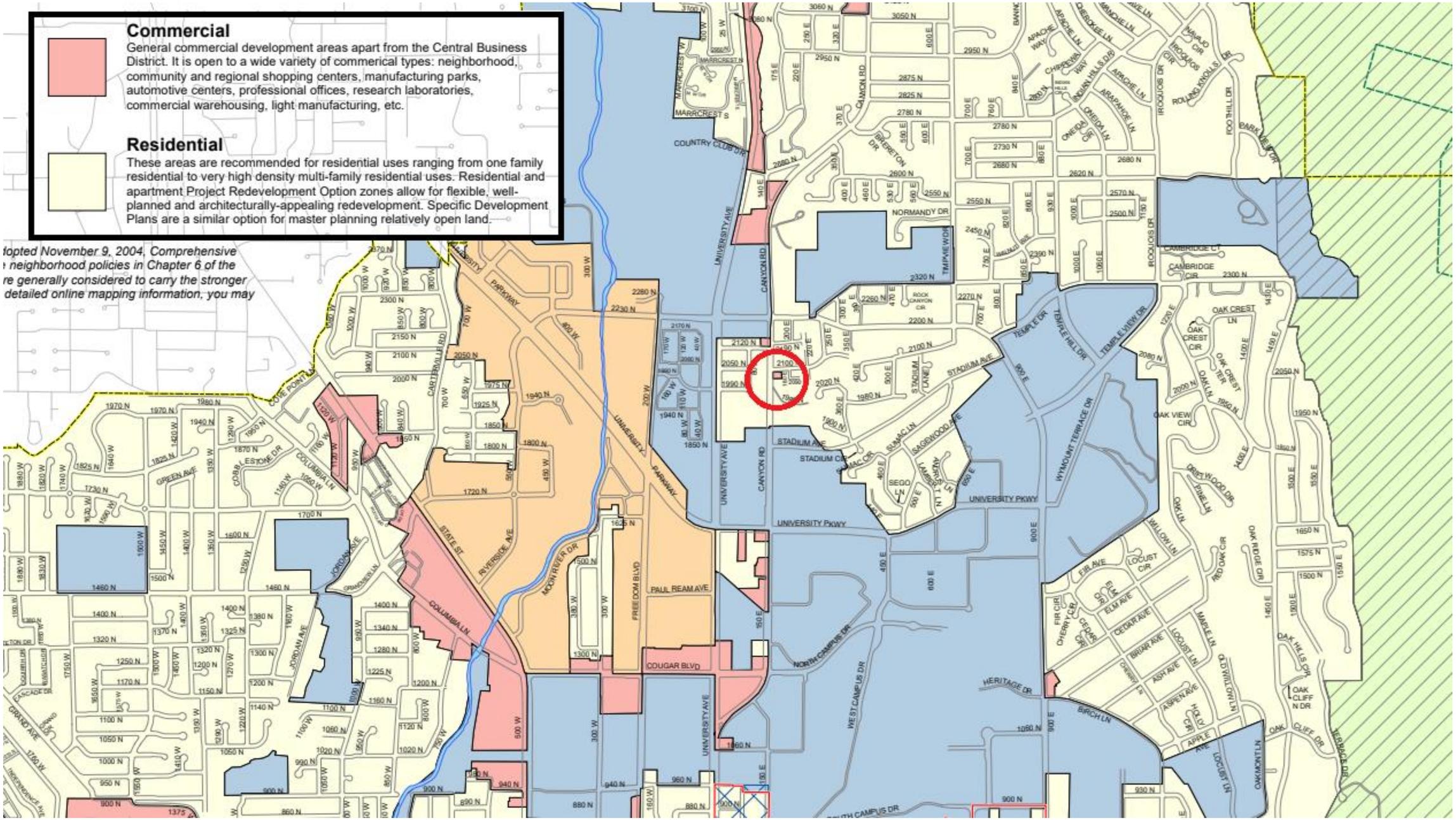


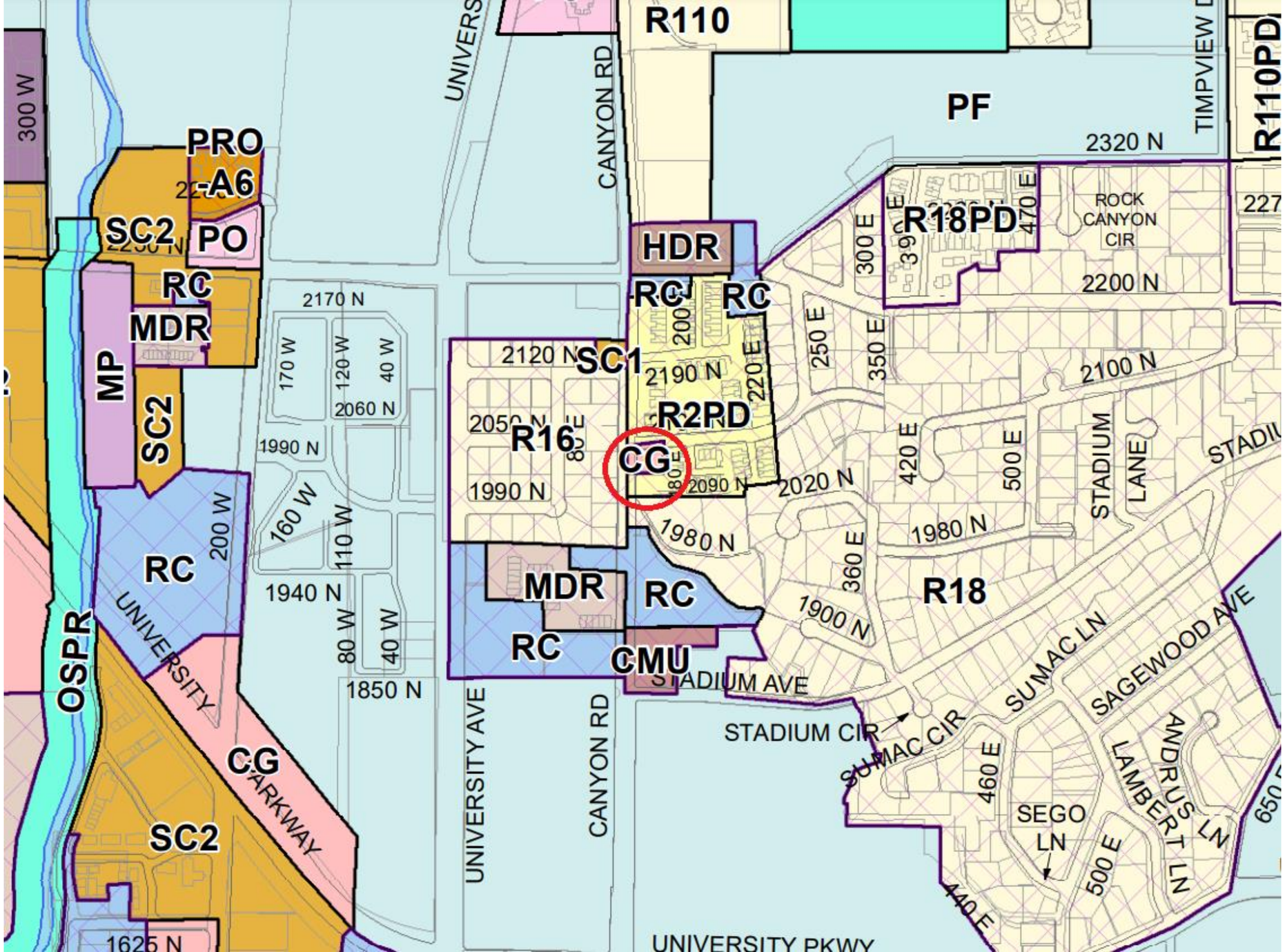
2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.
- Providing Development Agreement on all the above.
- Rezone Request: From CG and R2PD to HDR (for setbacks)
- General Plan change from Commercial to Residential

2050 N Canyon Road

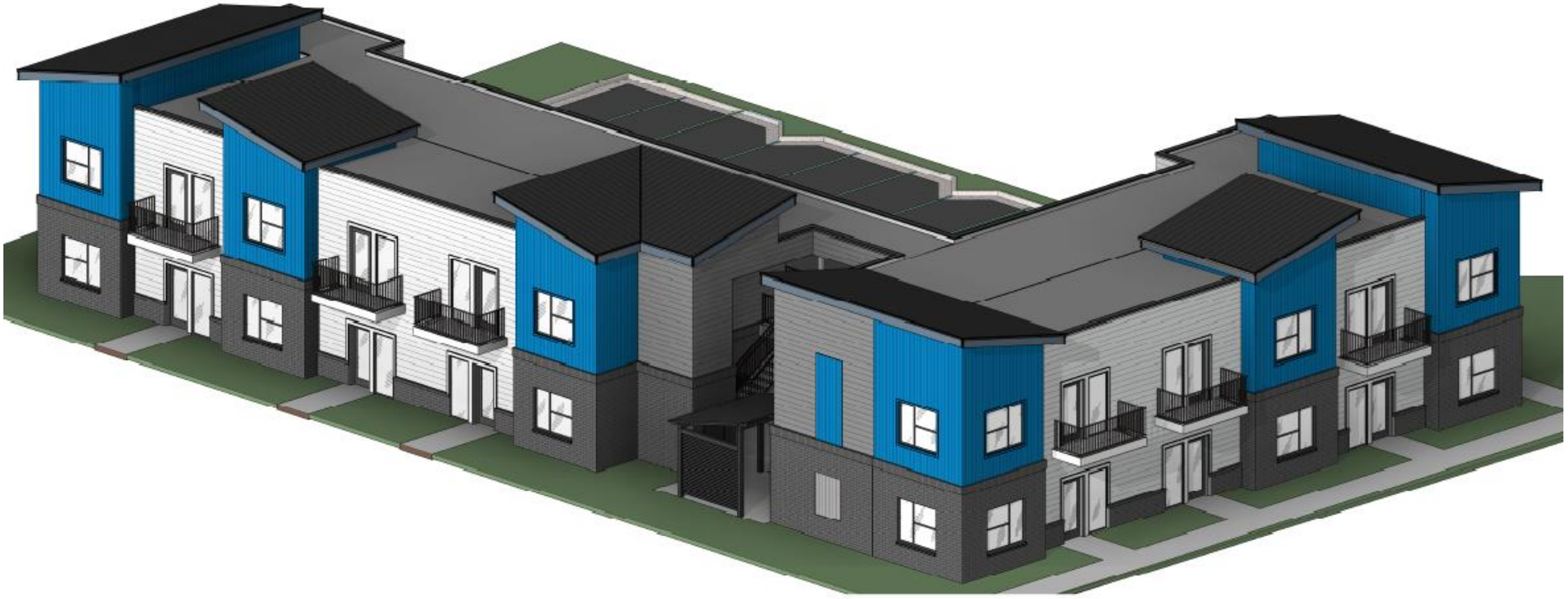
- Applicant Slides


Commercial
General commercial development areas apart from the Central Business District. It is open to a wide variety of commerical types: neighborhood, community and regional shopping centers, manufacturing parks, automotive centers, professional offices, research laboratories, commercial warehousing, light manufacturing, etc.
Residential
These areas are recommended for residential uses ranging from one family residential to very high density multi-family residential uses. Residential and apartment Project Redevelopment Option zones allow for flexible, well-planned and architecturally-appealing redevelopment. Specific Development Plans are a similar option for master planning relatively open land.
dopted November 9, 2004, Comprehensive
neighborhood policies in Chapter 6 of the
re generally considered to carry the stronger
detailed online mapping information, you may
UNIVERSITY PKWY
STADIUM AVE
STADIUM CIR
CANYON RD
UNIVERSITY AVE
COUNTRY CLUB DR
NORMANDY DR
CAMBRIDGE CT
CAMBRIDGE CIR
OAK CREST LN
OAK CREST CIR
OAK CREST TER
OAK VIEW CIR
TEMPLE E DR
TEMPLE HILL DR
TEMPLE VIEW DR
WYMOUNT TERRACE DR
ROCK CANYON CIR
TIMPVIEW DR
IROQUOIS DR
ROLLING KNOLLS DR
ROLLING KNOLLS CIR
APACHE LN
APACHE WAY
ARAPAHOE LN
ONEIDA LN
ONEIDA CIR
CHIPPEWA WAY
MARRCREST W
MARRCREST S
MARRCREST N
IRERETON DR
CANYON RD
UNIVERSITY PARKWAY
CARTERHOUSE RD
CODE POINT
COBBLESTONE DR
COLUMBIA LN
GREEN AVE
JORDAN AVE
GRANDVIEW LN
STATE ST
RIVERSIDE AVE
MOON RIVER DR
FREEDOM BLVD
PAUL REAM AVE
COUGAR BLVD
NORTH CAMPUS DR
WEST CAMPUS DR
HERITAGE DR
BIRCH LN
OAK CLIFF DR
OAK CLIFF N DR
OAKMONT LN
LOCUST LN
ASPEN AVE
ASH AVE
BRIAR AVE
CEDAR AVE
ELM AVE
FIR AVE
CHERRY CIR
CEDAR CIR
LOCUST CIR
MAPLE LN
WILLOW LN
OAK LN
OAK RIDGE CIR
RED OAK CIR
ORIOLE LN
ORIOLE WOOD DR
EAGLE
SAGEWOOD AVE
SUMAC CIR
SUMAC LN
SEGO LN
LAMBERT LN
OAK HILLS CIR
APPLE AVE
HOLLY CIR


R110
PF
R110PD
TIMPVIEW DR
2320 N
CANYON RD
UNIVERSITY AVE
300 W
PRO
A6
SC2
PO
RC
MDR
MP
SC2
OSPR
RC
200 W
UNIVERSITY PARKWAY
CG
SC2
1625 N
2170 N
170 W
120 W
40 W
2060 N
1990 N
160 W
110 W
1940 N
80 W
40 W
1850 N
HDR
RC
RC
200 E
220 E
2120 N
SC1
2190 N
R2PD
2050 N
R16
80 E
CG
1990 N
2090 N
MDR
RC
RC
CMU
STADIUM AVE
R18PD
300 E
390 E
470 E
ROCK CANYON CIR
2200 N
250 E
350 E
2100 N
420 E
500 E
STADIUM LANE
2020 N
1980 N
360 E
R18
1900 N
SUMAC LN
SAGEWOOD AVE
STADIUM CIR
SUMAC CIR
460 E
SEGO LN
500 E
LAMBERT LN
ANDRUS LN
440 E
650
UNIVERSITY PKWY

CANYON ROAD
77.42 ft
85.42 ft
10'-0" MINIMUM SIDE SETBACK
54'-2 3/8"
54'-2 3/8"
54'-2 3/8"
TRASH
F.E. / RIV
10'-0" SIDE SETBACK
10'-8 7/8"
30'-0"
11'-1 3/4"
18'-4"
36'-4"
18'-4"
9'-0" TYPICAL
22'-4" REAR SETBACK
20'-0" REAR SETBACK
23.58 ft
43.50 ft
43.50 ft
43.50 ft
43.50 ft
20.00 ft
20.00 ft
20.00 ft
20.00 ft
20.00 ft
13.08 ft
13.08 ft
50 ft

10'-0"
SIDE SETBACK
14'-2 3/8"
14'-2 3/8"
30'-0"
18'-0"
24'-0"
18'-0"
9'-0"
TYPICAL
11
10



D1 SOUTHWEST PERSPECTIVE

A203 | SCALE:

Provo City Planning Commission

Report of Action

April 12, 2023

*ITEM #8	Ryan Salmon is requesting a Zone Map Amendment from the CG (General Commercial) and R2PD (Two Family Residential) zones to the **MDR** (**Medium** Density Residential) zone in order to build a new twelve-unit apartment building, located at 2050 N Canyon Road. Pleasant View Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220302

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 12, 2023:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application and authorize the Mayor to sign the development agreement.

Motion By: Robert Knudsen
Second By: Jeff Whitlock
Votes in Favor of Motion: Robert Knudsen, Jeff Whitlock, Lisa Jensen, Melissa Kendall, Daniel Gonzales, 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

The related general plan amendment (PLGPA20220301) and concept plan (PLCP20220303) were also heard at the April 12 Planning Commission hearing, with the general plan amendment recommended for approval and the concept plan being approved.

APPROVED/RECOMMENDED OCCUPANCY

- Twelve (12) units.

APPROVED/RECOMMENDED PARKING

- 18 Total parking stalls required.
- 21 Total parking stalls provided.
- 1.5 Required parking stalls per unit.

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff gave an overview of the staff report and indicated that a MDR zone would be supported, and the Director of Development Services will adjust the setbacks with the MDR zone to make the concept work.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held in October 2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair 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:

- Paul Evans expressed his appreciation and support for a project that works in the neighborhood and that development agreements provide security for the community.
- Lilly Mott expressed some concern regarding the view from her windows into the project but hopes the development agreement will take care of the major concerns.

APPLICANT RESPONSE

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

- Ryan Salmon stated his reasoning for proposing the project. He also related correspondence from the former neighborhood chair and answered the questions sent with that email.
- Mr. Salmon also discussed his hope to have owner-occupied units and enhance the design as it moves forward.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Jensen confirmed that the proposed development agreement would hold the development to twelve units, two stories, and site layout. She also noted that a MDR zone could be an option, with the same development agreement.
- Commissioner Kendall and Gonzales confirmed with staff that the development agreement would run with the land.
- Commissioner Jensen appreciated the site plan, façade, and intention to provide owner-occupancy. However, she did have a concern that the garbage truck would have difficulty in the site but noted that can be adjusted in the project plan application.
- Commissioners liked the project and hoped for owner-occupancy in the units as much as possible.
- The commission discussed the characteristics that allow for a small neighborhood commercial property to thrive.

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 Development Services, 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

COM N 102.58 FT & E 257 FT FR SW COR. SEC. 30, T6S, R3E, SLB&M.; N 85.42 FT; E 116 FT; S 83.37 FT; S 88 DEG 59' 3" W 116.02 FT TO BEG. AREA 0.225 AC.

AND

COM N 88 DEG 59' 3" E 257.04 FT & N 20.59 FT FR SW COR. SEC. 30, T6S, R3E, SLB&M.; N 77.43 FT; N 88 DEG 58' 57" E 117.12 FT; S 0 DEG 0' 18" W 20.06 FT; S 42 DEG 41' 47" E 2.97 FT; S 4 DEG 14' 47" E 1.79 FT; S 45 DEG 10' 38" E 82.34 FT; N 89 DEG 10' 34" W 177.66 FT TO BEG. AREA 0.254 AC.

R Paul Evans | April 12, 2023
Planning Commission - 12 April 2023 - Salmon Apartments and Rezoning

Ryan Salmon carefully listened to the concerns voiced by the Provo City Pleasant View Neighborhood and has modified the proposed apartment complex at the corner of 2100 North and Canyon Road presented to the neighborhood in November 2022. The 12 apartment complex height is reduced to 30 feet (two stories) complementing and seamlessly integrating with the neighboring two story Garden Villa condos and apartments. The reduction in density (from 15 to 12 one-bedroom units) allows for the parking ratio to include guest parking stalls. Some windows have been added to the east side of the proposed apartment building to break up the previous monotonous building image facing existing residences. Thank you Ryan Salmon and Provo City Development Services staff for listening.

The use of 2100 North as a parking lot by the neighboring Stadium 150 Apartments continues unabated. In violation of Provo City Code, the residents of Stadium 150 Apartments are operating more vehicles from their location than the number of off street parking stalls. Though reported repeatedly for the past three years, enforcement of parking by Provo City has not yet curbed the problem. Stadium 150 Apartments is closer to mass transit than the proposed Salmon Apartments. Though every hope is that the Salmon Apartments will not also use 2100 North as a parking lot, the ability of Provo City to regulate and control spill over parking from high density and medium density developments onto nearby neighborhood streets is an important yet lacking assurance as high density housing continues to integrate with residential neighborhoods. Proof of the concept that Provo City can integrate high density housing into existing neighborhoods without parking impact could be demonstrated by Provo City controlling the Stadium 150 parking issue, now, before the Salmon Apartments are occupied. If the parking issue is not controlled now when the numbers are in the 10's, Provo City and neighbors will be unable to control the parking problem when the numbers are in the 20's and 100's. A good example of unregulated parking is south of the BYU campus and in areas of southeast Provo.

In the presentation to the Provo City Planning Commission and the Provo City Municipal Council neighbors would appreciate some response to the following questions/comments collected over the past week.

1. Will the existing power lines remain or be buried?
2. I would like to know what is in store for the property line that runs north to south on the east property line. Will the current fence remain? And if so, we would really (really!) love to see trees along Salmon's property line so Garden Villa doesn't have a view inside neighbors' apartments.
3. What will the light situation be in the parking lot on the east side and the west side facing Canyon Road? We don't want lights shining in our windows.
4. I'm not a fan of the color scheme, but I understand it's (somewhat) their prerogative. My suggestion would be neither the dark gray/bright blue, nor earth tones, but light, neutral colors.
5. Will these units be for lease or for sale? What is the projected price point whether for lease or sale?
6. When will a draft of the proffered Development Agreement be available for review?
7. What signage (location, size, lighting) is proposed for the apartments?
8. The homes on the west side of Canyon Road are being restored and refurbished strengthening the single family home nature of the northwest corner of the Pleasant View neighborhood.

Cheers,
R. Paul Evans

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 05-02-2023

SUBJECT: An ordinance amending the General Plan Map classification of approx. 0.23 acres of real property, generally located at 2050 North Canyon Road, from Commercial (C) to Residential (R). Pleasant View Neighborhood. (PLRZ20220301)

RECOMMENDATION: To be heard at the May 2, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: Ryan Salmon is requesting approval of a General Plan Map Amendment from Commercial to Residential in order to build a twelve-unit apartment building over two properties on North Canyon Road. This request is associated with a rezone request to HDR, and a concept plan that would be tied to the rezone request through a Development Agreement. The reason the HDR zone is being requested for a MDR (Medium Density Residential) zone density project is for the reduced yard requirements in the HDR zone.
The related concept plan proposes an "L-shaped" apartment building fronting Canyon Road, with a surface parking lot hidden behind and accessed off of 2100 North. The building has six, one-bedroom units on each of the two levels, each around eight-hundred (800) square feet. The building elevations show a height of twenty-four feet (24') to the parapet, and just under thirty-feet (30') to the midpoint of the sloped roof features. For context, single-family homes have a permitted height of 35'.
The site includes twenty-one off-street parking spaces and approximately 8,600 square feet of landscape/open space. There is no requirement for amenities for projects under twenty units in the HDR zone, but the applicant has provided landscaped space for around forty-one percent (41%) of the project area.

FISCAL IMPACT:

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

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLGPA20220301

ORDINANCE 2023-.

AN ORDINANCE AMENDING THE GENERAL PLAN MAP CLASSIFICATION OF APPROXIMATELY 0.23 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 2050 NORTH CANYON ROAD, FROM COMMERCIAL (C) TO RESIDENTIAL (R). PLEASANT VIEW NEIGHBORHOOD. (PLRZ20220301)

WHEREAS, it is proposed that the classification on the General Plan Map of Provo for approximately 0.23 acres of real property, generally located 2050 North Canyon Road (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the General Plan Map has been updated), be amended from Commercial (C) to Residential (R); and

WHEREAS, on April 12, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval of the proposal to the Municipal Council by a 6:0 vote; and

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

WHEREAS, on May 2, 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 General Plan Map of Provo, Utah should be amended as described herein; and (ii) the proposed general plan map classification amendment for the real property described herein reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

The classification on the General Plan Map of Provo, Utah is hereby amended from the Commercial (C) designation to the Residential (R) designation for approximately 0.23 acres of real property generally located at 2050 North Canyon Road, as described herein.

PART II:

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

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

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

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

END OF ORDINANCE

EXHIBIT A – GENERAL PLAN MAP

2120 N
2100 N
2090 N
2050 N
1990 N
1980 N
CANYON RD
80 E
180 E
220 E
2050
2102
2105
2115
2109
2048
2085
2039
2038
2075
2020
2065
1998
2055
1991
1981
1937
2122
2114
2112
2110
200
206
220
230
234
242
185
2153
2143
2139
2131
2121
163
165
159
161
187
2095
2093
2091
186
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196
200
210
2089
2087
178
182
184
188
192
198
2000
1960
244
74
88

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: April 12, 2023

***ITEM #9** Ryan Salmon is requesting a General Plan Map Amendment from a Commercial designation to Residential designation in association with a zone change request and concept plan for a twelve-unit apartment building in a proposed HDR (High Density Residential) zone, located at 2050 N Canyon Road. Pleasant View Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220301

Applicant: Ryan Salmon

Staff Coordinator: Aaron Ardmore

Property Owner: Canyon FG LLC

Parcel ID#: 20:050:0029

Acreage: 0.23

Number of Properties: 1

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 26, 2023, at 6:00 P.M.*

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

Current Legal Use: The property at 2050 N Canyon Road is currently a real estate office in the CG (General Commercial) zone.

Relevant History: This property has been zoned CG and 1993, and the commercial property has had a variety of uses over the last thirty years. The applicant has a related zone map amendment request and concept plan with this property for a twelve-unit residential building.

Neighborhood Issues: Initial concerns from an October 2022 neighborhood meeting were related to the height, density, and parking for the original concept. There have not been any comments on Open City Hall on the revised concept at the time of this report.

Summary of Key Issues:

- The plan brings an additional twelve residential units that fit in to the surrounding area.
- The Commercial designation has not provided for a strong commercial value at this property.
- The change to residential will help fulfill the goals of the General Plan Land Use and Housing chapters.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the General Plan Amendment from Commercial to Residential to the City Council.

OVERVIEW

Ryan Salmon is requesting approval of a General Plan Map Amendment from Commercial to Residential in order to build a twelve-unit apartment building over two properties on North Canyon Road. This request is associated with a rezone request to HDR, and a concept plan that would be tied to the rezone request through a Development Agreement. The reason the HDR zone is being requested for a MDR (Medium Density Residential) zone density project is for the reduced yard requirements in the HDR zone.

The related concept plan proposes an “L-shaped” apartment building fronting Canyon Road, with a surface parking lot hidden behind and accessed off of 2100 North. The building has six, one-bedroom units on each of the two levels, each around eight-hundred (800) square feet. The building elevations show a height of twenty-four feet (24’) to the parapet, and just under thirty-feet (30’) to the midpoint of the sloped roof features. For context, single-family homes have a permitted height of 35’.

The site includes twenty-one off-street parking spaces and approximately 8,600 square feet of landscape/open space. There is no requirement for amenities for projects under twenty units in the HDR zone, but the applicant has provided landscaped space for around forty-one percent (41%) of the project area.

RELEVANT HISTORY

As stated earlier, the applicant has adjusted his proposed project over the previous six months. The initial concept for three levels, fifteen units, and a reduced parking request raised concerns from the neighborhood and from Provo City Staff. Through discussions with the applicant and three rounds of revised plans with the CRC (Coordinator Review Committee) the project has been able to address concerns with building height, setback, and parking. The applicant has been responsive to staff comments and acknowledges future design details that will need to be addressed in the future Project Plan application if the zone change and General Plan amendment are granted by the City Council.

STAFF ANALYSIS

In order to analyze the proposed General Plan Map change, staff uses the criteria in Section 14.02.020, as follows: **(Staff response in bold type)**

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

(a) Public purpose for the amendment in question.

Staff response: The applicant has noted that the purpose is "to engage in a redevelopment that significantly improves the aesthetic and use of these otherwise under-utilized properties" and to provide additional housing in the area.

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

Staff response: Staff feels that the applicant has worked to provide a project that would help meet the above goals and that this General Plan Map Amendment, along with the zone map amendment and proposed development agreement, would best meet those goals.

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

Staff response: One of the top three land use strategies listed in Chapter Three of the General Plan text is to "promote small scale, infill development across the city". Staff feel this plan is consistent with that strategy, but also is consistent with the goals later on in that chapter to "promote neighborhood scale development in residential areas, including a mix of density" (goal 1c).

(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: This proposal is consistent with the relevant implementation matrix on page 92 of the General Plan.

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

Staff response: The proposed amendment should not hinder or obstruct attainment of the General Plan policies. The designation change from Commercial to Residential doesn't have much impact on the economic development goals for the City in this circumstance, as this commercial property has been struggling over the past decade.

(f) Adverse impacts on adjacent land owners.

Staff response: Staff feel that the loss of the commercial designation and what it would be replaced with would not bring in any adverse impacts, but provide for a more attractive and useful property.

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

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

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

Staff response: Staff has shown that this amendment will be consistent with the policies of the General Plan.

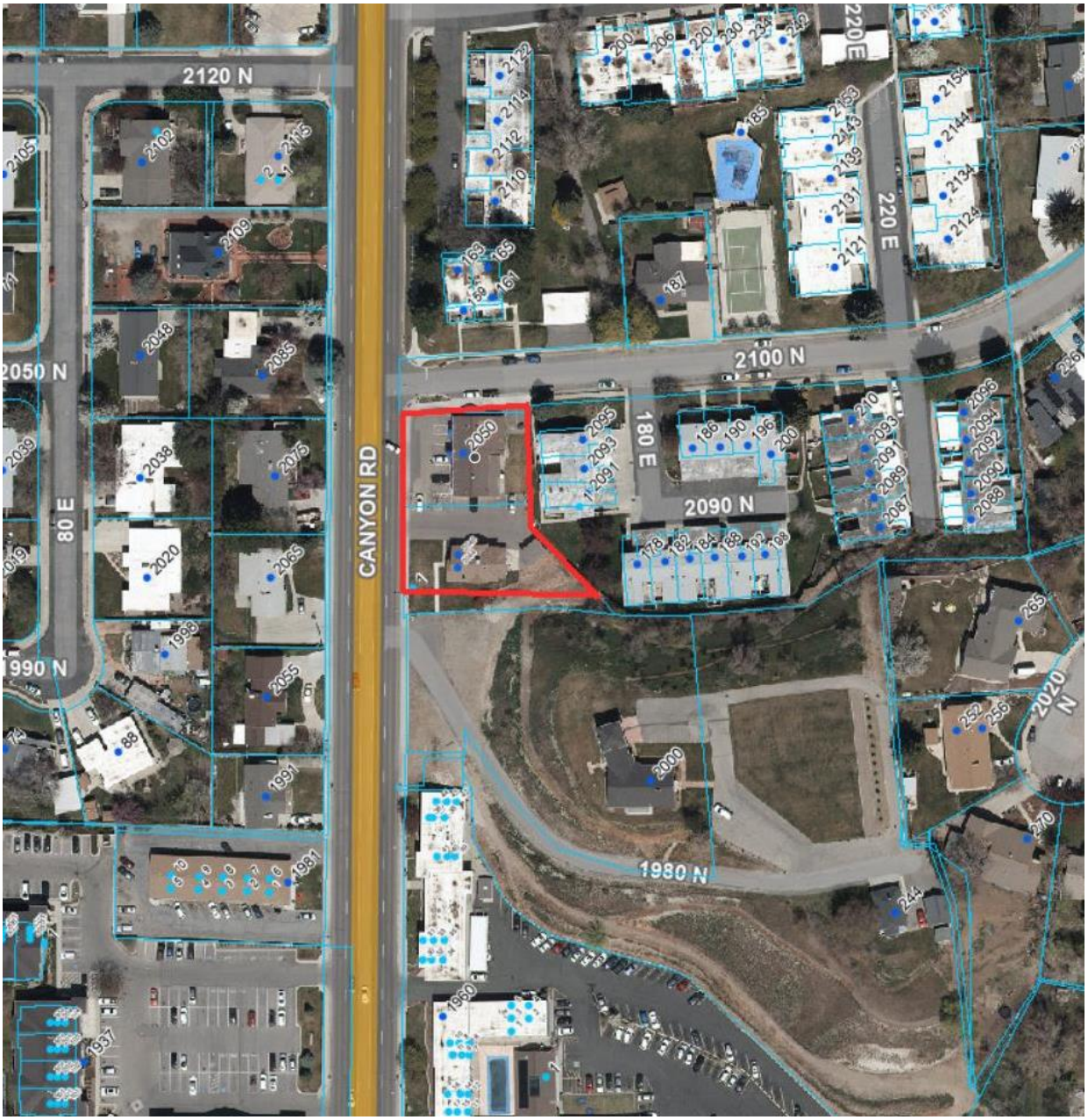
CONCLUSIONS

The related rezone and concept plan give staff the confidence to support this General Plan map amendment. The scale and design of the concept plan blend with the residential character of the neighborhood more appropriately than the existing commercial building and should provide more value as various uses have been tried in the commercial building and all have struggled to stay in business.

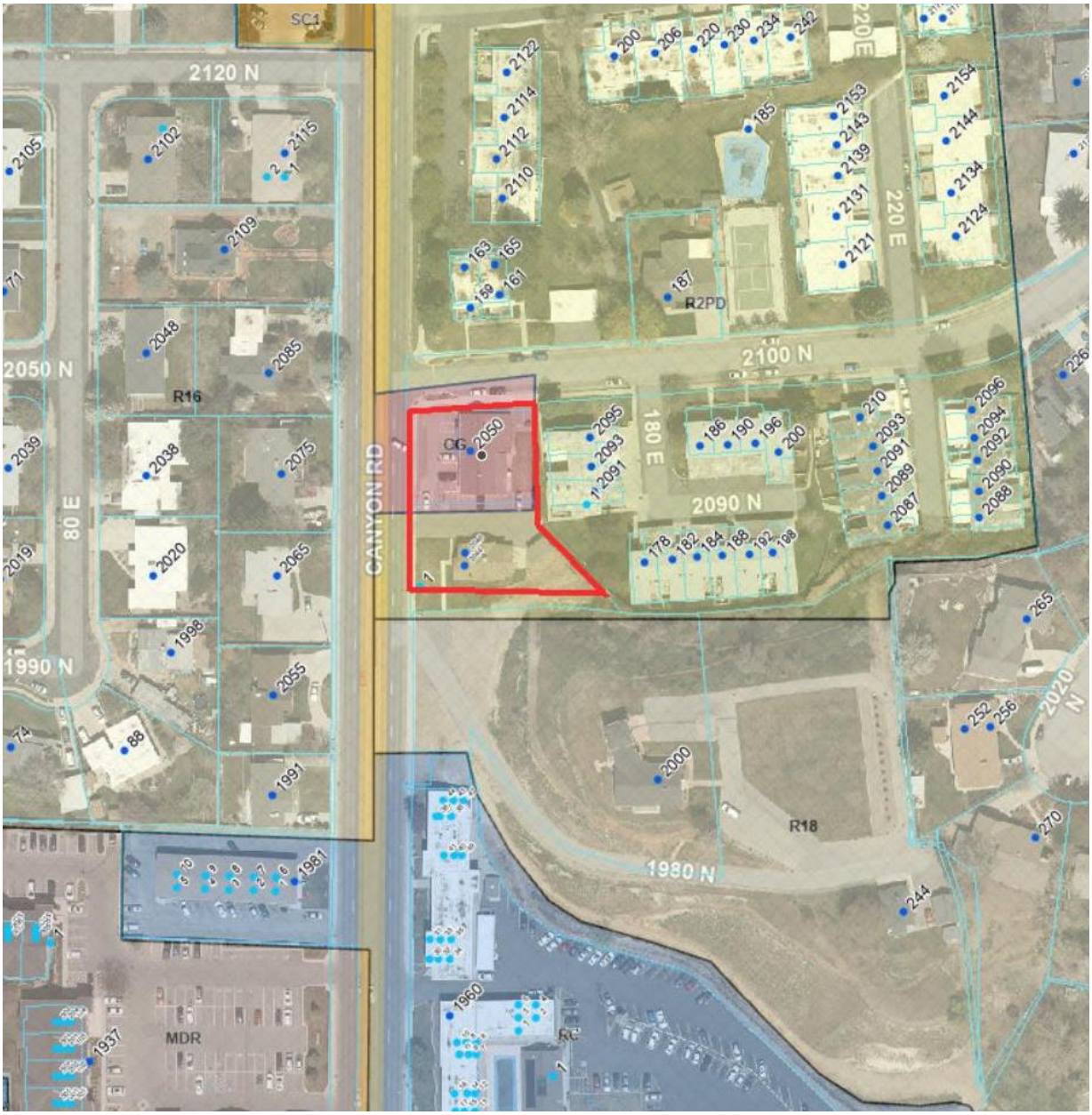
ATTACHMENTS

1. Area Map
2. Zone Map
3. General Plan Map
4. Concept Site Plan

ATTACHMENT 1 – AREA MAP



ATTACHMENT 2 – ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP

ATTACHMENT 4 – SITE PLAN

R Paul Evans | April 12, 2023
Planning Commission - 12 April 2023 - Salmon Apartments and Rezoning

Ryan Salmon carefully listened to the concerns voiced by the Provo City Pleasant View Neighborhood and has modified the proposed apartment complex at the corner of 2100 North and Canyon Road presented to the neighborhood in November 2022. The 12 apartment complex height is reduced to 30 feet (two stories) complementing and seamlessly integrating with the neighboring two story Garden Villa condos and apartments. The reduction in density (from 15 to 12 one-bedroom units) allows for the parking ratio to include guest parking stalls. Some windows have been added to the east side of the proposed apartment building to break up the previous monotonous building image facing existing residences. Thank you Ryan Salmon and Provo City Development Services staff for listening.

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Cheers,
R. Paul Evans

Provo City Planning Commission

Report of Action

April 12, 2023

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The following action was taken by the Planning Commission on the above described item at its regular meeting of April 12, 2023:

RECOMMENDED APPROVAL

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

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

The property to be amended to the Residential designation is described in the attached Exhibit A.

RELATED ACTIONS

The related rezone (PLRZ20220302) and concept plan (PLCP20220303) were also heard at the April 12th Planning Commission hearing, with the rezone recommended for approval with a Development Agreement and the concept plan being approved.

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff gave an overview of the staff report and indicated that a MDR zone would be supported, and the Director of Development Services will adjust the setbacks with the MDR zone to make the concept work.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held in October 2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair 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:

- Paul Evans expressed his appreciation and support for a project that works in the neighborhood and that development agreements provide security for the community.
- Lilly Mott expressed some concern regarding the view from her windows into the project but hopes the development agreement will take care of the major concerns.

APPLICANT RESPONSE

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

- Ryan Salmon stated his reasoning for proposing the project. He also related correspondence from the former neighborhood chair and answered the questions sent with that email.
- Mr. Salmon also discussed his hope to have owner-occupied units and enhance the design as it moves forward.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Jensen confirmed that the proposed development agreement would hold the development to twelve units, two stories, and site layout. She also noted that a MDR zone could be an option, with the same development agreement.
- Commissioner Kendall and Gonzales confirmed with staff that the development agreement would run with the land.
- Commissioner Jensen appreciated the site plan, façade, and intention to provide owner-occupancy. However, she did have a concern that the garbage truck would have difficulty in the site but noted that can be adjusted in the project plan application.
- Commissioners liked the project and hoped for owner-occupancy in the units as much as possible.
- The commission discussed the characteristics that allow for a small neighborhood commercial property to thrive.

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 Development Services, 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

2120 N
2100 N
2090 N
1980 N
CANYON RD
180 E
220 E
80 E
2050
Provo City
provo
0
0.015
0.03
0.06 mi
Author: Provo City
Date: 4/4/2023
This map is for graphical representation only and not for construction or defining feature locations.

ITEM 9*

Ryan Salmon is requesting a General Plan Map Amendment from a Commercial designation to Residential designation in association with a zone change request and concept plan for a twelve-unit apartment building in a proposed HDR (High Density Residential) zone, located at 2050 N Canyon Road.

Pleasant View Neighborhood

PLGPA20220301

2050 N Canyon Road

2050 N Canyon Road

- Concept: 12 one-bed residential units

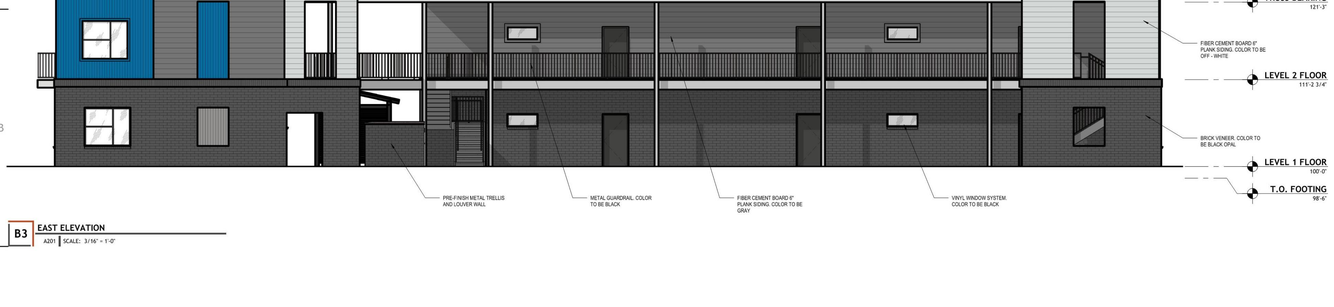
2050 N Canyon Road

- Concept: 12 one-bed residential units

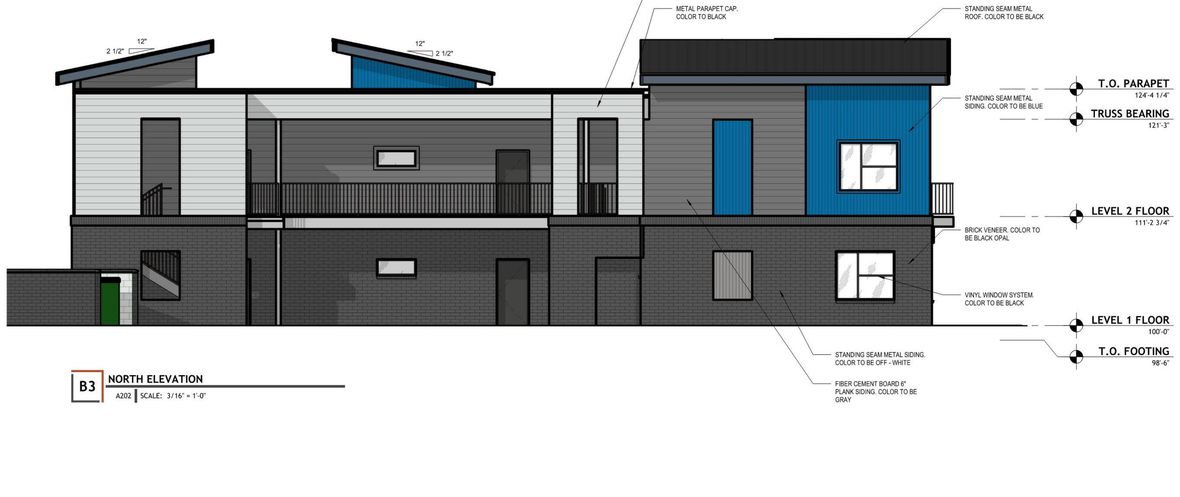
- Providing 21 parking stalls (requirement is 18)

2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.



B3 EAST ELEVATION
A201 | SCALE: 3/16" = 1'-0"



B3 NORTH ELEVATION
A202 | SCALE: 3/16" = 1'-0"

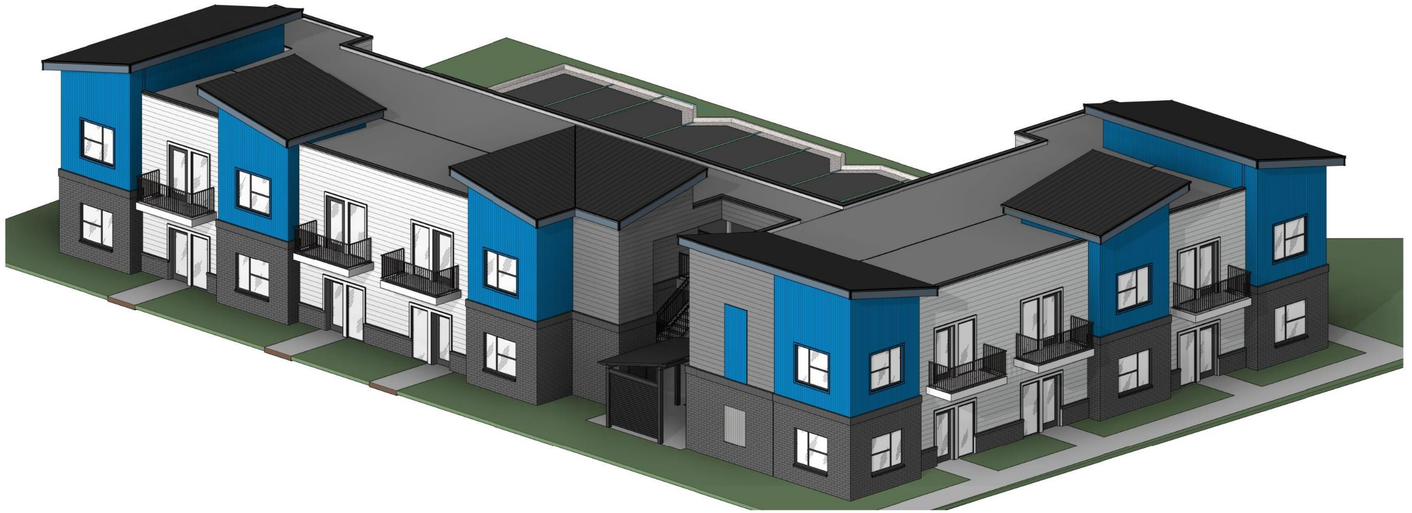
D3 WEST ELEVATION
A201 | SCALE: 3/16" = 1'-0"

D3 SOUTH ELEVATION
A202 | SCALE: 3/16" = 1'-0"

2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.
- Providing Development Agreement on all the above.

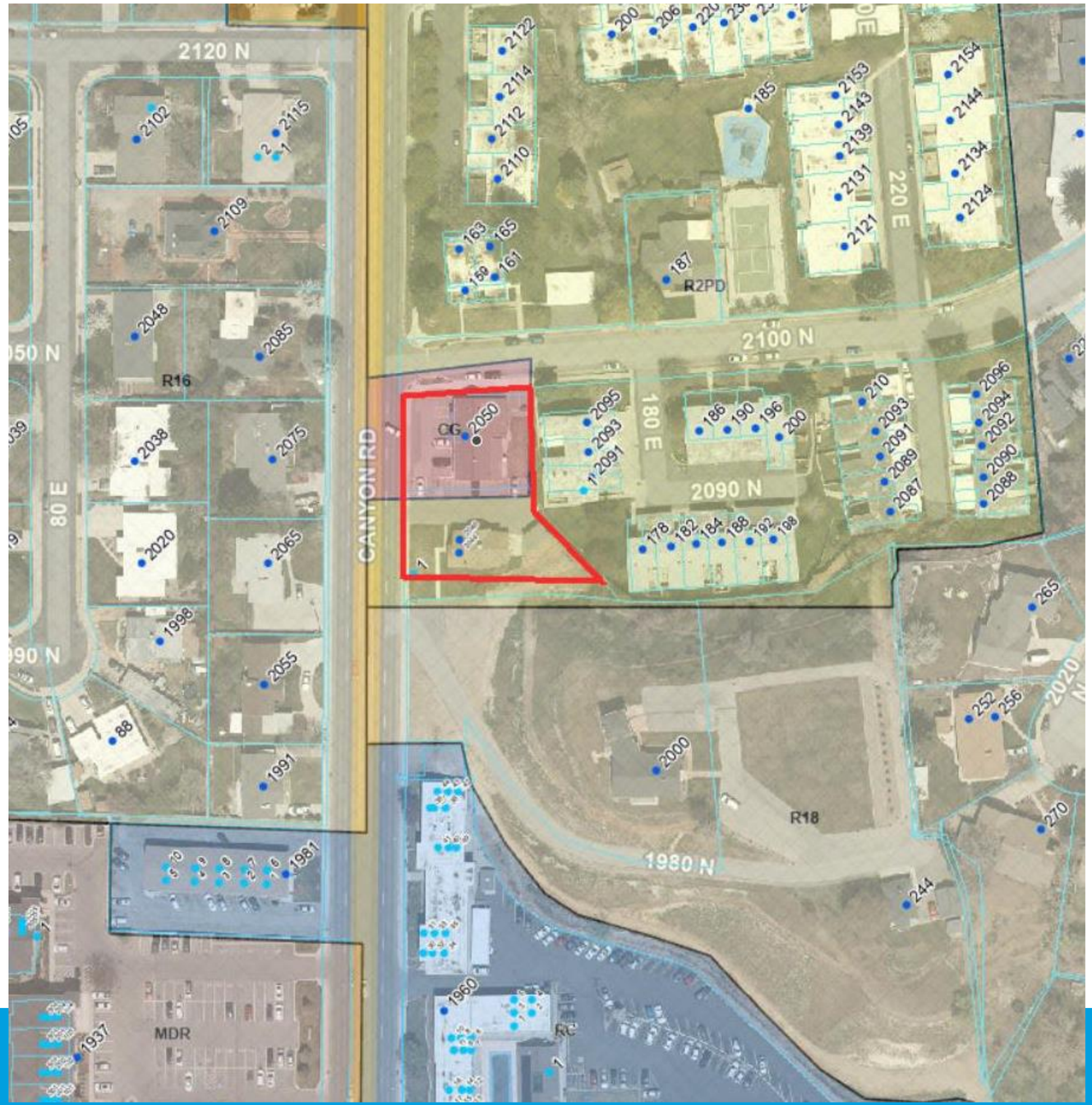
B1 NORTHWEST PERSPECTIVE
A203 | SCALE:



D1 SOUTHWEST PERSPECTIVE
A203 | SCALE:

2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.
- Providing Development Agreement on all the above.
- Rezone Request: From CG and R2PD to HDR (for setbacks)

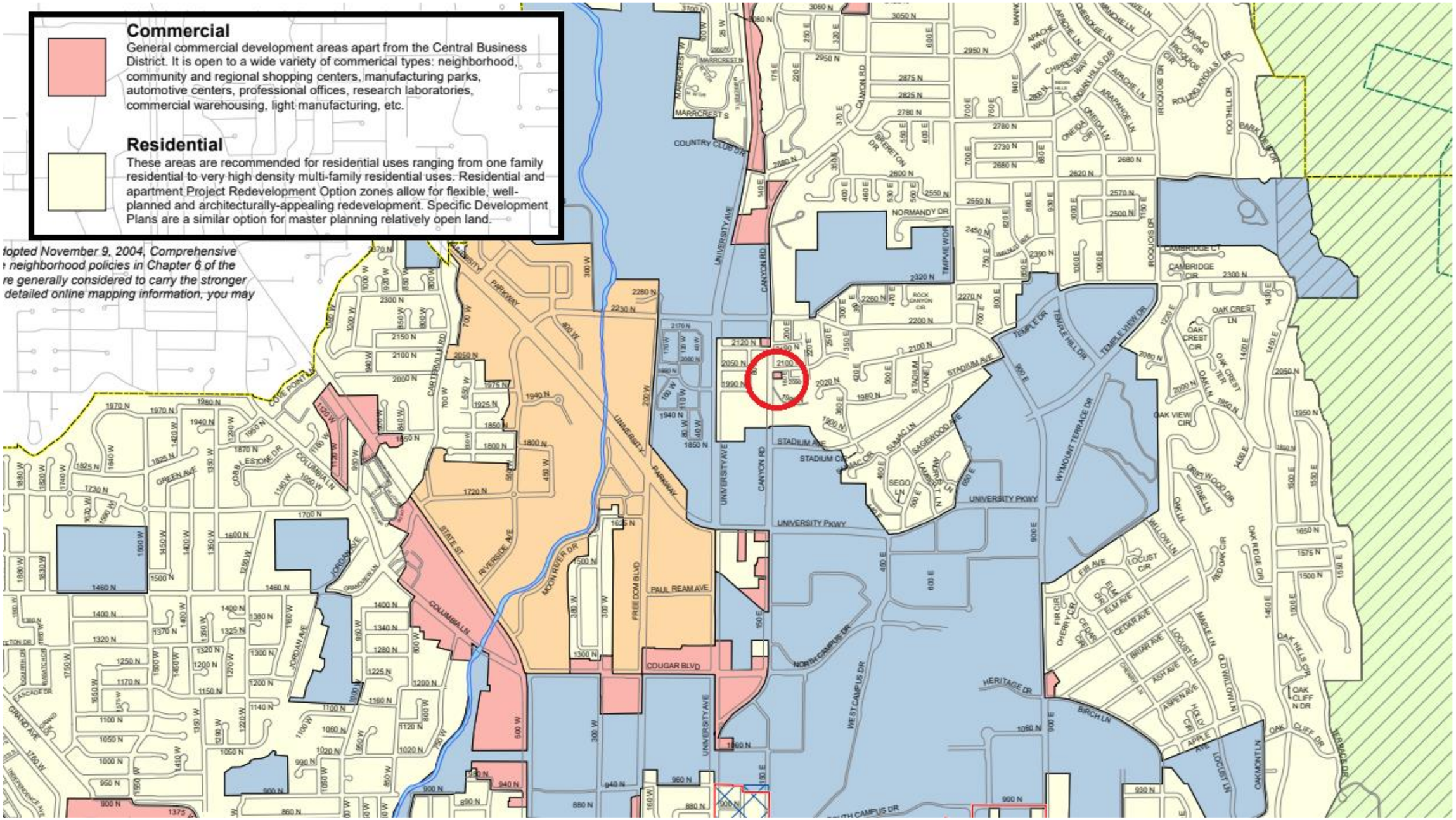


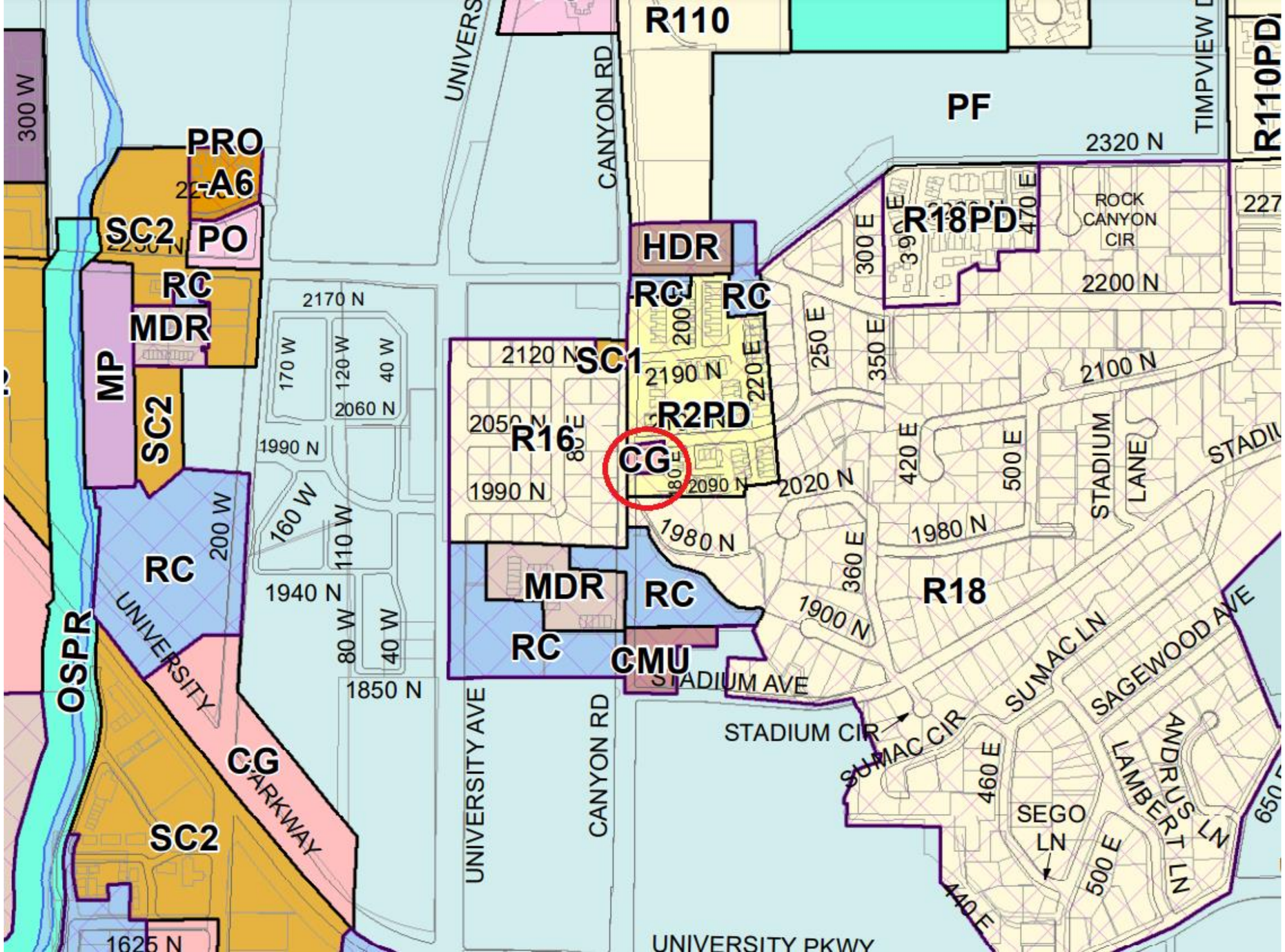
2050 N Canyon Road

- Concept: 12 one-bed residential units
- Providing 21 parking stalls (requirement is 18)
- Height held at 30 feet.
- Providing Development Agreement on all the above.
- Rezone Request: From CG and R2PD to HDR (for setbacks)
- General Plan change from Commercial to Residential

2050 N Canyon Road

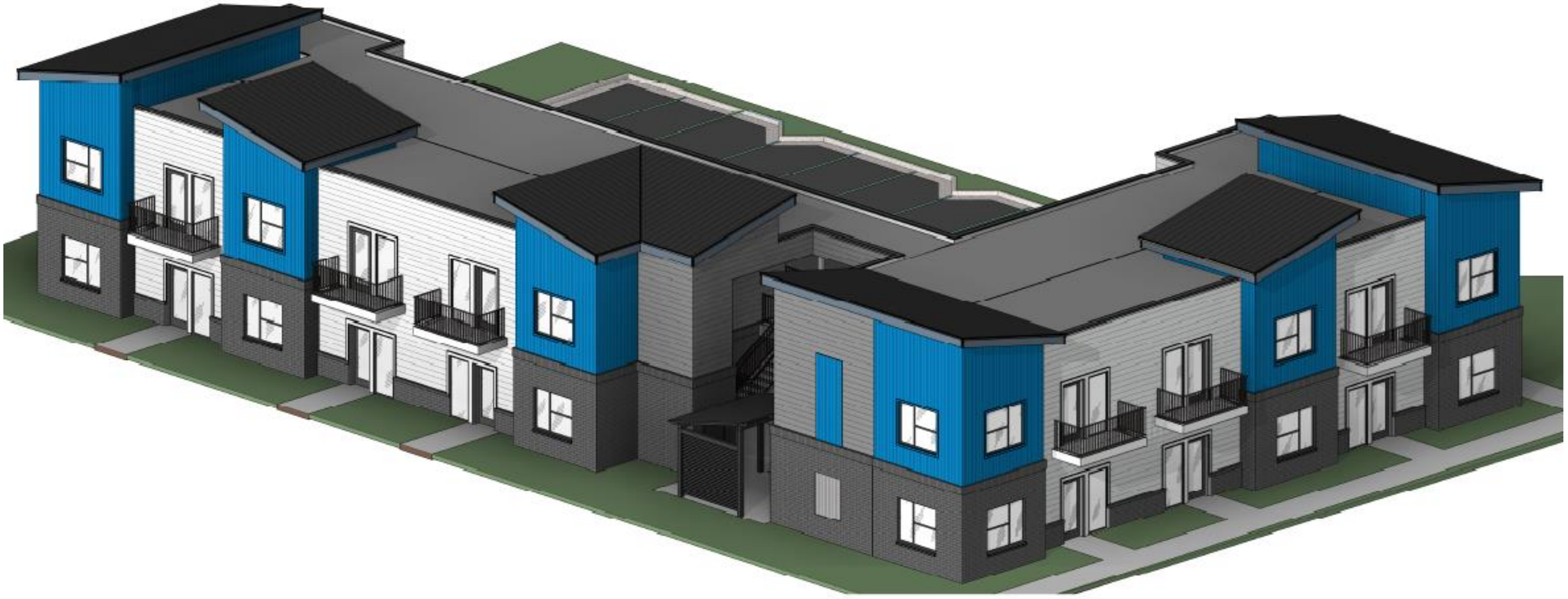
- Applicant Slides


Commercial
General commercial development areas apart from the Central Business District. It is open to a wide variety of commerical types: neighborhood, community and regional shopping centers, manufacturing parks, automotive centers, professional offices, research laboratories, commercial warehousing, light manufacturing, etc.
Residential
These areas are recommended for residential uses ranging from one family residential to very high density multi-family residential uses. Residential and apartment Project Redevelopment Option zones allow for flexible, well-planned and architecturally-appealing redevelopment. Specific Development Plans are a similar option for master planning relatively open land.
dopted November 9, 2004, Comprehensive
neighborhood policies in Chapter 6 of the
re generally considered to carry the stronger
detailed online mapping information, you may
UNIVERSITY PKWY
STADIUM AVE
STADIUM CIR
CANYON RD
UNIVERSITY AVE
COUNTRY CLUB DR
NORMANDY DR
CAMBRIDGE CT
CAMBRIDGE CIR
OAK CREST LN
OAK CREST CIR
OAK CREST TER
OAK VIEW CIR
TEMPLE E DR
TEMPLE HILL DR
TEMPLE VIEW DR
WYMOUNT TERRACE DR
ROCK CANYON CIR
TIMPVIEW DR
IROQUOIS DR
ROLLING KNOLLS DR
ROLLING KNOLLS CIR
APACHE LN
APACHE WAY
ARAPAHOE LN
ONEIDA LN
ONEIDA CIR
CHIPPEWA WAY
MARRCREST W
MARRCREST S
MARRCREST N
IRERETON DR
CANYON RD
UNIVERSITY PARKWAY
CARTERHOUSE RD
CODE POINT
COBBLESTONE DR
COLUMBIA LN
GREEN AVE
JORDAN AVE
GRANDVIEW LN
STATE ST
RIVERSIDE AVE
MOON RIVER DR
FREEDOM BLVD
PAUL REAM AVE
COUGAR BLVD
NORTH CAMPUS DR
WEST CAMPUS DR
HERITAGE DR
BIRCH LN
OAK CLIFF DR
OAK CLIFF N DR
OAKMONT LN
LOCUST LN
ASPEN AVE
ASH AVE
BRIAR AVE
CEDAR AVE
ELM AVE
FIR AVE
CHERRY CIR
CEDAR CIR
LOCUST CIR
MAPLE LN
WILLOW LN
OAK LN
OAK RIDGE CIR
RED OAK CIR
ORIOLE LN
ORIOLE WOOD DR
EAGLE
SAGEWOOD AVE
SUMAC CIR
SUMAC LN
SEGO LN
LAMBERT LN
OAK HILLS CIR
APPLE AVE
HOLLY CIR


R110
PF
R110PD
TIMPVIEW DR
2320 N
CANYON RD
UNIVERSITY AVE
300 W
PRO
A6
SC2
PO
RC
MDR
MP
SC2
OSPR
RC
200 W
UNIVERSITY PARKWAY
CG
SC2
1625 N
2170 N
170 W
120 W
40 W
2060 N
1990 N
160 W
110 W
1940 N
80 W
40 W
1850 N
HDR
RC
RC
200 E
220 E
2120 N
SC1
2190 N
R2PD
2050 N
R16
80 E
CG
1990 N
2090 N
MDR
RC
RC
CMU
STADIUM AVE
R18PD
300 E
390 E
470 E
ROCK CANYON CIR
2200 N
250 E
350 E
2100 N
420 E
500 E
STADIUM LANE
2020 N
1980 N
360 E
R18
1900 N
SUMAC LN
SAGEWOOD AVE
STADIUM CIR
SUMAC CIR
460 E
SEGO LN
500 E
LAMBERT LN
ANDRUS LN
440 E
650
UNIVERSITY PKWY

CANYON ROAD
77.42 ft
85.42 ft
10'-0" MINIMUM SIDE SETBACK
54'-2 3/8"
54'-2 3/8"
54'-2 3/8"
TRASH
F.E. / RIV
10'-0" SIDE SETBACK
10'-8 7/8"
30'-0"
11'-1 3/4"
18'-4"
36'-4"
18'-4"
9'-0" TYPICAL
22'-4" REAR SETBACK
20'-0" REAR SETBACK
23.58 ft
43.50 ft
43.50 ft
43.50 ft
43.50 ft
20.00 ft
20.00 ft
20.00 ft
20.00 ft
20.00 ft
13.08 ft
13.08 ft
50 ft

10'-0"
SIDE SETBACK
14'-2 3/8"
14'-2 3/8"
30'-0"
18'-0"
24'-0"
18'-0"
9'-0"
TYPICAL
11
10



D1 SOUTHWEST PERSPECTIVE

A203 | SCALE:

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JBLARSEN
Department: Development Services
Requested Meeting Date: 05-02-2023

SUBJECT: A resolution accepting an annexation petition for further consideration for approximately 9.1 acres of property generally located at 5500 N Canyon Road. North Timpview Neighborhood. (PLANEX20230020)

RECOMMENDATION: 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.

BACKGROUND: Annexation of multiple parcels owned by Scott and Ginny Smith, UDOT, Utah County, and Provo City. This proposal will help with security of the Smith property and City infrastructure. Utah County has prepared a deed to transfer a small road parcel to the City upon completion of the annexation process.

FISCAL IMPACT:

PRESENTER'S NAME: Brandon Larsen, Planning Supervisor

REQUESTED DURATION OF PRESENTATION: 10

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: Staff is not aware of plan, policy, or goal incompatiability.

CITYVIEW OR ISSUE FILE NUMBER: PLANEX20230020

RESOLUTION 2023-

A RESOLUTION ACCEPTING AN ANNEXATION PETITION FOR FURTHER CONSIDERATION FOR APPROXIMATELY 9.1 ACRES OF PROPERTY GENERALLY LOCATED AT 5500 N CANYON RD. NORTH TIMPVIEW NEIGHBORHOOD. (PLANEX20230020)

WHEREAS, the Municipal Council has received a petition to annex approximately 9.1 acres of property generally located at 5500 N Canyon Rd. into Provo City; and

WHEREAS, pursuant to Utah Code 10-2-405, the Municipal Council may accept or deny the petition for further consideration; and

WHEREAS, if within fourteen days of the receipt of the annexation petition by the City Recorder the Municipal Council fails to affirmatively accept or deny the petition, it is considered to have been accepted for further consideration pursuant to Utah Code; and

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

WHEREAS, Provo City Code Section 15.03.300 requires that, concurrent with any request to rezone or annex property, a concept plan application shall be submitted to the City, however, no development is proposed in connection with this annexation; and

WHEREAS, Provo City Code Section 15.15.020 requires (a) an accurate survey plat of the property, (b) a statement as to the anticipated timetable for development of the property being annexed, and (c) a full disclosure of any and all waters owned or historically utilized on the property to be annexed and a statement from the water owner as to the water owner's estimate of value of the water or the price at which the owner is willing to sell the said water to the City. However, while an accurate plat has been submitted of the property, the applicant has no development plans for the property, and water usage is not expected to increase with this proposal; and

WHEREAS, the applicant has submitted a statement, dated March 11, 2023, in which they state: "We do not have any expectations that our annexation into Provo City will entitle us to any new or improved city utility services."; and

WHEREAS, after considering the facts and comments presented to the Municipal Council at a public meeting held on May 2, 2023, the Council finds that accepting this annexation petition for further consideration 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:

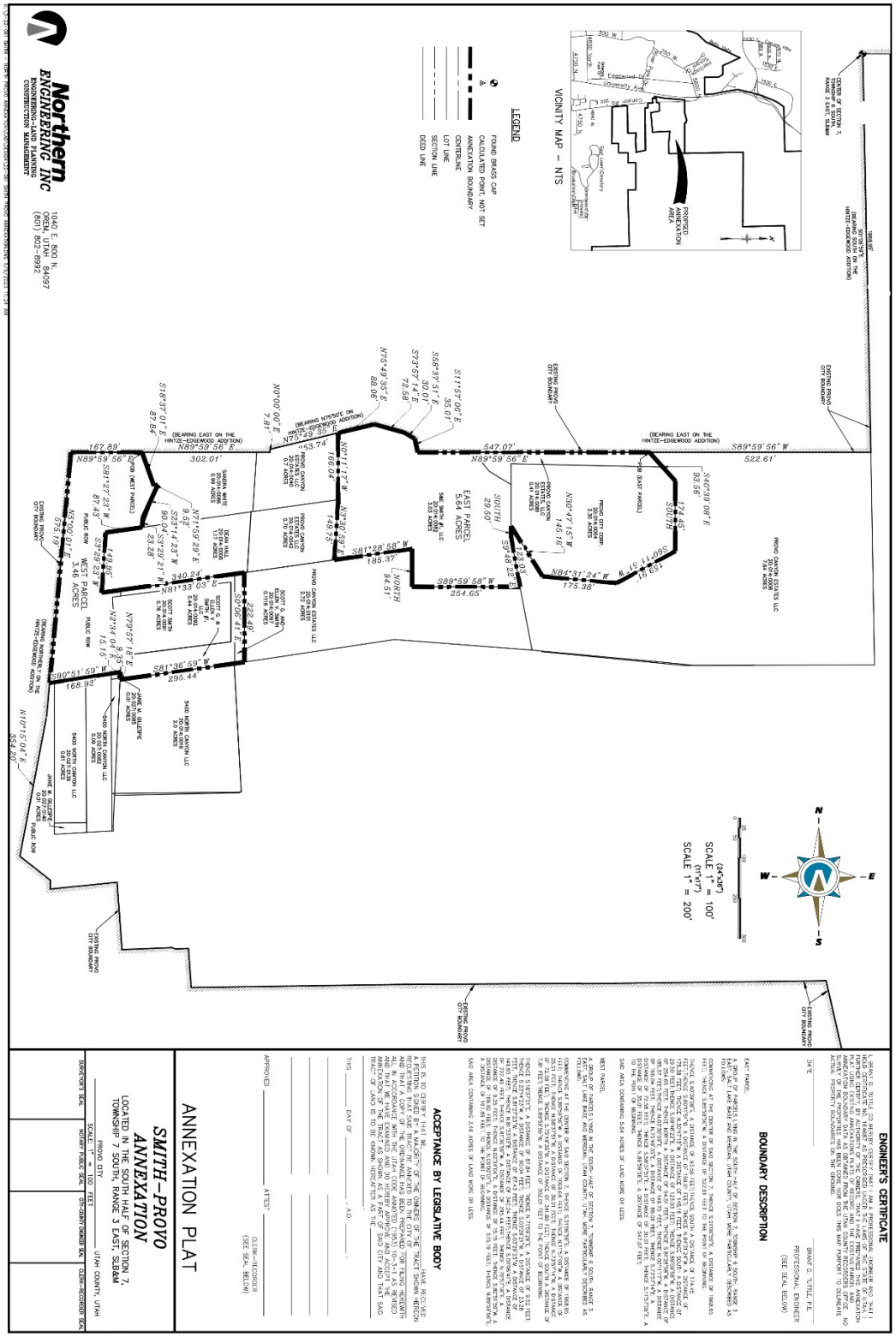
The Municipal Council hereby accepts for further consideration, in accordance with the process set forth in state law and local ordinance, the petition to annex approximately 9.1 acres of property generally located at 5500 N Canyon Rd., as shown in the attached Exhibit A.

PART II:

This resolution shall take effect 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 7 SOUTH, RANGE 3 EAST, SLB&M
PROVO CITY
UTAH COUNTY, UTAH
SURVEYOR'S SEAL
NOTARY PUBLIC SEAL
CITY-COUNTY BOARD SEAL
CLERK-RECORDER SEAL
Northern ENGINEERING INC
CONSULTING ENGINEERS & LAND SURVEYORS
CONSTRUCTION MANAGEMENT
1040 E. 800 N.
OREM, UTAH 84097
(801) 852-6892
VICINITY MAP – NTS
LEGEND
FOUND BRASS CAP
CALCULATED POINT, NOT SET
ANNEXATION BOUNDARY
CENTERLINE
LOT LINE
SECTION LINE
DEED LINE
PROPOSED ANNEXATION AREA
EXISTING PROVO CITY BOUNDARY
(BEARING EAST ON THE HINTZE-EDGEWOOD ADDITION)
EAST PARCEL
5.84 ACRES
WEST PARCEL
5.46 ACRES
PUBLIC ROW
SCALE 1" = 100'
(11"x17") SCALE 1" = 200'
(24"x36")

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

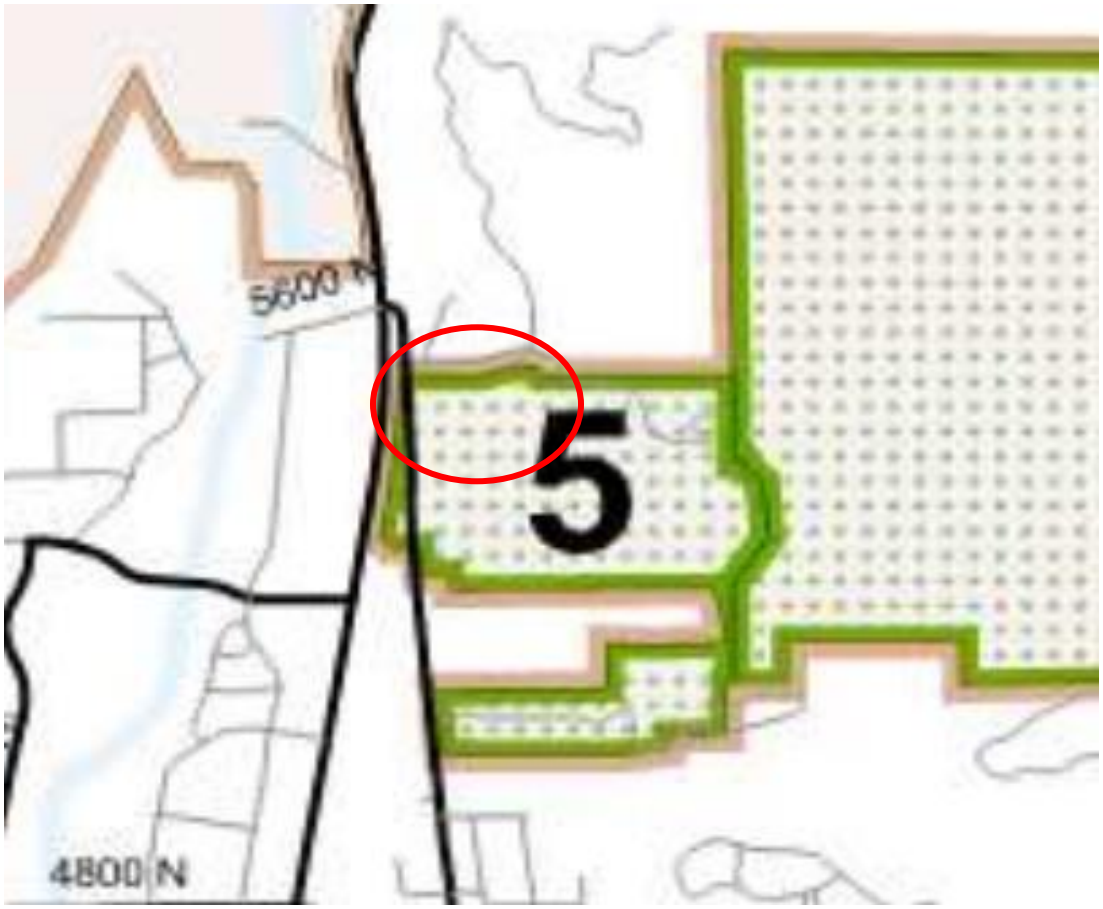
Recommend Approval to the Municipal Council of the proposed Smith-Provo Annexation of approximately 9.1 acres, located at approximately 5500 N Canyon Rd.

ATTACHMENTS

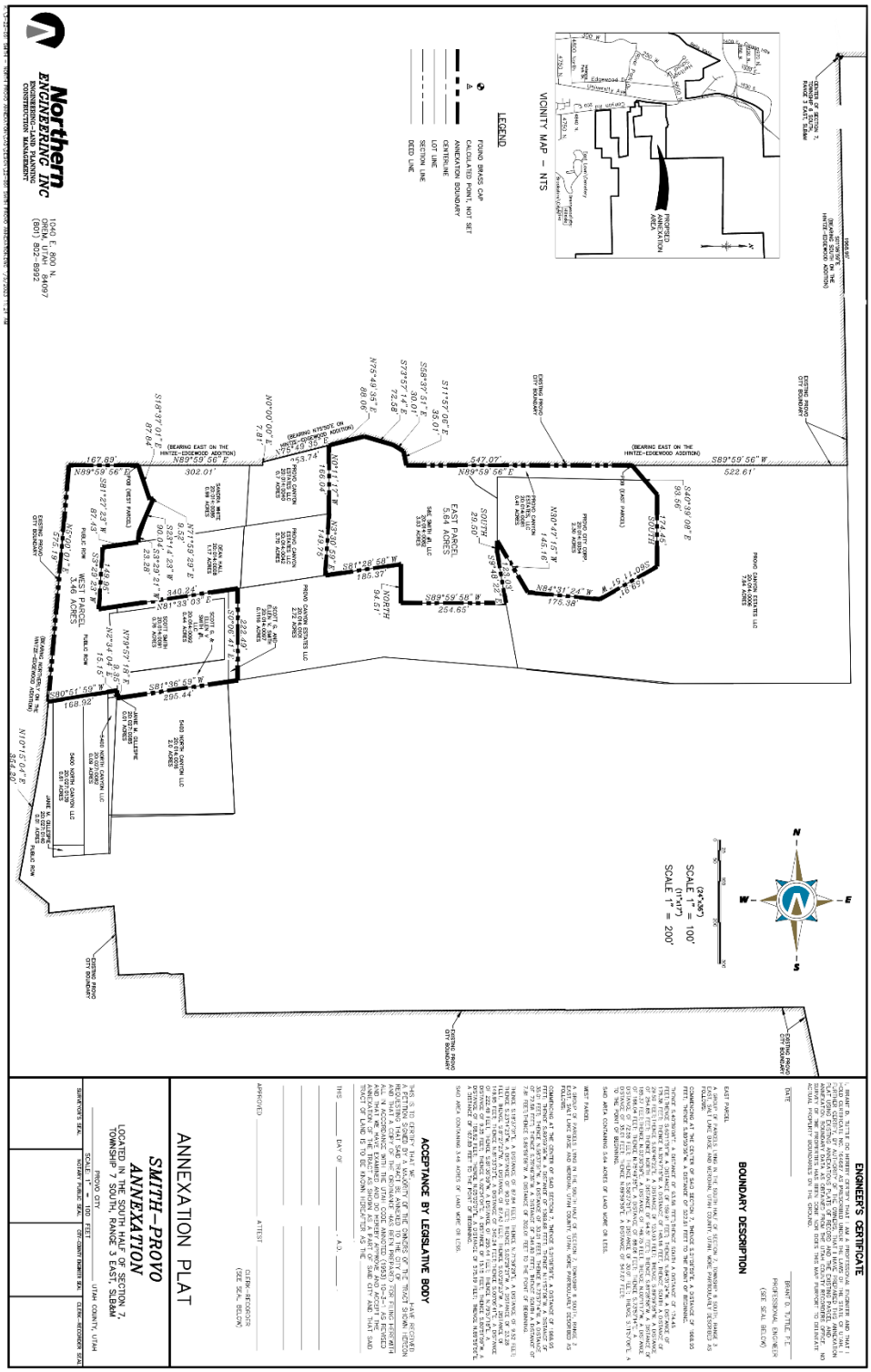
1. Location Map
2. Annexation Policy Map
3. Annexation Plat Map
4. General Plan Map
5. Public Works Staff Report

Attachment 1: Location Map

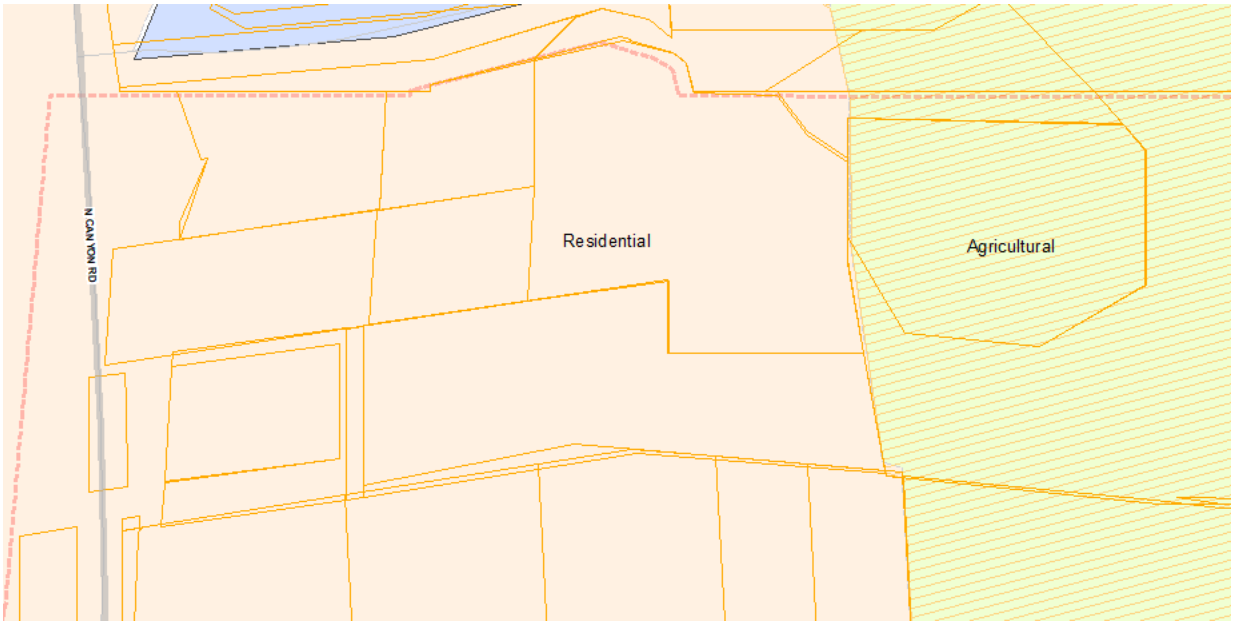
Attachment 2: Annexation Policy Map



Attachment 3: Annexation Plat Maps



Attachment 4: General Plan Map



Attachment 5: Public Works Staff Report

provo
WELCOME HOME

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

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

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:

COMMENCING AT THE CENTER OF SAID SECTION 7, THENCE S.01°06'59"E. A DISTANCE OF 1968.95 FEET; THENCE S.89°59'56"W. A DISTANCE OF 522.61 FEET TO THE POINT OF BEGINNING.

THENCE S.40°39'08"E. A DISTANCE OF 93.56 FEET; THENCE SOUTH A DISTANCE OF 174.45 FEET; THENCE S.60°11'51"W. A DISTANCE OF 159.91 FEET; THENCE N.84°31'24"W. A DISTANCE OF 175.38 FEET; THENCE N.30°47'15"W. A DISTANCE OF 145.16 FEET, THENCE SOUTH A DISTANCE OF 29.50 FEET; THENCE S.09°48'22"E. A DISTANCE OF 123.03 FEET; THENCE S.89°59'58"W. A DISTANCE OF 254.65 FEET; THENCE NORTH A DISTANCE OF 94.51 FEET; THENCE S.81°28'58"W. A DISTANCE OF 185.37 FEET; THENCE N.03°30'59"E. A DISTANCE OF 149.75 FEET, THENCE N.00°11'17"W. A DISTANCE OF 166.04 FEET; THENCE N.75°49'35"E. A DISTANCE OF 88.06 FEET; THENCE S.73°57'14"E. A DISTANCE OF 72.58 FEET; THENCE S.58°37'51"E. A DISTANCE OF 30.01 FEET; THENCE S.11°57'06"E. A DISTANCE OF 35.01 FEET; THENCE N.89°59'56"E. A DISTANCE OF 547.07 FEET;
TO THE POINT OF BEGINNING.

SAID AREA CONTAINING 5.64 ACRES OF LAND MORE OR LESS.

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Provo City Annexation Petition

The undersigned, being a majority of the owners of real property and the owners of at least 1/3 of the value of all private real property within the area proposed for annexation, as shown by the last assessment rolls, situated in the territory lying contiguous to the present corporate limits of Provo City, Utah, as described on the plat attached hereto and made part thereof as exhibit 'A', are desirous of having said property annexed to Provo City, Utah, and hereby petition the Municipal Council of Provo City, Utah, to annex the said territory to Provo City, Utah, in accordance with Chapter 10-2, Utah Code, as amended.

Signature	Printed Name	Property Address
Ellen Smith	S & E Smith #1 / Ellen Smith	5440 N. Canyon Rd Provo
Scott G. Smith 6/1	Scott G. Smith	5440 N. Canyon Rd "
Ellen V. Smith	Ellen V. Smith	5440 N. Canyon Rd "

This petition form may be duplicated as necessary to accommodate additional signatures.

Return petition forms to the Provo City Recorder and provide copies to the Provo City Development Services Department at the time an annexation application is made, along with:

a. An accurate and recordable map (plat), prepared by a licensed surveyor in accordance with Section 17-23-20, Utah Code, of the area proposed for annexation; and
b. A copy of the notice sent to affected entities as required under Subsection 10-2-403(2)(a)(i)(B), Utah Code, and a list of the affected entities to which notice was sent.

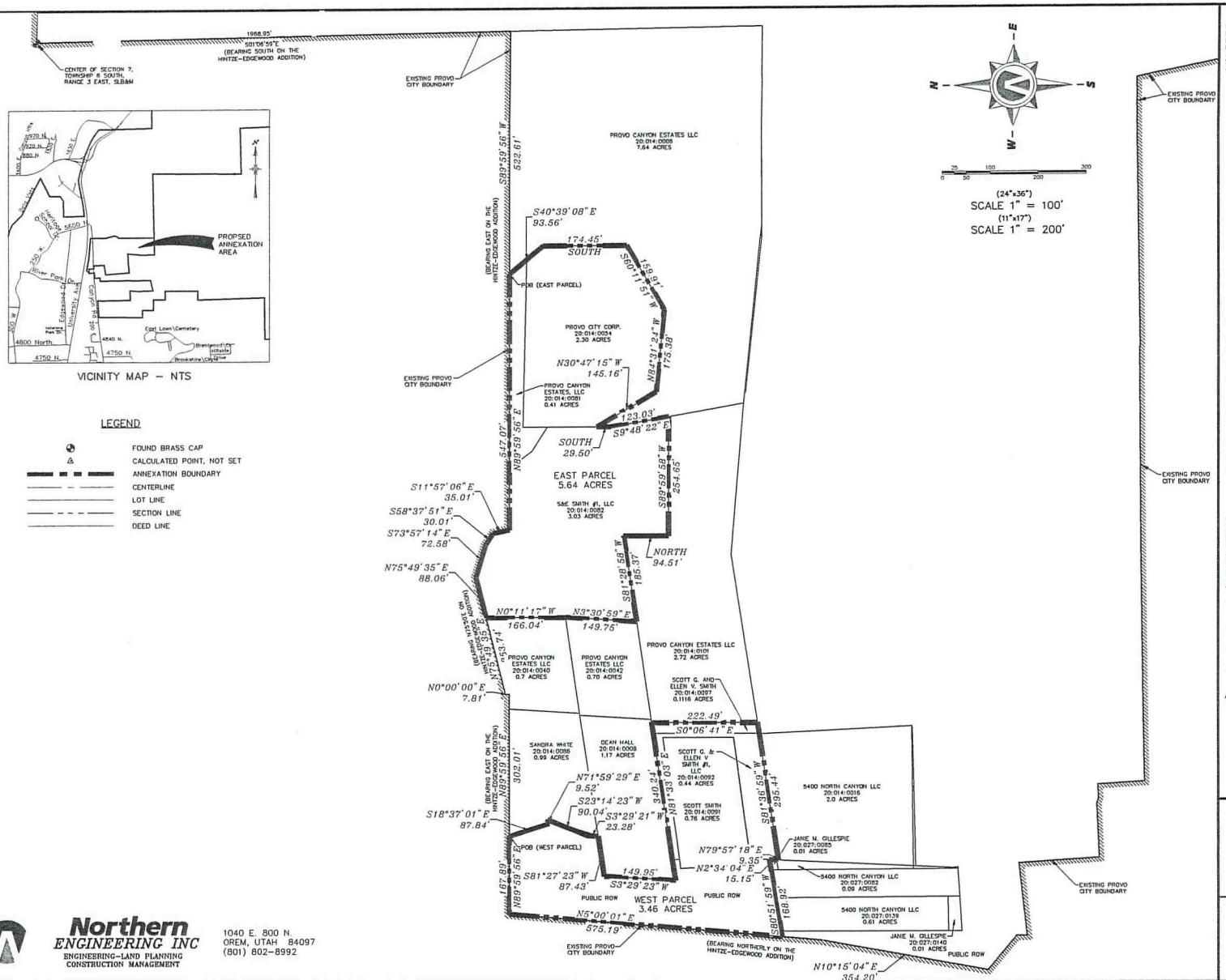
Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.

Annexation Petition Sponsors

Utah Code requires that up to five of the signers of the petition are designated as sponsors, one of whom shall be designated as the contact sponsor. Please indicate the mailing address of each sponsor.

	Name	Mailing Address
Contact Sponsor	Ginny Smith	5440 N. Canyon Rd Provo 84604
Sponsor	Scott G. Smith	5440 N. Canyon Rd Provo 84604
Sponsor		
Sponsor		
Sponsor		



ENGINEER'S CERTIFICATE

I, BRANT D. TUTTLE DO HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER AND THAT I HOLD CERTIFICATE NO. 164687 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY, BY AUTHORITY OF THE OWNERS, THAT I HAVE PREPARED THIS ANNEXATION PLAT USING EXISTING ANNEXATIONS PLATS OF RECORD AND THE EXISTING PARCEL AND ANNEXATION BOUNDARY DATA AS OBTAINED FROM THE UTAH COUNTY RECORDERS OFFICE. NO SURVEY OF THE PROPERTIES HAS BEEN DONE NOR DOES THIS MAP PURPORT TO DELINEATE ACTUAL PROPERTY BOUNDARIES ON THE GROUND.

DATE

BRANT D. TUTTLE, P.E.
PROFESSIONAL ENGINEER
(SEE SEAL BELOW)

BOUNDARY DESCRIPTION

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SAID AREA CONTAINING 5.64 ACRES OF LAND MORE OR LESS.

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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

N:\3-22-061 SMITH - NORTH PROVO ANNEXATION\CAD\DESIGN\22-061 SMITH PROVO ANNEXATION.DWG 1/5/2023 11:24 AM

NOTICE OF INTENT TO FILE ANNEXATION PETITION

Date of Notice: 4/17/23

Date of Intended Petition: 4/17/23

Petition Sponsor: Ginny Smith

Please be advised that as per Utah State Code Annotated §10-2- 403(2)(a) this serves as a notice of intent to file an annexation petition with the Provo City for property described as follows:

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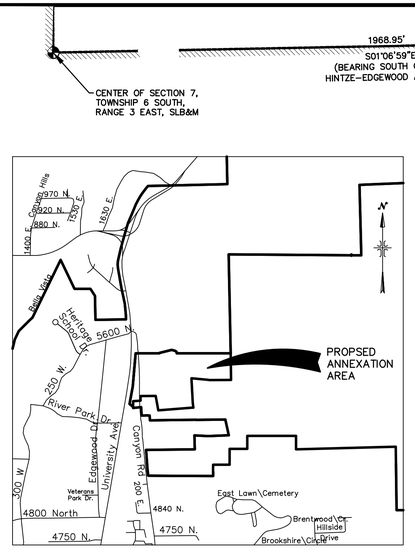
Smith-Provo Annexation -- Affected Entity, Noticing for Notice of Certification of Annexation Petition:

- Utah County – 100 E Center St, #3100, Provo, Ut 84606
- Provo School District - 280 West 940 North, Provo, Utah 84604
- Alpine School District - 575 N 100 E, American Fork, Utah 84003
- Orem City -- 56 N State St, Orem, UT 84057
- Smith Ditch -- 5082 North Canyon Road, Provo UT 84604
- Central Utah Water Conservancy District, 1426 E. 750 N. Suite 400, Orem, UT 84097
- Utah Valley Dispatch Special Service District, 3047 W 3200 N, Spanish Fork, UT 84660
- Utah Valley Road Special Service District, 100 E Center St, #3100, Provo, Ut 84606

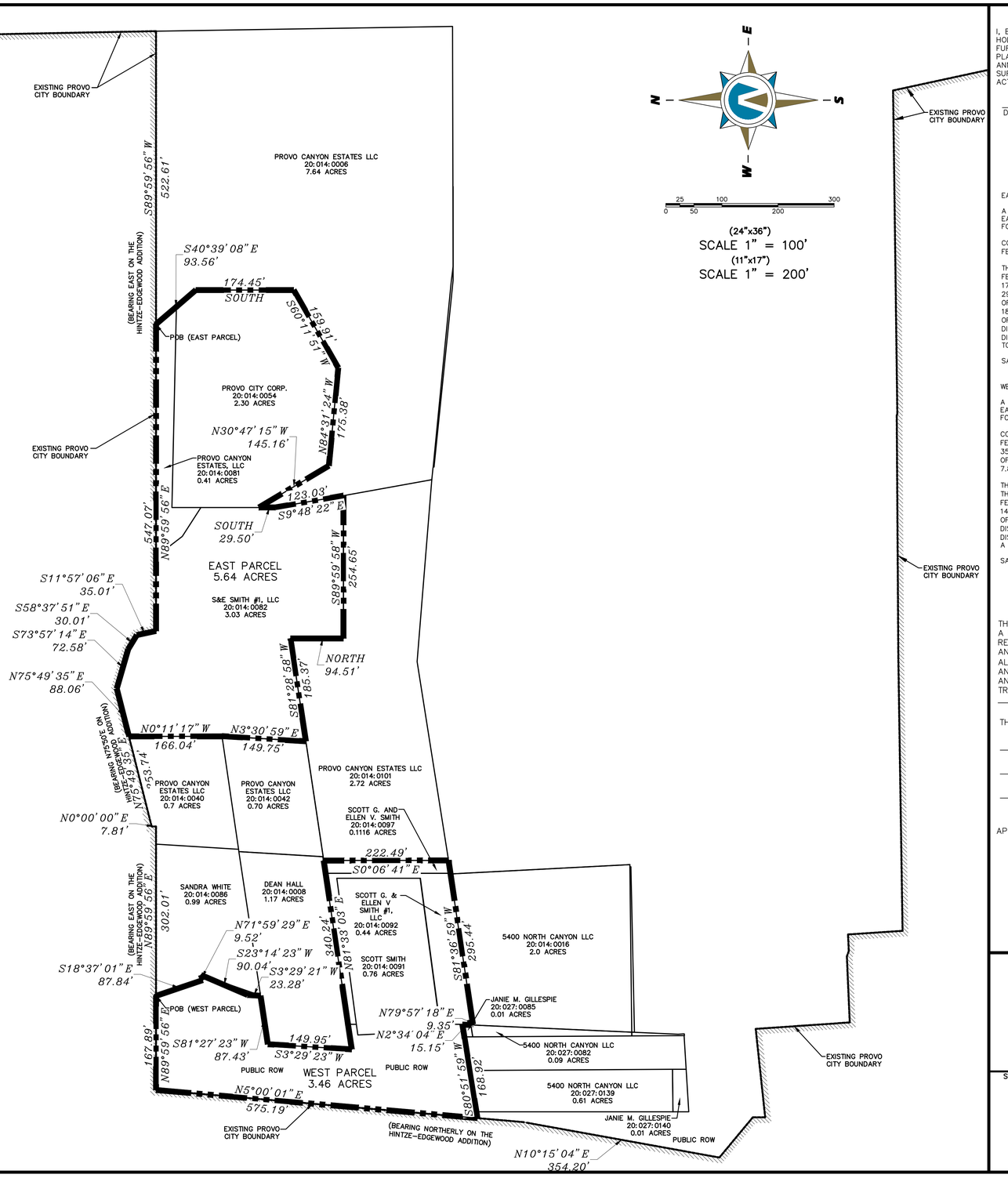
*Noticing sent on April 17, 2023



VICINITY MAP – NTS

LEGEND

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



(24"x36")
SCALE 1" = 100'
(11"x17")
SCALE 1" = 200'

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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 MUNICIPAL COUNCIL STAFF REPORT

Submitter: DIXONH
Department: Mayor Office
Requested Meeting Date: 05-02-2023

SUBJECT: A resolution appropriating $1,060,000 in the Mountain Vista Fund for completing the Mountain Vista Business Park Road construction project. (23-006)

RECOMMENDATION: Budget Appropriation approval of $1,060,000.00 from the Fund Balance of Fund 276 in the Economic Development Division of Development Services. This will be heard during the for a Work Meeting and go to this evening's Council Meeting for approval.

BACKGROUND: In 2018 the Economic Development Division applied for and was granted approval for a matching grant to build half a mile section of road at the Mountain Vista Business Center. This section of road extends south of the roundabout in Mountain Vista Parkway to SR 75, also known as 1400 North in Springville. The grant award was specifically approved for utilities and infrastructure – including road paving, curb and gutter, with sidewalk on one side. It also included extensive improvements on SR75 to provide for acceleration and deceleration lanes for entrance and exit in the business park of a fast moving State road.

The grant is funded from the Economic Development Administration, within the Department of Commerce at the federal level. At the time, the best engineering estimate for the road construction cost was approximately $3.6 Million dollars. At that time there was already funding sufficient to cover the majority of the matching grant, of which the City was obligated to cover the entire $3.6 Million dollars upfront and then reimbursed half that amount - $1.8 Million dollars. We have now arrived at that point in time to provide the additional funding to complete the project.

FISCAL IMPACT: $1,060,000

PRESENTER'S NAME: Dixon Holmes

REQUESTED DURATION OF PRESENTATION: 15 minutes or less

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES: Infrastructure investment for economic development.

CITYVIEW OR ISSUE FILE NUMBER: 23-006

RESOLUTION 2023-.

A RESOLUTION APPROPRIATING $1,060,000 IN THE MOUNTAIN VISTA FUND FOR COMPLETING THE MOUNTAIN VISTA BUSINESS PARK ROAD CONSTRUCTION PROJECT. (23-006)

WHEREAS, the Municipal Council of Provo City Corporation has received a recommendation from Administration that $1,060,000 be appropriated in the Mountain Vista fund for completing the Mountain Vista Business Park road; and

WHEREAS, the funding source for the appropriation is 50% Mountain Vista fund balance and 50% EDA matching grant; and

WHEREAS, on May 2, 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, all persons for and against the proposed appropriation were given an opportunity to be heard; and

WHEREAS, after considering the Administration's recommendations, and facts and comments presented to the Municipal Council, the Municipal Council finds the proposed appropriation reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

The Mayor is hereby authorized to appropriate $1,060,000 in the Mountain Vista fund, applying to the fiscal year ending June 30, 2023.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Mountain Vista Road Project

ADMINISTRATIVE SERVICES
TEL 801 852 6504
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

NOTICE OF PUBLIC HEARING BEFORE THE PROVO MUNICIPAL COUNCIL

Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on the following item during the Council Meeting that will take place on Tuesday, May 2nd, 2023 at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 445 West Center Street, Provo, Utah (new city hall building). Anyone interested is invited to attend.

Provo City Council will consider an appropriation of $1,060,000 in the Mountain Vista Fund for the completion of the Mountain Vista Business Park road. The funding source of the appropriation is Mountain Vista fund balance and an EDA matching grant.

The meeting will also be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil. Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID **857 3661 8492** and Passcode **255675**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID **857 3661 8492** and press **#**. Press **#** again for participant ID. 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.

Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 05-02-2023

SUBJECT: A presentation updating the Council and public on Accessory Dwelling Units (ADUs). (23-034)

RECOMMENDATION: Presentation and discussion.

BACKGROUND: When the Council passed amendments related to the City ADU ordinance, a request was made that a report be given by zoning regarding permit status, complaints, and overall monitoriting of the ADU change 6 months after the amendments.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Scott Johnson, Zoning Administrator

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-034

WELCOME HOME

Zoning ADU Update

2 May 2023

Development Services

ADU Update

Special Use Permit Status

- East of I-15 and not previous ADU area
- Process Mapped Out
- Submitted to IS
- Awaiting Ability to Test in CityView

ADU Update (Since Dec. 2022)

ADU Numbers:

- General Inquiries SUP -- ~35
- Total ADU Applications Received -- 14
- ADU Applications Received (SUP Needed) -- 7
- ADU Prior Zones -- 6
- ADU West Side -- 1

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date:

SUBJECT: A presentation regarding efforts addressing homelessness in Provo City- Community Action Services & Food Bank. (23-018)

RECOMMENDATION: Presentation only.

BACKGROUND: In an effort to understand more about resources dedicated to homelessness, various community partners will present about the work they do in Provo City and the greater Utah Valley region.

This week's presentation will be from Community Action Services & Food Bank. More information on the organization including how to access resources can be found here:
Emergency Assistance:https://www.communityactionprovo.org/client-portal-instructions/
Food Bank:https://www.communityactionprovo.org/food/
Bridges Out of Poverty Workshops/Program:
https://www.communityactionprovo.org/bridges-out-of-poverty/
Circles Program: https://www.communityactionprovo.org/circles/

FISCAL IMPACT: N/A

PRESENTER'S NAME: Jessica Miller, Community Strategies Director at Community Action Services & Food Bank

REQUESTED DURATION OF PRESENTATION: 25 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-018

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Melia Dayley, Policy Analyst

Low-Income Housing & Homelessness Guide

April 27, 2023

This memo's purpose is to function as a basic guide for discussions regarding low-income housing and homelessness. Included is:

- a basic glossary of commonly used terms
- links to Provo, Utah, and national housing and homelessness data.

HOUSING & HOMELESSNESS GLOSSARY[1]

Affordable Housing- Any type of housing, including rental/home ownership, permanent/temporary, for-profit/non-profit, that costs less than 30% of a household's pre-tax income.

Chronically Homeless Individual: An individual who lives either in a place not meant for human habitation, a safe haven, or in an emergency shelter, or in an institutional care facility (if the individual has been living in the facility for fewer than 90 days and had been living in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately before entering the institutional care facility.)
To meet the "chronically homeless" definition, the individual also must have been living as described above continuously for at least 12 months, or on at least four separate occasions in the last 3 years, where the combined occasions total a length of time of at least 12 months.

Continuum of Care (CoC) - A coalition of nonprofit organizations that provide services to people experiencing homelessness. They collect and report data related to homelessness and homelessness services in return for federal funding. Regions and communities across the country have their own Continuums of Care.

Emergency Shelter – Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

Hidden homelessness – Refers specifically to persons who live temporarily with others without the guarantee of continued residency or immediate prospects for accessing permanent housing.

Homelessness – While it is defined in a number of ways by various federal departments, the Department of Housing and Urban Development defines homelessness as people who fit any of these criteria:

- live in a place not meant for human habitation or shelter
- families that have children or unaccompanied youth that have not had a lease or ownership interest in a housing unit in the last 60 or more days

[1] https://www.austintexas.gov/department/homelessness-glossary
http://nonprofithousing.org/wp-content/uploads/Media-Packet-Affordable-Housing-Glossary-copy.pdf
https://endhomelessness.org/homelessness-in-america/

- families that have children or unaccompanied youth that have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple other barriers to employment.
- Individuals who are likely to lose their housing within two weeks.

Each period separating the occasions must include at least 7 nights of living in a situation other than a place not meant for human habitation, in an emergency shelter, or in a safe haven.

Homeless **Prevention:** Activities or programs designed to prevent the incidence of homelessness, including, but not limited to:

(1) short-term subsidies to defray rent and utility arrearages for families that have received eviction or utility termination notices;
(2) security deposits or first month's rent to permit a homeless family to move into its own apartment;
(3) mediation programs for landlord-tenant disputes;
(4) legal services programs that enable representation of indigent tenants in eviction proceedings;
(5) payments to prevent foreclosure on a home; and
(6) other innovative programs and activities designed to prevent the incidence of homelessness.

Housing First – A recovery-oriented approach to ending homelessness that centers on quickly moving people experiencing homelessness into independent and permanent housing. Individuals do not need to meet certain criteria such as sobriety or having a job in order to qualify. Housing is followed by provision of additional supports and services as needed.

Low Income Housing Tax Credit Program (LIHTC)- Subsidizes the acquisition, construction, and rehabilitation of affordable rental housing for low- and moderate-income tenants. Created by the Tax Reform Act of 1986 to provide incentives for private sector production of low-income housing, LIHTC replaced traditional housing tax incentives with a tax credit that enables developers of affordable housing to raise equity through the "sale" of tax benefits to investors (corporations and individuals). Investors receive 10 years of tax credits in exchange for their investment. LIHTC is a very important source of equity for nonprofit housing developers. The program requires a certain percentage of homes built be restricted for occupancy to households earning 60% or less of AMI and the rents on these units be restricted accordingly.

Market-Rate Housing- Housing built by for-profit developers with private capital; typically priced for people above 120% Area Median Income, adjusted for household size.

Housing Classifications by Income	
Housing Classification	Annual Area Median Income (AMI)
Deeply Affordable	<30 %
Affordable	30-50 %
Moderately Affordable	50-80%
"Workforce"	80-100%
Market Rate	>100%

Permanent Housing – A type of housing that includes one of three HUD housing programs: permanent supportive housing (PSH), rapid re-housing (RRH), and other permanent housing (OPH)

Permanent Supportive/Supported Housing – Provides long-term housing and supportive services to families and people with disabilities and/or other barriers that would otherwise keep them from obtaining stable housing. Supportive services may include:

- Case management
- Mental health care
- Educational services
- Support groups
- Life skills training

Point-in-Time (PiT) counts - The count of individuals experiencing homelessness on one single night of the year. The count is conducted during one single night in January by Continuum of Care volunteers across the country. The count is meant to be a snapshot of the homeless population, and is not comprehensive. For example, the count does not include people who are doubled up, staying in motels or hidden from view.

Public Housing Authorities Local government agencies that are authorized to manage housing for very low- and extremely low-income households, either as public housing, through Section 8 vouchers, or with other types of affordable housing. Generally, households pay no more than 30% of their income for rent and the remainder is subsidized by the Federal government through HUD.

Rapid Re-housing – A federally funded program that provides short-term rental assistance and services. The goals are to help people obtain housing quickly, increase self- sufficiency, and stay housed. It is offered without preconditions (such as employment, income, absence of criminal record, or sobriety) and the resources and services provided are typically tailored to the needs of the person.

Transitional housing – A federally funded program that provides a supportive, yet temporary type of accommodation that is meant to bridge the gap from homelessness to permanent housing by offering structure, supervision, support, life skills, education, etc.

Unsheltered – Term used to describe individuals living on the streets or in places not intended for human habitation. The term "street homeless" is also used. Individuals who live on porches, in tents, abandoned buildings, cars or bus stops are considered unsheltered.

Youth homelessness – Youth homelessness refers to young people between the ages of 13 and 24 who are living independently of parents and/or caregivers, and lack many of the social supports deemed necessary for the transition from childhood to adulthood.

HOUSING & HOMELESSNESS: DATA & INFORMATION

Publications

Utah's Plan to Address Homeless- February 2023

Utah's Strategic Plan Implementation Recommendations- November 2022

Utah Office of Homeless Services: Report on Homelessness- February 2023

Utah Annual Data Report on Homelessness- 2022

- Provo and Mountainland CoC data starts on page 34

2021 CoC Performance Profile- Provo/Mountainland

Provo City Code- References to Homelessness Topics & Issues

- Chapter 9.18: Prohibited Camping on Public Property
- Chapter 9.32.200 Unlawful Transfer on a Roadway

Additional Data & Information

Utah Homelessness Data Dashboard

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 05-02-2023

SUBJECT: A discussion on parking requirements in the Downtown core (23-045)

RECOMMENDATION: Presentation and disscussion only. Development Services is seeking feedback on their proposal.

BACKGROUND: Several planning items have brought attention to the need of changes to parking requirements in the downtown core.

Many buildings downtown have little to no off street parking. If there is not a change of use (i.e. restrauant to restraunt) there is no issue. However, if a new applicant wants to change the use, then new parking requirements which they are often unable to meet are introduced. This issue presents an unnecessary barrier for helping businesses relocate to the Downtown area.

This item has been sponsored by Chair MacKay and Vice-chair Whipple.

FISCAL IMPACT:

PRESENTER'S NAME: Bill Peperone, Development Services Director

REQUESTED DURATION OF PRESENTATION: 40 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Transportation Goal 3: Find the right balance of parking to promote the local economy and encourage alternative transportation.

CITYVIEW OR ISSUE FILE NUMBER: 23-045

14.21A.150

Parking, Loading, and Access.

(1) Each lot or parcel in the DT1 zone shall provide a minimum of seventy-five percent (75%) of the required off-street parking as set forth in Chapter 14.37, Provo City Code, except:

(a) Buildings or portions of buildings located in the required sixty (60) foot transitional setback shall comply with the following parking requirements:

(i) Residential units shall have a minimum of one and one-half (1 1/2) spaces for one (1) bedroom units and two and one-quarter (2 1/4) spaces for units with two (2) or more bedrooms. This requirement does not include any disabled parking spaces required by Section 14.37.110, Provo City Code; and

(ii) Commercial uses shall provide the minimum parking required by Chapter 14.37, Provo City Code.

(2) Residential parking may be reduced to one (1) space per unit for one (1) bedroom units and to one and one-quarter (1 1/4) spaces for units with two (2) or more bedrooms subject to Planning Commission approval of a Transportation Demand Management (TDM) program as described in Section 14.37.050(2), Provo City Code.

(3) Parking for existing structures described in Subsection (3)(a) shall not be required to provide any new off-street parking, so long as the building is not being expanded.

(a) The above parking exception in Subsection (3) shall apply to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

~~(3)~~(4) *Parking Design.* Parking shall be designed to the requirements of Section 14.37.100, Provo City Code.

(a) Surface parking shall not be provided within thirty (30) feet of a front or street side yard property line of any property adjacent to a primary street. Surface parking is not permitted within the first six (6) feet of properties fronting secondary streets and must be separated from the street by a six (6) foot wide berm that is a minimum of twenty-four (24) inches in height.

14.21B.140

Parking, Loading, and Access.

(1) Each lot or parcel in the DT2 zone shall provide a minimum of seventy-five percent (75%) of the required off-street parking as set forth in Chapter 14.37, Provo City Code.

(2) Residential parking may be reduced to one (1) space per unit for one (1) bedroom units and to one and one-quarter (1 1/4) spaces for units with two (2) or more bedrooms subject to Planning Commission approval of a Transportation Demand Management (TDM) program as described in Section 14.37.050(2), Provo City Code.

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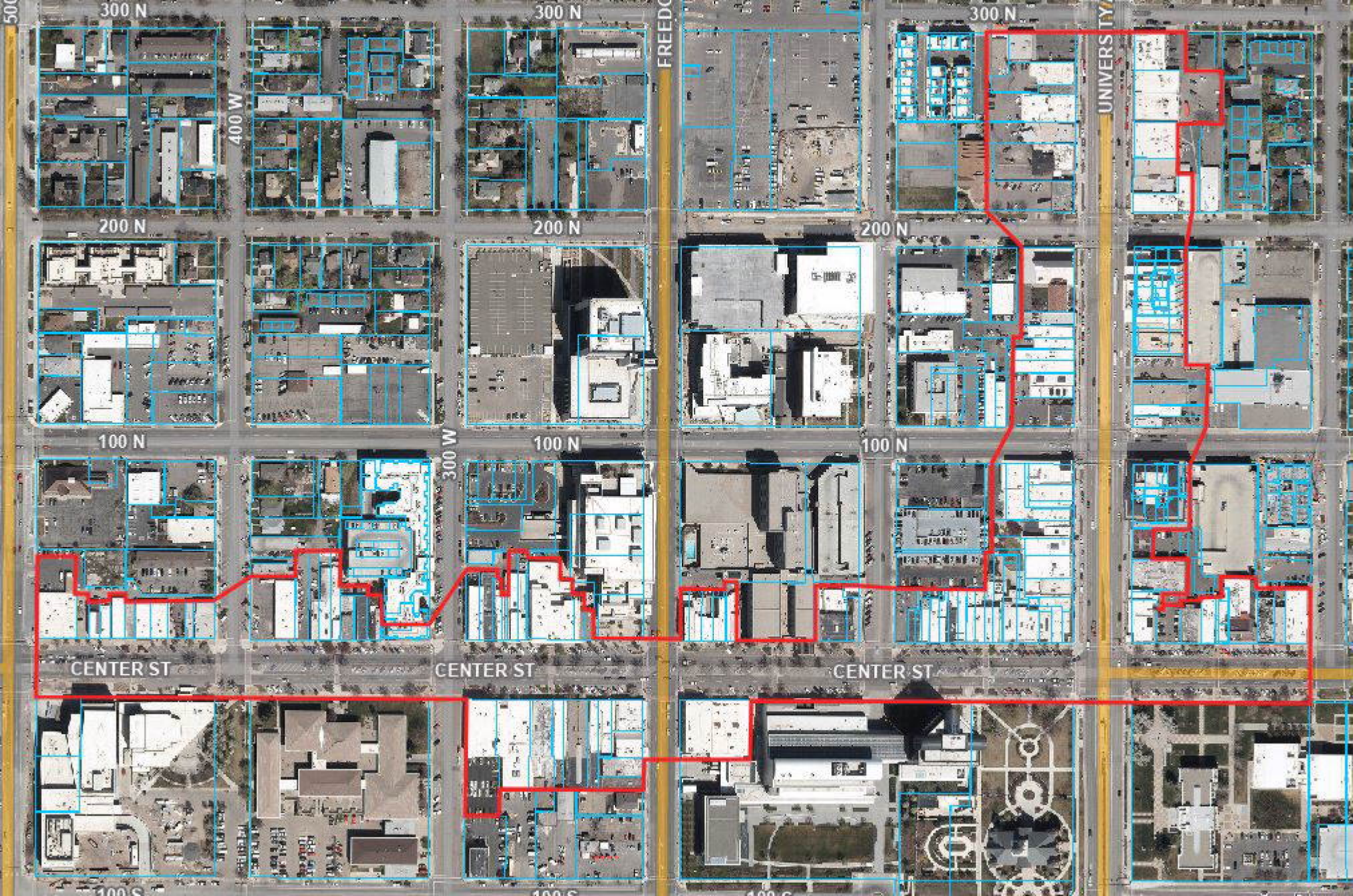
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PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 05-02-2023

SUBJECT: A discussion reagrding zoning code. (23-42)

RECOMMENDATION: Discussion seeking Council motion for possible further action.

BACKGROUND: This item is from the Council Issue Tracker. The issue has been sponsored by Councilors McKay and Whipple.

Council members and Planning Staff have voiced the concern that our current Zoning Code needs to be modernized in some way. The sponsors specifically asked Staff to investigate Form-Based Code. For more information on Form-Based Code please review the memo sent to Council on April 24th. Additionally, the following video series is informative on the topic.

The last time the Council was formally briefed on this topic was in 2017.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Michael Sanders, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 25 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-42

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Michael Sanders, Policy Analyst

Euclidean vs. Form-Based Zoning Codes

April 24th, 2023

This issue has been sponsored by Chair McKay and co-sponsored by Vice-Chair Whipple.

It has been voiced by Council members, and Planning Staff that our current Standard Land Use Code is outdated and difficult to navigate. From a survey conducted with planners (Appendix I), it can be concluded that something needs to be done to simplify our code.

The purpose of this memo is to address concerns and identify how we could possibly modernize our zoning code. A particular interest has been shown in formed based zoning code (FBC), this memo will focus on the advantages and drawbacks of FBC while offering additional suggestions.

In short, a FBC is a type of zoning regulation that focuses on the physical characteristics and design, rather than on specific land uses. For context, the last time that the Council discussed FBC was during the March 7th, 2017 Work Meeting.

BACKGROUND

Provo City uses a Standard Land Use Code otherwise known as Euclidean, exclusionary, or functional zoning. This type of zoning is the most common in the United States. Provo's code is based off the US Department of Transportation's 1969 coding manual. This type of zoning designates permitted and conditional uses as well as development standards for each specific zone of the city. Currently, there are 88 different zones defined in Title 14 of Provo City Code. The list of uses in these zones covers 142 pages of possibilities and is summarized here. Euclidean zoning focuses on (in order of importance)

1. Regulatory use
2. Operations
3. Form

Major successes of this form of zoning include predictability, protection of property rights, and good public safety. The application process is ridged and leaves no grey area for discretion (depending on the situation, this can also be seen as a difficulty.)

Some of the critiques of Euclidean zoning include urban sprawl, increased home costs, and civic isolation. Planning Staff concerns are consistent with the literature such as static ordinances that

have not been updated in decades, incomprehensible ordinances that conflict with other statutes, and "band-aid" ordinances which only add even more layer to the code in an attempt to solve problems as needed. The sponsors of this issue have specifically requested the Council Office to look into FBC.

FORM BASED CODE

FBC could be explained with the following analogy. Imagine you are planning a dinner party with a Mediterranean theme. Rather than telling your guest exactly what dishes to prepare, you establish guidelines. To ensure a good experience for everyone, it is important that your guidelines are broad enough to allow for creativity but specific enough to keep them within the theme. Flavors, textures, and colors of the dishes are considered to ensure whatever your guests bring, they complement each other and represent the theme.

FBC establishes a set of guiding principles that govern land use. Rather than focusing on specific uses for each area, it focuses on physical design. In order of importance, FBC emphasizes

1. Form
2. Operations
3. Use

The form of the buildings, streets, and public spaces in each area of a city are decided through a collaborative process with input from planners, architects, developers, and community members. The goal of a formed base code is to improve placemaking and community building.

FBC has been heard by the Council twice in the past six years. In 2017, a formal presentation was given by a representative from Civil Solutions Group. Following this presentation, some Council members were interested in hearing more, however, there was no formal motion to further study the item and it did not progress further. Overall, there was not a desire to make huge shifts in zoning policies but to rather find small ways to improve what was currently in code such as expanding the ITOD zone and improving design corridors. In 2021, the Council heard a presentation from Bike Walk Provo regarding how to improve the bike and walkability of Provo. One of the recommendations given by Bike Walk was to adopt an FBC.

According to the Form Based Code Institute, a collaborative effort to tracks FBCs across the nation, broadly speaking, there 728 FBCs in the nation. Figure 1 details 12 Utah cities that have adopted a formal FBC or a FBC like zone in certain areas of the city. Provo's Downtown and TOD areas are included in this list as they meet the criteria. Some cities have adopted FBC city wide, but most, including all those in Utah, implement FBC on a neighborhood scale. Compared to the 108,000 cities in the United States, FBC is in the minority.

Figure 1: Utah Cities with Form Based Codes Elements

City	Implementation Strategy
Alpine	N/A
Farr West	Along 2700 North from approximately 2400 West in Farr West to US 89 in Pleasant View
Heber	RFP Sept 2015
Holladay	Cottonwood
Layton	West Layton Villiage Center FBC
North Ogden	N/A
Orem	State Street Corridor
Pleasant View	Along 2700 North from approximately 2400 West in Farr West to US 89 in Pleasant View
Provo	Downtown and TOD areas
Salt Lake City	North Temple Gateway & West Temple Gateway
South Ogden	City Center & 40th Street Corridor and Commercial areas
Springville	Westfields Villiage Center

Source: FBCI "The Codes Study"

Potential Benefits

FBC's encourage a pedestrian friendly environment. As streetscapes and the design/layout of buildings are prioritized, walkability is improved. As walkability is improved, other benefits naturally stem from it such as reduced traffic congestion, improved air quality, and a sense of community. Of course, these benefits depend greatly on what types of designs are incorporated into the form, a FBC does not guarantee that it will promote walkability, it must be intentionally designed to do so.

The diverse and flexible development patterns of FBCs often lead to the creation of more mixed-use buildings. Mixed-use buildings have a history of positively impacting the City. Over a decade ago, when residential uses were added into the downtown commercial district, there has been substantial reinvestment, growth and activity as a direct result.

Design standards that are incorporated with the existing built environment ensure that new development is harmonious with the character of the neighborhood. Uses may change frequently. As such, the design standards of FBC influence the cohesive look of an area rather than micromanaging what occurs within the buildings.

The Standard Land Use Code is often hard to navigate and is sometimes contradictory. With a FBC, the form of the building is the primary concern of developers, while the use is the last thing considered in a decision by the land use authority. The use of FBC greatly simplifies land use

Euclidean vs. Form-Based Zoning Codes

decisions. The confusion and uncertainty of traditional zoning is eliminated, complex regulations can be consolidated, and the dozens of Band-aid amendments removed.

FBC has the opportunity to increase the promotion of sustainability through the build environment. Greenhouse gas reduction, improved stormwater management, and increased access to green space can be addressed during the formation of the FBC. These standards would be less complicated than with the Standard Code because the standards are not tied to changing uses, but rather are incorporated into the built environment. If natural resource conservation, green space, and energy efficient building standards are left out of the formation of the FBC, these benefits are lost.

Potential Drawbacks

FBC can be more complex to administer. During a Work Meeting presentation on FBC from 2017, a representative from Civil Solutions Group shared a survey that revealed that in Utah, 55% of municipalities were less than satisfied with the administration of FBC. While the process is simplified for developers, the process can become more complex for planners. Analysis of applications will require a greater attention to detail and involve more subjective judgements than with the hard and fast rules of Traditional Zoning.

The process to create a FBC can be lengthy and expensive. The Reinvent State Street Plan in Orem City took several years and upwards of $250,000 to complete. This cost did not even account for the actual creation of an FBC. As new land design patterns emerge or community needs change, the whole process of code creation would have to be done over. There may be cheaper alternatives that will still improve our code.

Implementing a FBC would introduce a large learning curve. Development Services staff would have to be retrained in how to process applications and make administrative decisions. Additionally, Planning Commission and City Council members would need to be retrained. For the first few years at least, staff time would increase significantly and would likely slow down the development process.

A FBC would be a difficult political change. The types of developments that come out of a FBC tend to be higher in density and open the door for incompatible land uses located near each other. Provo residents have typically been concerned about the types of businesses that are located in major parts of the city and would likely push back on efforts to switch from a land-use based to form-based zoning code.

OTHER POTENTIAL ALTERNATIVES

There is an array of other options the Council could study that may be equally effective at improving the Zoning Code while having lower levels of cost and higher levels of political acceptability among residents such as:

- Reducing the number of zones and replacing the Standard Land Use code with more general land use descriptions
- Expand design corridors, mixed-use, and TOD areas

Other than FBC, there are a variety of other zoning reforms that can be explored. The use of any of these would depend on the goals Council is trying to achieve.

- Performance Zoning
- Incentive Zoning
- Overlay Zoning
- Intensity Zoning

COUNCIL STAFF OPINION

After reviewing the issue, it is the opinion of Council Staff that our current code would benefit from an overhaul. Planning staff have indicated their want for a change. We believe that a good first step would be to reduce the number of zones and replace the Standard Land Use code with more general land use descriptions. This would be more financially viable and less disruptive than commissioning a consultant to draft a citywide FBC.

If it is still the desire of the Council to implement an FBC somewhere in the City, we would recommend implementing it in smaller areas of the City rather than citywide. Keep in mind that some of our current zones have elements of FBC in them, but land use is still the primary governor.

Any action by the Council to overhaul the Zoning Code would likely require the use of a paid consultant.

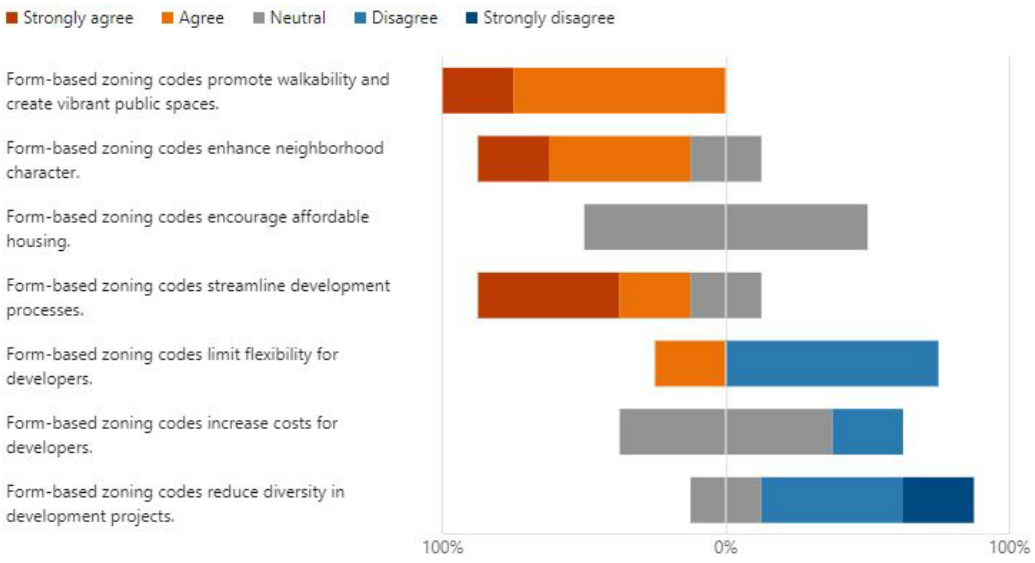
APPENDIX I: PROVO CITY PLANNER SURVEY

A survey was distributed to the Planners in Development Services. It was comprised of a variety of open-ended and multiple-choice questions.

1. What is your current opinion of our zoning code? Do you think an overhaul is necessary? What improvements, if any, can be made?

The current zoning code is outdated in areas, and convoluted in others. Recent adopted zones and amendments have helped; but these are band-aids and an overhaul (if done right) would be a huge benefit to the staff and citizens.
Our code has its challenges. An overhaul would be helpful to make it more coherent and hopefully consolidated. Right now, one of the biggest challenges is that there are relevant codes spread throughout the code that can be missed in a review. This is even more challenging for developers who are less familiar with the code.
It is longer and more complicated than it needs to be and would benefit from an overhaul. We could find ways to streamline the structure and content. The codes for permitted uses are unnecessarily complicated.
Our current zoning code is in desperate need of an overhaul. There are so many holes in it. For example, the cell communication section is outdated and ridiculously hard to navigate. The voices of too many writers are in it. We also need to get away from using a standard land use code (it is archaic).

2. To what extent do you agree or disagree with the following statements?



APPENDIX II: SALT LAKE CITY FORM BASED DISTRICTS

21A.27.050: FB-UN1 AND FB-UN2 FORM BASED URBAN NEIGHBORHOOD DISTRICT:

A. Subdistricts:

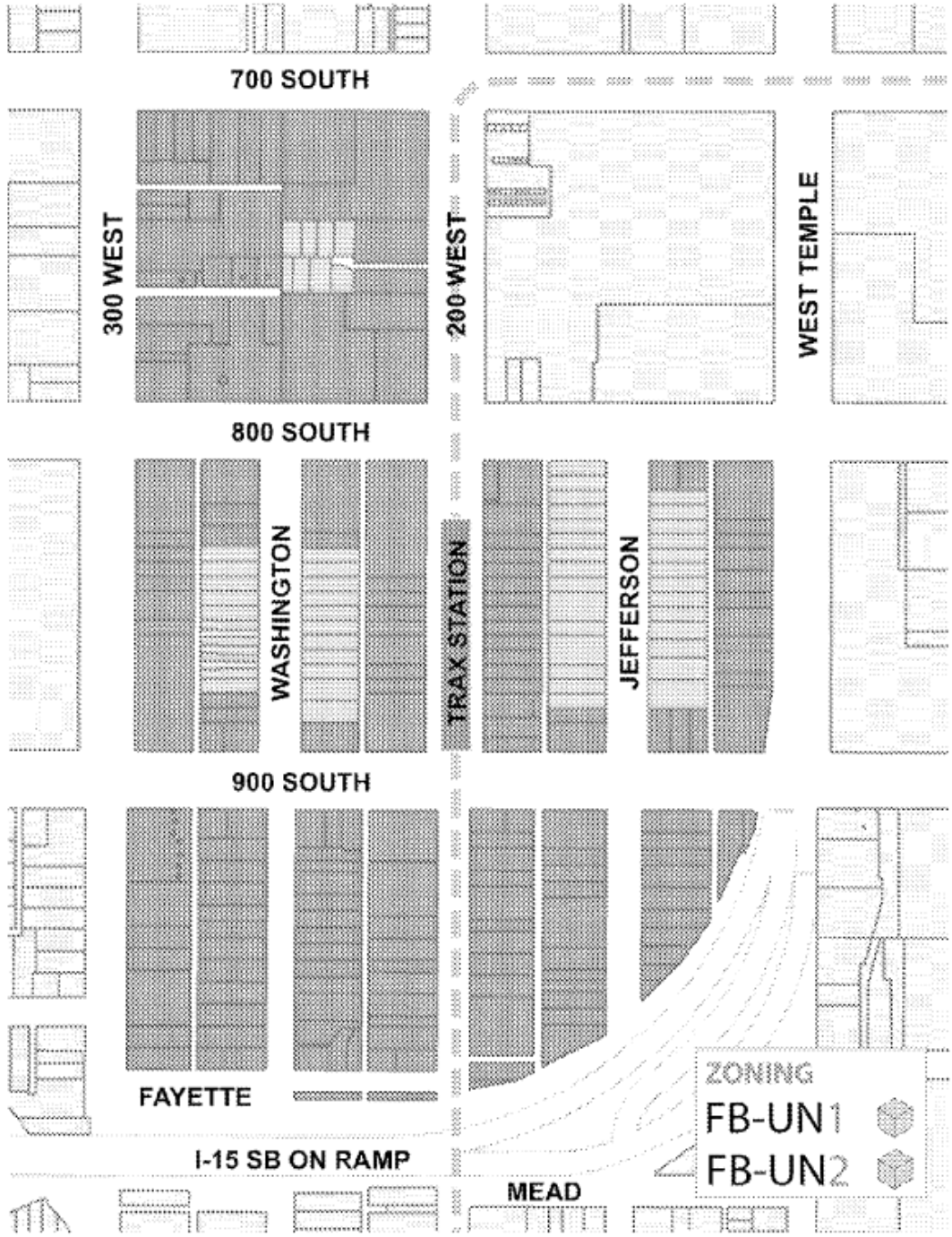
1. Named: The following subdistricts can be found in the urban neighborhood form based districts:

a. FB-UN1 urban neighborhood 1 subdistrict: Generally includes small scale structures, up to two and one-half (2.5) stories in height, on relatively small lots with up to four (4) dwelling units per lot depending on building type. Reuse of existing residential structures is encouraged. Development regulations are based on the building type.

b. FB-UN2 urban neighborhood 2 subdistrict: Generally includes buildings up to four (4) stories in height, with taller buildings located on street corner parcels, which may contain a single use or a mix of commercial, office, and residential uses. Development regulations are based on building type, with the overall scale, form, and orientation of buildings as the primary focus.

2. Applicability Of Subdistricts: The regulations of the subdistricts shall apply as indicated in the regulating plan map.

FIGURE 21A.27.050.A
REGULATING PLAN MAP - WEST TEMPLE GATEWAY AREA



B. FB-UN1 Building Form Standards: Building form standards are listed below in table 21A.27.050.B of this section.

TABLE 21A.27.050.B
FB-UN1 BUILDING FORM STANDARDS

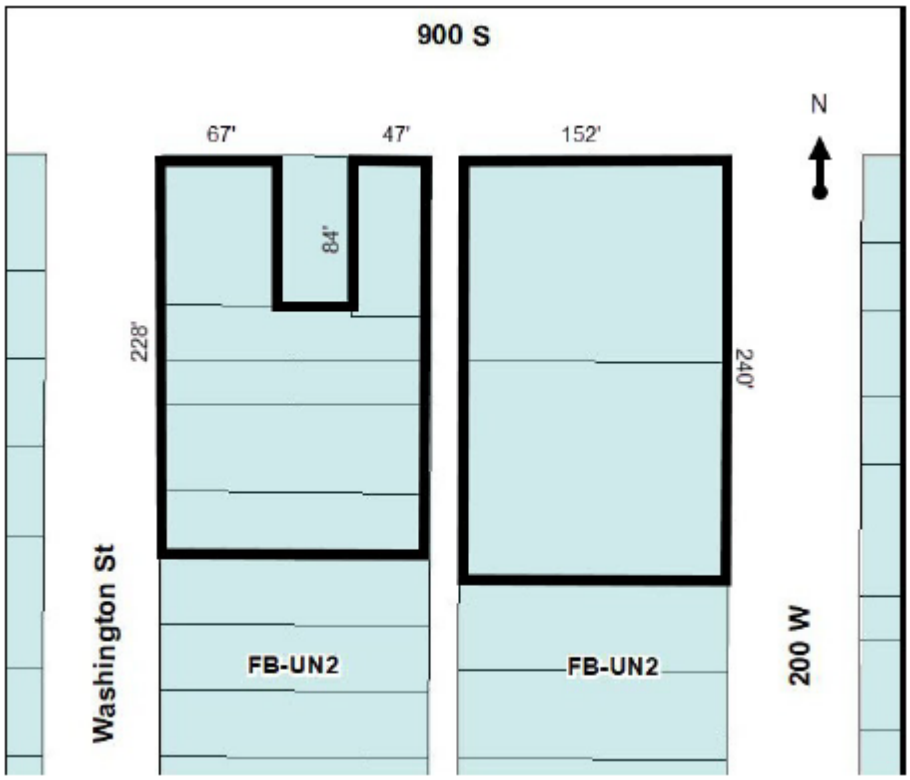
To view TABLE 21A.27.050.B FB-UN1 BUILDING FORM STANDARDS in PDF, click HERE.

TABLE 21A.27.050.C
FB-UN2 BUILDING FORM STANDARDS

To view TABLE 21A.27.050.C FB-UN2 BUILDING FORM STANDARDS in PDF, click HERE.

FIGURE 21A.27.050C.1.

REGULATING BUILDING HEIGHT IN FB-UN2 PERTAINING TO TABLE 21A.27.050C.



(Ord. 5-21, 2021: Ord. 40-19, 2019: Ord. 69-17, 2017: Ord. 23-16, 2016)

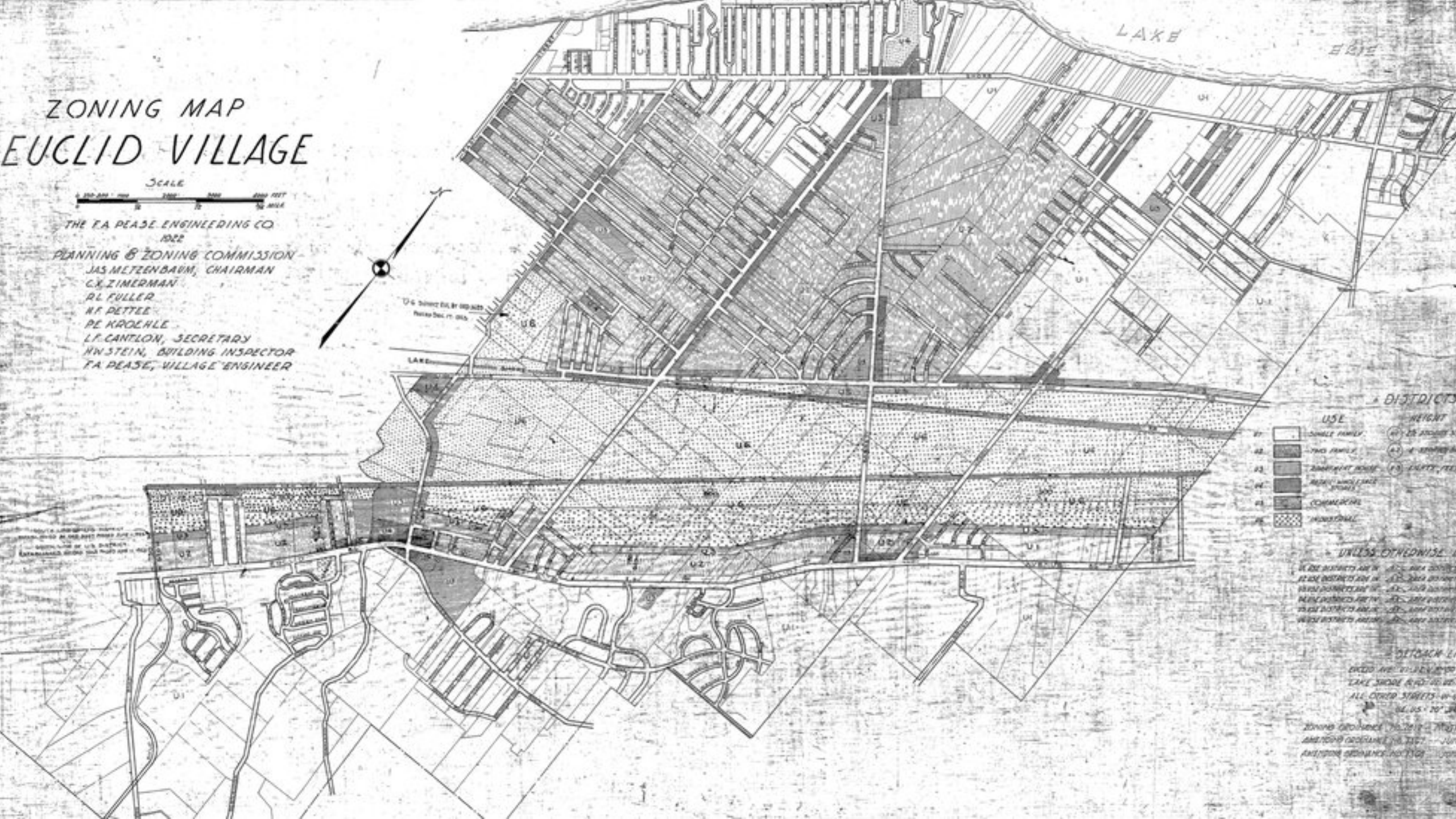
Euclidean vs. Form-Based Zoning Codes

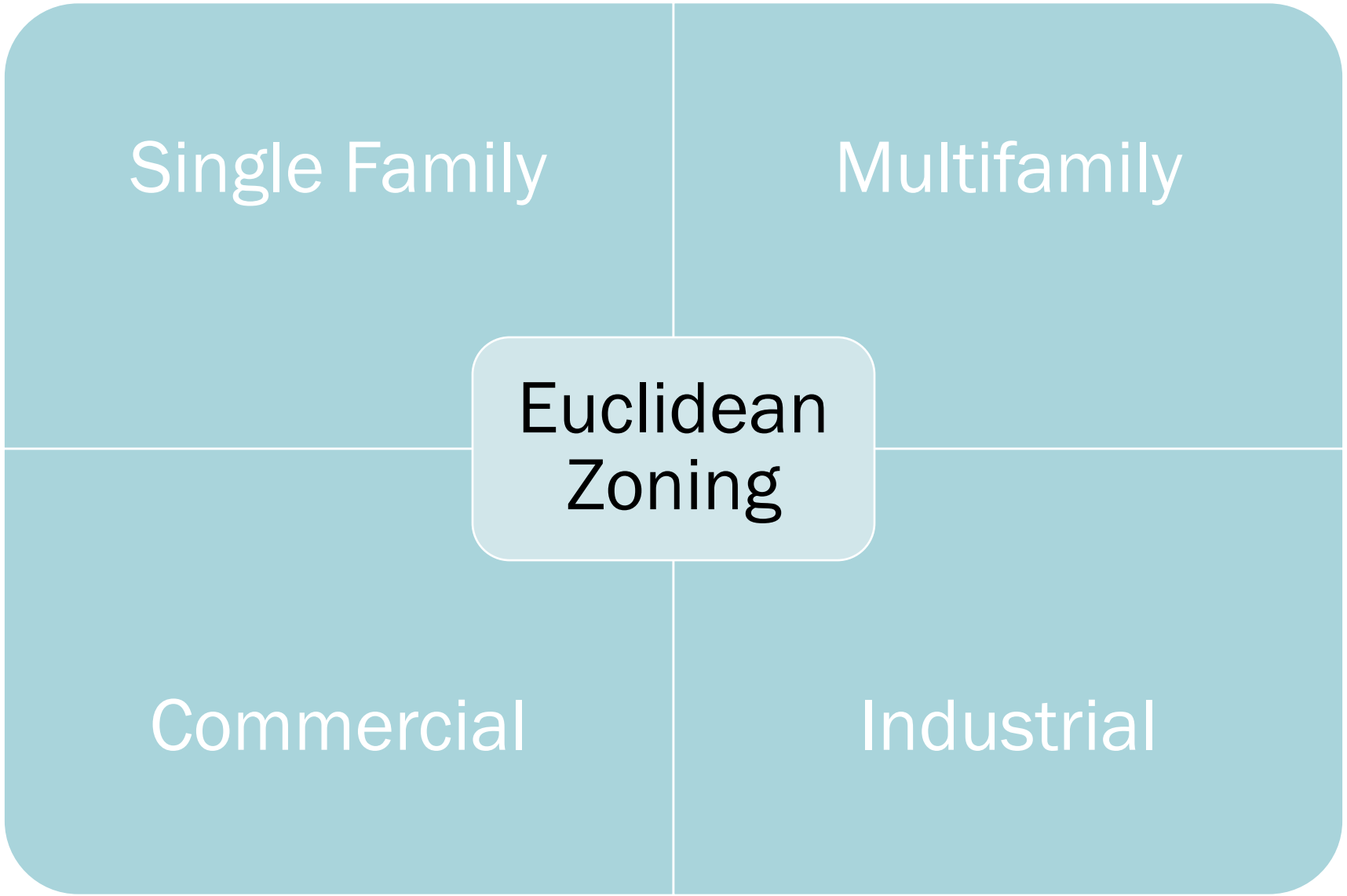
Michael Sanders – Policy Analyst

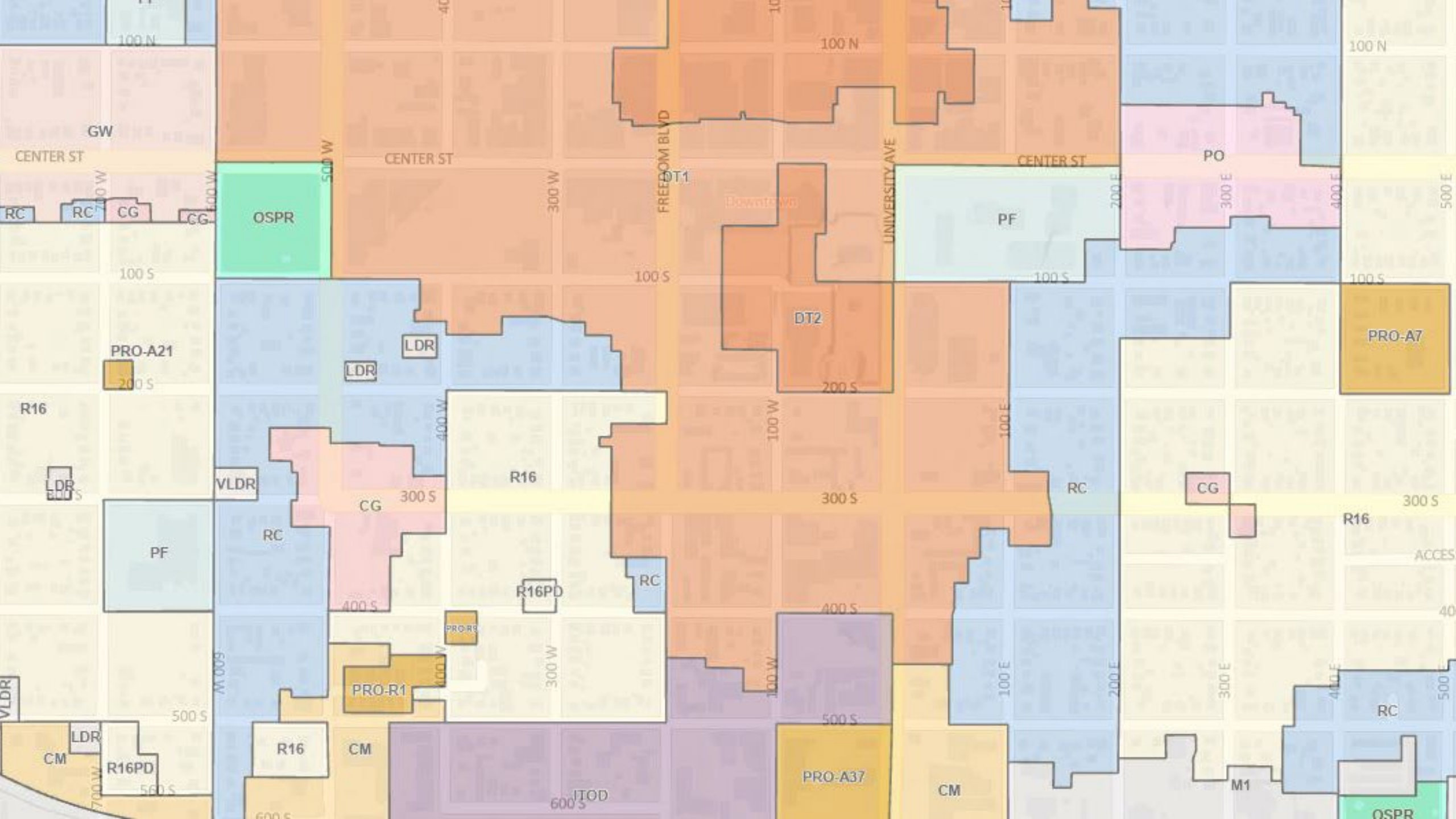
Agenda

- Euclidian Zoning
- Form Based Zoning
- Final notes/suggestions

ZONING MAP
EUCLID VILLAGE




Single Family
Multifamily
Euclidean Zoning
Commercial
Industrial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FREEDOM BLVD
UNIVERSITY AVE
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DT2
PF
PO
PRO-A21
PRO-A7
LDR
LDR
R16
VLDR
CG
RC
PF
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RC
PRO-R1
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CM
LDR
R16PD
CM
ITOD
PRO-A37
CM
RC
CG
R16
M1
RC
OSPR

Euclidean Zoning

Predictability

Property Rights

Public Safety

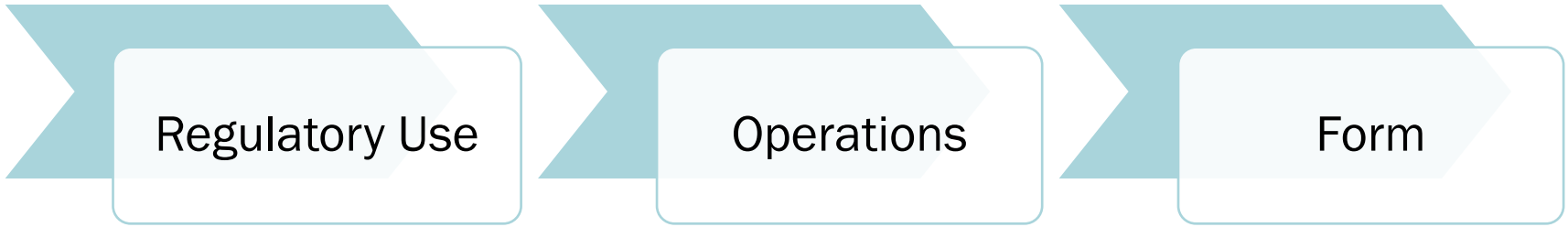
Euclidean Zoning

Urban Sprawl

Increased Home Costs

Civic Isolation

Euclidean Zoning



THE GOODWIN HOTEL

Form Based Zoning

Pedestrian friendly

Easy to navigate

Aesthetically pleasing

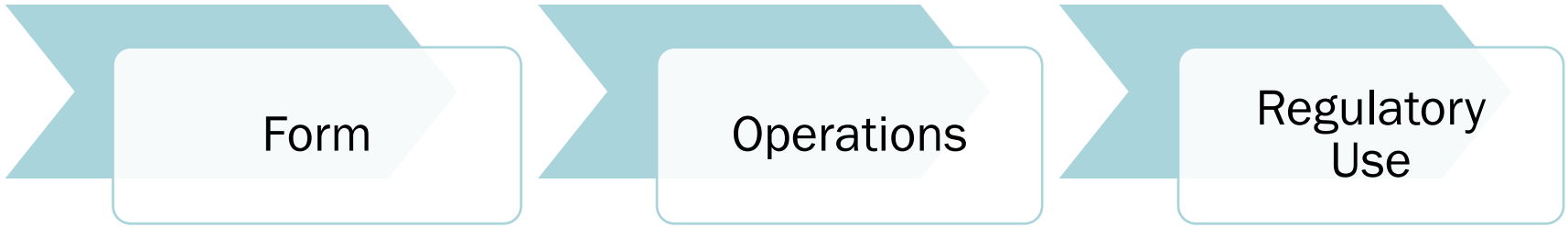
Form Based Zoning

Administratively complex

Potentially expensive

Political

Form Based Zoning



Final Notes

- Form Based Code is not the only other alternative
- It would be more financially viable and less disruptive to
    - Consolidate the number of zones
    - Replace the Standard Land Use Code with more general land use descriptions
    - Expand design corridors, mixed-use, and TOD areas

Direction

Prepare legislation or Council Policy

“I motion to request that [Council Staff or the Administration] prepare legislation that _____ for consideration by the Council at a future [Work or Council Meeting.]”

Continue the issue for additional discussion or research

“I motion to continue this item to a future agenda [specify date] and request that [Council staff or the Administration] pursue research regarding _____.”

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 05-02-2023

SUBJECT: A discussion regarding housing policy in Provo. (23-043)

RECOMMENDATION: Dsicussion seeking Council motion for possible further action.

BACKGROUND: Through the new Council Issue Request system implemented in January 2023, Councilors submitted 7 requests related to housing. Staff recorded the requests but placed them on temporary hold to wait until the 2023 Utah Legislative Session ended as some bills then being introduced had the potential to affect the policy options of the Council.

At the end of the Session and an evaluation of the housing bills' effects on potential housing policy in Provo, Council staff sent out a survey to Councilors requesting they rank the 7 housing issue requests according to the order in which they would like staff to address them in a Work Meeting. This item's purpose is to explore policy options for the the #1 and #3 priorities, down payment and mortgage assistance and publicly posted public contact information on managed multifamily housing, respectively.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Melia Dayley, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 35 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-043

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Melia Dayley, Policy Analyst

Council Housing Related Issue Requests

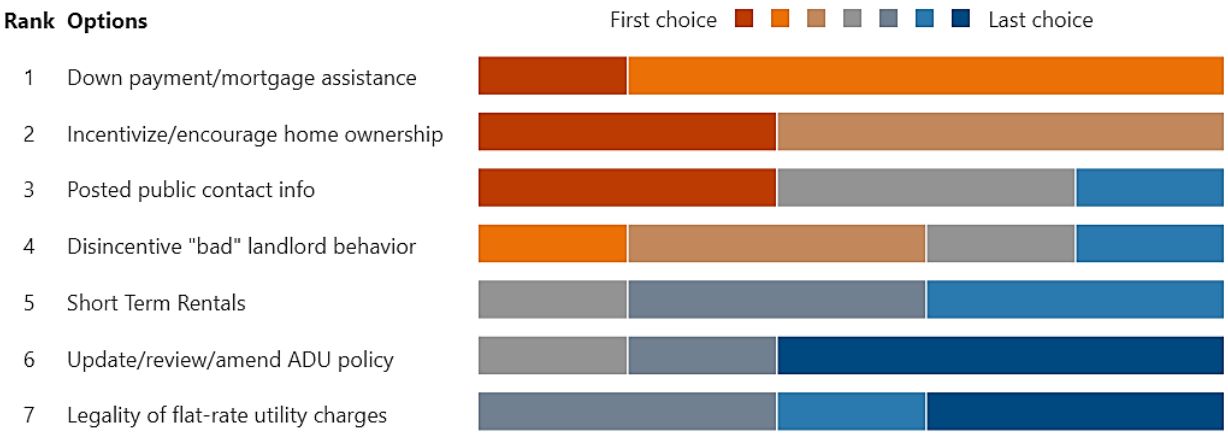
April 27, 2023

Through the new Council Issue Request system implemented in January 2023, Councilors submitted 7 requests related to housing. Staff recorded the requests but placed them on temporary hold to wait until the 2023 Utah Legislative Session ended as some bills then being introduced had the potential to affect the policy options of the Council. A list of the eventually passed housing bills can be found here.

At the end of the Session and an evaluation of the housing bills' effects on potential housing policy in Provo, Council staff sent out a survey to Councilors requesting they rank the 7 housing issue requests according to the order in which they would like staff to address them in a Work Meeting (full survey results below.) This memo's purpose is to explore policy options for the the #1 and #3 priorities, down payment and mortgage assistance and publicly posted public contact information on managed multifamily housing, respectively. The #2 priority will be coming to a future Council Work Meeting as it is a larger issue and staff felt it needs a discussion dedicated to it entirely.

Figure 1: Housing Issue Request Priority

1. Please rank the following housing issues according to the order in which you would like staff to address them.



Priority 1: Down Payment & Mortgage Assistance

Housing & Utah: Current Landscape

Housing sector and policy experts have pointed to a strain in the Utah housing market for years. The state's booming population growth and strong economy have led to an increase in demand for housing at a time when, "Housing prices in Utah nearly doubled in the past five years, growing much faster than incomes and overall inflation."[1]

This steadily increasing strain on the housing market has led to more pronounced barriers to homeownership and housing affordability in general. Additionally, affordable housing options in the state

[1] James Wood, Gardner Policy Institute, https://gardner.utah.edu/wp-content/uploads/ERG-HousingPB-Feb2023.pdf?x71849

and Utah County that are not rental units are all but becoming extinct as more individuals' and families' income levels see a decrease in buying power as inflation, higher interests, and other economic factors make it hard to save for a down payment and qualify for mortgage, not to mention the additional costs that come with home ownership.

This effect is especially prevalent in Provo where almost half of the city's population lies under the 50% AMI threshold (see Table 1, below right.) Granted, Provo's population is saturated with college students who typically do not have the same income as non-college student residents. Still, the affordability and attainability of homeownership in Provo do not have a positive outlook.

According to the Provo City Moderate-Income Housing Report,

> "…data compiled in January and February 2021, the median sales price for a home in Provo is $449,000, which is nearly twice the affordable threshold of $273,765 (assuming a 4% mortgage interest rate) for a family of four. Even at 120% of the [AMI], that same family of four could not comfortably afford that home price. Instead, this family might be forced to live outside of Provo or settle for suboptimal housing within the city. The same applies to current residents looking to change location within Provo or to increase or decrease their home size."

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

INCOME LEVEL	AMI THRESHOLD	PERCENTAGE
<30% AMI	<$26,500	22.2%
30%-49% AMI	$26,500-$41,849	25.4%
50%-79% AMI	$41,850-$66,949	9.8%
80%-99% AMI	$66,950-$83,699	13.3%
99%-120% AMI	$83,700-$100,439	10.6%
>120% AMI	>$100,400	18.7%

Source: American Community Survey, 2019

Table 2: Attainable Home Price Ranges by AMI Categories (2021)

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

Source: American Community Survey, 2019

Existing Resources

Federal, state, and local government level programs and funds have been created in an effort to assist individuals and families in purchasing a home, whether that being a single-family detached/attached, townhome, or condo.

Federal & State Level:
Utah Homeowners Assistance Fund; a federally funded housing assistance program for homeowners in Utah impacted by the COVID-19 pandemic.

FHA Loans
- First-Time Home Buyers
- Senior Housing Costs

UT Housing Corporation: Homeownership Programs
- Down Payment Assistance
- Home Loans
- First-Time Homebuyer Program Assistance (SB240 passed in the 2023 UT Legislative Session)
- Grants for Veterans & Law Enforcement

County & City Level:
CDBG Down Payment and Closing Cost Assistance Program

Policy Options
There are limited options besides direct fiscal investment into a fund to directly fulfill the Council issue request of assisting in down payment and mortgage assistance for Provo residents. It is important to note that policies aimed at encouraging owner-occupied homeownership should be designed carefully to ensure that they are equitable, sustainable, and do not contribute to housing speculation or predatory lending practices. Consultation with relevant stakeholders- including home builders, government officials/agencies, nonprofits, and potential homebuyers, thorough analysis of potential impacts, and periodic evaluation of policy effectiveness are critical components of any policy implementation process. The following list contains just some policy options and obviously do not represent all the options the Council has in addressing this issue.

Option #1: Continue to support HOME/CDBG funding for Provo's down payment assistance program
This option is the choice most other major cities, and some counties, in Utah have taken in trying to assist homebuyers with down payment costs. There is some room for adjustment within this approach by adjusting the allocation of funds to the program, but as it is a federally back program, qualifications and management have largely set regulations.

Option #2: Set up a Provo City matching and/or independent down payment and mortgage assistance fund
Working in tandem with the existing CDBG down payment assistance program, the Council could work to create a fund that would provide additional housing funding to residents who are looking to buy a home or cover any of the various costs of homeownership.

Option #3: Sponsor or partner to provide Homeownership education and counseling
Providing education and counseling programs to potential homebuyers can help them better understand the process of purchasing and maintaining a home, including budgeting, credit management, and mortgage options. These classes could be used to explore the existing resources available to Provo residents as referenced above. There are already nonprofits in Provo providing this type of education.

Option #4: Affordable housing initiatives
Creating and maintaining affordable housing programs, such as inclusionary zoning, expanding special housing use and zoning allowances such as accessory dwelling units, have the potential to increase the

availability of affordable homes for purchase and/or allow for potential homebuyers to be more creative in using their new homes as a source of income to help offset housing costs.

Option #5: Partnerships with or creating a home equity building program
To combat the seemingly "forever-a-renter" syndrome many feel as housing affordability lessens, startups and nonprofits have started throughout the country to implement creative solutions to help renters build up wealth and equity with homeownership as the end goal. Specific to Utah is the Utah Perpetual Housing Fund founded in August 2022. While a nonprofit not directly associated with state or local governments, the Council could explore ways to become a partner or support the organization in expansion into Provo.

Priority 3: Posted Public Contact Information on Multi-Family Housing

This issue request's purpose is to provide both the residents of a managed residential property, like an apartment complex, and the neighborhood the property resides in with better contact to a responsible party when there is a maintenance concern or emergency on the property.

Policy Options

Option #1: Amending City Code to require "Responsible Person Signs"
In researching examples of this type of code in other places, staff found two examples of the type of code Councilors requested.

The first example is from California Code of Regulations Title 25, Section 42:

> "…If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises."

The second example is from Austin, Texas Code Chapter 4-14-34:

(A) A registrant shall post and maintain signs, in English and in Spanish, on the premises of the property that include the following information:
    (1) the emergency phone number described in Texas Property Code Section 92.020 (Emergency Phone Number); and information regarding how to report code violations to the City.
(B) For multi-family properties, the signs required by this section shall be a minimum of 12 inches by 24 inches. Sign facings shall be weather-proof. The signs shall have a white background with letters and numbers in a contrasting color.
(C) The registrant of a multi-family property must post one sign per 50 units. The signs must be posted outside and in the common areas of the property. If more than one sign is required under this section, the signs may not be placed in the same area of the property.
(D) For single-family properties, the signs required by this article shall be a minimum of 8½ inches by 11 inches. The signs shall have a white background with letters and numbers in a contrasting color.
(E) Any changes in the information required in Subsection (A) must be updated within three business days of the change.

Legal has recommended it would be appropriate to add text requiring posted public contact in Chapter 6.26 making it a business licensing regulation.

Option #2: "Responsible Person" Signs and other notices/sign requirements
The Council could go beyond just the one text amendment and make various other sign and information requirements for managed residential properties. New York City has the most comprehensive list of required postings and signs, any of which the Council could choose to adopt into Provo City Code.

Down Payment Assistance and Loan Programs

If cash at Closing is your challenge, we may be able to help you.
Utah Housing Loan Programs offer mortgage loans to qualified first-time and repeat homebuyers.
If you have any questions about these programs please contact a Participating Lender to qualify and explore your Utah Housing options.

Down Payment and Closing Cost Assistance Loan (DPA)

Does Utah Housing provide (DPA) Funds?	Yes. Utah Housing will provide a DPA Second loan of up to 6% of the first mortgage loan amount. These funds can be used towards the down payment and/or closing costs on any Utah Housing loan program.
Can I use the DPA loan with any lender loan program?	No. The DPA Second is only available when combined with one of Utah Housing's loan programs. This program is for borrowers who have not been able to save enough money for their down payment and closing costs.
What are the terms of the DPA Loan?	The DPA Second loan is an owner-occupied, 30-year fixed-rate second mortgage with an interest rate of 1% higher than the first mortgage interest rate. The monthly payments for the First and Second mortgages will be paid to Utah Housing. Your lender will help you determine how much down payment you will need based on your sales price. Typically, this is up to 3% of the purchase price.
How much money will I need to purchase a home?	When using Utah Housing's DPA Second loan you may be able to purchase a home with little or no funds from you. You must be able to qualify for a Utah Housing FHA, VA, or Conventional mortgage.
Are bankruptcy, short sale, or foreclosure okay?	If you have had a bankruptcy, short sale, or foreclosure you will need to speak with your lender to determine if you qualify for a Utah Housing Loan. You would not be eligible for another Utah Housing DPA loan if a previous DPA loan has not been paid in full.

Eligibility and Loan Programs

	FirstHome	**FHA or VA Mortgage**	**Conventional HFA Advantage Loan**
What program is best for me?	**FirstHome**: For homebuyers with a credit score of 660 or higher who are first-time homebuyers. This program typically has lower purchase price and income limits and lower interest rates.	**FHA/VA**: for homebuyers with a credit score of 620 or higher who have previously owned a home or are first-time homebuyers. Homebuyers can purchase a residence with up to two units.	**Conventional**: for homebuyers with a credit score of 700 or higher. This mortgage offers a financing option that may have a higher interest rate, but lower mortgage insurance costs, **which may result in a lower monthly payment.**
How do I qualify for a Utah Housing loan?	Contact a Utah Housing Participating Lender. They are your resource for questions. They will help you determine the purchase price and down payment assistance for which you will qualify. **Be sure to tell them you want a Utah Housing Loan.**		

Do I have to be a first-time homebuyer?	Yes, you may not have owned a principal residence in the past three years. Exceptions for Single Parents and Veterans.	No, you could have owned a home previously or you can be a first-time homebuyer for these programs.	
What is the minimum credit score?	660 An occupant co-borrower without a credit score may be permitted.	620 An occupant co-borrower without a credit score may be permitted.	700 All borrowers must have at least one credit score.
Are there Annual Income Limits?	Yes, Refer to the Utah Housing website for most current annual income limits.		
Is there a Maximum Sales Price?	Yes, Refer to the Utah Housing website for the maximum sales price	No	No
What if I have a current Utah Housing Loan?	If you have an outstanding Utah Housing Loan, it must be paid off before closing.		
Do I have to take a Home Buyer Education class?	No, Homebuyer education is recommended but not required.		Yes, at least one borrower must complete Homebuyer Education before closing.
Eligible Properties			
Can I rent my home?	No, you could not rent any portion of the home throughout the term of the mortgage. A residence containing a second kitchen with two meters or advertised as a rental is not permitted.	Yes, as long as you occupy the home. The home may include an owner-occupied one-to-two-unit dwelling such as a Duplex, mother-in-law apartment, or accessory dwelling unit as defined by FHA. One of the units may be rented.	You must occupy the home. You may rent a portion of a one-unit home as long as you occupy the home as your primary residence.
Can I buy a vacation home?	No, vacation homes, recreational properties, second homes, and short-term rentals such as Airbnb-type properties are not allowed.		
Can I buy a manufactured home?	Permitted: with requirements.		Not permitted.

Utah Housing Corporation | 2479 South Lake Park Blvd. | West Valley City, UT 84120

www.utahhousingcorp.org
mortgage@uthc.org
801-902-8200

FAIR HOUSING

One of the privileges of living in the United States is the right to freely choose where you will live.

Utah and Federal Fair Housing Acts protect your right to select housing without discrimination based on race, color, national origin, religion, sex, familial status or your source of income.

IT IS UNLAWFUL TO:

• Refuse to rent, sell or negotiate for housing.

• Make housing unavailable or deny that housing is available.

• Set different terms, conditions or privileges for the sale or rental of housing based on race, color, national origin, familial status, disability, sex or religion.

• Deny or make different terms or conditions for a mortgage, home loan, homeowners insurance or other real estate related transactions.

WHAT HOUSING IS COVERED?

• Single-family homes owned by private persons when a real estate broker and/or discriminatory advertising is used to rent or sell the home.

• Single-family homes not owned by private persons (such as a corporation or partnership) even if a broker is not used to rent or sell the home.

• Multi-family dwellings with five or more units, including rooming houses.

• Multi-family dwellings with four or less units if the owner does not live in one of the units.

WHAT HOUSING IS NOT COVERED?

• The law does not apply to non-commercial housing run by religious organizations and private clubs that limit occupancy solely to members.

For more information on this program visit our website at:
http://www.loantoown.net

To apply for the down payment assistance go to:
neighborly.provo.org

provo

DEVELOPMENT SERVICES

PROVO CITY CORPORATION
Development Services
445 West Center Street
Provo Utah 84601
Phone: 801-852-6162
Utah Relay: 711
Utah Spanish Relay: 888-346-3162

Open: M-TH 7:00 a.m.—6:00 p.m.

Email: cjoyner@provo.org
801-852-6162

EQUAL HOUSING OPPORTUNITY

6-15-22

LOAN TO OWN

DOWN PAYMENT AND CLOSING COST ASSISTANCE

0% INTEREST DEFERRED LOAN FOR LOW AND MODERATE INCOME HOUSEHOLDS

WWW.LOANTOOWN.NET

WHAT HOUSING QUALIFIES?

• Must be within Utah Valley HOME Consortium boundaries (see below).

• Purchase price of the home may not exceed HUD limitations (currently $426,550 effective July 1, 2021).

• Can be a single-family home, one half of a twin home, condominium or town home.

• May not be occupied by renters who would be displaced by purchase.

HOW LONG DOES THE PROCESS TAKE?

• Our normal loan processing time is approximately one week to determine income eligibility.

• From that point, we work with your lender on the arrangements for the down payment and closing costs, which could take two to three weeks.

QUALIFYING CITIES

• All cities within Utah County (including unincorporated Utah County) qualify **EXCEPT** Eagle Mountain, Alpine, Fairfield and Provo (Provo has its own program—see provo.org/welcomehome).

Please note that funds are limited and allocated on a first-come first-serve basis.

WHO QUALIFIES?

• You must be qualified with a bank or other lending institution for the first mortgage.

• The total income of all members of the family over 18 must be less than the Income Limits on the Income Chart below.

• Must be on current job a minimum of six months.

• Must not have owned a home in the past three years.

• Must have a mid credit score above 650 with no unsatisfied judgements or collections.

HOW MUCH CAN I QUALIFY FOR?

• Applicants can receive up to $40,000, Can also receive an additional 5% or 3.5% (based on loan type) above and beyond the required down and our current formula to help with reducing the amount of the first mortgage.

• Subject to RDA underwriting criteria. (Minimum 650 mid credit score.)

Persons in Household	Maximum Household Income
1	$52,450
2	$59,950
3	$67,450
4	$74,900
5	$80,900
6	$86,900
7	$92,900
8	$98,900

WHAT ARE THE TERMS?

• 0% interest, deferred loan. No payment is due as long as the applicant(s) continue to own and live in the home as their primary residence.

• Balance is due upon sale or when property ceases to be owner occupied.

• You must be able to put down $1,000 of your own money.

• $5,000 prepayment penalty if sold or vacated within two years of purchase.

WHAT DO WE NEED FROM YOU?

• Go to neighborly.provo.org and register with Neighborly Software to fill out an application.

• Upload copies of Federal Income Tax returns (1040's) for the past three years.

• Upload copies of pay stubs for the last three months for all working household members over 18 years of age.

• Upload copies of bank statements for the last three months.

• Upload verification that all household members are US citizens (birth cert.),

• Upload Social Security cards for all household individuals

• Schedule "Pre-Home Ownership Counseling" offered through: NeighborWorks Provo (801-375-5820) or Community Action (801-691-5200). We will accept only the following online class: https://extension.learn.usu.edu/browse/home-buyer/courses/home-buyer-education-2019

James Wood
Ivory-Boyer Senior Fellow

Max Becker
Public Policy Analyst

A Comparison of State-Funded Affordable Housing Programs

Utah policymakers have significantly expanded affordable housing programs in response to the housing crisis. As this effort continues, a comparison of state housing programs provides valuable policy insight.

April 2023

Kem C. Gardner POLICY INSTITUTE
THE UNIVERSITY OF UTAH
DAVID ECCLES SCHOOL OF BUSINESS

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Salt Lake City, Utah 84111
801-585-5618 | gardner.utah.edu

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A Comparison of State-Funded Affordable Housing Programs

Analysis in Brief

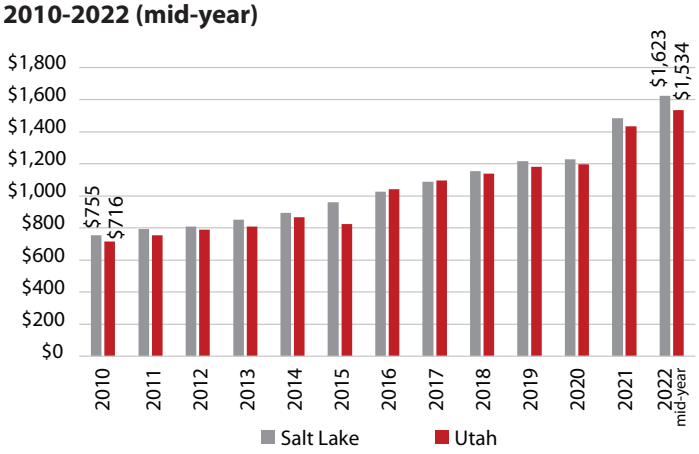
Housing instability and homelessness threaten the economic well-being of at least 40,000 extremely low-income renter households in Utah. These households have annual incomes of less than $24,000 and must devote at least half of their income to housing and utilities. Many states have programs to help reduce this instability and increase the number of affordable housing units.

This report specifically focuses on four state-funded programs or policies that provide direct assistance to very low-income renters: (1) rental assistance, (2) state tax credits, (3) housing trusts, and (4) eviction policies.

Key Findings

- **Utah has a shortage of several thousand affordable rental units –** The need for affordable rental housing will likely continue to grow due to the high cost of homeownership, rising rental rates, and historically low vacancy rates.
- **The Utah Legislature took significant steps in the 2023 General Legislative Session to ease the shortage of affordable housing –** They passed six housing-related bills providing assistance to the homeless, first-time homebuyers, low-income housing developers, and home builders. A review of housing legislation from 1996 through 2023 suggests this was the most productive session for housing assistance in recent history.
- **Rental assistance programs reduce housing instability for very low-income households in many states –** Thirty-one states have state-funded rental assistance programs. Many programs directly supplement the income of very low-income households through one-time rent payments, rental assistance to those leaving correctional systems or state psychiatric hospitals, loans for the first month's rent, and housing vouchers patterned on the U.S. Department of Housing and Urban Development's (HUD) Section 8 Housing Choice Vouchers.
- **The Olene Walker Housing Loan Fund (OWHLF) is Utah's primary state-funded housing program –** OWHLF has participated in the development of 24,561 affordable rental units since first funded in 1995 (at $2.4 million). State General Fund appropriations, however, have not increased since the creation of the trust fund.

Average Rental Rates in Salt Lake and Utah Counties, 2010-2022 (mid-year)



Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

- **Utah's state tax credits for low-income housing helped fund 8,000 units across 147 affordable rental housing projects –** Utah's tax credit program facilitates the development of affordable units for extremely low-income renters. In 2021 the available credit of $1.1 million ranked second lowest among the 25 states with tax credit programs (only Arkansas' credit level was lower). That said, Utah's Legislature increased the program to $10 million annually during the 2023 legislative session, aligning Utah's funding with most state tax credit programs.
- **Utah's state-funded programs have focused on the supply side of the affordable housing crisis –** State tax credits, OWHLF gap financing, and funding of homeless shelters support the development of additional affordable units; however, these programs provide little housing assistance to the 40,000 extremely low-income renters (≤30%). Supply-focused programs can't reach these renters due to the high cost of construction. Consequently, many states have added demand-focused programs to their affordable housing arsenal, programs that provide direct assistance to renters through rental assistance, state housing vouchers, and expanded eviction assistance. Expanding direct assistance programs would provide a lifeline to the state's most vulnerable renters and broaden Utah's efforts in addressing the affordable housing crisis.

Introduction

This report continues the Kem C. Gardner Policy Institute's research on housing prices and affordability in Utah. In 2020, the Gardner Institute published *Housing Affordability: What Are Best Practices and Why Are They Important?* That report focused on the most effective city and county policies for improving housing affordability.

While the 2020 study addressed *housing affordability*, this study has a narrower focus, *affordable housing*. For clarification, affordable housing refers to a specific type of housing, generally government-assisted rental housing, targeted for very low– to extremely low–income households. Housing affordability is a much broader term and refers to the general level of housing prices relative to the general level of household income as opposed to a specific type of housing.

The Need for Affordable Rental Housing

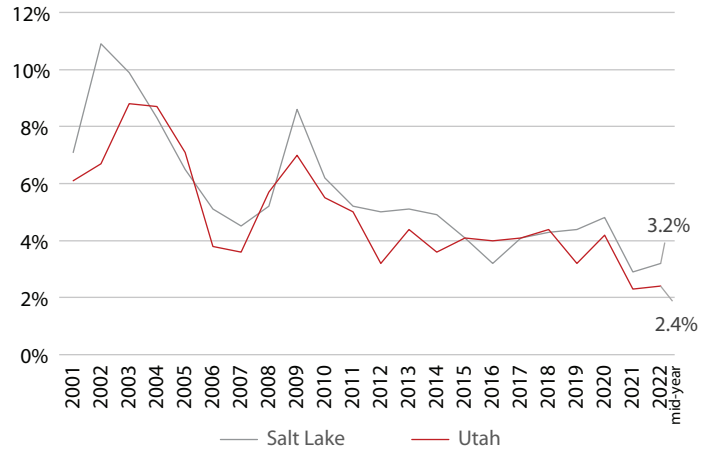
At least 40,000 renter households in Utah are extremely low-income renters (≤30% of Area Median Income, AMI), meaning they pay at least 50% of their income towards housing and utilities (Table 1). These households receive no rental assistance and live in market-rate rental units. They face housing instability and financial stress. For example, the nearly 17,000 extremely low-income households in Salt Lake County have an income of $2,000 per month or less and a monthly housing cost of at least $1,000. This severe housing cost burden underscores the need for state housing policies that increase housing opportunities for extremely low-income and very low-income renters (≤50% AMI).

Table 1: Very Low and Extremely Low-Income Renters with Severe Housing Cost Burdens, 2015-2019
(Housing costs ≤50% of renter's income)

County	Extremely Low-Income Renter Households ≤30% AMI	Very Low-Income Renter Households 30%-50% AMI	Total Renter Households Income ≤50% AMI	Total Renters	% Share of Renters with Incomes ≤50% AMI
Salt Lake	16,795	5,215	22,010	123,265	17.9%
Utah	7,435	2,195	9,630	53,700	17.9%
Weber	3,320	430	3,750	22,235	16.9%
Davis	3,035	565	3,600	24,035	15.0%
Cache	2,345	440	2,785	14,215	19.6%
Washington	1,675	955	2,630	16,915	15.5%
Iron	1030	110	1,140	6,130	18.6%
Summit	435	145	580	3,215	18.0%
Box Elder	445	80	525	3,905	13.4%
Tooele	330	180	510	3,900	13.1%
Carbon	415	65	480	2,055	23.4%
Wasatch	270	145	415	2,670	15.5%
Sanpete	300	45	345	1,925	17.9%
Uintah	315	4	319	2,545	12.5%
Duchesne	275	35	310	1,705	18.2%
Grand	90	170	260	1,460	17.8%
Sevier	155	10	165	1,610	10.2%
Kane	80	10	90	595	15.1%
San Juan	75	10	85	835	10.2%
Beaver	75	4	79	590	13.4%
Emery	75	0	75	845	8.9%
Millard	60	10	70	1,105	6.3%
Garfield	30	30	60	360	16.7%
Juab	40	0	40	745	5.4%
Morgan	15	0	15	495	3.0%
Wayne	15	0	15	260	5.8%
Rich	15	0	15	180	8.3%
Piute	10	0	10	85	11.8%
Daggett	0	0	0	20	0.0%
Total	**39,155**	**10,853**	**50,008**	**291,600**	**17.1%**

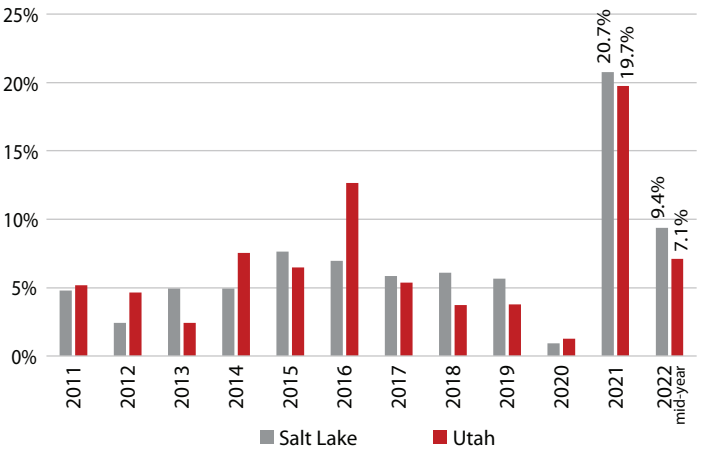
Source: HUD CHAS 2015-2019

Figure 1: Rental Vacancy Rates in Salt Lake and Utah Counties, 2001-2022 (mid-year)



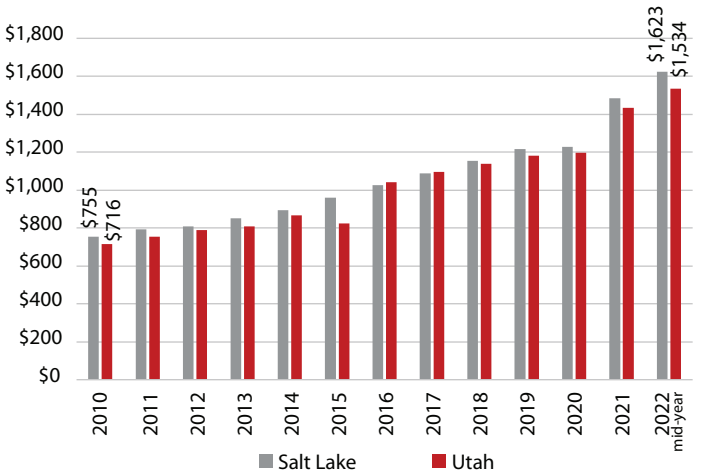
Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

Figure 2: Annual Percent Increase in Rental Rates in Salt Lake and Utah Counties, 2011-2022 (mid-year)



Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

Figure 3: Average Rental Rates in Salt Lake and Utah Counties, 2010-2022 (mid-year)



Source: Greater Salt Lake Area Multifamily Market, CBRE, 2022

Table 2: Projected Annual Labor Demand by Minimum Education Level, 2020-2026

Education Level	% of Annual Demand
High school diploma or equivalent	39.2%
No formal educational credential	29.4%
Bachelor's degree	17.2%
Postsecondary certificate	6.3%
Some college no degree	2.6%
Doctoral or professional degree	2.0%
Associate degree	1.9%
Master's degree	1.5%

Source: *"An Analysis of Labor Supply and Demand in Utah,"* (September 2019) Kem C. Gardner Policy Institute and Utah Department of Workforce Services.

Low Vacancy Rates and High Rental Rates

In the past two years, the rental vacancy rates in Salt Lake and Utah counties (the state's two largest apartment markets) dropped to historically low levels of 2-3%. These low rates follow nine years of vacancy rates below 4% (Figure 1). The 2014 to 2022 period marks the longest stretch of rental shortages in the counties' histories.

Low vacancy rates inevitably lead to higher rental rates as shown in Figures 2 and 3. The average overall rental rates in each county doubled since 2012, and rates rose by about 30% in the past two years (2020 to 2022 mid-year). Since 2012, renter income grew at about half the pace of rental rates. From 2012 to 2021, the median income of renters in Salt Lake and Utah counties increased by about 50%, while rental rates doubled.[1]

Job Growth in Relatively Low Paying Jobs

The demand for affordable housing is expected to grow as future job growth concentrates in low-wage jobs. "The Utah Department of Workforce Services projects that nearly 70% of annual job openings from 2020 to 2026 will center on occupations typically requiring at most a high school diploma"[2] (Table 2). Jobs that required only a high school diploma or no formal education will generally be low paying jobs. Thus, the rising share of workers in low wage jobs will lead to a greater need for affordable housing.

The State's Expanding Role in Affordable Housing Programs

Utah's Housing and Community Development Division (HCDD) within the Department of Workforce Services is the primary state agency overseeing housing programs. The division administers the Section 8 Landlord Incentive Program, the development of tools to assess municipal housing needs, and the Olene Walker Housing Loan Fund (OWHLF). The OWHLF, established in 1995, is Utah's main state-funded housing program (discussed on p. 12)

H.B. 347 (2021) expanded the state's administrative and funding role related to housing programs. This bill created the Office of Homeless Services (OHS) and was the culmination of four years of legislative activity targeting homelessness. During this four-year period, the Utah Legislature passed several bills that provided support for affordable housing. In 2023, the Legislature further expanded housing funding and policies. The historical chronology outlined below gives a brief description of these legislative achievements.

Chronology of Housing Legislation

- **H.B. 295 Providing Affordable Housing (1996 General Session) –** H.B. 295 was the first substantive affordable housing bill passed by the Utah Legislature. This bill directed municipalities to create a plan for housing moderate-income households. Municipalities also needed to assess their need for affordable housing annually and evaluate zoning practices to better implement affordable housing plans. This bill allocated $250,000 for the state to help municipalities meet these requirements.
- **Hiatus from housing legislation (1996 to 2017) –** From 1996 to 2017 the Legislature did not create any notable affordable housing or related programs. By 2016, however, there was a growing concern that a shortage of affordable housing and increasing homelessness could become serious problems in the state. Since then, the Legislature has passed a number of bills related to homelessness and housing affordability.
- **H.B. 441 Housing and Homeless Reform Initiative Amendments (2017 General Session) –** Following the Great Recession, Utah experienced an increase in its homeless population. The Legislature passed H.B. 441 in the 2017 General Session to address the growing need for homeless aid. This bill provided the Homeless to Housing Reform Restricted Account with $10.1 million to open three new resource shelters that could house 700 people each. The bill also closed the largest shelter in Salt Lake County, which provided shelter for up to 1,100 people.
- **H.B. 430 Affordable Housing Amendment creates Commission on Housing Affordability (2018 General Session) –** H.B. 430 created a Commission on Housing Affordability. The commission consists of 20 members, including three legislators, directors from various state agencies and municipalities, and 12 members appointed by the governor from the home building and real estate development community. The commission provides recommendations for affordable housing legislation. In 2022, the Legislature modified the commisson's membership and repealed the sunset provision.
- **S.B. 34 Affordable Housing Modifications (2019 General Session) –** In 2019, the Legislature passed S.B. 34, "Affordable Housing Modifications," which changed the state code to require every local community's general plan to include three components: (1) land use, (2) transportation, and (3) moderate-income housing. This provision was originally outlined in H.B. 295, which was passed 23 years prior to S.B. 34. The new bill provides additional direction and detail for moderate-income housing development, broadens some requirements to all cities, and requires specific communities to provide more robust housing strategies and an annual report on the implementation of those strategies.
- **S.B. 39 and the Utah Housing Preservation Fund ($10 million to OWHLF, 2020 General Session) –** S.B. 39 "Affordable Housing Modifications" provided the largest, one-time General Fund appropriation to OWHLF since its creation in 1995. OWHLF received a $10 million appropriation, half of which was for gap financing on private activity bond-financed multifamily housing, and the other half to match private dollars for the preservation or construction of affordable housing. The private match funds came from the Utah Housing Preservation Fund started by a $20 million joint commitment from the Ivory Foundation, Intermountain Health, and Zions Bank. The fund specifically works to maintain and preserve affordable rental units aging out of assistance programs as well as naturally occurring affordable housing. The Utah Non-Profit Housing Corporation manages the fund, which continues to grow with the support of significant private investment from Utah's business and philanthropic community. Interestingly, a June 2020 special legislative session, called due to the COVID-19 pandemic, reduced the $10 million appropriation by 50%.

- **H.B. 82 Single-family Housing Modifications (2021 General Session) –** H.B. 82 made prohibiting most accessory dwelling units (ADUs) by municipalities and counties illegal. This change in zoning law is intended to increase the number of affordable "mother-in-law" apartments, which are less expensive and easier to build than new houses or apartment buildings. The legislation also includes provisions to limit the use of ADUs as short-term rentals.
- **S.B. 217 Housing and Transit Reinvestment Zone Act (2021 General Session) –** S.B. 217 enacted the Housing and Transit Reinvestment Zone Act, which established objectives and requirements for a municipality or public transit county to create a housing and transit reinvestment zone. Tax increment financing provides funding for the reinvestment zone. The objective is to promote transit-oriented development that, in turn, increases the availability of affordable housing near public transportation locations.
- **H.B. 347 Homeless Services Modification (2021 General Session) –** H.B. 347 created the Utah Homelessness Council. This bill also centralized and coordinated services for the homeless under the direction of the state homelessness coordinator.
- **S.B. 238 "Homeless Services Modifications" (2022 General Session) –** S.B. 238 included the largest allocation for homeless services and affordable housing in Utah's history. This bill allocated $55 million of American Rescue Plan Funds to the Department of Workforce Services to fund affordable housing projects in response to the COVID-19 pandemic. These funds will provide an estimated 1,078 affordable units across Utah.
- **H.B. 440 Homeless Services Amendments (2022 General Session) –** H.B. 440 allows certain municipalities to receive increased funding from the Homeless Shelter Cities Mitigation Restricted Account. The funds mitigate the impact of homeless shelters and established a formula for the disbursement of funds.

Summary of 2023 General Session Housing Legislation

The 2023 legislative response to Utah's high housing costs culminated with the passage of six housing-related bills and significant funding for housing programs. The session likely ranks as the most productive for housing assistance. The legislation (listed below) provides assistance to the homeless, first-time homebuyers, low-income housing developers, and home builders.

- **S.B. 174 Local Land Use and Development Revisions (2023 General Session) –** This bill streamlines city and county subdivision processes by limiting subdivision requests to only one public hearing. If the application complies with existing zoning requirements, city officials are required to approve it with no subsequent public hearings.
- **S.B. 199 Local Land Use Amendment (2023 General Session) –** S.B. 199 prohibits municipal residents from challenging, through referendum, a municipal council's unanimous approval of a housing development.
- **S.B. 240 First-Time Homebuyer Assistance Program (2023 General Session) –** This bill sets aside $50 million to help first-time homebuyers purchase newly constructed homes. The new single-family home, condominium, or townhome can cost no more than $450,000. The state can provide a loan up to $20,000 for down payment assistance, closing costs, or buying down the interest rate. The loan is a lien on the home and would be paid back if the owner refinances or sells the house. The program has the potential to assist at least 2,500 homebuyers.
- **S.J.R. 1 Proposal to Amend Utah Constitution (2023 General Session) –** A joint resolution to amend the Utah Constitution to prohibit a transfer tax on real estate passed the Legislature with a two-thirds majority and will be on the November 2024 general election ballot. If a majority of voters approve the amendment it will become a constitutional amendment.
- **H.B. 364 Housing Affordability Amendment (2023 General Session) –** H.B. 364 expands the state tax credit program from $1.2 million in 2022, to $10 million annually from January 1, 2023 to December 31, 2028. The allocation period for state tax credit projects remains at 10 years, therefore a $1 million dollar allocation in 2023 would become a $10 million tax credit in the aggregate (over the 10-year period).

- **H.B. 499 Homeless Services Amendments (2023 General Session) –** H.B. 499 provides funding to increase homeless shelter options during the winter months and creates an emergency response plan during freezing temperatures. The bill requires each Wasatch Front County to convene a county winter response task force for the purpose of preparing a winter response plan. The legislation also requires Wasatch Front counties to provide shelter(s) for the homeless during winter months. The legislation modifies the formula used by the Office of Homeless Services to disburse funds from the Homeless Shelter Cities Mitigation Restricted Account and prohibits a municipality from receiving funds from the account if the municipality does not enforce an ordinance that prohibits homeless camping.

Selected Appropriations for Housing Programs, FY 2024

Office of Homeless Services:

- $50 million (one-time) for deeply affordable housing.
  - – $20 million from General Fund.
  - – $30 million from federal funds (American Rescue Plan Act)
- $5 million (on-going) for attainable housing grants.
  - – Gap financing for deeply affordable projects (grants to projects, not renters; to assist with rent flow; similar to project-based housing).
- $12 million (on-going) dedicated to Office of Homeless Services for shelter operations, winter response, request for grant applications, and non-congregate shelters.
- $1 million (one-time) for shelter planning of non-congregate shelters.
- $2.5 million (one-time) for homeless shelter cities mitigation reform restricted account.

Department of Workforce Services:

- $10 million (one-time) for Utah Housing Preservation Fund.
- $10 million (on-going) for state tax credits for low-income housing.

Summary of Utah Housing Legislation 1995 to 2023

Since the passage of H.B. 295 (1996), housing-related legislation in Utah has targeted five areas: (1) new construction and preservation of affordable housing, (2) administrative policies and support, (3) homeless assistance, (4) affordable housing and public transportation, and (5) municipal zoning ordinances. Table 3 summarizes the legislation.

Table 3: Major Legislation Supporting Utah State Housing Programs, 1995-2023

New Construction and Preservation of Affordable Housing	Administrative Policies and Support	Homeless Assistance	Affordable Housing and Public Transportation	Municipal Zoning Ordinances
Annual funding of Olene Walker Housing Loan Fund (established 1985, annual state funding (1995)	H.B. 295 requires the needs assessment of municipalities (1996)	H.B. 441 initial funding for new homeless resource centers (2017)	S.B. 217 establishes requirements for municipalities to create reinvestment zones at TODs with tax increment financing (2021)	H.B. 82 made it illegal in most cases for cities to prohibit the development of accessory dwelling units. (2021)
S.B. 39 additional one-time funding for OWHLF and creation of the Utah Housing Preservation Fund (2020)	H.B. 430 creates Commission on Affordable Housing (2018)	H.B. 347 creates the Office of Homeless Services and the Utah Homelessness Council. (2021)		S.B. 174 streamlines the subdivision process (2023)
S.B. 238 provides $55 million in federal funds to develop deeply affordable housing (2022)	S.B. 34 requires the municipality's general plan to include provisions for moderate-income housing (2019)	S.B. 238 provides $55 million in federal funds for deeply affordable housing (2022)		S.B. 199 limits referendums challenging housing development (2023)
S.B. 240 provides loans to first-time homebuyers (2023)	H.B. 347 creates the Office of Homeless Services (2021)	H.B. 440 provides increase in funds for municipalities with shelters and allows capacity increases for shelters (2022)		
H.B. 364 expands to state tax credit program from $1.2 million annually to $10 million (2023)		H.B. 499 funding for increased homeless shelter services during winter months. (2023)		
		H.B. 359 allowing eviction expungement if both parties agree (2022)		

Source: Kem C. Gardner Policy Institute and Utah Housing Coalition

Selection of the "Best Fit" Programs for Utah

To understand what state-funded affordable housing programs may be a "best fit" for Utah, the Gardner Institute conducted a literature review and internet search of state housing programs and policies. In addition, the Gardner Institute contacted several state agencies, local associations, and national non-profit organizations about their understanding of affordable housing policies. Groups contacted include the Utah Housing Corporation, Utah Division of Housing and Community Development, Utah Apartment Association, Salt Lake County Division of Housing and Community Development, National Association of Housing and Redevelopment Official (NAHRO), National Low Income Housing Coalition, and others.

The Gardner Institute also contacted many out of state housing offices about their state programs. Unfortunately, these inquiries received limited responses. State websites therefore proved to be the best source of information. While useful in identifying and describing state programs, these websites contained very little information on the outcomes (metrics) of housing programs. The Gardner Institute's 2020 study of Utah municipalities, *Housing Affordability: What Are Best Practices and Why Are They Important?* also encountered a scarcity of outcome data.

The evaluation of the pros and cons of a program or policy is only meaningful and effective if outcome data are available. Consequently, the selection of "best fit" programs relied heavily on the Gardner Institute's experience with local housing markets, the need for affordable housing, the political environment, and agency capacity. This experience is coupled with information gleaned from state websites.

In summary, the Gardner Institute selected to review four state-funded programs and policies that provide direct assistance to very low-income renters: (1) rental assistance programs, (2) housing trust funds, (3) state low-income housing tax credits, and (4) eviction policies.

Rental assistance programs are selected as a "best fit" because they provide direct financial assistance to low-income renters and have been implemented in 31 states (Table 1). Housing trust funds and state tax credits are selected as "best fits" because of their program histories in Utah, established administrative structure, and general political acceptance. A comparison of state eviction policies is also included because of eviction's impact on housing insecurity and future housing stability.

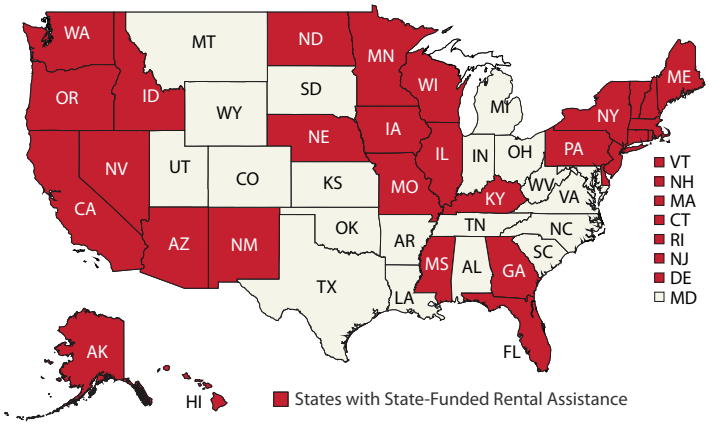
State-Funded Rental Assistance Programs

Thirty-one states have rental assistance programs entirely funded by state revenue (Figure 4, Table 4). Many of these programs have been in operation for over 20 years. This section focuses on state-funded programs that are directed to renter households. The programs do not support the construction of additional affordable units, as state tax credits and housing trust programs do, but rather provide direct rental assistance to qualified, very low and extremely low-income households. High priority is often given to households with special needs, such as serious and persistent mental illness, youth aging out of foster care, victims of domestic violence, the homeless, and individuals facing an imminent threat of homelessness.

Rental assistance programs are divided into three categories: short-term, transitional, and long-term programs. Long-term programs include housing vouchers. Vouchers are of special interest since the Utah Commission of Housing Affordability has considered proposals for homeless voucher assistance programs in the past. Consequently, housing vouchers receive special attention in this section.

Utah's rental assistance program is funded by a combination of state dollars and federal funds, such as HUD HOME program funds.

Figure 4: States with Rental Assistance Programs Entirely Funded by the State, as of 2020



Source: Based on data from the National Low Income Housing Coalition

Table 4: States with Rental Assistance Programs Entirely Funded by the State, as of 2020

State	Rental Assistance	Types of Rental Assistance			
		Short-Term	Transitional	Long-Term	Vouchers
Alabama					
Alaska	■		■	■	
Arizona	■		■	■	■
Arkansas					
California	■		■		
Colorado					
Connecticut	■			■	
Delaware	■			■	■
Florida	■		■		
Georgia	■			■	■
Hawaii	■			■	■
Idaho	■		■		
Illinois	■		■	■	■
Indiana					
Iowa	■		■	■	■
Kansas					
Kentucky					
Louisiana					
Maine	■		■		
Maryland					
Massachusetts	■	■	■	■	■
Michigan					
Minnesota	■		■	■	■
Mississippi	■		■		
Missouri	■	■			
Montana					
Nebraska	■			■	■
Nevada	■	■			
New Hampshire	■		■		
New Jersey	■	■		■	■
New Mexico	■	■	■	■	■
New York	■			■	
North Carolina	■			■	■
North Dakota	■		■		
Ohio					
Oklahoma					
Oregon	■		■		
Pennsylvania	■	■	■		
Rhode Island	■		■	■	■
South Carolina					
South Dakota					
Tennessee	■	■	■		
Texas					
Utah					
Vermont	■		■	■	■
Virginia					
Washington	■			■	
West Virginia					
Wisconsin	■	■			
Wyoming					

Source: State websites and National Low Income Housing Coalition

Table 5: Vouchers and Waitlists Administered by Public Housing Authorities, 2020

Housing Authority	Vouchers	Waitlist Open	Length of Waitlist	EHV
Beaver City Housing Authority	14	yes	No waitlist	0
Housing Authority of Carbon County	185	yes	18 months	15
Cedar City Housing Authority	277	no	1 year (131 individuals on list)	15
Davis Community Housing Authority	813	no	3 years	0
Emery County Housing Authority	58	yes	12 months	0
Logan City Housing Authority	351	yes	12 to 18 months	0
Myton City Housing Authority (Vernal)	28	yes	18 months	0
Housing Authority of the City of Ogden	1,037	yes	14 months (980 on list)	29
Housing Authority of the City of Provo	884	yes	1-3 years	34
Roosevelt City Housing Authority	63	yes	6 months	0
Housing Authority of Salt Lake City	2,624	no	5 years (5,000 households on list)	99
Housing Connect (Salt Lake County H.A.)	3,102	no	4 years (6,500 on list)	131
Housing Authority of Southeastern Utah	53	yes	No waitlist	0
St. George Housing Authority	256	no	3 years (500 applicants)	21
Tooele County Housing Authority	193	yes	2.5 years	0
Housing Authority of Utah County	1,023	yes	2 years	40
Weber Housing Authority	173	yes	4 years	0
West Valley City Housing Authority	505	yes	4 years	0
Total	**11,639**			**384**

EHV = emergency housing vouchers provided by American Rescue Plan (2021) funding.
Source: Kem C. Gardner Policy Institute survey of local housing authorities and U.S. Treasury Department

HUD Housing Choice Section 8 Vouchers

Housing vouchers are the single most effective rental assistance program for very low and extremely low-income households. HUD's Housing Choice Program (Section 8) provides long-term rental assistance to 11,639 Utah households.

At least 35,000 more Utah households qualify for vouchers but do not receive assistance because of limited funding. Most of these households are extremely low-income (≤30% AMI), living in unstable, overcrowded housing conditions, and most likely to experience homelessness. Vouchers are the only housing assistance program that can effectively reach a significant number of these households.

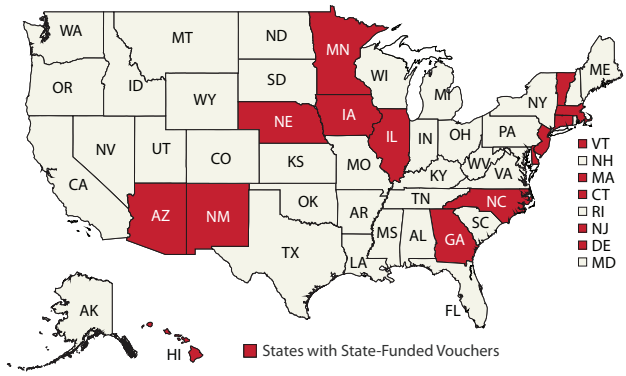
Utah's 18 local public housing authorities administer the federal Housing Choice vouchers (Table 5). Housing Connect (formerly Housing Authority of the County of Salt Lake) administers about 3,100 vouchers, accounting for 27% of all vouchers in the state. The Gardner Institute surveyed all 18 housing authorities regarding the length of their waitlists. Only two housing authorities, Beaver City and Southeastern Utah, have immediate availability. The remaining 16 have waitlists ranging from six months to five years with a hundred to 6,500 individuals on the lists. The length and number of individuals on the waitlists confirm that voucher demand far exceeds supply.

State-Funded Housing Vouchers

The Center on Budget and Policy Priorities reported in 2021 that "only 1 in 4 households that are eligible for a voucher receive any form of federal rental assistance."[3] In response to the federal voucher shortage, 14 states have established ongoing annual state-funded voucher programs (Table 6).

The 30-year-old Massachusetts Rental Voucher Program (MRVP) is well-established. The MRVP awards vouchers to a select number of low-income renter households at or below 80% AMI with at least 30% of their income going towards rent and utilities. MRVP has tenant and project-based options and has over $100 million in funds annually. MRVP is like Connecticut's program, in that they do not restrict vouchers to special needs populations; however, they do give priority to the homeless. Eleven other state programs prioritize the homeless, mentally ill, youth aging out of foster care, elderly, and victims of domestic violence. Table 6 provides greater detail on these state programs.

Figure 5: State-Funded Housing Voucher Programs, as of 2020



Source: State websites and National Low Income Housing Coalition

State-Funded Short-Term Housing Assistance Programs

In addition to the 14 state-funded voucher programs, eight states have short-term housing programs funded entirely by ongoing state revenues (Table 7). A substantial share of the assistance available in the short-term programs goes directly to the renter. Short-term programs focus on preventing homelessness and often include variations of eviction prevention programs, which in some cases are limited to special needs populations, youth, and the mentally ill.

Below is a brief description of each state-funded program. Utah has provided funding and support for short-term housing assistance over the past several years, which includes a significant share of federal funding.

State-Funded Transitional Housing Assistance Programs

Nineteen states have transitional housing programs funded exclusively by ongoing state revenue (Table 8). Most transitional housing programs provide temporary housing assistance for the homeless or those at risk of homelessness.[4] Length of stay varies from a few weeks to a few years. Housing assistance is available for a rental unit (both single units and multifamily unit structures). Many programs are described as rapid rehousing, transitioning individuals from unstable housing conditions to stable housing conditions. These transitions often include support services such as mental and substance use disorder treatment, employment, and financial counseling.

Several transitional programs offer assistance to special needs populations other than the homeless— youth aging out of foster care, individuals with serious and persistent mental illness exiting care facilities or state institutions, individuals exiting substance use residential facilities, individuals released from incarceration, and victims of domestic violence. Rather than focusing on individuals, some programs provide operating funds to organizations assisting the homeless (e.g., shelters, food pantries). Table 8 provides a brief description of each state-funded program.

Although state-funded housing programs generally play a secondary role to federally and locally funded programs, they provide targeted support for the lowest income and most difficult-to-reach special needs populations. Consequently, state programs augment and complement the more traditional federal and local housing assistance programs.

Table 6: Characteristics of State-Funded Housing Voucher Programs, as of 2020

State	Name	Income Target	Funding Source	Special Needs Populations	Tenant Based	Project Based	Required Share of Tenant	Level of Funding	Year Est.
AZ	Bridge Subsidy Program	≤30% AMI	State	Individuals with serious mental illness. Participants expected to transition eventually to Federal Housing Choice vouchers.	yes	no	Tenants pay 30%-40% of their income	$8 million	pre-2016
CT	Rental Assistance Program (RAP)	≤50% AMI	State	None	yes	no	40% of rent and utilities, 30% for the elderly and disabled	$64 million	---
DE	State Rental Assistance Program (SRAP)	40% AMI	State	Youth exiting foster care, individuals exiting long-term care facilities.	yes	no	28% of tenant's income	$6 million	2011
GA	Housing Voucher and Bridge Program	Three times the SSI federal benefit level	State	Supportive housing to individuals with mental illness. The program focuses on chronically homeless, mentally ill individuals.	yes	no	30% of the tenant's income	$17.4 million	Pre-2014
HI	Rent Supplement Program	≤80% AMI	State	None specified.	yes	no	30% of the tenant's income	$1.5 million	pre-2016
IL	Rental Housing Support Program	≤30% AMI, 50% of resources for households at ≤15% AMI	State	Homeless or at risk of homelessness, elderly.	no	yes	30% of income	$9.8 million	2005
	Bridge Subsidy Program	---	State	Individuals with serious mental illness living in an institutional setting. Applicants must be on the waiting list for federal vouchers.	yes	no	30% of tenant's income	$9.9 million	pre-2018
IA	Home and Community-Based Services Rent Subsidy Program	≤30% AMI	State	Assistance for people who receive medical services through Medicaid 1915c waivers. To qualify, patients must qualify for care in an institution.	yes	no	30% of the tenant's income	$600,000	---
MA	Rental Voucher Program (MRVP)	≤80% AMI	State	General but priority to homeless or at risk of homelessness and victims of domestic violence.	yes	yes	30% to 40% of tenant's income	$115 million in 2020	1992
	Alternative Housing Voucher Program (AHVP)	≤80% AMI	State	Non-elderly disabled persons. At least one member of the household must be less than 60 years old and disabled. Homeless or risk of homelessness, victims of domestic violence, mental illness.	yes	no	25% to 30% of tenant's income	$8 million in 2020	1995
MN	Supplemental Housing Assistance	Housing costs greater than 40% of income	State	Under 65 years of age, relocating from an institution, or eligible for Medical Assistance personal care attendant services. Disabled individuals.	yes	no	40% of the tenant's income	$43.5 million	pre-2017
	Bridge Assistance	≤50% AMI	State	Individuals with serious mental illness. The highest priority is given to individuals discharged from an inpatient mental health setting.	yes	no	30% of the tenant's income	$8.1 million	pre-2019
NE	Housing Related Assistance Program	≤30% AMI	State	Adults with serious mental illness.	yes	no	30% of the tenant's income	$2.9 million	2006
NJ	State Rental Assistance Program (SRAP)	75% of participants at ≤30% AMI, and the remaining participants at ≤40% AMI	State, including the Affordable Housing Trust Fund	General but also homeless or at risk of homelessness, persons with disabilities, and the elderly.	yes	yes	30% of the tenant's income	$18.5 million from the Gen. Fund and $20 million from the Housing Trust Fund	Pre-2018
NM	Linkages Supportive Housing Rental Assistance	≤30% AMI	Funded by the State's Behavioral Health Collaborative	Homeless adults with serious mental illness.	yes	no	30% of the tenant's income	$2.8 million	2007
	Transition Supportive Housing	≤30% AMI	State	Voucher for mentally ill youth aging out of foster care.	yes	no	30% of the tenant's income	$900,000	2007
NC	Key Rental Assistance	≤30% AMI	State	Persons who are disabled and/or experiencing homelessness with extremely low incomes.	yes	no	25% of the tenant's income, 30% if the landlord pays utilities	$5.5 million	2004
VT	Housing Support Fund for Housing Subsidy	≤30% AMI	State	Persons with serious and persistent mental illness enrolled in the Community Rehabilitation and Treatment Program.	yes	no	30% of tenant's	$27.2 million	1988

Source: State websites and National Low Income Housing Coalition

Table 7: Short-Term Rental Assistance Programs, as of 2020

State	Program Description
Massachusetts	*Residential Assistance for Families in Transition (RAFT)* – Homeless prevention program for households who are at risk of becoming homeless. Most assistance is in the form of one-time payments. Can fund up to $4,000 per household to prevent homelessness.
Missouri	*Rental Assistance Program* – Provides funds for one-time payments that restore housing stability by paying off rent and utilities in arrears. Assisted households must be receiving mental health or substance use disorder services.
Nevada	*Welfare Set Aside Program* – Funds allocated to local government to assist eligible persons or families with housing needs. Participants must have income under 60% AMI. Funds targeted for the homeless or those at risk of homelessness.
New Jersey	*Homeless Prevention Program* - Provides limited financial assistance to low and moderate-income renters in imminent danger of eviction due to temporary financial problems.
New Mexico	*Move-In Assistance and Eviction Prevention* - Provides assistance to qualified households for rent, damage deposits, and utility deposits. Applicants must have documented serious and persistent mental illness or co-occurring substance use disorder.
Pennsylvania	*Housing Assistance Program* - Offers a variety of supportive services to families experiencing or at risk of homelessness.
Tennessee	*Children and Youth Homeless Outreach Project* - Provides outreach and case management for homeless families or those at risk of homelessness and identifies youth with severe emotional disturbance. The program assists parents in securing needed mental health services for their children.
Wisconsin	*Housing Assistance Program* - Provides funds for housing, support services, and administrative costs to facilitate the movement of homeless individuals and families to independent living.

Source: National Low-Income Housing Coalition

Table 8: State-Funded Transitional Housing Programs, as of 2020

State	Program Description
Alaska	*Homeless Assistance Program (HAP)* – Provides operating support for Emergency Shelters, Transitional Housing, and Rapid Rehousing and Prevention Programs. The purpose of the HAP program is to support activities that prevent displacement from permanent, affordable housing and rapidly return displaced persons to permanent housing while also providing safe temporary housing. The program is funded through state capital funds.
Arizona	*Arizona State Housing Fund* – Provides funds for Rapid Rehousing, which is currently in its third year of operation. Households seeking assistance in this program must meet the HUD definition of homeless. The program provides 6-9 months of financial assistance and supportive services for up to a year to assist a household at ≤30% AMI to become independent and take over the rent.
California	*California Emergency Solutions and Housing Program* – Provides funds for five primary activities: (1) housing relocation and stabilization services (including rental assistance), (2) operating subsidies for permanent housing, (3) flexible housing subsidy funds, (4) operating support for emergency housing interventions, and (5) systems support for homeless services and housing delivery systems.
Idaho	*Transition Funding Program* - Provides housing assistance for individuals transitioning out of the correctional system. The program is aimed at preventing recidivism. Funds may be used to assist with rent payments and living expenses for up to 30 days.
Illinois	*Emergency and Transitional Housing Program* – Provides comprehensive shelter services to homeless persons and persons at risk of becoming homeless. The program provides funding for meals, shelter, and support services to not-for-profit organizations and local governments.
Illinois	*Homeless Youth Services* - Participants must be homeless youth. The program is designed to increase the safety of youth, ensuring their basic need while also providing safe and stable housing.
Iowa	*Aftercare Rent Subsidy Program* – Provides support for youth who are aging out of foster care and are participating in the Aftercare Services Program. The youth must be an active participant in aftercare services, making progress toward an identified goal of obtaining or maintaining stable housing.
Maine	*Bridging Rental Assistance Program (BRAP)* – Provides transitional rental subsidy for persons suffering from serious and persistent mental illness. Participants pay 51% of their income towards rent.
Massachusetts	*HomeBASE* – Provides housing assistance for rehousing families in the Emergency Assistance (EA) program and eligible families in domestic violence shelters and residential substance use treatment programs. HomeBASE provides up to $10,000 in eligible rehousing expenses over a 12-month period.
Minnesota	*Transitional Housing Program* - Provides support to agencies that provide housing and supportive services for homeless individuals and families. The agencies provide case management and rental assistance in the form of tenant or project-based assistance to people who are homeless. Funding can also be used for an agency's operating and service costs. Assistance is limited to 24 months and has no income restrictions.
Mississippi	*Creating Housing Options in Communities for Everyone (CHOICE)* - The program provides assistance to individuals being discharged from a state psychiatric hospital after a stay of more than 90 days. It also assists individuals with intellectual disabilities leaving a nursing facility or intermediate care facility after a stay of more than 90 days.
New Hampshire	*Homeless Housing and Access Revolving Loan Fund* - Loans for first month rent and security deposit for homeless individuals. Participants must be residing in a shelter. Repayment shall commence no later than 120 days after the loan is disbursed.
New Mexico	*Crisis Housing Program* - Provides temporary, transitional housing for persons with serious mental illness being discharged from psychiatric centers, hospitals, jails, or other institutional settings who would otherwise be homeless. The program offers a 120-day maximum stay in short-term housing with support services.

North Dakota	*North Dakota Homeless Grant* - Provides financial assistance to facilities and programs within North Dakota to identify sheltered and unsheltered homeless persons at risk of homelessness. Grants help fund the services necessary to help those persons experiencing a housing crisis regain stability in permanent housing.
Oregon	*Emergency Housing Assistance (EHA)* - EHA funds are designed to prevent and reduce homelessness. Eligible uses are street outreach, homelessness prevention, rapid re-housing, emergency, and transitional shelter, supportive in-home services, data collection, and community capacity building.
Pennsylvania	*Nursing Home Transition (NHT) Tenant-Based Rental Assistance* – Provides housing funds for people transitioning out of institutional housing. The NHT Program was developed to assist individuals who want to move from a nursing facility back to a home of their choice in the community.
Rhode Island	*The State Rental Assistance Program* – Provides funding to help the chronically homeless achieve housing stability. The primary goal is to address the barriers and challenges that cause individuals and families to be chronically homeless while also working to stabilize program participants in housing through the provision of wraparound services after the family or individual obtains housing.
Tennessee	T*he Inpatient Targeted Transitional* – Provides funding to assist persons awaiting discharge from regional mental health institutes. The program gives temporary financial assistance for up to 6 months of rental and utility payments, transportation, medication co-pay, etc.
Vermont	*Vermont Rental Subsidy Program* – Provides funds for a state-funded rapid rehousing initiative providing rental assistance to households experiencing homelessness whose monthly income would otherwise be insufficient to afford a rental unit.

Source: National Low-Income Housing Coalition

State Housing Trusts

Forty-seven states and the District of Columbia have at least one state housing trust fund, which provides a dedicated revenue source for affordable housing. In total, these housing trust funds had $2.3 billion in 2022, effectively leveraging funds to increase the supply of affordable housing. While there are hundreds of local housing trust funds (that work in partnership with national and state housing trust funds), this section discusses state-level housing trust funds.

Trust funds typically fund the preservation and building of low-income and affordable units. To receive aid, most projects must provide a certain amount of housing for people earning 80%, 50%, or 30% of AMI. Typically, the fund provides rental assistance or loans for disabled persons and the elderly. Some states allow low-income renters to apply for assistance directly through the housing trust fund, although this is rare.

State housing trust funds have multiple revenue sources and a variety of funding structures.[5] Some are self-sustaining and do not require regular state government allocations. Others receive annual funding from their state legislature. The size and scope of most housing trust funds reflect the state's affordable housing need. Most have a dedicated funding source (such as a tax or fee) that provides the fund's annual allocation. The two most popular dedicated funding sources for state housing trusts are a document recording fee and the real estate transfer tax. A document recording fee is usually $80 to $100 and paid at the time of sale. A real estate transfer tax can be a flat fee or an ad valorem tax (based on value) up to 2% of the cost of the home. Interest on real estate escrow accounts also provides funding for some trusts. These funding sources, along with federal funds and payments on current loans, make up the budget for most states' housing trusts.

Olene Walker Housing Loan Fund (OWHLF)

Utah's state housing trust fund, the Olene Walker Housing Loan Fund, was established in 1995 and reclassified as a loan fund in 2001. In 2003, the Legislature allowed the fund to provide loans and grants to develop affordable housing. OWHLF funds four programs: (1) the multifamily program, (2) the Single-Family Rehabilitation & Reconstruction Program, (3) the Home Choice program (for individuals with disabilities), and (4) individual development accounts.[6] Annually, 15% of allocated federal HOME funds must be set-aside for community housing development organizations (CHDO).

Table 9: Annual State General Fund Appropriations for the Olene Walker Housing Loan Fund, 1995-2023

Year	State Funding	Year	State Funding
1995	$ 2,400,000	2010	$ 2,295,700
1996	$ 2,500,000	2011	$ 2,242,900
1997	$ 3,500,000	2012	$ 2,242,900
1998	$ 2,250,000	2013	$ 2,242,900
1999	$ 2,500,000	2014	$ 2,242,900
2000	$ 1,500,000	2015	$ 2,242,900
2001	$ 2,000,000	2016	$ 3,242,900
2002	$ 2,313,000	2017	$ 2,242,900
2003	$ 2,525,000	2018	$ 4,803,900
2004	$ 2,084,500	2019	$ 2,242,900
2005	$ 2,284,500	2020	$ 2,242,900
2006	$ 2,836,400	2021	$ 2,242,900
2007	$ 3,286,400	2022	$ 2,242,900
2008	$ 2,736,400	2023	$ 2,242,900
2009	$ 3,246,400		

Source: Olene Walker Housing Loan Fund

OWHLF receives funding from state general revenue, the federal HOME Investment Partnerships Program, the federal National Housing Trust Fund (HTF), and payments on outstanding loans. Since 2010, the state appropriates about $2.2 million annually from the General Fund (Table 9). Each year the fund typically receives another $3 million to $5 million in non-state-funded support. OWHLF reports that each dollar spent in 2021 was leveraged to $31.38. Over the last 27 years, 24,561 affordable units have been funded by OWHLF.

In 2020 and 2021 (during the COVID-19 pandemic), Utah received federal money from the CARES Act to support the homeless population. The OWHLF received $13 million of CARES Act funding in 2020 and 2021 and received another $44.6 million from the American Rescue Plan in 2022.

A Comparison of State Trust Funds

Utah ranks 21st among the 24 states with publicly available data on state funded housing trusts (Table 10). Fifteen of the state housing trust funds rely on a document recording fee, 11 on a real estate transfer tax, and five on a real estate escrow tax. Of the funds with publicly available data, the vast majority received more state funding than the OWHLF in 2022, although it should be noted that many of these states also have larger populations. The amount of state funding in the 24 state trusts was disaggregated from other sources of revenue, then compared and ranked on a state-by-state basis (Table 10). Sixteen additional states have trust funds, but the amount of state funding could not be determined due to the combining of funds with other sources of revenue (Table 11).

While Utah does not have the same scale of affordable housing needs as larger states, most other states have additional programs beyond their housing trust fund to provide low-income housing. Until recently, Utah relied on the OWHLF to provide most of the state-funded affordable housing assistance. Starting in 2017, however, the Utah State Legislature appropriated over $100 million in assistance to homeless programs and $56.5 million to the Utah Housing Preservation Fund (a large share of this recent funding, particularly for homeless programs, were federal dollars provided by the CARES Act and the American Rescue Plan).

Real Estate Transfer Tax

Many states use a real estate transfer tax as a source of ongoing revenue for their housing trust funds. The tax is imposed on the sale of residential and commercial property and is equivalent to a sales tax on the transfer of a property's title and deed. The seller officially pays the tax in several states but that is negotiable and may differ from who bears the economic burden of the tax. Thirty-five states have a real estate transfer tax (Figure 6). The average transfer tax rate is 0.004% (Table 12).

Table 10: State Funding Levels for Housing Trust Funds, 2022

State	Funding Source	State Funding
New York	General Fund	$194,751,071
Florida	Documentary stamp taxes	$62,500,000
Pennsylvania	Realty transfer tax, document recording fees	$39,123,701
Louisiana	Initial surplus funds	$20,123,000
Delaware	Document recording fees, General Fund	$18,000,000
Maine	Real estate transfer tax	$13,260,000
Illinois	Real estate transfer tax	$11,584,000
Connecticut	Document recording fees	$10,909,733
Vermont	Real estate transfer tax	$10,800,000
Nevada	Real estate transfer tax	$10,404,597
Iowa	Real estate transfer tax	$9,434,060
New Mexico	2.5% of annual severance tax bond capacity	$9,000,000
Arizona	State Unclaimed Property Fund	$6,000,000
South Dakota	Corporate excise tax	$5,394,456
Kentucky	Document recording fees	$5,084,000
New Hampshire	Other	$5,000,000
Texas	General Revenue	$4,736,262
Missouri	Document recording fees	$4,093,799
Georgia	General Fund	$2,962,892
Indiana	Program income, smokeless tobacco tax	$2,648,305
Utah	**General Fund**	**$2,242,900**
Kansas	Bond and fee revenues	$2,000,000
Maryland	Interest on title escrow accounts	$1,984,396
Wisconsin	Interest on real estate escrow account	$250,000

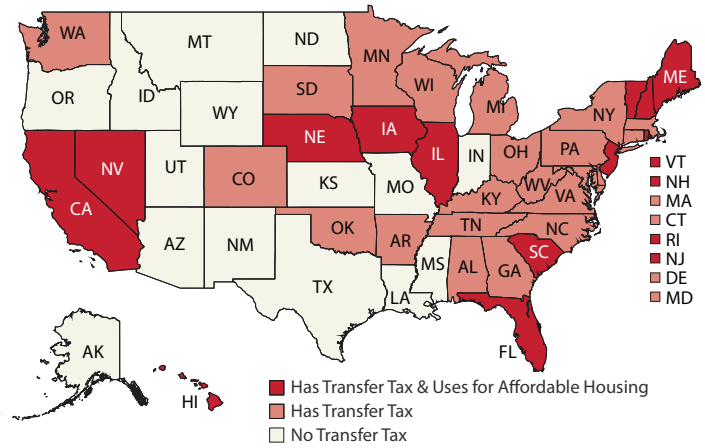
Source: Kem C. Gardner Policy Institute survey of states

Table 11: States with Trust Funds but Undetermined State Funding, as of 2022

State	Funding Source
California	Document filing fees
Colorado	Vendor fees
Hawaii	Real estate conveyance tax
Massachusetts	G.O. bonds, document recording fees
Michigan	General Fund
Minnesota	Interest on real estate escrow
Nebraska	Documentary stamp taxes
New Jersey	Realty transfer tax
North Carolina	General Fund
North Dakota	Tax credit contributions
Ohio	Document recording fees
Oklahoma	Initial capitalization appropriations
Oregon	Public purpose funds, interest, and fees
Tennessee	Tennessee housing development authority funds
Virginia	General Fund
Washington	Interest on escrow accounts, document recording fees

Source: Kem C. Gardner Policy Institute survey of states

Figure 6: States with Real Estate Transfer Tax, as of 2020



Source: National Low Income Housing Coalition

Table 12: State Real Estate Transfer Tax Rates, 2020

State	Tax Rate
Alabama	0.0010%
Arkansas	0.0033%
California (local)	0.0011%
Colorado	0.0001%
Connecticut	0.0075%
Delaware	0.0300%
Florida	0.0070%
Georgia	0.0010%
Hawaii	0.0020%
Illinois	0.0010%
Iowa	0.0016%
Kentucky	0.0010%
Maine	0.0044%
Maryland	0.0050%
Massachusetts	0.0046%
Michigan	0.0075%
Minnesota	0.0033%
Nebraska	0.0023%

State	Tax Rate
Nevada	0.0026%
New Hampshire	0.0150%
New Jersey	0.0025%
New York	0.0040%
North Carolina	0.0020%
Ohio	0.0010%
Oklahoma	0.0015%
Pennsylvania	0.0100%
Rhode Island	0.0046%
South Carolina	0.0037%
South Dakota	0.0010%
Tennessee	0.0037%
Virginia	0.0025%
Washington	0.0128%
West Virginia	0.0033%
Wisconsin	0.0030%
Average	**0.0040%**

Source: Lincoln Institute of Land Policy, Significant Features of the Property Tax. Available from https://www.lincolninst.edu/real-estate-transfer-charge/state-transfer-tax-wisconsin-2020

An Example of a Utah Residential Real Estate Transfer Tax

In 2022, the total value of residential real estate sales in Utah was nearly $25 billion; 40,639 sales transactions with an average price of $614,248.[11] At four-tenths of one percent (the average of the 12 states that allocate funds to affordable housing programs), a Utah transfer tax would generate $100 million in revenue, while a rate of one-tenth of one percent rate would raise about $25 million in funding. At one-tenth of one percent, the average transfer tax would cost $614 per transaction, less than the sales tax on a new car.

A portion of real estate transfer tax revenue is often allocated to the county administering and collecting the tax. Use of the revenue varies widely, from allocation to the state general fund to conservation, land preservation, public infrastructure, education, and housing trust funds. Twelve of the 35 states listed in Table 13 allocate a portion of the transfer tax revenue to affordable housing programs (state names are bolded).

As noted above, the Utah Legislature passed a joint resolution in 2023 to amend the Utah Constitution. The proposed amendment would prohibit a transfer tax on real estate. The resolution passed the Legislature with a two-thirds majority and will now be on the November 2024 general election ballot. If a majority of voters approve the amendment, the Utah Constitution will prohibit a transfer tax on real estate.

Table 13: Revenue Allocation of Real Estate Transfer Taxes by State, 2020

(States in bold allocate at least some of the tax revenue to affordable housing)

State	Revenue Allocation
Alabama	Allocated to county and state treasury.
Arkansas	Allocated for open space, recreation, and preservation, Arkansas Natural and Cultural Resource Grants and Trust Fund.
California	Fifty percent of revenue goes to local governments to update planning documents and zoning ordinances and 50% to support of homeless programs.
Colorado	Allocated to the county treasurer to defray costs incurred for filing, recording, and releasing title or lien to real property.
Connecticut	Revenue split between county (general revenue) and state (General Fund).
Delaware	Seventy-five percent of revenue to the state Division of Revenue and 25% to the state treasurer to be allocated to municipalities and counties where transfers occur.
Florida	Allocated to Land Acquisition Trust Fund, State Transportation Trust Fund, Grants and Donations Trust Fund, and state and local housing trust fund for Florida Affordable Housing Guarantee Program.
Georgia	Allocated proportionally, based on millage rate, to the state and other tax jurisdictions.
Hawaii	Ten percent Land Conservation Fund, 50% or $38 million, whichever is less, into Rental Housing Revolving Fund, and the remainder to the General Fund.
Illinois	Fifty percent to the Illinois Affordable Housing Trust Fund, 35% to the Open Space Lands Acquisition and Development Fund and 15% to the Natural Areas Acquisition Fund.
Iowa	States portion is allocated at 65% to the State General Fund, 30% to the Housing Trust Fund, and 5% to the Shelter Assistance Fund.
Kentucky	Allocated to county General Fund.
Maine	Allocated to the General Fund, Maine's Housing Opportunities for Maine Fund, and 10% to the county for services in collecting the tax.
Maryland	Allocated to the General Fund.
Massachusetts	Allocated to the state (General Fund) and county where property transfer occurs.
Michigan	Allocated to State School Aid Fund.
Minnesota	Allocated to State General Fund after deduction for counties cost of administration and collection.
Nebraska	Twenty-two percent was allocated to the transferring county, 42% to Affordable Housing Trust Fund, 11% to the Site and Development Fund, 11% to Homeless Shelter Assistance Trust Fund, and 14% to Behavioral Health Services Fund.
Nevada	State portion allocated to the General Fund. County and city portions are allocated for the development of affordable housing.
New Hampshire	One-third of transfer tax revenue is allocated to the State Education Trust Fund. Law requires the state treasurer to transfer the sum of $5,000,000 from the transfer tax revenue to the Affordable Housing Fund.
New Jersey	Allocated to the county to cover the cost of collection and administration, the remainder goes to Shore Protection Fund, Highlands Protection Fund, Neighborhood Preservation Fund, and State General Fund.
New York	First $119 million of revenue deposited in the Environmental Protection Fund, the remaining revenue in the Clean Water/Clean Air Fund.
North Carolina	State and county each receive 50% of revenue from the transfer tax. State share goes to the State General Fund.
Ohio	Revenue retained by counties.
Oklahoma	County retains revenue for the county's Common School Fund.
Pennsylvania	Allocated to the State General Fund, 15% of the allocation goes to the Keystone Recreation, Park, and Conservation Fund.
Rhode Island	Thirteen percent of revenue is allocated to State Distressed Community Relief Fund, 13% Housing Resources Commission, 26% to the state, and 48% kept by counties.
South Carolina	Eight percent allocated to the Heritage Land Trust Fund, 16% to Housing Trust Fund, and the remaining revenue to the General Fund.
South Dakota	Allocated to county General Funds.
Tennessee	Allocated to county and state land acquisition funds, historical places, state parks, Civil War preservation sites, and abatement of pollution from agricultural activities.
Vermont	First $2.5 million allocated to Vermont Housing Finance Agency to be used for affordable housing. The remaining revenue is allocated to state's General Fund, county, and Vermont Housing and Conservation Trust Fund.
Virginia	Allocated to the following: Interstate 73 Corridor Development Fund, transportation fund, Washington Metropolitan Transit Authority, county and city transportation funds, and public education.
Washington	Seventeen percent allocated to Education Legacy Trust Account, small amount to cities and counties for administration and collection, and 80% to the General Fund.
West Virginia	Allocated to the General Fund.
Wisconsin	Twenty percent is allocated to counties and 80% to State General Fund.

Bold: States that allocate a portion of the transfer tax revenue to affordable housing programs.

Source: Lincoln Institute of Land Policy

State Tax Credit Programs

Utah's State Tax Credit Program

State tax credits provide an important source of funding for the development of low-income rental housing. In 2022, 25 states had tax credit programs, and another five states have tax credit programs pending (Figure 7). In the 2005 General Session, the Utah Legislature passed H.B. 170 "Extension of Utah Low-Income Housing Tax Credits", making Utah an early state in offering state tax credits. Since 2005, state tax credits have been used in 147 low-income rental housing projects, helping to finance 8,006 affordable rental units with nearly $26 million in tax credits.[7]

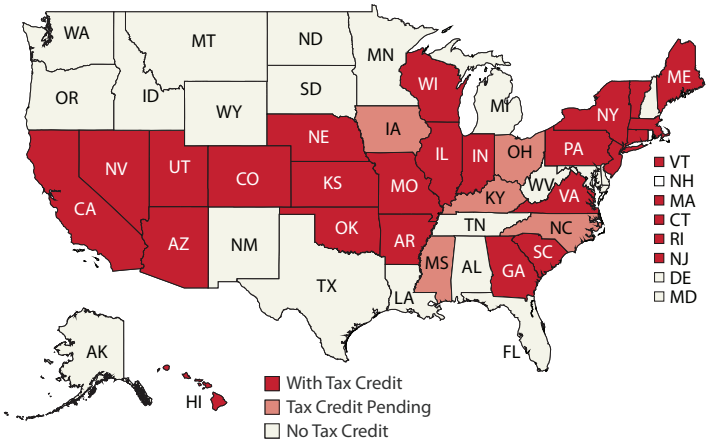
The state credit program is administered by the Utah Housing Corporation (UHC), a quasi-public corporation created in 1975 by the Utah Legislature to assist in financing affordable housing (owner and rental units) for low- and moderate-income households. UHC creates the criteria for state credit awards and has the authority to determine eligible activities, affordability requirements, and most features of the state credit program.

In concept, state credits for low-income rental housing mirror the federal tax credit program. Generally, state tax credits, like federal credits, are sold by the developer to raise equity, reducing the project's financing costs. However, since state tax credits issued in Utah can only be used against state tax liability, the credits sell for less, currently about 65 cents compared to 97 cents for federal credits.[8]

Additional features of Utah's state tax credit program include:

- State tax credits can be used for new construction, rehabilitation, and preservation.
- Additional credits are awarded to projects that have up to 10 units reserved for extremely low-income renters (≤30% AMI).

Figure 7: States with State Tax Credits for Low-Income Housing, as of 2022



Source: Novogradac

- In the past, the annual ceiling of available tax credits each year was determined by multiplying the state's population by 34.5 cents. Using this formula, the ceiling of available credits was $1.1 million in 2021. In 2023, however, the Utah Legislature approved an expansion of the state tax credit program to $10 million annually from 2023 to 2029. The annual ceiling of tax credits is divided into two pools; Pool I receives 37% of the available credits and Pool II receives 63%. Pool II's credits are set aside for permanent supportive housing projects.[9] In the case of permanent supportive housing, the credits can be used for services.
- Most often, state credits are used to reduce individual income tax, corporate franchise, or income taxes.
- State tax credits are only awarded to low-income housing projects that have received federal tax credits.

Comparison of State Programs

In 2021, 25 states issued state tax credits for the development of low-income housing (Table 14). The first state to pass enabling legislation was California in 1988. As noted, Utah passed enabling legislation in 2005. The popularity of state programs has increased in recent years with the addition of nine states since 2017. An additional five states have made proposals to their legislatures. Most state credit programs allow credit for both 4% and 9% tax credit projects.[10]

Utah's state credit program has a credit period of 10 years (i.e., the owner of the credits can use the credits against their state tax liability over a 10-year period). Therefore, the tax credits available in Utah in 2021 of about $1.1 million accrue to $11 million in credit over the 10-year period. Ten of the 25 states have adopted the 10-year credit period. Four states allow only a one-year credit period.

Although Utah's state tax credit program has been effective in terms of providing incentives for the development of affordable units for extremely low-income renters, the 2020 funding level of $1.1 million ranked near the bottom among the 25 states with state tax credit programs (Table 15). That said, the Utah Legislature passed several housing-related bills and provided significant funding for housing programs during the 2023 legislative session, including expanding the state tax credit program.

Table 14: Selected Features of State Tax Credit Programs, as of 2021

State	Tax Credits Available in 2020	Credit Period	Type of Credit*	Yr. Established
Arizona	$4,000,000	10 years	4%, 9%	2021
Arkansas	$250,000	6 years	4%, 9%	1997
California	$500,000,000	4 years	4%, 9%	1987
Colorado	$10,000,000	6 years	4%, 9%	2013
Connecticut	$10,000,000	10 years	4%, 9%	1988
Georgia	Automatic match to federal credit up to $29,700,000	10 years	4%, 9%	2001
Hawaii	$4,000,000	5 years	4%, 9%	2011
Illinois	$23,620,968	1 year	4%, 9%	2001
Indiana	$30,000,000 cap starting in 2023	5 years	4%	2022
Iowa	pending	pending	pending	pending
Kansas	Equal to the federal low-income housing tax credit (LIHTC) amount	10 years	4%, 9%	2006
Kentucky	pending	pending		pending
Maine	$10,000,000	1 year	4%, 9%	2020
Massachusetts	$40,000,000	5 years	4%, 9%	2004
Mississippi	pending	pending	pending	pending
Missouri	50% of the federal LIHTC amount	10 years	4%, 9%	1997
Nebraska	$8,000,000	6 years	4%, 9%	2016
Nevada	$10,000,000	1 year	9%	2019
New Jersey	Amount not reported	TBD	TBD	2021
New Mexico	$4,000,000	5 years	4%, 9%	2006
New York	$8,000,000	10 years	4%, 9%	NA
North Carolina	pending	pending	pending	pending
Ohio	pending	pending	pending	pending
Oklahoma	$4,000,000	10 years	4%, 9%	2014
Pennsylvania	$10,000,000	10 years	NA	2019
South Carolina	Amount not reported	10 years	4%	2020
Utah	**$1,121,250**	**10 years**	**4%, 9%**	**2005**
Vermont	$4,000,000	5 years	4%, 9%	2000
Virginia	$60,000,000	1 year	4%, 9%	2021
Wisconsin	$42,000,000	6 years	4%	2017

*The 4% and 9% low-income housing tax credit programs provide, respectively, 30% and 70% project subsidies for approved low-income projects. The subsidy is derived from the sale by the developer of tax credits. While the program provides a significant subsidy to the developer, the developer gives up significant future rental revenue due to the restricted low rental rates.
Source: State websites and Novogradac

Table 15: State Tax Credits Available, 2021

State	Tax Credits Available
California	$500,000,000
Virginia	$60,000,000
Wisconsin	$42,000,000
Massachusetts	$40,000,000
Indiana	$30,000,000
Georgia	$29,700,000
Illinois	$23,620,968
Colorado	$10,000,000
Connecticut	$10,000,000

State	Tax Credits Available
Maine	$10,000,000
Nevada	$10,000,000
Pennsylvania	$10,000,000
Nebraska	$8,000,000
New York	$8,000,000
Arizona	$4,000,000
Hawaii	$4,000,000
New Mexico	$4,000,000
Oklahoma	$4,000,000

State	Tax Credits Available
Vermont	$4,000,000
Utah	**$1,100,000**
Arkansas	$250,000
Kansas	Equal to the federal LIHTC amount
Missouri	50% of the federal LIHTC amount
New Jersey	TBD
South Carolina	TBD

State	Tax Credits Available
Iowa	pending
Kentucky	pending
North Carolina	pending
Ohio	pending

Source: State websites and Novogradac

State Eviction Laws and Policies

Utah's rental housing market has one of the lowest eviction rates in the nation. According to Princeton's Eviction Lab, Utah's eviction rate was 0.9% in 2019 (about 2,700 renters). Of the 47 states reporting eviction data, Utah ranked 38th (Table 16). The eviction rate is calculated by dividing the number of judgments against renters by the total number of renters. Often the eviction process is terminated as the parties resolve the dispute. In that case, no judgment or eviction is reported, only the filing of an eviction is reported. In terms of filings, Utah ranked 38th of the 47 states with a 2.2% rate, or about 6,600 renters (Table 17).

The Rental Housing Association of Utah collects and publishes monthly eviction court filings for the state. Prior to the COVID-19 pandemic, eviction filings in Utah were around 7,000 annually (Table 18). During the pandemic, the rate of filings dropped by more the 30% to around 4,000. The decline was partly due to the CARES Act and the American Rescue Plan, which established eviction moratoriums, rental assistance, and other financial assistance to households. However, as the level of federal assistance phased down, eviction filings increased again in 2022.

While eviction filings increased in 2022, they remain below pre-pandemic levels. Without ongoing federal assistance, it is difficult to predict what will happen to eviction filings in Utah in the future. As rent continues to increase, renters may need to commit more of their income to housing.

Utah's Eviction Process

If a tenant does not pay rent when due, Utah landlords can give written notification that the tenant must pay rent within three business days, or vacate the property. If the tenant does not comply with the notification by either paying or moving in three business days, the landlord can file an eviction. The landlord serves notice of the eviction filing along with a summons that requires the tenant to file an answer within three business days. If the tenant files an answer, then the court schedules a hearing date. Utah law requires a renter who does not pay or move within the three-day notice to pay treble (that is, triple) damages for each day he/she remains in the unit. The tenant is also responsible for any back rent owed as well as attorney's fees and collection costs incurred during the eviction process. According to the Utah Bar Foundation, Utah is the only state to combine a three-day notice period with treble damages.

The Utah Office of Homeless Services currently participates in funding eviction prevention through rapid rehousing and homelessness prevention programs. Using a combination of federal and state funding, these programs can provide short-term and medium-term rental assistance and pay rental arrears. Utah also has three funded eviction prevention specialists who help renters by providing them with funds to pay amounts owed and settle evictions. Utah Community Action administers and operates this program.

Other non-governmental organizations, such as The Church of Jesus Christ of Latter-day Saints, also provide assistance for families facing housing insecurity and eviction. A philanthropic safety net, coupled with Utah's strong economy and low unemployment rate, could contribute to Utah's low eviction rate.

Several states implemented additional eviction laws and policies to assist renters as a result of the COVID-19 pandemic. Table 19 outlines some of the different measures states have taken since March 2020 to keep people housed. Some of these measures are set to expire while many will be extended or made permanent fixtures of the state's eviction policy.

The Utah Legislature passed H.B. 359 "Eviction Records Amendments" in the 2022 General Session. This bill streamlines the expungement process, allowing a former tenant to have their eviction case sealed by the courts provided the balance due has been paid and the landlord doesn't object to the expungement. Many landlords and collections attorneys actively use the expungement option to encourage renters to settle their debt and remove the eviction from their record. This bill is meant to restore a tenant's rental record and allow renters to find housing following a non-payment eviction.

Other states intervene before the ruling of an eviction case or even before the case appears in court. For example, some states put a stay on eviction proceedings if the tenant applies for rental assistance through the state. Illinois and Texas require that information regarding the eviction be given to tenants in plain language when they are presented with an eviction filing. Connecticut and California have established legal defense funds to provide tenants with professional legal assistance, as opposed to relying on pro bono work or navigating the process on their own.

Eviction filings and judgments are sometimes used as indicators of rental market conditions (e.g., a low eviction rate suggests a low level of housing instability). However, it is important to remember that eviction data, on their own, do not capture the housing instability 40,000 Utah renter households live with due to severe housing cost burdens.

Table 16: States Ranked by Eviction Rate, 2019

State	Eviction Rate (2019)	Days until Eviction Notice	Days until Summons	Late Fee Limits	Legal Assistance
Alaska	N/A	7	2	None	No
Arkansas	N/A	3	N/A	None	No
North Dakota	N/A	3	3	None	No
South Carolina	8.9%	5	N/A	None	No
Delaware	5.1%	5	5	5% of monthly rent	No
Virginia	5.1%	14	10	10% of rent due	No
Georgia	4.7%	N/A	N/A	None	No
North Carolina	4.6%	10	2	5% of monthly rent	No
Oklahoma	4.2%	5	5	None	No
Indiana	4.1%	10	5	None	No
Mississippi	4.0%	3	5	None	No
Arizona	3.9%	5	2	Reasonable Amount	No
Maryland	3.6%	10	N/A	5% of rent due	Yes
Ohio	3.5%	3	7	None	No
West Virginia	3.5%	N/A	10	None	No
Nevada	3.4%	7	10	5% of monthly rent	No
Michigan	3.3%	7	3	None	No
New Mexico	3.2%	3	7	10% of monthly rent	No
Rhode Island	3.1%	5	5	None	No
Connecticut	3.0%	3	N/A	None	Yes
Kentucky	2.9%	7	3	None	No
Missouri	2.9%	10	4	None	No
Colorado	2.8%	10	7	5% of rent due	No
Tennessee	2.8%	14	6	10% of rent due	No
District of Columbia	2.6%	30	7	5% of monthly rent	No
Louisiana	2.6%	5	3	None	No
Florida	2.5%	3	5	None	No
Kansas	2.3%	3	N/A	None	No
Maine	2.3%	7	7	4% of monthly rent	No
Nebraska	2.2%	7	10	None	No
New York	2.2%	14	10	5% of monthly rent	No
Texas	2.2%	3	5	10% of monthly rent	No
Iowa	2.0%	3	3	$60/$100	No
Wisconsin	1.9%	5	5	Specified in lease	No
Alabama	1.8%	7	N/A	None	No
Pennsylvania	1.8%	10	7	None	No
New Hampshire	1.7%	7	N/A	None	No
Illinois	1.6%	5	10	None	No
Massachusetts	1.5%	28	7	None	No
Oregon	1.1%	10	7	5% of monthly rent	No
Montana	0.9%	3	N/A	None	No
Utah	**0.9%**	**3**	**3**	**None**	**No**
Wyoming	0.9%	3	3	None	No
California	0.8%	3	N/A	None	No
Washington	0.8%	14	60	No late fees	Yes
Idaho	0.6%	3	5	None	No
Minnesota	0.6%	Not Required	7	8% of rent due	No
South Dakota	0.5%	3	4	None	No
Hawaii	0.4%	5	N/A	8% of rent due	No
Vermont	0.1%	14	10	None	No
New Jersey	0.0%	Not Required	N/A	None	No

Source: Law Atlas Policy Surveillance Program, Eviction Lab

Table 17: Eviction Filings by State, 2019

State	Eviction Filing Rate
Maryland	69.6%
South Carolina	23.3%
Georgia	18.8%
District of Columbia	17.2%
Michigan	16.6%
Delaware	15.9%
Virginia	14.9%
Mississippi	14.7%
New Jersey	12.1%
North Carolina	11.7%
New York	9.0%
Indiana	8.9%
Arizona	8.5%
Kentucky	7.6%
Pennsylvania	7.1%
Colorado	6.9%
Nevada	6.7%
Rhode Island	6.4%
Tennessee	6.4%
Texas	6.4%
Ohio	6.2%
New Mexico	6.1%
Oklahoma	5.8%
Missouri	5.7%
West Virginia	4.9%
Iowa	4.3%
New Hampshire	4.3%
Florida	4.1%
Connecticut	4.0%
Alabama	3.8%
Nebraska	3.6%
Wisconsin	3.6%
Massachusetts	3.5%
Kansas	3.2%
Illinois	2.9%
Oregon	2.9%
Maine	2.8%
Minnesota	2.8%
Alaska	2.5%
Idaho	2.5%
Louisiana	2.3%
California	2.2%
Utah	**2.2%**
Vermont	2.1%
Washington	1.5%
Wyoming	1.5%
Montana	1.3%
Hawaii	1.2%
Arkansas	1.1%
North Dakota	1.0%
South Dakota	0.7%

Source: Eviction Lab

Table 18: Monthly Eviction Filings in Utah, 2017-2022

Month	2017	2018	2019	2020	2021	2022
January	674	623	678	646	369	472
February	623	567	495	599	289	481
March	571	546	486	459	342	513
April	563	525	574	216	319	420
May	653	633	609	261	300	459
June	606	629	636	332	356	544
July	667	640	591	373	410	548
August	635	660	620	671	373	644
September	629	648	672	356	524	607
October	638	623	629	322	440	594
November	579	492	518	273	431	534
December	474	458	548	279	389	539
Average	609	587	588	399	379	530
Total	**7,312**	**7,044**	**7,056**	**4,787**	**4,542**	**6,355**

Source: Rental Housing Association

Table 19: Eviction-Related Legislation Passed in Response to COVID-19, as of 2022

State	Legislation
Arizona	Stay of evictions for 30 days if an application for rental assistance is underway and the landlord participates in Emergency Rental Assistance (ERA).
California	Eviction Legal Defense Fund provided.
Colorado	Requires tenant to be informed of legal aid assistance. 30 days stay of eviction with ERA application. Seals eviction record if the tenant prevails.
Connecticut	The landlord must apply for ERA and give a 30-day notice before filing. The Eviction Legal Defense Fund provides attorneys to low-income tenants.
Delaware	If an ERA application is submitted during the eviction process, the tenant is given conditional approval for ERA funds.
D.C.	Stays evictions for 60 days after ERA application.
Hawaii	Extended eviction period to 15 days, created more avenues for landlord-tenant mediation (set to expire by the end of 2022, may be extended).
Illinois	Requires eviction notices to give information to the tenant on court-based rental assistance.
Indiana	Established Pre-Eviction Diversion Program: if both parties agree, stays eviction for 90 days and seals eviction records.
Kentucky	Landlords accepting ERA money cannot evict for past due rent not covered by ERA and must give 30 days' notice before eviction (45 days after assistance concludes.)
Louisiana	ERA-participating landlords cannot evict until 60 days after assistance ends (only applies to COVID-related eviction filings.)
Maine	Must provide "plain language" notice with information on the eviction process, requesting mediation, and access to rental and legal assistance.
Maryland	Free legal counsel for evictions by 2025.
Massachusetts	Pauses eviction proceedings while ERA application in progress. Two-tier eviction process, 14 days for mediation, 14 after to start eviction proceedings.
Michigan	Pauses eviction proceedings if ERA application is submitted before or during pre-trial hearings; 30 days until proceedings continue.
Mississippi	Requires summons to provide reasons for eviction, able to pay back rent until the court date, must cease eviction proceedings if tenant applies for ERA.
Nebraska	Eviction notices must list statutory reasons and must make a diligent effort to inform tenants. Landlord and tenant have the opportunity to provide good cause continuance. State supreme court must report on evictions semiannually.
Nevada	Stay on eviction proceedings during ERA application. No late fee if rent is paid within three days of the due date.
New York	Increased housing voucher availability and covers 100% of fair market rent, established landlord rental assistance program to supplement NY Emergency Rental Assistance Program. Cannot evict for one year after ERA assistance.
North Carolina	Cannot evict until 60 days after the end of ERA assistance.
Oregon	60-day grace period after ERA application. Established Landlord Compensation Fund if ERA application denied.
Texas	Specific language to be included in citations. Housing advocates can help defendants in court. Tenants must be informed of rental assistance program. Evictions stay 60 days if the tenant applies for ERA.
Utah	**Can petition court to expunge eviction record.**
Washington	Fund established for eviction prevention and housing stability (approximately $150 million per year through a $100 document recording fee on real estate transactions).
West Virginia	Cannot evict until 30 days after the end of ERA assistance.

Source: National Low-Income Housing Coalition

Endnotes

1. U.S. Census Bureau, Median Household Income, Table B25119.
2. Downen, J. An Analysis of Labor Supply and Demand in Utah (2019). Fact Sheet. Kem C. Gardner Policy Institute.
3. More Housing Vouchers: Most Important Step to Help More People Afford Stable Homes (May 2021) Center on Budget and Policy Priorities.
4. HUD definition of homelessness.
5. Information on state housing trust funds come from state housing trust websites and interviews with officials.
6. State of Utah 2018-2019 Olene Walker Housing Loan Fund Program Guidance & Rules (26 November 2018) Utah Department of Workforce Services Housing & Community Development. Available from https://nlihc.org/sites/default/files/files/Utah%20Olene%20Walker%20Program%20Guidance.pdf
7. Utah Housing Corporation.
8. Recent experience of tax credit developers as referenced by Utah Housing Corporation.
9. Permanent Supportive Housing (PSH) combines rental assistance with support services, counseling, health care services, employment opportunities, etc. PSH generally targets households threatened by homelessness or who have been homeless.
10. The low-income housing tax credit (LIHTC) program, created in 1986 by U.S. Congressional Act, provides an indirect financial subsidy to developers of affordable rental housing. The amount of the tax credit created by the development of a new or the rehabilitation of an existing rental project is either 4% or 9% of the eligible basis of the project. Eligible basis costs include all the "hard" construction costs and most of the "soft" costs (e.g., architectural, engineering, market studies, fees, and contractor profit). Land, interest, insurance, and property taxes are excluded from the eligible basis. Hence, the tax credits issued on a $10 million, 9% LIHTC project, with an eligible basis of $9 million, is $810,000 in tax credit annually for ten years. The tax credits awarded to a project are generally sold by the developer to an investor (Goldman Sachs, Wells Fargo, American Express), who becomes a partner in the project. The proceeds from the sale of the tax credits become part of the developer's equity in the project, thus subsidizing the development of the affordable rental project. In Utah, projects receiving tax credits are required to maintain their affordability status for 50 years. Rents at tax credit projects are generally 10% to 20% below market rents, and tenants have incomes on average of about 43% AMI for 9% projects and closer to 60% AMI for 4% projects. The 35,000 tax credit units statewide account for about 11% of Utah's 333,000 renter-occupied units.
11. Derived from UtahRealEstate.com

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Chapter 22
Utah Fit Premises Act

57-22-1 Short title.

This chapter is known as the "Utah Fit Premises Act."

Enacted by Chapter 314, 1990 General Session

57-22-2 Definitions.

As used in this chapter:

(1) "Owner" means the owner, lessor, or sublessor of a residential rental unit. A managing agent, leasing agent, or resident manager is considered an owner for purposes of notice and other communication required or allowed under this chapter unless the agent or manager specifies otherwise in writing in the rental agreement.

(2) "Rental agreement" means any agreement, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions regarding the use and occupancy of a residential rental unit.

(3) "Rental application" means an application required by an owner as a prerequisite to the owner entering into a rental agreement for a residential rental unit.

(4) "Renter" means any person entitled under a rental agreement to occupy a residential rental unit to the exclusion of others.

(5) "Residential rental unit" means a renter's principal place of residence and includes the appurtenances, grounds, and facilities held out for the use of the residential renter generally, and any other area or facility provided to the renter in the rental agreement. It does not include facilities contained in a boarding or rooming house or similar facility, mobile home lot, or recreational property rented on an occasional basis.

Amended by Chapter 19, 2017 General Session

57-22-3 Duties of owners and renters -- Generally.

(1) Each owner and his agent renting or leasing a residential rental unit shall maintain that unit in a condition fit for human habitation and in accordance with local ordinances and the rules of the board of health having jurisdiction in the area in which the residential rental unit is located. Each residential rental unit shall have electrical systems, heating, plumbing, and hot and cold water.

(2) Each renter shall cooperate in maintaining his residential rental unit in accordance with this chapter.

(3) This chapter does not apply to breakage, malfunctions, or other conditions which do not materially affect the physical health or safety of the ordinary renter.

(4) Any duty in this act may be allocated to a different party by explicit written agreement signed by the parties.

Enacted by Chapter 314, 1990 General Session

57-22-4 Owner's duties.

(1) To protect the physical health and safety of the ordinary renter, an owner:

(a) may not rent the premises unless they are safe, sanitary, and fit for human occupancy; and

(b) shall:
(i) maintain common areas of the residential rental unit in a sanitary and safe condition;
(ii) maintain electrical systems, plumbing, heating, and hot and cold water;
(iii) maintain any air conditioning system in an operable condition;
(iv) maintain other appliances and facilities as specifically contracted in the rental agreement; and
(v) for buildings containing more than two residential rental units, provide and maintain appropriate receptacles for garbage and other waste and arrange for its removal, except to the extent that the renter and owner otherwise agree.

(2) Except as otherwise provided in the rental agreement, an owner shall provide the renter at least 24 hours prior notice of the owner's entry into the renter's residential rental unit.

(3)
(a) Before an owner accepts an application fee or any other payment from a prospective renter, the owner shall disclose in writing to the prospective renter:
(i) a good faith estimate of:
(A) the rent amount; and
(B) the amount of each fixed, non-rent expense that is part of the rental agreement;
(ii) the type of each use-based, non-rent expense that is part of the rental agreement;
(iii) the day on which the residential rental unit is scheduled to be available;
(iv) the criteria that the owner will consider in determining the prospective renter's eligibility as a renter in the residential rental unit, including criteria related to the prospective renter's criminal history, credit, income, employment, or rental history; and
(v) the requirements and process for the prospective renter to recover money the prospective renter pays in relation to the residential rental unit, as described in Subsection (4).
(b) An owner may satisfy the written disclosure requirement described in Subsection (3)(a)(i) through a rental application, deposit agreement, or written summary.

(4)
(a) A prospective renter may make a written demand to the owner of a residential rental unit requesting the return of money the prospective renter paid in relation to the rental of the residential rental unit, if:
(i)
(A) an amount the owner provides in the good-faith estimate described in Subsection (3) is different than the amount in the rental agreement; or
(B) the rental agreement includes a type of use-based, non-rent expense that was not disclosed under Subsection (3); and
(ii) the prospective renter:
(A) makes the written demand within five business days after the day on which the prospective renter receives the rental agreement; and
(B) at the time the prospective renter makes the written demand, has not signed the rental agreement or taken possession of the residential rental unit.
(b) If a prospective renter makes a written demand in accordance with Subsection (4)(a), the owner shall return all money the prospective renter paid the owner within five business days after the day on which the owner receives the written demand.

(5) An owner may not charge a renter:
(a) a late fee that exceeds the greater of:
(i) 10% of the rent agreed to in the rental agreement; or
(ii) $75; or
(b) a fee, fine, assessment, interest, or other cost:

(i) in an amount greater than the amount agreed to in the rental agreement; or
(ii) that is not included in the rental agreement, unless:
(A) the rental agreement is on a month-to-month basis; and
(B) the owner provides the renter a 15-day notice of the charge.
(6) Before an owner and a prospective renter enter into a rental agreement, the owner shall:
(a) provide the prospective renter a written inventory of the condition of the residential rental unit, excluding ordinary wear and tear;
(b) furnish the renter a form to document the condition of the residential rental unit and then allow the resident a reasonable time after the renter's occupancy of the residential rental unit to complete and return the form; or
(c) provide the prospective renter an opportunity to conduct a walkthrough inspection of the residential rental unit.
(7) At or before the commencement of the rental term under a rental agreement, an owner shall:
(a) disclose in writing to the renter:
(i) the owner's name, address, and telephone number; or
(ii)
(A) the name, address, and telephone number of any person authorized to manage the residential rental unit; or
(B) the name, address, and telephone number of any person authorized to act for and on behalf of the owner for purposes of receiving notice under this chapter or performing the owner's duties under this chapter or under the rental agreement, if the person authorized to manage the residential rental unit does not have authority to receive notice under this chapter; and
(b) provide the renter:
(i) an executed copy of the rental agreement, if the rental agreement is a written agreement; and
(ii) a copy of any rules and regulations applicable to the residential rental unit.
(8) Nothing in this section prohibits any fee, fine, assessment, interest, or cost that is allowed by law or stated in the rental agreement.
(9) A renter may not use an owner's failure to comply with a requirement of Subsection (2), (3), (4), (5), (6), or (7) as a basis:
(a) to excuse the renter's compliance with a rental agreement; or
(b) to bring a cause of action against the owner.

Amended by Chapter 98, 2021 General Session

57-22-4.1 Failure to deliver possession of residential rental unit -- Renter's option to terminate rental agreement -- Abatement of rent.

(1) If an owner fails to deliver possession of a residential rental unit on the date provided in the rental agreement:
(a) the renter may, by written notice to the owner, terminate the rental agreement; or
(b) if the renter chooses not to terminate the rental agreement, rent abates until the owner delivers possession as provided in the rental agreement.
(2) If a renter terminates a rental agreement under Subsection (1)(a), the owner shall, as promptly as reasonable, return to the renter all prepaid rent and any security deposit.

Enacted by Chapter 98, 2012 General Session

57-22-5 Renter's duties -- Cleanliness and sanitation -- Compliance with written agreement -- Destruction of property, interference with peaceful enjoyment prohibited.

(1) Each renter shall:
  (a) comply with the rules of the board of health having jurisdiction in the area in which the residential rental unit is located which materially affect physical health and safety;
  (b) maintain the premises occupied in a clean and safe condition and shall not unreasonably burden any common area;
  (c) dispose of all garbage and other waste in a clean and safe manner;
  (d) maintain all plumbing fixtures in as sanitary a condition as the fixtures permit;
  (e) use all electrical, plumbing, sanitary, heating, and other facilities and appliances in a reasonable manner;
  (f) occupy the residential rental unit in the manner for which it was designed, but the renter may not increase the number of occupants above that specified in the rental agreement without written permission of the owner;
  (g) be current on all payments required by the rental agreement; and
  (h) comply with each rule, regulation, or requirement of the rental agreement, including any prohibition on, or the allowance of, smoking tobacco products within the residential rental unit, or on the premises, or both.
(2) A renter may not:
  (a) intentionally or negligently destroy, deface, damage, impair, or remove any part of the residential rental unit or knowingly permit any person to do so;
  (b) interfere with the peaceful enjoyment of the residential rental unit of another renter; or
  (c) unreasonably deny access to, refuse entry to, or withhold consent to enter the residential rental unit to the owner, agent, or manager for the purpose of making repairs to the unit.

Amended by Chapter 352, 2010 General Session

57-22-5.1 Crime victim's right to new locks -- Domestic violence victim's right to terminate rental agreement -- Limits an owner relating to assistance from public safety agency.

(1) As used in this section:
  (a) "Crime victim" means a victim of:
    (i) domestic violence, as defined in Section 77-36-1;
    (ii) stalking, as defined in Section 76-5-106.5;
    (iii) a crime under Title 76, Chapter 5, Part 4, Sexual Offenses;
    (iv) burglary or aggravated burglary under Section 76-6-202 or 76-6-203; or
    (v) dating violence, as defined in Section 78B-7-102.
  (b) "Public safety agency" means a governmental entity that provides fire protection, law enforcement, ambulance, medical, or similar service.
(2) An acceptable form of documentation of an act listed in Subsection (1) is:
  (a) a protective order protecting the renter issued pursuant to Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, subsequent to a hearing of which the petitioner and respondent have been given notice under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or
  (b) a copy of a police report documenting an act listed in Subsection (1).
(3)
  (a) A renter who is a crime victim may require the renter's owner to install a new lock to the renter's residential rental unit if the renter:

(i) provides the owner with an acceptable form of documentation of an act listed in Subsection (1); and
(ii) pays for the cost of installing the new lock.
(b) An owner may comply with Subsection (3)(a) by:
(i) rekeying the lock if the lock is in good working condition; or
(ii) changing the entire locking mechanism with a locking mechanism of equal or greater quality than the lock being replaced.
(c) An owner who installs a new lock under Subsection (3)(a) may retain a copy of the key that opens the new lock.
(d) Notwithstanding any rental agreement, an owner who installs a new lock under Subsection (3)(a) shall refuse to provide a copy of the key that opens the new lock to the perpetrator of the act listed in Subsection (1).
(e) Notwithstanding Section 78B-6-814, if an owner refuses to provide a copy of the key under Subsection (3)(d) to a perpetrator who is not barred from the residential rental unit by a protective order but is a renter on the rental agreement, the perpetrator may file a petition with a court of competent jurisdiction within 30 days to:
(i) establish whether the perpetrator should be given a key and allowed access to the residential rental unit; or
(ii) whether the perpetrator should be relieved of further liability under the rental agreement because of the owner's exclusion of the perpetrator from the residential rental unit.
(f) Notwithstanding Subsection (3)(e)(ii), a perpetrator may not be relieved of further liability under the rental agreement if the perpetrator is found by the court to have committed the act upon which the landlord's exclusion of the perpetrator is based.
(4) A renter who is a victim of domestic violence, as defined in Section 77-36-1, may terminate a rental agreement if the renter:
(a) is in compliance with:
(i) all provisions of Section 57-22-5; and
(ii) all obligations under the rental agreement;
(b) provides the owner:
(i) written notice of termination; and
(ii) a protective order protecting the renter from a domestic violence perpetrator or a copy of a police report documenting that the renter is a victim of domestic violence and did not participate in the violence; and
(c) no later than the date that the renter provides a notice of termination under Subsection (4)(b)(i), pays the owner the equivalent of 45 days' rent for the period beginning on the date that the renter provides the notice of termination.
(5) An owner may not:
(a) impose a restriction on a renter's ability to request assistance from a public safety agency; or
(b) penalize or evict a renter because the renter makes reasonable requests for assistance from a public safety agency.

Amended by Chapter 142, 2020 General Session

57-22-6 Renter remedies for deficient condition of residential rental unit.
(1) As used in this section:
(a) "Corrective period" means:
(i) for a standard of habitability, three calendar days; and
(ii) for a requirement imposed by a rental agreement, 10 calendar days.

(b) "Deficient condition" means a condition of a residential rental unit that:
(i) violates a standard of habitability or a requirement of the rental agreement; and
(ii) is not caused by:
(A) the renter, the renter's family, or the renter's guest or invitee; and
(B) a use that would violate:
(I) the rental agreement; or
(II) a law applicable to the renter's use of the residential rental unit.
(c) "Notice of deficient condition" means the notice described in Subsection (2).
(d) "Rent abatement remedy" means the remedy described in Subsection (4)(a)(i).
(e) "Renter remedy" means:
(i) a rent abatement remedy; or
(ii) a repair and deduct remedy.
(f) "Repair and deduct remedy" means the remedy described in Subsection (4)(a)(ii).
(g) "Standard of habitability" means a standard:
(i) relating to the condition of a residential rental unit; and
(ii) that an owner is required to ensure that the residential rental unit meets as required under Subsection 57-22-3(1) or Subsection 57-22-4(1)(a) or (b)(i), (ii), or (iii).

(2)
(a) If a renter believes that the renter's residential rental unit has a deficient condition, the renter may give the owner written notice as provided in Subsection (2)(b).
(b) A notice under Subsection (2)(a) shall:
(i) describe each deficient condition;
(ii) state that the owner has the corrective period, stated in terms of the applicable number of days, to correct each deficient condition;
(iii) state the renter remedy that the renter has chosen if the owner does not, within the corrective period, take substantial action toward correcting each deficient condition;
(iv) provide the owner permission to enter the residential rental unit to make corrective action; and
(v) be served on the owner as provided in:
(A) Section 78B-6-805; or
(B) the rental agreement.

(3)
(a) As used in this Subsection (3), "dangerous condition" means a deficient condition that poses a substantial risk of:
(i) imminent loss of life; or
(ii) significant physical harm.
(b) If a renter believes that the renter's residential rental unit has a dangerous condition, the renter may notify the owner of the dangerous condition by any means that is reasonable under the circumstances.
(c) An owner shall:
(i) within 24 hours after receiving notice under Subsection (3)(b) of a dangerous condition, commence remedial action to correct the dangerous condition; and
(ii) diligently pursue remedial action to completion.
(d) Notice under Subsection (3)(b) of a dangerous condition does not constitute a notice of deficient condition, unless the notice also meets the requirements of Subsection (2).

(4)

(a) Subject to Subsection (4)(b), if an owner fails to take substantial action, before the end of the corrective period, toward correcting a deficient condition described in a notice of deficient condition:
(i) if the renter chose the rent abatement remedy in the notice of deficient condition:
(A) the renter's rent is abated as of the date of the notice of deficient condition to the owner;
(B) the rental agreement is terminated;
(C) the owner shall immediately pay to the renter:
(I) the entire security deposit that the renter paid under the rental agreement; and
(II) a prorated refund for any prepaid rent, including any rent the renter paid for the period after the date on which the renter gave the owner the notice of deficient condition; and
(D) the renter shall vacate the residential rental unit within 10 calendar days after the expiration of the corrective period; or
(ii) if the renter chose the repair and deduct remedy in the notice of deficient condition, and subject to Subsection (4)(c), the renter:
(A) may:
(I) correct the deficient condition described in the notice of deficient condition; and
(II) deduct from future rent the amount the renter paid to correct the deficient condition, not to exceed an amount equal to two months' rent; and
(B) shall:
(I) maintain all receipts documenting the amount the renter paid to correct the deficient condition; and
(II) provide a copy of those receipts to the owner within five calendar days after the beginning of the next rental period.
(b) A renter is not entitled to a renter remedy if the renter is not in compliance with all requirements under Section 57-22-5.
(c)
(i) If a residential rental unit is not fit for occupancy, an owner may:
(A) determine not to correct a deficient condition described in a notice of deficient condition; and
(B) terminate the rental agreement.
(ii) If an owner determines not to correct a deficient condition and terminates the rental agreement under Subsection (4)(c)(i):
(A) the owner shall:
(I) notify the renter in writing no later than the end of the corrective period; and
(II) within 10 calendar days after the owner terminates the rental agreement, pay to the renter:
(Aa) any prepaid rent, prorated as provided in Subsection (4)(c)(ii)(B); and
(Bb) any deposit due the renter;
(B) the rent shall be prorated to the date the owner terminates the rental agreement under Subsection (4)(c)(i); and
(C) the renter may not be required to vacate the residential rental unit sooner than 10 calendar days after the owner notifies the renter under Subsection (4)(c)(ii)(A)(I).
(5)
(a) After the corrective period expires, a renter may bring an action in district court to enforce the renter remedy that the renter chose in the notice of deficient condition.
(b) In an action under Subsection (5)(a), the court shall endorse on the summons that the owner is required to appear and defend the action within three business days.

(c) If, in an action under Subsection (5)(a), the court finds that the owner unjustifiably refused to correct a deficient condition or failed to use due diligence to correct a deficient condition, the renter is entitled to any damages, in addition to the applicable renter remedy.
(d) An owner who disputes that a condition of the residential rental unit violates a requirement of the rental agreement may file a counterclaim in an action brought against the owner under Subsection (5)(a).
(6) An owner may not be held liable under this chapter for a claim for mental suffering or anguish.
(7) In an action under this chapter, the court may award costs and reasonable attorney fees to the prevailing party.

Amended by Chapter 203, 2017 General Session

57-22-7 Limitation on counties and municipalities.
(1) A county or municipality may not adopt an ordinance, resolution, or regulation that is inconsistent with this chapter.
(2)
(a) Subsection (1) may not be construed to limit the ability of a county or municipality to enforce an applicable administrative remedy with respect to a residential rental unit for a violation of a county or municipal ordinance, subject to Subsection (2)(b).
(b) A county or municipality's enforcement of an administrative remedy may not have the effect of:
(i) modifying the time requirements of a corrective period, as defined in Section 57-22-6;
(ii) limiting or otherwise affecting a tenant's remedies under Section 57-22-6; or
(iii) modifying an owner's obligation under this chapter to a tenant relating to the habitability of a residential rental unit.
(3) A municipality with a good landlord program under Section 10-1-203.5 may not limit an owner's participation in the program or reduce program benefits to the owner because of renter or crime victim action that the owner is prohibited under Subsection 57-22-5.1(5) from restricting or penalizing.

Amended by Chapter 289, 2012 General Session

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: DOUGR
Department: Parks and Rec
Requested Meeting Date: 01-01-2018

SUBJECT: A resolution authorizing the Mayor to submit an application for a Utah County Municipal Recreation Grant to be used for restroom and playground improvements at Rock Canyon Park. (23-044)

RECOMMENDATION: Request advancement to 5/2/23 Council meeting for approval of 2023 Utah County Municipal Grant

BACKGROUND: Parks & Recreation requsts resolution authorizing use of 2023 Utah County Recreation Grant for improvement of restrooms and playgrounds at Rock Canyon Park. See attached project description.

FISCAL IMPACT:

PRESENTER'S NAME: Doug Robins, Asst. Parks and Recreation Director

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
The project will be completed in the summer of 2023. This project meets objectives of the following documents:
• Provo City General Plan
o WC1 - Strive for equitable distribution of local services that serve all residents and businesses.
o WC 4 - Maintain the current standard of facilities to the community.

• Provo Parks & Recreation Master Plan
• Parks & Recreation Capital Improvement Plan - 2023

CITYVIEW OR ISSUE FILE NUMBER: 23-044

RESOLUTION 2023-.

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR A UTAH COUNTY MUNICIPAL RECREATION GRANT TO BE USED FOR RESTROOM AND PLAYGROUND IMPROVEMENTS AT ROCK CANYON PARK. (23-044)

WHEREAS, it is proposed that the Mayor be authorized to submit an application for a Utah County Municipal Recreation Grant to be used for a new restroom and playground at Rock Canyon Park; and

WHEREAS, the Utah County Commission has determined that available funds will be divided among municipalities based on US Census population estimates; and

WHEREAS, the total funding available for the 2023 Utah County Municipal Recreation Grant for Provo City is $113,594; and

WHEREAS, the funds for this grant program come from the Tourism, Recreation, Culture and Convention Tax pursuant to Section 59-12-601 et seq., Utah Code Annotated, 1953 as amended, and Section 21.4.1 et seq., Utah County Code; and

WHEREAS, on May 2, 2023, the Municipal Council held a noticed public meeting to ascertain facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the facts represented to the Municipal Council, the Council finds (i) the Mayor should be authorized to submit the proposed grant application, and (ii) 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 I:

The Mayor is hereby authorized to sign the Utah County Municipal Recreation Grant Application and submit it to the Utah County Commission for consideration to be used for a improved restrooms and playgrounds at Rock Canyon Park.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

provo PARKS & RECREATION	**Playground and Restroom Improvements Rock Canyon Park 2023**	
	Location:	Rock Canyon Park
	Recreation Grant Amount:	$113,594
	Project Construction Start/completion:	August 2022 – July 2023

Rock Canyon Park was constructed in 1994 and has become one of the most utilized and valued parks in Provo. Parks & Recreation is updating the 29-year-old playgrounds and enhancing restroom facilities on the east side of the park.

Public playgrounds have an expected service life of 15 years, and as playgrounds age, manufacturers discontinue components, making repair parts obsolete. Due to these unavailable parts, several climbers were missing, and platform openings were covered with plywood to prevent falls. The old equipment was removed and will be updated with contemporary equipment that will meet national safety standards and provide enhanced play value.

Parks & Recreation worked collaboratively with a resident design committee to select new play equipment. They chose new "adventure style" play structures, with a variety of new features including a zip-line, climbers, bridges, platforms, ladders, and multiple slides. New accessible surfacing will be installed to accommodate children of all abilities.

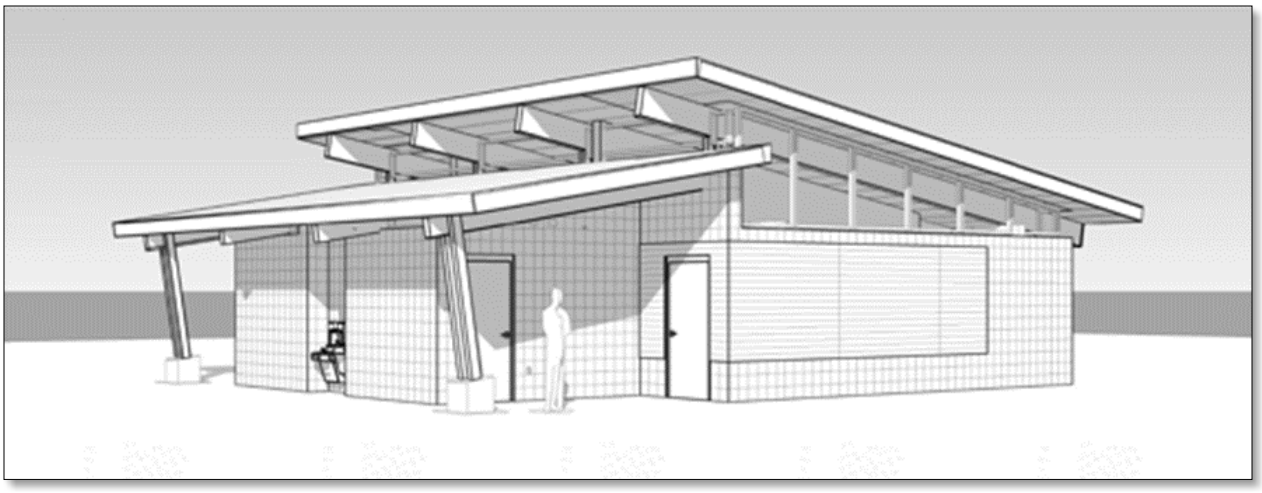
Restroom facilities have been relocated to a more central location near the playground. These new facilities will provide more capacity, improved accessibility, and water/energy saving fixtures.

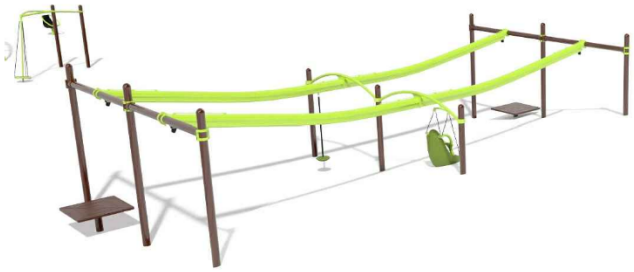
Professional architectural and equipment specialists designed with the latest efficiency, accessibility, and safety standards, and contractors are now on site constructing the improvements.

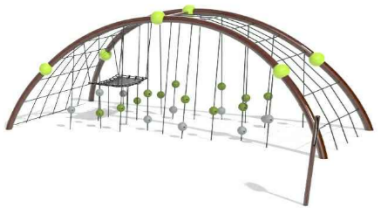
The project will be completed in the summer of 2023. This project meets objectives of the following documents:

- *Provo City General Plan*
  - WC1 - *Strive for equitable distribution of local services that serve all residents and businesses.*
  - WC 4 - *Maintain the current standard of facilities to the community.*
- *Provo Parks & Recreation Master Plan*
- *Parks & Recreation Capital Improvement Plan - 2023*

Thank you for your consideration of this important project.







COMMUNITY SUPPORTED RAP FUNDED
PROVO PARKS AND RECREATION

PROVO PARKS AND RECREATION
BEST IN UNITED STATES
NATIONAL GOLD MEDAL
AWARD WINNER

COMMISSION FOR ACCREDITATION OF PARK AND RECREATION AGENCIES
CAPRA ACCREDITED

Utah County
HEART of UTAH

Amelia Powers Gardner
Brandon Gordon
Thomas V. Sakievich

Historic Courthouse
51 S University Ave
Provo, UT 84601

Phone: 801-851-8100
Fax: 801-851-8146
www. utahcounty.gov

2023 Municipal Recreation Grant Application

Application deadline is May 30, 2023 @ 5:00p.m.

Municipality: Provo City

Name of Preparer/Contact Person: John Bunderson

Mailing Address: 1417 S. 350 East, Provo, UT 84606

Phone: (801) 852-6643 **E-mail:** jbunderson@provo.org

Grant Amount Requested

(Please refer to this year's funding amount document for your entity's available funding)
Any unused funding will automatically be rolled forward into future years

TOTAL: $ $113,594

Project Name: Rock Canyon Park - Adventure Playground Replacement

Project Location: Rock Canyon Park, 2620 N 1200 EAST, PROVO, UT 84604

Project Type: (Please check all that apply.)

- ❒ Tourism Promotion
- ❒ Tourism Facility
- ❒ Cultural Facility
- ☒ Recreational Facility
- ❒ Convention Facility

*****Please submit a detailed project description with application*****

Date Approved by Municipal Council: _____

_____ _____
Mayor or Administrator Signature **Date**

FOR COMMISSION OFFICE USE ONLY

Application Received by Commission Office	County Attorney Review	Commission Approval/ Agreement #	Agreement Sent to Municipality	Signed Agreement Received by Commission Office	Receipts Received by Commission Office	PO Sent to County Auditor	Funds Paid

provo PARKS & RECREATION	**Playground and Restroom Improvements Rock Canyon Park 2023**	
	Location:	Rock Canyon Park
	Recreation Grant Amount:	$113,594
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- WC1 - *Strive for equitable distribution of local services that serve all residents and businesses.*
- WC 4 - *Maintain the current standard of facilities to the community.*

Provo Parks & Recreation Master Plan

Parks & Recreation Capital Improvement Plan - 2023

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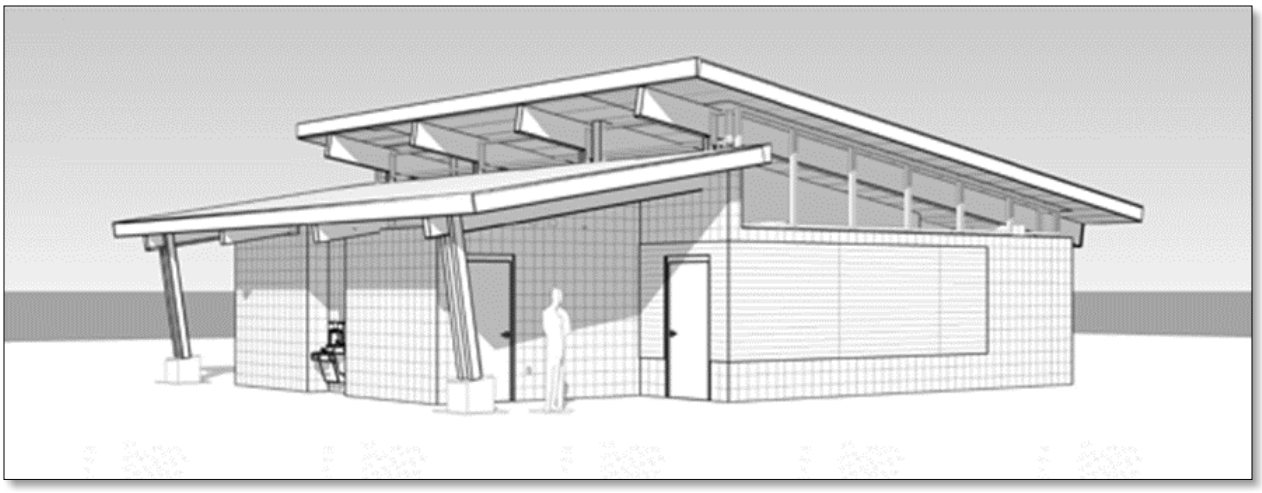

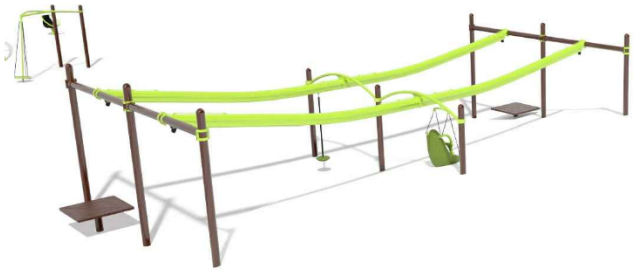

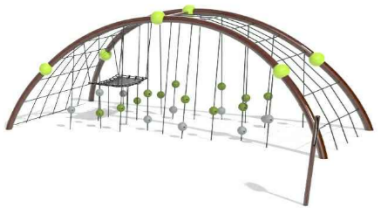

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PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: HSALZL
Department: Development Services
Requested Meeting Date: 01-01-2018

SUBJECT: A discussion regarding water management programs for Provo City residents. (23-031)

RECOMMENDATION: No action needed

BACKGROUND: On March 14, 2023, the Development Services, Public Works, Power, and Parks Departments made a joint recommendation about potential water management programs for Provo City residents. The Council directed staff bring program frameworks, as well as estimated costs and impacts, to a future Work Session.

The departments have created several programs to help residents better use water in landscaping and better support their trees. Staff will share the programs with Council and have time for questions at the end.

10 minutes - Hannah Salzl
10 minutes - Public Works
10 minutes - Power
20 minutes - questions

FISCAL IMPACT: Variable depending on program participation

PRESENTER'S NAME: Hannah Salzl, Sustainability Coordinator/Planner; Dave Decker, Director of Public Works; Chaz Addis, City Forester

REQUESTED DURATION OF PRESENTATION: 50 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Resource Management Goal 1: Promote best practices for environmental stewardship
1b: Promote the use of water conservation practices, including landscaping
1e: Educate residents about ways to become more sustainable and resilient
1g: Increase the urban tree canopy

Resource Management Goal 2: Become a leader in sustainable practices and promote regional collaboration
2d: Explore innovative approaches to water management

CITYVIEW OR ISSUE FILE NUMBER: 23-031

WATER PROGRAMS OVERVIEW

Funding and Evaluation

Provo is working with the Division of Forestry, Fire and State Lands to receive a $375k grant. Funds must be spent over five years. All funds must go toward underserved areas, which comprise the majority of Provo City. If residents from non-underserved areas apply for programs funded by the grant, their costs will be covered by participating departments' budgets as noted for each item.

After the first year and again before the end of the five-year grant period, staff will evaluate the programs to see which are most successful. Longer-term funding will be determined once staff have a better understanding of what adjustments are needed to make Provo's water management efforts more efficient and effective.

List of All Programs in this Document

For more information on costs, timelines, and estimated impacts on water use, see the Water Program Elements Table.

- Education and Outreach
- Demonstration Garden (Virtual)
- Pre-approved Water-wise Landscape Plans
- Landscaping Code Update
- Website
- Incentives for Smart Controllers
- Turf Trade (Drought-tolerant Grass Seed)
- Rebate for High-efficiency Sprinkler Nozzles
- Incentives for Parkstrips Narrower than Four Feet
- Increase Number of Trees Citywide

Education and Outreach

Materials
Staff will publish water-wise information and a QR code/link to the website in the following places:

- the biannual activity guide and refer readers to the website
- a future monthly newsletter
- a small flyer to give residents in new development when the city foresters plant their street trees

Class
The class will be offered in two pieces: an online recording and a biannual in-person Q&A open house.

Staff will host one in-person class on water management, landscaping, and soil heath. The recording of the class will be available online for residents to view at their convenience. Residents who attend or watch the class will be eligible for a rebate of up to $120 for up to two trees. Trees must be species listed in the City's Tree Selection Guide. Staff has worked with the City's Information Systems team to create as secure a process as possible with the City's current technological capacities. Rebates for residents who are not in an underserved area will come from Power's tree budget and are not estimated to cost more than $25k. For the first year, there will not be any limit on the number of rebates given. The goal is to get trees into the community quickly. After the first year, staff will evaluate program participation and the remaining FFSL budget and determine what the limit should be for the next year.

Each spring and fall, City staff and other local experts will host an open house at City Hall. The open house will include brief presentations on resources and critical knowledge, and the remainder of the time will be available for residents to ask their water-wise landscapes and irrigation questions.

Demonstration Garden (Virtual)

Demonstration gardens are time and resource intensive, and staff will continue to have discussions about a future garden in Provo. In the meantime, the website will include information for other local demonstration gardens as well as 360-degree video tours of water-wise landscapes in Provo. Media Services will fill locations recommended by Parks once the landscapes have come in for the season.

Pre-approved Water-wise Landscape Plans

Staff will use some of the FFSL grant to hire a landscape architect to design tree-centric water-wise landscape plans for four- and seven-foot parkstrips. These free, pre-approved plans will be available to anyone who would like to use them.

Landscaping Code Update

Provo's landscaping code was recently updated. After further review, staff did not feel any major changes were needed. Staff will bring proposed amendments to the May 16 Council Meetings that will address standardizing and slightly increasing vegetative cover requirements as well as widening landscaped strips in parking lots to encourage the growth of larger shade trees.

Website

Staff have already created the website and will continue to expand it over the coming weeks and as new programs go live.

The website can be viewed at the link below. Please note that staff will be working on the initial content up until the Council Work Session on May 2, so content shared in the meeting will be different than content viewed beforehand.
www.provo.org/departments/water-efficiency-programs

Over time, the website will contain the following content and resources:

- Information about and links to water program's websites as needed (e.g., the pre-approved landscape plans, landscape class video)
- Overview of Provo's holistic water management strategy, including the importance of the public's role with landscaping
- Information about how to properly install waterwise landscapes, including removing turf without damaging trees
- Information about local conservation gardens and video tours of water-wise landscapes in Provo
- USU water and landscaping resources
- Link to the Center for Waterwise Landscaping's monthly webinar

Incentives for Smart Controllers

Aa a member of the Alliance for Water Efficiency, Public Works qualifies discounts on Rachio's smart controllers for residents. Prices for residents vary based on the number of irrigation zones they purchase (see table for prices). Residents are still eligible for the $75 rebate from Utah Water Savers, which will stack with Rachio's other discounts. The City has the option to further increase the discounts to residents by putting additional funding into the program, depending on the success of the program and the availability of future funding.

	4 Zones	8 Zones	16 Zones
Original Price	$149.99	$199.99	$249.99
Discounted Price	$139.99	$169.99	$189.99
Promo Price (1 week)	$129.99	$149.99	$169.99

The promo price will be available for one week. Staff is working out the timing with Rachio.

The program will cost $1,025 in the first year. Continued membership with the Alliance for Water Efficiency will cost $525 per year.

Rachio will provide Provo residents who use the rebate with installation information. They will also provide Provo with marketing materials and use data so we can compare water use between parcels with and without these smart controllers, as well as comparing data before and after installation.

This program will be open to all water user accounts (including commercial) with a limit of one controller per account.

Turf Trade (Drought-tolerant Grass Seed)

Public Works has already ordered 250 bags of a drought-tolerant seed blend (part tall fescue, part Kentucky bluegrass) from Utah State University. Seven-pound bags will be available to residents for $8.50 each plus tax. Each bag covers approximately 1k square feet.

Drought-tolerant species do not look quite like the lush, even, green lawns residents are used to. It will be important to establish expectations and give residents adequate information about planting and maintenance.

Currently the seeds will only be available for residents. Staff would like to expand the program to commercial properties in future years but will likely need additional funding to do so.

Rebate for High-efficiency Sprinkler Nozzles

Public Works will offer a rebate of $3 per sprinkler nozzle. Residents must purchase between 10 and 25 nozzles. Public Works is working with Customer Service to set up the rebate as a credit on residents' utility bills.

Incentives for Parkstrips Narrower than Four Feet

Public Works has budgeted $50k for the first year of the program, most of which will come from the grant. Future funding needs will be determined after the first program evaluation. Each lot will only be eligible for the rebate once. The program will offer two replacement options. There will not be a rebate for rocks or poured concrete.

The first option offers residents a higher incentive of $4 per square foot for water-wise landscaping that meets the City's guidelines. That is $0.75 higher than the Flip Your Strip rebate. Staff hope that the higher rebate will encourage more residents to choose this option. The estimated cost is approximately $1k per lot.

The second option offers a lower incentive of $2.50 per square foot for permeable pavers that meet the City's criteria. That is $0.75 less than the Flip Your Strip rebate. The program's website will have examples and information. Permeable pavers cost about $7 per square foot, so the rebate saves residents reducing the cost to $4.50 per square foot.

Increase Number of Trees Citywide

The popular Trees for Energy Conservation program gives away 500 trees on a single day every year. The name will be changed to Trees for Energy and Water Conservation, and Public Works will contribute an additional $10-20k to the current budget of $40k to increase the number of trees given away.

WATER PROGRAMS TABLE

Notes

- Estimated impacts on water use are for average-sized single-family lots unless otherwise specified.
- Funding sources are identified in brackets underneath the cost. “Public Works” refers to Public Work’s Water budget. “Power” refers to Power’s Street Tree budget.

	Cost (City)	Cost (Residents)	Est. Impact on Water Use	Timeline	Notes
Education and Outreach	Promotional materials – TBD, est. $200-500 [Grant] Tree rebate – up to $120/residence, no total program limit for year 1 [Grant/Power] Online class and biannual open house – $0	$0	Unknown, will vary with participation	May	Staff will explore additional promotional avenues (e.g., magnet mailed out with other City materials) and use grant funds as needs arise and as funds are available Classes will be freely available, but tree rebate is open to residents only Grant will cover rebate for residents in underserved areas; non-underserved will come from Power budget, not est. to exceed $25k
Demonstration Garden (Virtual)	$0	$0	Unknown	May-June	
Pre-approved Water-wise Landscape Plans	TBD Varies $500-2000/plan [Grant]	$0	5-8k gallons/year for 4’ parkstrip, more for 7’ strips	Summer	Available to all property owners and developers
Landscaping Code Update	$0	$0	Minimal	May	On May 16 Council Agenda

	Cost (City), cont.	Cost (Residents), cont.	Est. Impact on Water Use, cont.	Timeline, cont.	Notes, cont.
Website	$0	$0	Unknown	Live now	Website will be updated as additional programs become available.
Incentives for Smart Controllers	$1,025 year 1, $525 annually [Public Works]	Varies based on number of zones (see Overview for table of costs) Eligible for $75 Utah Water Savers rebate	Est. 17% reduction	May	Staff will look at putting more money into it for a further discount depending on success of the initial signup period Open to all water user accounts (commercial, resident, etc.)
Turf Trade (Drought-tolerant Grass Seed)	$1,125 (cost $3250 + shipping, part offset by $2,125 sales revenue) [Public Works]	$8.50 per 7-lb bag of seed	40% less water than Kentucky bluegrass	May	Materials on website will teach residents how to plant the seed Open to residents only
Rebate for High-efficiency Sprinkler Nozzles	Will vary with participation [Grant, Public Works]	$3 rebate per nozzle (avg. total cost $5-7 per nozzle)	Similar water use but up to 30% reduction in water wasted (varies by model)	Summer	Open to residents only
Incentives for Parkstrips Narrower than Four Feet	$50k [Grant, Public Works]	Water-wise Landscaping rebate – $4/sqft Permeable Pavers – $2.50/sqft	Water-wise landscaping – 5-8k gallons/year	Summer	Landscaping and permeable pavers must meet City's guidelines Open to residents only
Increase Number of Trees Citywide	$10-20k for Trees for Energy and Water Conservation [Public Works]	$0	Highly variable with tree growth speeds, planting locations, climate	Summer	Open to residents only

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WELCOME HOME

Water Programs Overview

May 2, 2023

Paradigm Shift

PLANT AND SOIL HEALTH vs **REDUCTION IN WATER WASTE**

Paradigm Shift

PLANT AND SOIL HEALTH + **REDUCTION IN WATER WASTE** = **WISE WATER MANAGEMENT**

MARCH 14 SLIDE

Provo-specific Program

- Incentives for smart controllers and high efficiency sprinkler heads for irrigation
- Education materials
  - Incentivized landscaping class for residents
  - Landscaping information for the new resident packet and personal visits from the urban forestry team when they plant trees in new developments
  - Pamphlets/handouts at city facilities, local garden centers
- Pre-approved water-wise landscape plans
- Increasing the number of trees the City provides
- Addressing the removal of turf in parkstrips narrower than four feet
- Turf trade for drought-tolerant grass seed

List of All Programs

- Education and Outreach (materials, incentivized landscaping class)
- Demonstration Garden (Virtual)
- Pre-approved Water-wise Landscape Plans
- Landscaping Code Update
- Website
- Incentives for Smart Controllers
- Turf Trade (Drought-tolerant Grass Seed)
- Rebate for High-efficiency Sprinkler Nozzles
- Incentives for Parkstrips Narrower than Four Feet
- Increase the Number of Trees Citywide

Costs

To City

- Depends on levels of participation
- Approx. $150k-250k increase for year 1
- Funding sources:
  - FFSL Grant
  - Public Works Water Budget
  - Power’s Tree Budget

To Residents

- Competitive with other local programs (Utah Water Savers/CUWCD, SLC)

Environmental Impacts

Plant and Soil Health

- Several hundred more trees given to residents
- Varies with educational materials, classes

Reduction in Water Waste

- Several thousand gallons per year per household
- Varies with levels of adoption

Education and Outreach

Materials

- Biannual activity guide
- Monthly newsletter
- Flyer that City Forestry team will give residents when planting their trees

Class

- Available online
- Rebate of up to $120 for 2 trees from the City's Tree Selection Guide
- No limit on first year's budget

Biannual Open House

- Staff from Public Works, Parks, Power, and Development Services, plus other local experts

Timeline: Phased (May-Early Summer) Cost: ~$200-500 for printing Funding Source: FFLS Grant

Pre-approved Water-wise Landscape Plans

- Variations for 4ft and 7ft parkstrips
- Tree-centric
- Available to whoever residents, developers, etc.

Timeline: Summer

Cost: TBD, varies $500-2000/plan

Funding Source: FFLS Grant

Landscape Code Update

- Coming to Council on May 16
  - Passed Planning Commission with 5:0 positive recommendation on April 26
- Standardizes and slightly increases vegetative coverage
- Encourages larger shade trees in parking lots
- Expands list of permitted materials in parkstrips <4ft

Timeline: May

Cost: $0

Funding Source: N/A

Demonstration Garden (Virtual)

- Information and videos from local conservation gardens
- 360-degree video tour of water-wise landscapes in Provo

Timeline: May-June

Cost: $0

Funding Source: N/A

Website

- Currently live, will continue to be expanded
- Will include:
  - Information about and links to water program's websites as needed (e.g., the pre-approved landscape plans, landscape class video)
  - Overview of Provo's holistic water management strategy, including the importance of the public's role with landscaping
  - How to properly install waterwise landscapes, including removing turf without damaging trees
  - Conservation garden info and videos
  - USU water and landscaping resources
  - Link to the Center for Waterwise Landscaping's monthly webinar

Timeline: Current, updated as needed Cost: $0 Funding Source: N/A

WATER-EFFICIENCY PROGRAMS

5/2/23

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PUBLIC WORKS

Overview:

- **Smart Irrigation Controllers**
  - Public Works as members of the Alliance for Water Efficiency (AWE) can provide discounts to residents on RACHIO controllers. This program could start as early as April.
- **Turf Trade**
  - Replicate SLC's Turf Trade program offering residents the option to purchase drought-tolerant grass seed identified by Utah State University.
- **Irrigation and Narrow Parkstrip Rebates**
  - Rebates for high-efficiency sprinkler nozzles, as well as rebates for turf removal in narrow parkstrips.

Rachio Smart Irrigation Controllers

- Public Works as members of the Alliance for Water Efficiency (AWE) can provide discounts to residents on RACHIO controllers.

Rachio Controllers	4-Zone	8-Zone	16-Zone
Original Price	$149.99	$199.99	$249.99
Discounted Price	$139.99	$169.99	$189.99
Promo Price	$129.99	$149.99	$169.99

- This program is available for all water users. Discount is limited to the purchase of one controller.
- Still eligible for the $75 rebate through Utah Water Savers.

Provo Turf Trade

- Public Works has partnered with the Turfgrass Water Conservation Alliance (TWCA) to provide drought tolerant grass seed for residential use.
- This seed mixture was identified by Utah State for this region.
- Residents can purchase 7 lb bags for $8.50 plus tax. Each bag covers 1,000 square feet.
- 250 Bags have been ordered. City Cost $3,250 (approx. $13 per bag)
- Other drought tolerant grasses can be purchased through seed vendors.

Source: Northern Water

High-Efficiency Sprinkler Rebate

- High-efficiency sprinkler nozzles release water at a much slower rate allowing time for water to soak into the ground. This generally requires sprinklers to run for a longer time.
- Working with Customer Service to set up a rebate program.
- $3 rebate per high-efficiency nozzle purchased.
- Minimum purchase of 10 nozzles and maximum of 25 nozzles.
- This would be applied as a credit on their utility bill.

Incentive Program for Narrow Parkstrips

- Program for parkstrips that are less than 4 feet wide.
  - No Incentive for removal of existing parkstrip and replacing it with concrete or rocks.
  - $2.50 per square foot for permeable pavers.
  - $4 per square foot for water-wise landscaping. (Needs to meet City Guidelines)

- Any incentive requires existing trees remain with an adequate irrigation system.

Source: Localscapes.com

Examples of Bad flipped Park Strips

New Planting

Poorly Flipped

Poorly Flipped

“Zero” Scaped

Weeds and Astroturf

“Rockscaped”

Rocks and Weeds

Failed Attempt

Income Property

Correctly Flipped