PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo
Stormwater Service District of Provo
Regular Meeting Agenda

5:30 PM, Tuesday, June 06, 2023
Council Chambers (Room 100)
Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

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

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

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

June 06 Council Meeting: Dial 346 248 7799. Enter Meeting ID 820 3887 3628 and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: 694509.

Decorum

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

Opening Ceremony
Roll Call
Prayer
Pledge of Allegiance

Public Comment

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

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

Action Agenda

1. A resolution consenting to the appointment of individuals to various boards and commissions. (23-005)

2. A resolution appointing an individual to fill a midterm vacancy on the Metropolitan Water District Board of Provo. (23-005)

3. A presentation of the Citizens Budget for FY2024. (23-008)

4. A public hearing regarding the annual disclosure of funds transferred from the utility enterprise funds to other funds for the upcoming budget. (23-008)

5. A public hearing regarding the Fiscal Year 2023-2024 Provo City Budget. (23-008)

Redevelopment Agency of Provo

6. A public hearing regarding the Fiscal Year 2023-2024 Provo City Redevelopment Agency Budget (23-008)

Stormwater Service District

7. A public hearing regarding the fiscal year 2023-2024 Stormwater Service District budget (23-008)

Action Agenda

8. A resolution authorizing an interfund loan, a transfer, and an appropriation between the Parks and Recreation CIP Fund and the Golf Course Fund in the amount of $381,000 for the construction of a golf cart storage facility. (23-046)

9. A resolution approving the Program Year 2023 Annual Action Plan, Fourth Year Update to the 2020-24 Five-Year Consolidated Plan, as amended. (23-027)

10. An ordinance amending Provo City Code regarding location of boats, recreational vehicles, and trailers, Section 14.34.060. Citywide Application. PLOTA20230034

11. An ordinance amending Provo City Code regarding downtown parking in Sections 14.21A.150 and 14.21B.140 PLOTA20230094

12. **CONTINUED** An ordinance amending the zone map class. of approx. 2 acres of property, located at 2075 W Center Street, from R1.8 to MU & authorizing and related development agreement. Provo Bay Neighborhood. (PLRZ20210271)

Adjournment

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

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

The next Council Meeting will be held on Tuesday, June 20, 2023. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

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

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: A resolution consenting to the appointment of individuals to various boards and commissions. (23-005)

RECOMMENDATION: Approve the resolution.

BACKGROUND: Mayor Michelle Kaufusi has submitted a number of individuals to be reappointed or appointed to various City boards and commissions. These names have been distributed to the Council for their consideration and the resolution has been scheduled for this Council Meeting.

FISCAL IMPACT:

PRESENTER'S NAME: Mayor Michelle Kaufusi

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-005

RESOLUTION 2023-

A RESOLUTION CONSENTING TO THE APPOINTMENT OF INDIVIDUALS TO VARIOUS BOARDS AND COMMISSIONS. (23-005)

WHEREAS, the Mayor, acting pursuant to her statutory authority, has recommended the appointment of individuals to various boards and commissions as detailed below; and

WHEREAS, on June 6, 2023, the Municipal Council met to ascertain the facts regarding this matter, which facts are found in the public record of the Council's consideration; and

WHEREAS, after considering the Mayor's recommendation and facts presented to the Municipal Council, the Council (i) consents to the board appointments set forth below and (ii) finds such appointments will reasonably further the health, safety and general welfare of the citizens of Provo City.

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

PART I:

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

Appointee's Name	Board	Term Expiration Date
Jennifer Bruton	Library Board	June 30, 2026
Allyson Condie	Library Board	June 30, 2026
Megen Pectol	Library Board	June 30, 2026

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

PART II:

1. Pursuant to Provo City Code Section 14.05.010, the Municipal Council consents to the appointment of the individual listed below to serve on the listed board or commission for the prescribed term:

Appointee's Name	Board	Term Expiration Date
Laureen Urquiaga	Board of Adjustment	June 30, 2026

2. Following said appointment, there are 5 members and 2 vacancies (alternates) on the Board of Adjustment, as shown on the attached Exhibit B.

PART III:

1. Pursuant to Provo City Code Section 9.52.010 and the International Building Code Section B101, the Municipal Council consents to the appointment of the citizens whose names appear below to serve on the following board for the term shown:

Appointee's Name	Board	Term Expiration Date
Hal Thacker	Building Inspection Board of Appeals	June 30, 2027
Edgar Escobar	Building Inspection Board of Appeals	June 30, 2027

2. Following said appointments, there are 5 members of the Building Inspection Board of Appeals, with 3 vacancies (one regular and two alternates) as shown on the attached Exhibit C.

PART IV:

1. Pursuant to Provo City Code Section 14.04A.010, the Municipal Council consents to the appointment of the individuals listed below to serve on the committee for the prescribed term:

Appointee's Name	Board	Term Expiration Date
Megan Geilman	Design Review Committee	June 30, 2027
Carol Walker	Design Review Committee	June 30, 2027

2. Following said appointments, there are 6 members and 1 vacancy (alternate) on the Design Review Committee, as shown on the attached Exhibit D.

PART V:

1. Pursuant to Provo City Code Section 16.02.010, the Municipal Council consents to the appointment of the individuals listed below to serve on the listed board or commission for the prescribed term:

Appointee's Name	Board	Term Expiration Date
Jeffrey Olsen	Landmarks Commission	June 30, 2025
Jeff Ringer	Landmarks Commission	June 30, 2027
Scott Bingham	Landmarks Commission	June 30, 2027

2. Following said appointments, there are 8 members and 1 vacancy (alternate) on the Landmarks Commission, as shown on the attached Exhibit E.

PART VI:

1. Pursuant to Provo City Code Section 14.04.010, the Municipal Council consents to the appointment of the individual listed below to serve in the listed seat on the Planning Commission for the prescribed term.

Appointee's Name	Seat	Term Expiration Date
Melissa Kendall	1	June 30, 2026
Barbara DeSoto	2	June 30, 2024
Lisa Jensen	4	June 30, 2026

2. Following said appointments, there are currently 9 members on the Planning Commission, as shown on the attached Exhibit F.

PART VII:

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

END OF RESOLUTION.

EXHIBIT A[1]
LIBRARY BOARD APPOINTMENTS

Name	Seat	Term Expiration Date[2]	Appointing Resolution
Megen Pectol	1	6/30/2026	Attached
Allyson Condie	2	6/30/2026	Attached
Jenny Spadafora	3	6/30/2025	2022-35
Jennifer Bruton	4	6/30/2026	Attached
Karen Salmon	5	6/30/2024	2022-46
Julie Nichols	6	6/30/2024	2022-46
Cynthia Gagon	7	6/30/2025	2022-30
Alyssa Hansen	8	6/30/2025	2022-35
Shannon Ellsworth	9, Council Member	12/31/2023	2023-12

EXHIBIT B[3]
BOARD OF ADJUSTMENT APPOINTMENTS

Name	Seat[4]	Term Expiration Date[5]	Appointing Resolution
Eric Chase	1	6/30/2027	2023-7
Maria Winden	2	6/30/2022 6/30/2025	2020-22 2022-52
Thomas Halladay	3	6/30/2026	2021-36
Laureen Urquiaga	4	6/30/2023 6/30/2028	2022-52 Attached
Andrew Renick	5	6/30/2024	2019-38
Vacant	Alternate		
Vacant	Alternate		

[1] This Exhibit includes the Library Board appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[2] Three-year terms or serve until a successor is appointed. One member must be a member of the governing body. Elected official shall be deemed replaced by the elected official's successor in office.
[3] This Exhibit includes the Board of Adjustment appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[4] Alternate seats are optional under city code.
[5] Five-year staggered terms. Vacancies filled for the remainder of unexpired term.

EXHIBIT C[6]
BUILDING INSPECTION BOARD OF APPEALS APPOINTMENTS

Name	Seat[7]	Term Expiration Date	Appointing Resolution
Hal Thacker		6/30/2027	attached
John Gordon		6/30/2026	2022-35
Mark Greenwood		12/31/2025	2022-03
Vacant			
Edgar Escobar		6/30/2027	attached
Doug Fallon	Chief Building Official; ex-officio/non-voting member	N/A	N/A
Vacant	Alternate		
Vacant	Alternate		

EXHIBIT D[8]
DESIGN REVIEW COMMITTEE APPOINTMENTS

Name	Seat[9] Professional expertise (if applicable)	Term Expiration Date[10]	Appointing Resolution
Cole Houghton	1	6/30/2024	2020-22
James Hall	2	6/30/2024	2020-22
Megan Geilman	3 Graphic design	6/30/2023 6/30/2027	2022-48 attached
Bruce Fallon	4	6/30/2026	2022-48
Quinn Peterson	5 "business person from the community" who is NOT a professional in any of the fields listed in the ordinance	6/30/2022 6/30/2025	2018-27 2022-48
Carol Walker	Alternate Local business owner	6/30/2023 6/30/2027	2019-38 attached
Vacant	Alternate		

[6] This Exhibit includes the Building Inspection Board of Appeals appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[7] Alternate seats are optional under city code.
[8] This Exhibit includes the Design Review Committee appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[9] Alternate seats required by city code.
[10] Term length not stipulated in code.

EXHIBIT E[11]
LANDMARKS COMMISSION APPOINTMENTS

Name	Seat[12] Professional discipline, if applicable	Term Expiration Date[13]	Appointing Resolution
Matthew Christensen	1 - professional per code	6/30/2024	2020-22
Jessie Embry	2 - professional per code history	6/30/2026	2022-48
Jeff Ringer	3	6/30/2027	attached
Scott Bingham	4 - professional per code architecture	6/30/2027	attached
Susan Krueger-Barber	5	6/30/2025	2022-48
Eric Carter	6 - professional per code architecture & architectural history	6/30/2026	2022-42
Jeffrey Olsen	7	6/30/2025	attached
Marci LeMonnier	Alternate	6/30/2026	2022-57
Vacant	Alternate		

EXHIBIT F[14]
PLANNING COMMISSION APPOINTMENTS

Name	Seat	Term Expiration Date[15]	Appointing Resolution
Melissa Kendall	1	June 30, 2026	attached
Barbara DeSoto	2	June 30, 2024	attached
Peter Fife	3	June 30, 2024	2021-40
Lisa Jensen	4	June 30, 2026	attached
Daniel Gonzales	5	June 30, 2026	attached
Raleen Wahlin	6	June 30, 2025	2022-35
Andrew South	7	June 30, 2025	2022-35
Jeff Whitlock	8	June 30, 2025	2022-37
Robert Knudsen	9	June 30, 2024	2021-36

[11] This Exhibit includes the Landmarks Commission appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[12] At least three (3) members shall be professionals from the disciplines of history, archaeology, planning, law, architecture, or architectural history. Alternate seats are required by city code.
[13] Four-year (staggered) terms. For vacancies, appointment shall fill the unexpired term and shall represent the same membership category as the seat vacated.
[14] This Exhibit includes the Planning Commission appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.
[15] Must be a Provo resident. Three-year staggered terms.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: A resolution appointing an individual to fill a midterm vacancy on the Metropolitan Water District Board of Provo. (23-005)

RECOMMENDATION: Make a motion to insert a name of an interested individual in the resolution. Approve the resolution.

BACKGROUND: With the recent passing of Cindy Richards, there is a midterm vacancy on the Metropolitan Water District Board. Ms. Richard's term was to end December 31, 2023; the position will be filled for the duration of the unexpired term. As the appointing authority for the Board, the Council has followed the process stipulated in State Code to fill this midterm vacancy and public notice advertising this action on the June 7, 2023 Council Meeting has been duly provided.

FISCAL IMPACT:

PRESENTER'S NAME: Brian Jones, City Attorney

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-005

RESOLUTION 2023-

A RESOLUTION APPOINTING AN INDIVIDUAL TO FILL A MIDTERM VACANCY ON THE METROPOLITAN WATER DISTRICT BOARD OF PROVO. (23-005)

WHEREAS, the Municipal Council, acting pursuant to Utah Code § 17B-2a-604(2) and Provo City Code § 2.28.040 is responsible to appoint members of the board of trustees of the Metropolitan Water District of Provo; and

WHEREAS, there is a vacancy on the board of trustees of the Metropolitan Water District of Provo with an unexpired term ending December 31, 2023; and

WHEREAS, on June 6, 2023, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) the individual listed below should be appointed to serve as a member of the board of trustees of the Metropolitan Water District of Provo and (ii) such appointment will reasonably further the health, safety and general welfare of the citizens of Provo City.

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

PART I:

1. The citizen whose name appears below is appointed to serve on the Metropolitan Water Board of Provo for the term shown:

Appointee's Name	Ending
Name to be inserted	December 31, 2023

2. Following said appointments, there are currently 7 members on the Metropolitan Water Board and no vacancies, as shown on the attached Exhibit A.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

EXHIBIT A[1]
METROPOLITAN WATER BOARD APPOINTMENTS

Name	Seat	Term Expiration Date	Appointing Resolution
Wood Miller	1	12/31/2025	2022-13
Dennis Weir	2	12/31/2025	2022-13
Jared Oldroyd	3	12/31/2023	2020-08
Richard Brimhall	4	12/31/2023	2020-08
Dave Decker	5 – Public Works official	N/A	2017-18
Robin Roberts	6	12/31/2025	2022-13
Name to be inserted	7	12/31/2023	attached

[1] This Exhibit includes the Metropolitan Water Board appointees in the resolution to which it is attached. Anyone not so appointed should be removed from the Exhibit.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: AMACCABEE
Department: Council
Requested Meeting Date: 06-06-2023

SUBJECT: Presentation of the Citizens Budget for FY2024. (23-008)

RECOMMENDATION: Presentation Only

BACKGROUND: Every year the Council office creates a Citizen's Budget which aims to summarize the key components and highlights from the upcoming fiscal year's budget. The Citizen's Budget will be published on the Council's social media and website after final budget adoption.

FISCAL IMPACT:

PRESENTER'S NAME: Abi Maccabee, Council Intern

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-008

PROVO CITY CITIZEN'S BUDGET



2024 FISCAL YEAR

JULY 1, 2023 - JUNE 30, 2024

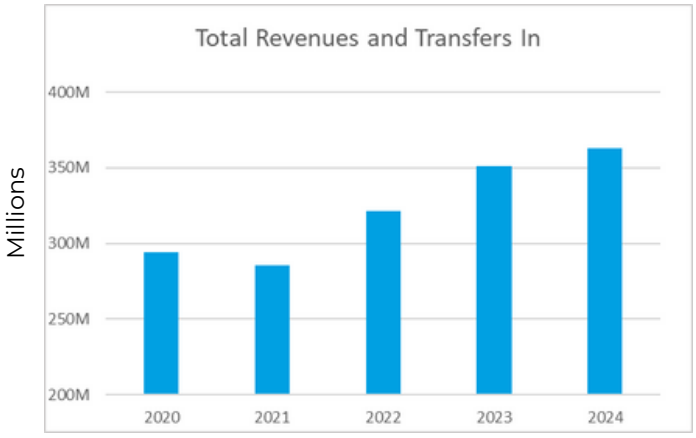
PREPARED BY MUNICIPAL COUNCIL STAFF WITH INFORMATION BASED ON THE TENTATIVE BUDGET FOR THE 2024 FISCAL YEAR

PROVO MUNICIPAL COUNCIL
445 W CENTER STREET, PROVO
801-852-6120

REVENUE SUMMARY

TOTAL REVENUES AND TRANSFERS IN: $362.9M

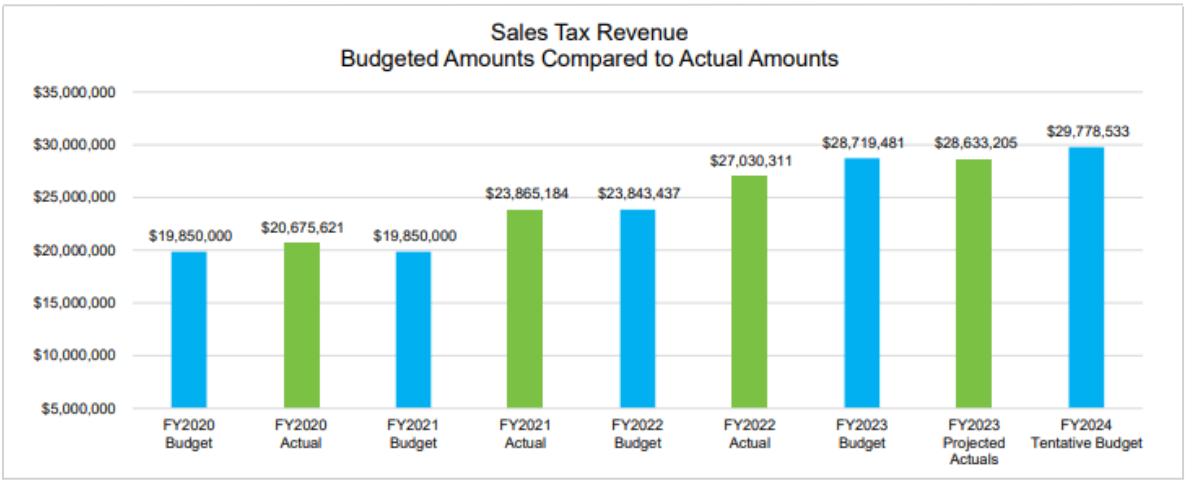
For the 2024 fiscal year, Provo City's estimated total revenues and transfers in account for approximately $362 million (M). The most significant revenues come from sales of utility services ($122.2M), grants ($51.1M), and sales tax ($29.7M). General Fund revenues are primarily derived from three sources: taxes, fees, and transfers.





Taxes consist of sales tax, property tax, and road tax. Fees include inspection fees, franchise fees, user fees, park fees, business licenses, apartment licenses, and other fees. Transfers in include transfers from enterprise funds. Other sources of revenue include intergovernmental revenues, grants, interest income, land sales, and miscellaneous revenue.

Provo City has been named one of the best cities to do business in the United States and welcomes new businesses to help boost the economy even further. The graph below compares sales tax revenue over the last five years. The projected increase for FY 2024 is based on sales tax revenues received in FY 2023.

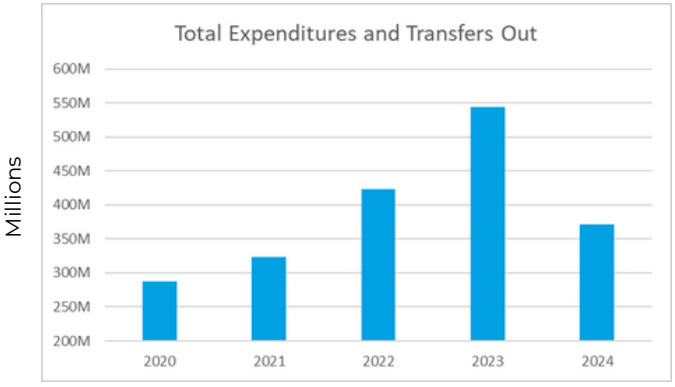


Source: FY 2024 Provo City Tentative Budget p. 27

EXPENSE SUMMARY

TOTAL EXPENDITURES AND TRANSFERS OUT: $371.2M

For the 2024 fiscal year, Provo City's estimated total expenses and transfers out account for approximately $371,208,549 million (M). The most significant expenses come from enterprise funds ($214.5M), the General Fund ($85.0M), and internal service funds ($23.2M).



*The total expenditures and transfers out for FY2023 were comparatively higher due to Provo receiving large grants for capital projects, including $32.7 million in ARPA funds. Expenses for 2022 were higher than 2024 due to various capital improvement projects like the construction of the new city hall building.

The City budget is split into six funds to help organize and track expenses and revenues:

The **General Fund** pays for functions typically associated with municipal government (e.g. police, fire, streets, parks & recreation, etc.) and receives its revenues from taxes, fees, and transfers in.

Enterprise Funds are government-owned funds that sell goods and services to the public (e.g. power, water, airport, etc.) and must abide by the same generally accepted accounting principles that private companies do.

Internal Service Funds primarily provide either benefits or goods and services to other funds and departments within the city on a cost-reimbursement basis to break even rather than turn a profit (e.g. employee benefits, facility services, vehicle maintenance).

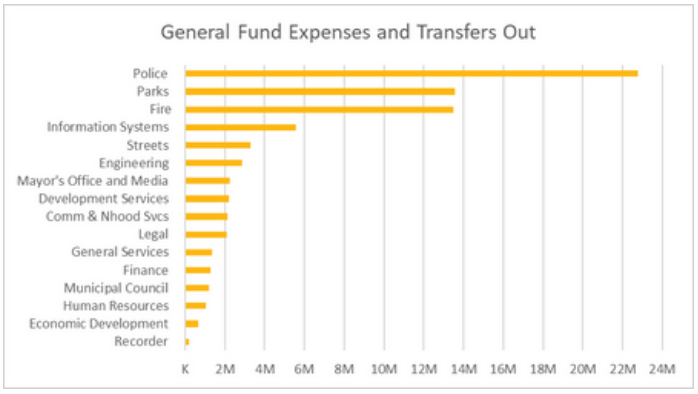
Capital Improvement (CIP) Funds are used to account for resources designated to construct governmental capital assets that may require more than one fiscal year for completion. More detailed information is found on pg. 4 with a summary of capital project expenditures.

Special Revenue Funds are accounts established by a government to collect money that must be used for a specific project. These funds provide an extra level of accountability and transparency to taxpayers and signify that their tax dollars will go to an intended purpose (e.g. Library, Covey Center, Justice Court, Cemetery).

Debt Service Funds account for all bonds issued by the city.

GENERAL FUND EXPENDITURES AND TRANFERS OUT: $85.1M

The breakdown of the General Fund to the right shows the 16 departments across Provo City and the funding they receive in order to continue their duties and operation. Transfers out of the General Fund support enterprise, special revenue, and capital improvement funds. Major transfers include $1.2 million for emergency response, $2.6 million for roads, and $2.2 million for Parks and Rec CIP.



Source: FY 2024 Provo City Tentative Budget p. 27

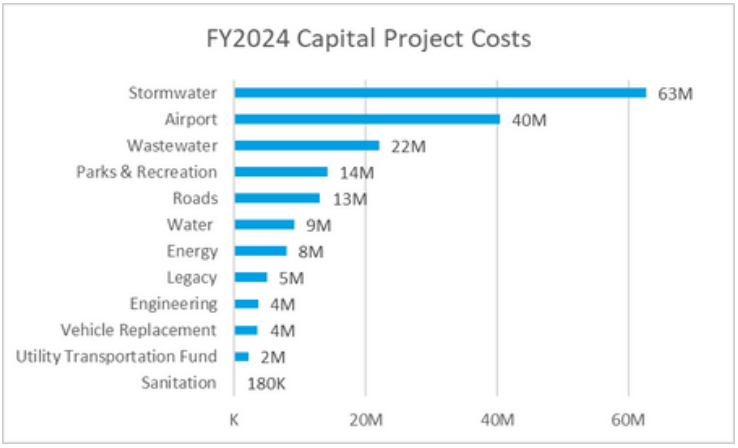
CAPITAL PROJECTS

FY2024 CAPITAL PROJECTS TOTAL COST: $121.3M

The Capital Improvement Plan (commonly referred to as the CIP) consists of the construction and maintenance of the City's infrastructure and capital assets (tangible property with a useful life of at least three years that costs more than $5,000).

Capital projects are funded through different revenue streams (e.g. bonds, loans, grants). The image on the right shows the total project costs for the capital projects across Provo City.

Note: The figures in the Five-Year Capital Improvement Plan include funded, unfunded, and partially funded projects.



Source: Provo City Five-Year Capital Improvement Plan, 2024



The circles below shows significant capital projects scheduled to take place during fiscal year 2024. The five-year Capital Improvement Plan for 2024 can be viewed here: https://tinyurl.com/4a74j8b4.

Airport Terminal Expansion

The expansion of the Provo Airport Terminal from 4 gates to 10 will allow for international flights

Estimated Expenditure in FY2024: $30M

Regional Sports Park

The construction of the largest sports park in the region will meet the needs of the local community and promote economic growth

Estimated Expenditure in FY2024: $4.1M

Water Reclamation Plant

The construction of a new wastewater treatment plant in the East Bay neighborhood will maintain quality services and cost-effective management wastewater

Estimated Expenditure in FY2024: $15.6M

Replacement of Fire Station

The replacement of Fire Station No. 1 will accommodate the needs of the firefighters and the community

Estimated Expenditure in FY2024: $5M

UTILITY INFRASTRUCTURE

Utility infrastructure is any physical or organizational structure that deliver utility services to the city. Examples of this include poles, pipes, cables, wires, tunnels, associated facilities, and more. For the fiscal year 2024, residential utility rates increases are being implemented to fund ongoing operation and capital improvements throughout the city. The proposed rate increases are included in the FY2024 budget. The image below shows the proposed increase of the utility rates.



To help mitigate the increase of utility rates, Provo City provides citizens with sustainability programs and resources. It is important to note that the rate increases are not caused by any of the sustainability programs and resources but rather by market forces like inflation. Sustainability programs and resources supported by the City include water conservation technology, shade trees, and rebated sprinkler accessories. Visit this website https://tinyurl.com/4rsdedbp or call (801)-852-6700 for more information.



ELECTED OFFICIALS



Mayor

Michelle Kaufusi
801-852-6105
michelle@provo.org



Citywide District 1

Katrice MacKay (Chair)
253-632-2026
kmackay@provo.org



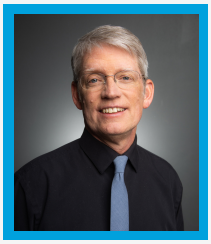
Citywide District 2

David Shipley
801-427-3989
dshipley@provo.org



Council District 1

Bill Fillmore
801-426-8200
bfillmore@provo.org



Council District 2

George Handley
801-574-6672
georgebhandley@gmail.com



Council District 3

Shannon Ellsworth
801-900-3217
sellsworth@provo.org



Council District 4

Travis Hoban
801-872-8471
travis4provo@gmail.com



Council District 5

Rachel Whipple (Vice-Chair)
385-219-9804
rwhipple@provo.org

The City Council oversees the budget for the city of Provo. The proposed budget is available to the public at least 10 days before the adoption of the final budget (usually in June). A public hearing must be held before adopting the budget. The dates for the hearing will be formally set when the budget is tentatively adopted. According to Utah State Code, interested individuals may attend the public hearing and have the opportunity to voice their support or concerns about any item in the budget. Visit https://tinyurl.com/5ar62h92 to stay updated on meetings with the City Council.

To see the full FY 2024 Tentative Budget, visit https://tinyurl.com/2p8z8bsz

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MISANDERS
Department: Council
Requested Meeting Date: 06-06-2023

SUBJECT: A public hearing regarding the annual disclosure of funds transferred from the utility enterprise funds to other funds for the upcoming budget. (23-008)

RECOMMENDATION: No action - public hearing only

BACKGROUND: The proposed transfer is $20,011,285 from enterprise funds to other funds in the Fiscal Year 2023-2024 budget.

FISCAL IMPACT: $20,011,285

PRESENTER'S NAME: John Borget, Director of Administrative Services

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-008

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 the City of Provo, Utah, will hold a public hearing on the following item during the Council Meeting that will take place on Tuesday, June 6, 2023, at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 445 West Center Street, Provo, Utah. Anyone interested is invited to attend.

Provo City Council will hold a public hearing regarding the annual disclosure of funds transferred from the utility enterprise funds to other funds for the upcoming budget. The proposed transfer is $20,011,285 from enterprise funds to other funds in the Fiscal Year 2023-2024 budget. The table below provides a breakdown of the transfer amounts:

	Transfer to General Fund			Transfer to Other Funds				
Transfer From	10% Transfer	1% Road Transfer	Administrative Overhead	Telecom Debt Service	Provo 360	Water	Total	% of Rev
Energy	$ 7,173,660	$ 717,366	$ 558,101	$ 3,575,000	$ 117,568	$ -	$ 12,141,695	15%
Water	1,750,153	175,015	380,755	-	49,587	-	2,355,510	12%
Wastewater	2,609,600	260,960	308,846	-	31,110	583,820	3,794,336	14%
Sanitation	681,590	68,159	156,869	-	21,892	-	928,510	13%
Storm Drain	582,500	58,250	135,505	-	14,979	-	791,234	13%
Total	$ 12,797,503	$ 1,279,750	$ 1,540,076	$ 3,575,000	$ 235,136	$ 583,820	$ 20,011,285	14%

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 meetings virtually may do so via Zoom. To join the Zoom meetings, visit zoom.us/join and enter Meeting ID **820 3887 3628** and Passcode **694509**. To listen or comment via phone, dial **820 3887 3628**, enter the appropriate Meeting ID for the meeting you are attending 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: MISANDERS
Department: Council
Requested Meeting Date: 06-06-2023

SUBJECT: A public hearing regarding the Fiscal Year 2023-2024 Provo City Budget. (23-008)

RECOMMENDATION: No action - public hearing only

BACKGROUND: The purpose of this public hearing is to allow citizens to express their opinions to the Council regarding the City Budget.

FISCAL IMPACT:

PRESENTER'S NAME: Kelsey Zarbock, Budget Officer

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-008

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

NOTICE OF PUBLIC HEARINGS BEFORE THE PROVO CITY MUNICIPAL COUNCIL, PROVO CITY REDEVELOPMENT AGENCY GOVERNING BOARD, AND PROVO CITY STORMWATER SERVICE DISTRICT GOVERNING BOARD

Notice is hereby given that the Municipal Council of the City of Provo, Utah, the Provo City Redevelopment Agency Governing Board, and the Provo City Stormwater Service District Governing Board will hold public hearings at two meetings, one that will begin at 5:30 p.m. on Tuesday June 6, 2023 **to present the documents for the Fiscal Year 2023-2024 Budget**, and one that will begin at 5:30 p.m. on Tuesday, June 20, 2023 **to adopt the Fiscal Year 2023-2024 Budget**, pursuant to Utah Code Sections 10-6-114 and 10-6-135 for Provo City Corporation, Provo City Redevelopment Agency, and Provo City Stormwater Service District, respectively. Citizens who wish to view the budgets in advance may do so by visiting this link:
https://www.provo.org/home/showpublisheddocument/22354/638197672715600000

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Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MISANDERS
Department: Council
Requested Meeting Date: 06-06-2023

SUBJECT: A public hearing regarding the Fiscal Year 2023-2024 Provo City Redevelopment Agency Budget (23-008)

RECOMMENDATION: No action - public hearing only

BACKGROUND: The purpose of this public hearing is to allow citizens to express their opinions to the Council regarding the Provo City Redevelopment Agency Budget.

FISCAL IMPACT:

PRESENTER'S NAME: Kelsey Zarbock, Budget Officer

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-008

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

NOTICE OF PUBLIC HEARINGS BEFORE THE PROVO CITY MUNICIPAL COUNCIL, PROVO CITY REDEVELOPMENT AGENCY GOVERNING BOARD, AND PROVO CITY STORMWATER SERVICE DISTRICT GOVERNING BOARD

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Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: MISANDERS
Department: Council
Requested Meeting Date: 01-01-2018

SUBJECT: A public hearing regarding the fiscal year 2023-2024 Stormwater Service District budget (23-008)

RECOMMENDATION: No action - public hearing only

BACKGROUND: The purpose of this public hearing is to allow citizens to express their opinions to the Council regarding the Stormwater Service District budget.

FISCAL IMPACT:

PRESENTER'S NAME: Kelsey Zarbock, Budget Officer

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-008

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

NOTICE OF PUBLIC HEARINGS BEFORE THE PROVO CITY MUNICIPAL COUNCIL, PROVO CITY REDEVELOPMENT AGENCY GOVERNING BOARD, AND PROVO CITY STORMWATER SERVICE DISTRICT GOVERNING BOARD

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Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JOHNB
Department: Administrative Services
Requested Meeting Date: 05-16-2023

SUBJECT: A presentation regarding an appropriation for a new golf cart storage building at Timpanogos Golf Club. (23-046)

RECOMMENDATION: Appropriate $381,000 out of the Timpanogous Golf Club fund balance and approve an interfund loan for 7 years with the Parks and Recreation CIP Fund.

BACKGROUND: As part of the golf course's effort to become the most environmentally sustainable facility in the region, we are needing to add a new cart storage facility that will be the groundwork for a 100% electric cart fleet. The current cart storage area only holds 38 carts and has not allowed the course to convert its 80 carts to electric. This building will hold and be able to charge 80 electric golf carts. We are hoping upon completion of the facility we will transition to an electric fleet within 2 to 3 years when electric cart pricing normalizes. The opportunity to build the building now is driven by a partnership between the new Noorda Osteopathic Medical School and the completion of their new roadway and campus. The Noorda Osteopathic Medical School has agreed to pay for the concrete slab for the building. The total cost of the project is $381,000. Funding for this project will be from an internal loan from the Parks and Recreation Department CIP Fund that will be paid back over 7 years from golf course revenues.

FISCAL IMPACT: $381,000

PRESENTER'S NAME: John Borget, Director of Administrative Services and Brett Watson, Golf Manager

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-046

RESOLUTION 2023-?.

A RESOLUTION AUTHORIZING 1) AN INTERFUND LOAN BETWEEN THE PARKS & RECREATION CIP FUND AND THE GOLF COURSE FUND FOR THE CONSTRUCTION OF A CART STORAGE FACILITY; 2) A TRANSFER OF $381,000 FROM THE PARKS & RECREATION CIP FUND TO THE GOLF COURSE FUND; AND 3) AN APPROPRIATION OF $381,000 IN THE GOLF COURSE FUND FOR A GOLF CART STORAGE FACILITY . (23-046)

WHEREAS, as part of the Timpanogos Golf Club's effort to become the most environmentally sustainable facility in the region, it needs to add a new cart storage facility that will be the groundwork for a 100% electric cart fleet; and

WHEREAS, to fund the new cart storage facility, the Administration recommends that the Municipal Council authorize an interfund loan of $381,000 between the Parks & Recreation Capital Improvement Project Fund to the Golf Course Fund that will be paid back over seven years from golf course revenues with a principal payment of $54,428.57 per year with a variable interest payment that ties to the State Pool rate; and

WHEREAS, the Administration further recommends that the full $381,000 be transferred from the Parks & Recreation Capital Improvement Project Fund to the Golf Course immediately; and

WHEREAS, the Administration recommends that the $381,000 transfer amount be appropriated in the Golf Course fund for the golf cart storage facility; and

WHEREAS, on June 6, 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 Council hereby authorizes an interfund loan of $381,000 between the Parks & Recreation Capital Improvement Project Fund and the Golf Course Fund that will be paid back over seven years with a principal payment of $54,428.57 per year with a variable interest

payment that is tied to the State Pool rate.

PART II:

The Mayor is hereby authorized to transfer $381,000 from the Parks & Recreation Capital Improvement Project Fund to the Golf Course Fund, applying to the fiscal year ending June 30, 2023.

PART III:

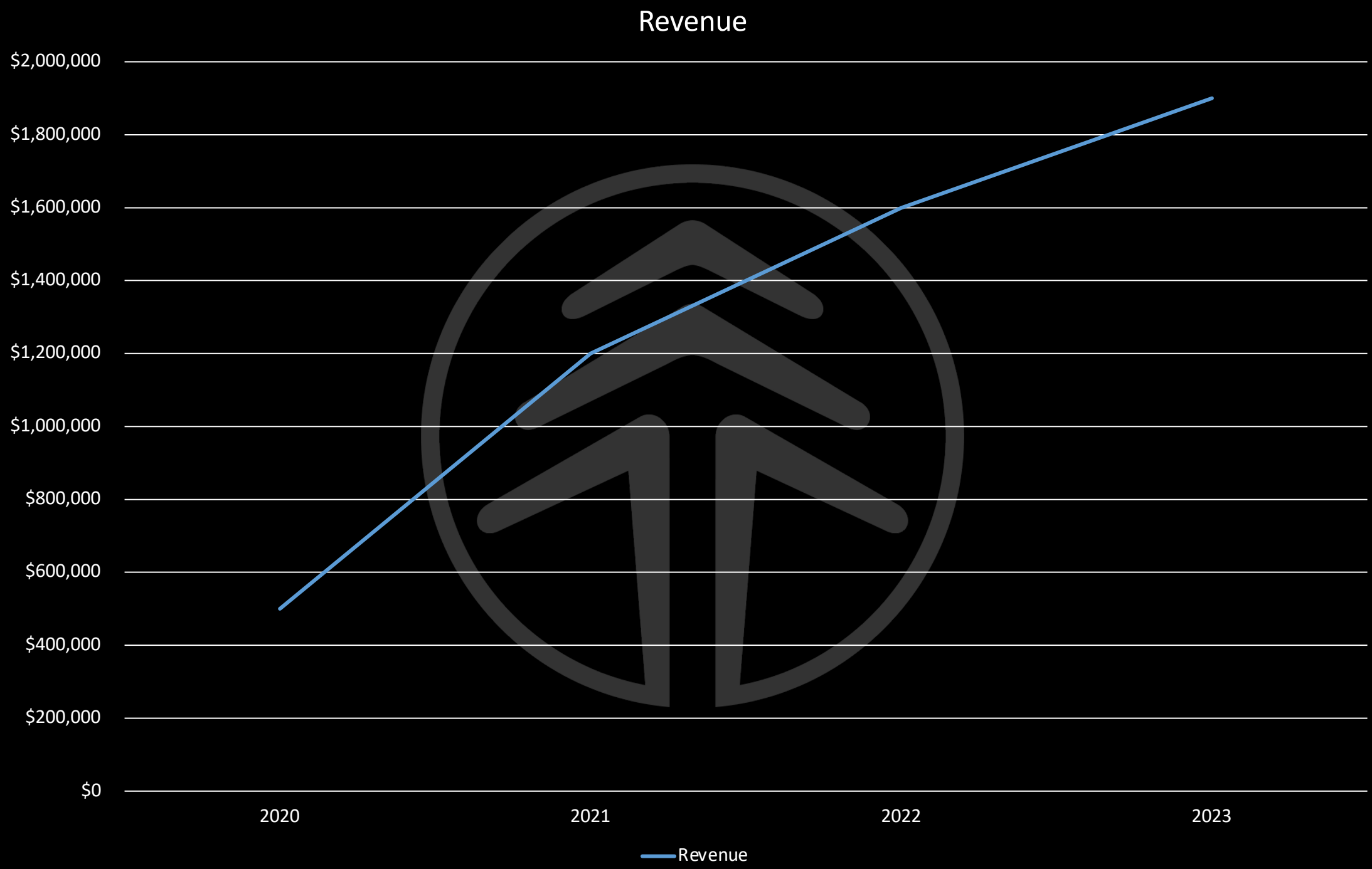
The Mayor is hereby authorized to appropriate $381,000 in the Golf Course Fund for construction of a golf cart storage facility, applying to the fiscal year ending June 30, 2023.

PART IV:

This resolution shall take effect immediately.

END OF RESOLUTION.




Revenue
$2,000,000
$1,800,000
$1,600,000
$1,400,000
$1,200,000
$1,000,000
$800,000
$600,000
$400,000
$200,000
$0
2020
2021
2022
2023
Revenue

New Clubhouse On Timpanogos Golf Course

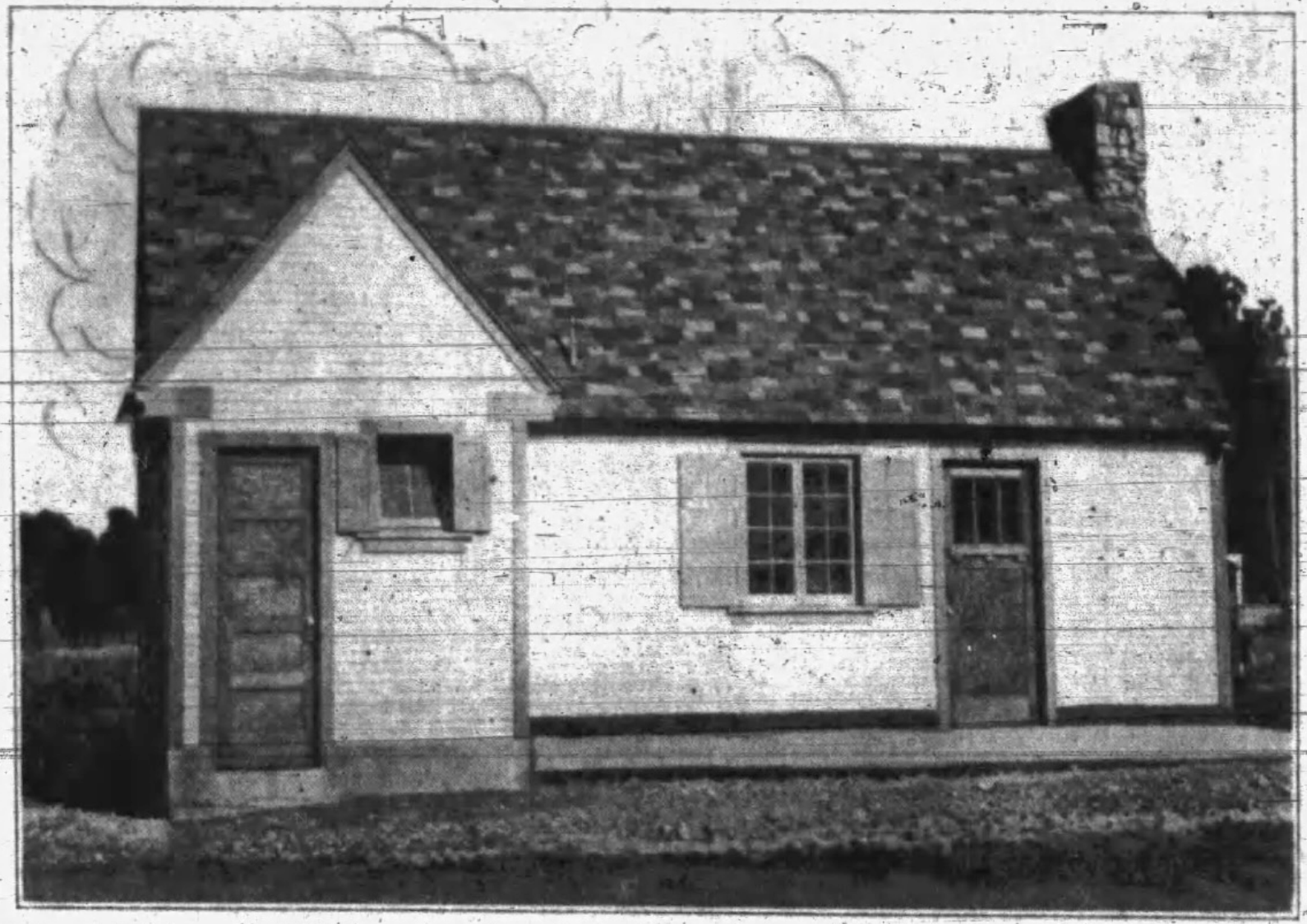
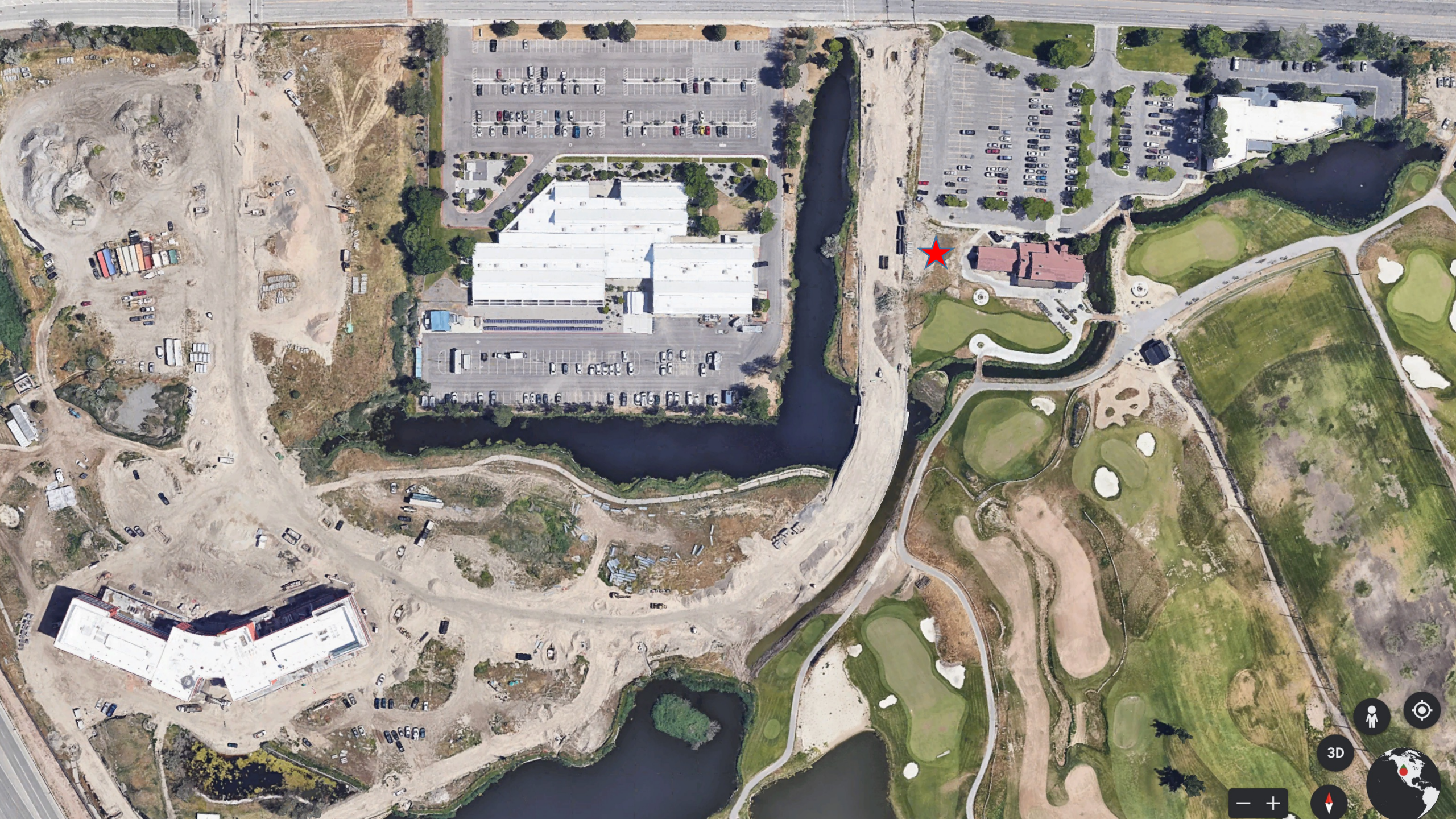


Photo shows the modern clubhouse of the Timpanogos municipal golf course, just completed at Provo's greatly-improved course adjacent to the fairgrounds.


3D






NATURAL
KRAFT SHOPPER



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, June 6, 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 a) an interfund loan agreement of $381,000 between the Parks & Recreation Capital Improvement Project (CIP) Fund and the Golf Course fund for a golf cart storage facility; b) an associated transfer of $381,000 from the Parks & Recreation CIP fund to the Golf Course fund; and c) the related appropriation of $381,000 in the Golf Course fund for the golf cart storage facility. The funding source of the appropriation the interfund loan from the Parks & Recreation CIP fund.

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 **820 3887 3628** and Passcode **694509**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID **820 3887 3628** 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: MMCNALLEY
Department: Development Services
Requested Meeting Date: 06-06-2023

SUBJECT: A discussion regarding the adoption of the 2023-2024 Annual Action Plan. (23-027)

RECOMMENDATION: Recommend Adoption of funding recommendations for the 2023-24 Annual Action Plan

BACKGROUND: This is the Annual Action plan allocating funds and setting goals for CDBG and HOME funding. This is year 4 in the 20-24 Consolidated Plan

FISCAL IMPACT:

PRESENTER'S NAME: Melissa McNalley, Community Grant Administrator

REQUESTED DURATION OF PRESENTATION: 15-30 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-027

RESOLUTION 2023- .

A RESOLUTION APPROVING THE PROGRAM YEAR 2023 ANNUAL ACTION PLAN, FOURTH YEAR UPDATE TO THE 2020-24 FIVE-YEAR CONSOLIDATED PLAN, AS AMENDED. (23-027)

WHEREAS, Provo City (the "City") as the Lead Entity of the Utah Valley HOME Consortium ("Consortium") is required to prepare an Annual Action Plan update to the five-year Consolidated Plan and submit to the United States Department of Housing and Urban Development ("HUD") in order to obtain funding for Community Development Block Grant (CDBG) and HOME Investment and Partnerships Program (HOME); and

WHEREAS, the City has prepared the Program Year 2023 Annual Action Plan (the "Plan") as shown in Exhibit A, Second Year Update to the 2020-24 Five-Year Consolidated Plan, as amended, in compliance with federal requirements; and,

WHEREAS, the City expects to receive from HUD an entitlement amount of $1,337,813 in CDBG funds and expects to reprogram $150,863 in Program Income and unexpended previous years' Program funds; all shown in Exhibit B; and,

WHEREAS, the City as Lead Entity for the Consortium estimates to receive from HUD $1,589,819 for the HOME Program; and expects to have $396,040.82 in Program Income; all as shown in Exhibit C; and,

WHEREAS, a duly noticed public comment period began on April 18, 2023 to give citizens, partner agencies and other interested parties an opportunity to provide comment on the proposed Plan; and,

WHEREAS, after duly considering applications received and the needs of the City and the Consortium Advisory Committees (the "Committees") made recommendations to the Municipal Council regarding the use of CDBG and HOME funds; and,

WHEREAS, on April 18, and June 6, 2023 the Municipal Council held duly noticed public hearings to receive public comment and consider public comment and ascertain the facts regarding the Plan and the use of CDBG and HOME funds, which facts and comments are found in the hearing record; and,

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

WHEREAS, after considering the recommendations of the Committees and facts and comments presented to the Provo Municipal Council, the Council finds that (i) approval of the Program Year 2023 Annual Action Plan, Fourth Year Update to the 2020-24 Five-Year Consolidated Plan, herein attached as Exhibit A; (ii) CDBG and HOME funds should be apportioned as shown in the Attached Exhibits B, and C and (iii) that such use of CDBG and HOME funds 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, as follows:

PART I:

1. The Program Year 2023 Annual Action Plan, as shown in the attached Exhibit "A," is hereby authorized and adopted.

2. The Municipal Council hereby adopts a CDBG Program for Program Year 2023 in the total amount of $1,337,813, plus $150,863.91 in Program Income and reprogrammed funds, all as shown in attached Exhibit B.

3. The Municipal Council hereby adopts a HOME Program for Program Year 2023 in the total amount of $1,589,819, plus $396,040.82 in Program Income, all as shown in attached Exhibit C.

4. The Mayor is authorized to (i) submit the Program Year 2023 Annual Action Plan and related documents to the U.S. Department of Housing and Urban Development, (ii) to execute appropriate certifications, Final Statements, and Program Applications in conjunction with the Plan's submittal.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.



Year Four, Annual Action Plan

July 1, 2023, through June 30, 2024

of the 2020-2024 Five-Year Consolidated Plan

as Amended

City of Provo (City)
Utah Valley HOME Consortium (UVHC)
Provo City Corporation – Development Services
445 West Center
Provo, Utah 84601
https://www.provo.org/departments/development/cdbg-home/cdbg-home-documents

AP-05 EXECUTIVE SUMMARY - 91.200(C), 91.220(B)

1. Introduction

The City of Provo/Utah Valley HOME Consortium Program Year 2023 Annual Action Plan (2023-AAP) is the Fourth Year Action Plan of the 2020-2024 Five-Year Consolidated Plan (ConPlan), as amended. It is a product of a planning and coordination process to identify housing and community development needs. The process forms the framework for a community-wide dialogue to establish priorities and create strategies to address those needs, especially for low- and moderate-income households. This plan is intended to be an informative and useful tool for the residents, organizations and businesses committed to continued growth in our community.

The Annual Action Plan includes the City's application for the federal grants received from the U.S. Department of Housing and Urban Development (HUD) and administered by the Office of Community Planning and Development (CPD), a division of HUD, through which the City receives an annual allocation, or formula grant, from the CPD programs:

- **Community Development Block Grant (CDBG)**
  The CDBG program's primary objective is to promote the development of viable urban communities by providing decent housing, suitable living environments and expanded economic activities to persons of low and moderate income.

- **Home Investment and Partnerships Program (HOME)**
  The primary objective of the HOME Program is to create affordable housing for low-income households. Communities often partner with nonprofit and for-profit organizations to fund a wide variety of activities including building, buying and/or rehabilitating affordable housing for rent or homeownership or provide direct rental assistance to low-income people.

The City of Provo has designated its Development Services Department to manage and administer all funding received from HUD.

The Utah Valley HOME Consortium is an inter-jurisdictional partnership between the Cities of Provo, Orem, Lehi and Utah County, formed to receive HOME Program funds directly from HUD. The Cities of Orem and Lehi receive their own CDBG entitlement allocation and Utah County, as a qualified Urban County, also receives its own allocation of CDBG funding. All jurisdictions within Utah County, which have signed an Interlocal Agreement to receive CDBG funding through Utah County, are also eligible to benefit

from HOME funds. As the designated Lead Entity for the Consortium, The City of Provo administers the HOME Program.

Regulations in the HOME Program establish that Participating Jurisdictions (PJs) are provided affordable homeownership limits annually by HUD, however the regulations also allow PJs to determine these limits on their own through a local market analysis. The Consortium now conducts such an analysis annually and determines its own affordable homeownership limits. The process and results are outlined in Section AP-90-Program Specific Requirements of this Action Plan, by completing a market analysis ensuring enough recent housing sales are included in the survey.

2. Summarize the objectives and outcomes identified in the Plan

As a result of citizens' and City Council's input The City of Provo will prioritize its activities and projects in three categories of Locally Targeted Objectives: Decent Housing, Suitable Living Environment, and Creating Economic Opportunities.

Housing – Assist in the expansion of housing opportunities, particularly for low- and moderate-income households and encouraging diversification of housing stock.

- Support down payment assistance programs that provide access to home ownership.
- Support housing programs to address the needs of updating aging housing stock through emergency, spot, and full rehabilitation.
- Support rental assistance programs to special needs populations, including efforts to assist families more rapidly from homelessness into permanent housing.
- Support development of new affordable housing to increase the number, types, affordability, and condition of both rental and homeownership housing.

Public Services – Support public service agencies that assist low- and moderate-income persons.

- Support organizations that provide services to populations with special needs (e.g., elderly, persons with disabilities, homeless persons, victims of domestic violence, etc.).
- Support organizations that provide education, including job training.
- Support organizations that provide services to seniors.
- Support organizations that provide healthcare services and health education.
- Support organizations that assist at-risk youth (e.g., after-school programs, recreations programs, mentoring programs.
- Support organizations that provide housing services.

Economic Opportunities

- Support local small businesses and entrepreneurs by providing mentoring and technical assistance, including support to Microenterprise Development.

- Utilize, when available, Section 108 Loan Guarantees.
- Support improvement visibility of small business storefronts in the Central Business District.

Public Facilities

- Support creation and improvement of public facilities and improvements (i.e., streets, sidewalks, curb & gutter, and sewer/water improvements).
- Support creation and improvement of public and nonprofit neighborhood community facilities and health centers.

3. Evaluation of past performance

The CDBG and HOME investments have been used to make long-lasting improvements serving low-income residents. Past programs have focused on community needs that continue to exist including affordable housing, neighborhood improvements, and public service support for low-income residents.
At the conclusion of each program year the City of Provo prepares its Consolidated Annual Performance Evaluation Report (CAPER) which is submitted to HUD within 90 days of the end of the Program Year (PY).

While specific accomplishment data for Program Year 2022 (PY2022), third year of the 2020-24 ConPlan, are not yet available we believe the programs and projects carried out have benefited greatly and assisted in meeting community needs as projects are moving forward to provide more affordable housing choices throughout Utah County as well as funding used this Program Year to help make various public services available to low-income individuals and assist those with disabilities.

4. Summary of Citizen Participation Process and consultation process

An integral part of the ConPlan planning process is Citizen Participation as it provides for goals and priorities that are defined in the context of community needs and preferences. In addition, the citizen participation process provides a format to educate the community about the federal grants received by City of Provo and the Consortium. To this end the City solicited involvement from a diverse group of stakeholders and community members during the development of the 2020-2024 ConPlan, as amended. A comprehensive public engagement process included stakeholder meetings, citizen's survey available in both English and Spanish, public hearings, committee meetings and a public comment period.

The City received input from residents, stakeholders and other interested parties including service providers through a survey conducted in the fall of 2022 to determine funding priorities. Through the AAP planning process citizen advisory committees met several times to hear presentations and discuss the needs of the City and make recommendations for funding. All public notices for the Annual Action Plan were published in the Daily Herald newspaper as well as the City website.

Funding recommendations by Citizen's committees will be presented to the Municipal Council in two public hearings conducted on April 18th and June 6th, 2023, with recommended funding amounts available for review by the public, Citizen's committees and boards, and applicants. Provo City's Municipal Council adopted the Final Draft of the 2023-AAP at the public hearing held on June 6th, 2023.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

7. Summary

The Annual Action Plan provides for the allocation of CDBG and HOME funds for Program Year 2023 (PY2023) and the reprogramming of existing funds. It also reflects the coordinated efforts of local governments and citizens, as well as the wide network of housing and human service providers in Utah County.

PR-05 LEAD & RESPONSIBLE AGENCIES - 91.200(B)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	PROVO	DEVELOPMENT SERVICES
CDBG Administrator	PROVO	DEVELOPMENT SERVICES
HOME Administrator	PROVO	DEVELOPMENT SERVICES
CDBG Administrator	OREM	CITY OF OREM
CDBG Administrator	UTAH COUNTY	MOUNTAINLAND ASSOCIATION OF GOVERNMENTS

Table 1 – Responsible Agencies

2. Narrative

Provo City (City) is the Lead Agency of entitlement programs regulated by the Office of Community Planning and Development (CPD) of the United States Department of Housing and Urban Development (HUD). The City's Housing Division in the Department of Development Services (DS) is responsible for the administration of CPD-HUD entitlement grants which include the Community Development Block Grant (CDBG), and the HOME Investment Partnerships Program (HOME). The City is also responsible for the preparation of the Consolidated Plan (ConPlan), Annual Action Plans (AAP) and Consolidated Annual Performance Evaluation Reports (CAPER) for Provo City and The Utah Valley HOME Consortium. The City of Orem administers its own CDBG program and Mountainland Association of Governments administers the City of Lehi and Utah County's CDBG Programs.

3. Consolidated Plan Public Contact Information

Provo City and its CDBG entitlement partners welcome questions and/or comments regarding this Annual Action Plan update. Please contact the following:

Provo City CDBG & Utah Valley HOME Consortium
Melissa McNalley, Community Grants Administrator
Development Services, Provo City
445 West Center Street
Provo, UT 84601
801-852-6164
mmcnalley@provo.org

City of Orem CDBG
Kena Mathews, Community Services Manager, City of Orem
56 North State Street
Orem, UT 84057
801-229-7023
kjmathews@orem.org

City of Lehi and Utah County CDBG
Jessica DeLora, Community and Economic Development Director, Mountainland Association of Governments
586 East 800 North
Orem, UT 84097
801-229-3831
jdelora@mountainland.org

AP-10 CONSULTATION - 91.100, 91.200(B), 91.215(L)

1. **Introduction**

   Provo City, along with City of Orem and MAG, engaged in a collaborative effort to consult with City departments, representatives of low-income neighborhoods, non-profit and for-profit housing developers, service providers, lenders, public service agencies, homeless service providers, faith-based organizations, supportive housing and service providers, community stakeholders, community partners, and beneficiaries of entitlement programs to inform and develop the priorities and strategies contained within the ConPlan.

a. **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

   In preparing the Program Year 2023 Annual Action Plan the City held consultations with various organizations which provide services throughout Utah County, including local leaders, housing providers, and service providers.

   Provo City also participates in regular meetings with other CDBG grantees in Utah County to streamline and simplify the process for new and renewing applicants.

b. **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

   The vision of the Mountainland Region Continuum of Care (CoC) is to provide decent, safe and affordable housing and effective support services to homeless, chronic homeless families and individuals including—initial stabilization, transitional housing, permanent housing, access to mainstream resources and independence from governmental assistance. United Way of Utah County (United Way) leads the CoC, of which the City of Provo is a member, represented by several City departments including Fire, Police, and Development Services among them. The CoC is an organized body of local jurisdictions, government agencies, local nonprofit organizations, faith-based service and housing organizations, and other agencies and partners seeking to maximize resources and avoid duplication of services while providing consistent and unified planning in Utah County.

As it annually does, the CoC led the efforts for the point in time count, in which volunteers participated in an outreach to find homeless individuals. The event was advertised in the Daily Herald (local paper), the Provo Mayor's blog, and the United Way Facebook page.

c. Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS.

Neither the City of Provo, nor any other jurisdiction with membership in the HOME Consortium receives ESG funding.

2. Agencies, groups, organizations and others who participated in the process and consultations

1	**Agency/Group/Organization**	**Rocky Mountain University of Health Professionals**
	Agency/Group/Organization Type	Health Agency
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the 2020 ConPlan Discussion. Continue to make available financial support to provide services.
2	**Agency/Group/Organization**	**Fresh Start Ventures**
	Agency/Group/Organization Type	Services-Housing Services-Homeless
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
3	**Agency/Group/Organization**	**Center for Women & Children in Crisis – The Refuge**
	Agency/Group/Organization Type	Housing Services – Housing Services – Children Services – Victims of Domestic Violence Services – Homeless Services – Education

	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
4	**Agency/Group/Organization**	**Community Action Services & Food Bank**
	Agency/Group/Organization Type	Services – Housing Services – Children Services - Homeless Services – Education
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
5	**Agency/Group/Organization**	**Community Health Connect**
	Agency/Group/Organization Type	Services – Health
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the	The organization responded to the survey and participated in the ConPlan Discussion.

	consultation or areas for improved coordination?	Continue to make available financial support to provide services.
6	**Agency/Group/Organization**	**Family Support & Treatment Center**
	Agency/Group/Organization Type	Services – Children Services – Education Services – Victims
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
7	**Agency/Group/Organization**	**Food & Care Coalition**
	Agency/Group/Organization Type	Services – Housing Services – Persons with Disabilities Services – Health Services – Homeless Services – Education
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
8	**Agency/Group/Organization**	**Friends of UT County Children's Justice Ctr.**
	Agency/Group/Organization Type	Services – Children

		Services – Victims
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
9	**Agency/Group/Organization**	**Mountainland Head Start**
	Agency/Group/Organization Type	Services – Children Services – Education
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
10	**Agency/Group/Organization**	**Centro Hispano**
	Agency/Group/Organization Type	Services – Health Services – Education Services – Employment
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the	The organization responded to the survey and participated in the ConPlan Discussion.

	anticipated outcomes of the consultation or areas for improved coordination?	Continue to make available financial support to provide services.
11	**Agency/Group/Organization**	**Housing Authority of Utah County**
	Agency/Group/Organization Type	PHA
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
12	**Agency/Group/Organization**	**NeighborWorks Provo**
	Agency/Group/Organization Type	Housing Services – Education
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
13	**Agency/Group/Organization**	**Mountainlands Community Health Center**
	Agency/Group/Organization Type	Health Agency
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis

	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
14	**Agency/Group/Organization**	**Mountainland Continuum of Care**
	Agency/Group/Organization Type	Services – Homeless
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
15	**Agency/Group/Organization**	**Project Read**
	Agency/Group/Organization Type	Services – Elderly Persons Services – Education Services – Employment
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
16	**Agency/Group/Organization**	**Provo City Housing Authority**
	Agency/Group/Organization Type	PHA
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs

		Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
17	**Agency/Group/Organization**	**Rural Housing Development Corporation**
	Agency/Group/Organization Type	Housing
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.
18	**Agency/Group/Organization**	**Wasatch Mental Health**
	Agency/Group/Organization Type	Other Government: State Services – Persons with Disabilities
	What Section of the Plan was addressed	Housing Need Assessment Public Housing Needs Homeless Needs (All) Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	The organization responded to the survey and participated in the ConPlan Discussion. Continue to make available financial support to provide services.

Table 2 – Agencies, groups, organizations who participated

a. Identify any Agency Types not consulted and provide rationale for not consulting

The Annual Action Plan process provided an opportunity and invited participation comments from all relevant organizations and agencies.

b. Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care Plan	United Way of Utah County	Assist persons who are homeless and at risk of homelessness
Analysis of Impediments-2019 Utah Valley	Provo City Corporation	Affirmatively Furthering Fair Housing
Housing Needs Assessment-2019 Utah Valley	Provo City Corporation	Housing Needs
Housing Market Analysis 2019 Utah Valley	Provo City Corporation	Non-Housing Needs
Affordable Housing Report-2019	State of Utah	Housing Affordability
CASFB Community Needs Assessment 2022	Community Action Services and Food Bank	Income, Employment and Housing
The Market Pulse-September 2019	CoreLogic	Housing Market

Table 3 – Other local / regional / federal planning efforts

c. Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l)).

As Lead Entity of the Utah Valley HOME Consortium, the City of Provo engages with other Consortium members discussing community needs and long-term housing strategies. The City of Provo is also an active member of the Mountainland Continuum of Care and the Utah County Council of Governments. In preparing for the upcoming plan year Provo City engaged with Orem City and Mountainland Association of Governments, who administers both Lehi City's and Utah County's CDBG Programs, in offering better funding opportunities to Public Services

providers by creating a unified application process requiring less duplicative efforts from both CDBG entitlements and Subrecipients. The focus of these efforts is to provide a more immediate and complete impact for public services in need of capital improvement funding as well as a better application/reporting/monitoring system. Efforts are also joined to gather regional data and provide wholistic analyses of the regional housing needs, housing market and barriers to affordable housing.

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal setting

The City sought out public participation in the development of this plan from citizens at large, non-profit organizations, elected officials and other interested parties through public meetings, public hearings and surveys.

Citizen Advisory Committees and Boards met to evaluate applications and listen to presentations from agencies seeking funding from both CDBG and HOME programs. Residents were invited to participate in the Public Hearings where the projects and/or programs for the fourth year Action Plan were presented as well as provide input in its adoption.

The Public Comment Period to this Plan will run from April 18, 2023, to June 6, 2023. Comments are solicited in person during the Council Public Hearings on April 18, and June 6, 2023. Interested parties can also provide input through email to the CDBG & HOME Administrator for the City of Provo: mmcnalley@provo.org; by phone: 801-850-6164; through the Provo City website and by mail: to Provo City Corporation, ATTN: PY-2023 Annual Action Plan, Development Services 445 West Center Street, Provo, Utah, 84601.

Citizen Participation Outreach

Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
Survey Online through website and Social Media Platforms	Non-Targeted / Broad Community	See Appendix			
Public Hearing	City Officials Non-targeted /Broad Community				
Website	Broad Community				
Public Hearing	City Officials Non-targeted /Broad Community				

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c) (1,2)

1. Introduction

The following table summarizes the anticipated resources.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 4				Expected Amount Available Reminder of ConPlan	Description
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public Federal	Acquisition Admin and Planning Economic Development Housing Land Acquisition Public Improvements Public Services	$1,337,813	$2,813	$148,051	$1,488,677	$1,337,813	Amount for remainder of ConPlan is estimated as same amount as Year 4 allocation.
HOME	Public Federal	Acquisition Homebuyer Assistance Homeowner rehab Multifamily rental new construction New construction for ownership TBRA	$1,589,819	$396,041	$0	$1,985,860	$1,589,819	Amount for remainder of ConPlan is estimated as same as Year 4 allocation. Program Income is typically generated from housing loan repayment

Table 5 - Expected Resources – Priority Table

2. Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Provo City's Public Facilities and Parks projects use CDBG funding as gap financing allowing leveraging of other sources of funds.

HOME funding is also used to leverage private funding, frequently in addition to the 25 percent Match required by the program. Match is met through a combination of private financing, cash contributions, donated material, services, and labor.

3. If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

N/A

ANNUAL GOALS AND OBJECTIVES

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Homeowner/Homebuyer	2020	2024	Affordable Housing	City/ Consortium Wide	Affordable Housing	CDBG: $36,000 HOME: $1,826,878	Homeowner Housing Constructed: **5** Homeowner Housing-Rehabilitated: **7** Direct Financial Assistance to Homebuyers: **20**
2	Rental Housing	2020	2024	Affordable Housing	City/ Consortium Wide	Affordable Housing		Tenant Based Rental Assistance: **0**
3	Public Facilities	2020	2024	Non-Housing Community Development	City/ Consortium Wide	Suitable Living Environments	CDBG: $606,442 CDBG: $ 6,000	Public Facility or Infrastructures Activities other than Low/Moderate Income Housing Benefit: **4988;** PF for Low/Mod **1**
4	Public Services	2020	2024	Homelessness Non-Homeless Special Needs	City/ Consortium Wide	Suitable Living Environments	CDBG: $200,672	Public Service Activities other than Low/Moderate Income Housing Benefit: **12,510**
5	Stimulate Economic Growth	2020	2024	Non-Housing Community Development	City Wide	Economic Development	CDBG: $372,000	Façade treatment/business building Rehabilitation Jobs Created/Retained Businesses Assisted: **2/4**
6	Administration	2020	2024	Non-Housing Community Development	City Wide	All	CDBG: $267,563 HOME: $158,982	

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Homeowner/Homebuyer Affordability
	Goal Description	The purpose of this goal is to increase the affordability, availability, accessibility and sustainability of owner-occupied housing.
2	**Goal Name**	Rental Housing Affordability
	Goal Description	The purpose of this goal is to increase the affordability, availability, accessibility and sustainability of rental housing.
3	**Goal Name**	Public Facilities
	Goal Description	This goal strives to improve neighborhood infrastructure and access to basic services for low--income and special needs populations
4	**Goal Name**	Public Services
	Goal Description	This goal consists of activities to help low--income individuals and families as well as individuals with special needs receive, therapy, supportive services, education, medical assistance, and other needed services
5	**Goal Name**	Stimulate Economic Growth
	Goal Description	This goal includes activities that create or retain jobs, foster entrepreneurship and increase access to employment centers for low- and moderate-income populations

Table 7 – Goals Summary

AP-35 Projects - 91.420, 91.220(d)

Introduction

Five different entitlement allocations from HUD for PY2023 come to Consortium members. For CDBG Programs City of Provo will receive $1,337,813, Utah County's allocation is $1,422,713, City of Orem expects to receive $632,646 and Lehi's allocation is estimated at $333,305. Additionally, the HOME Consortium expects to receive $1,589,819 in HOME funds. To these amounts Provo City adds $398,854 in Program Income and $148,051 reprogrammed funding from previous years. Provo City's total available for funding is $3,474,537 (CDBG: $1,488,677; HOME: $1,985,860).

#	Project Name
1	CDBG: Administration
2	CDBG: 108 Loan Repayment
3	CDBG: Community Action Services & Food Bank – Homebuyer Class
4	CDBG: Community Action Services & Food Bank—Circles Program
5	CDBG: Community Action Services & Food Bank – Community Garden
6	CDBG: The Refuge
7	CDBG: Children's Justice Center
8	CDBG: Project Read
9	CDBG: Provo City Police Victim Services
10	CDBG: Recreation and Habilitation Services (RAH)
11	CDBG: Alpine House Capital Improvements – Slurry Seal
12	CDBG: Business Façade Rehabilitation
13	CDBG: Neighborhood Revitalization Program
14	CDBG: Public Works – Joaquin Neighborhood Improvements
15	CDBG: Public Works – Wasatch and Foothills Neighborhood Improvements
16	CDBG: Emergency Home Repair – Program Delivery
17	CDBG: Egress Window – Program Delivery
18	HOME: Administration
19	HOME: Rural Housing Development Corporation-Mutual Self-Help Program, Santaquin
20	HOME: Neighborworks – Mountain Crest Manor - Orem
21	HOME: Home Purchase Plus Down Payment Assistance Program
22	HOME: Loan to Own – Down Payment Assistance Program

Table 8 Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.

The City is taking a strategic approach to direct funding. Priorities include expanding affordable housing opportunities throughout the Consortium, providing critical services for the most vulnerable residents, expanding self-sufficiency for at-risk populations, and improving neighborhood conditions in concentrated areas of poverty.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	**CDBG: Administration**		
	Target Area	Serving Provo City Residents		
	Goals Supported	Homeownership Rental Housing Public Facilities Public Services Economic Development		
	Needs Addressed	Housing Public Facilities Public Services Economic Development		
	Funding	CDBG: $267,563		
	Description	CDBG Administration budgets are determined by 20% of the Entitlement. DS staff personnel and overhead costs to administer the CDBG and HOME programs.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities			
	Location Description	445 West Center, Provo, UT, 84601		
	Planned Activities	Manage and Monitor CDBG and HOME Programs		
	Matrix Code	21A General Program Administration		
	Objective	Decent Housing ☐	Suitable Living Environment ☐	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☐	Affordability ☐	Sustainability ☐
2	**Project Name**	**CDBG: Section 108 Loan Repayment**		
	Target Area	Provo City		
	Goals Supported	Economic Development		

	Needs Addressed	Economic Development		
	Funding	CDBG: $314,000		
	Description	Funds will be used to repay the Section 108 loan that was used to cover costs associated with building/updating infrastructure at the Provo City Airport		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities			
	Location Description	3421 Mike Jensen Parkway Provo, UT 84601		
	Planned Activities	Payment of Principal and Interest		
	Matrix Code	19F Planned Repayment of Section 108 Loans 24A Payment of Interest on Section 108 Loans		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
3	**Project Name**	**CDBG: Community Action Services& Food Bank – Homebuyer Class**		
	Target Area	Serving Residents throughout Utah County		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $9,500		
	Description	Provide first time homebuyer financial education		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Programs will serve approximately of 24 LMI beneficiaries, of which about 10 will be Provo residents.		

	Location Description	815 S Freedom Blvd Ste 100, Provo, UT 84601		
	Planned Activities	Homebuyer Education Classes		
	Matrix Code	05U Housing Counseling		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
4	**Project Name**	**CDBG: Community Action and Food Bank Services—Circles Program**		
	Target Area	Serving Provo City Residents		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $10,000		
	Description	Participants (Circle leaders) establish goals and plans and learn new tools, assisted by Allies, and Coaches to secure and sustain better jobs and break out of generational poverty.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	The Center anticipates it will assist about 6 LMI households, of which at least two will be Provo residents.		
	Location Description	815 South Freedom Blvd. Provo, UT 84601		
	Planned Activities	Partial payment of salaries for Coach and an Assistant Coach		
	Matrix	05 Other Public Services Not Listed		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
5	**Project Name**	**CDBG: Community Action Service & Food Bank – Community Garden**		
	Target Area	Serving Provo City Residents		

	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $10,000		
	Description	Funds used to provide community garden and gardening education.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	21 beneficiaries, all of which will be Provo residents.		
	Location Description	815 S Freedom Blvd. Ste 100 Provo, UT 84601		
	Planned Activities	Salaries for personnel and supplies		
	Matrix	05 Other Public Services		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
6	**Project Name**	**CDBG: The Refuge**		
	Target Area	Serving Provo Residents		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $40,000		
	Description	Funds will be used for costs associated with providing services to victims of abuse and domestic violence.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 700 beneficiaries will be served with this funding. Of which, 250 will be residents of Provo City.		

	Location Description	1433 East 840 North Orem, UT 84097		
	Planned Activities	Provide financial assistance to sustain facilities, maintain equipment, and support overall operating costs.		
	Matrix	05G Services for abused spouses and their families.		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
7	**Project Name**	**CDBG: Children's Justice Center**		
	Target Area	Serving Residents throughout Utah County		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $57,000		
	Description	Funds will be used to provide trauma specific mental health treatment for child abuse victims and families residing in Utah County.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 800 individuals will receive assistance, of which about 150 will be Provo residents.		
	Location Description	315 South 100 East Provo, UT 84606		
	Planned Activities	Mental Health therapy for children of abuse and their families.		
	Matrix	05N Services for Abused Children		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
8	**Project Name**	**CDBG: Project Read**		
	Target Area	Serving Provo Residents		

	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $10,210		
	Description	Help adults achieve self-sufficiency by helping them acquire literacy and life skills.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Illiterate adults are identified as presumed eligible, however Project Read will serve approximately 100 LMI persons, of which about 50 will be Provo residents.		
	Location Description	550 North University Ave #215, Provo, UT 84601		
	Planned Activities	Literacy Lab, digital literacy/technology, health literacy and education, writing labs.		
	Matrix	05H Employment Training		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
9	**Project Name**	**CDBG: Provo Police –Victim Services**		
	Target Area	Serving Provo residents		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $30,124		
	Description	Funds will be used for program delivery of services offered to victims of domestic violence and/or abuse.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	While victims of domestic violence/abuse are presumed eligible, PPD will provide services to approximately 1,500 persons.		

	Location Description	445 West Center Street Provo, UT 84601		
	Planned Activities	Referrals to resources, court counseling, assistance in interviews with responding officers, emergency sheltering placement.		
	Matrix	05G Services for victims of domestic violence, dating violence sexual assault or stalking.		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
10	**Project Name**	**CDBG: Recreation and Habilitation Services (RAH)**		
	Target Area	Serving Provo residents		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $33,838		
	Description	Funds used to provide educational and recreational opportunities to persons with disabilities to improve their lives through the ABLE Project.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 129 LMI persons will be served, of which about 32 will be Provo residents.		
	Location Description	815 N 800 W Provo, UT 84604		
	Planned Activities	Educational and Recreational activities for LMI individuals with physical and mental disabilities.		
	Matrix	05B Services for Persons with Disabilities.		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
	Project Name	**CDBG: Alpine House**		

11	**Target Area**	Serving Provo residents		
	Goals Supported	Public Services		
	Needs Addressed	Public Services		
	Funding	CDBG: $6,000		
	Description	Provide a slurry seal to the existing driveway to preserve life of asphalt.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Decent housing will be provided for about 20 LMI individuals, all of which are Provo residents.		
	Location Description	156 South 300 West Provo, UT 84601		
	Planned Activities	Driveway and parking repair		
	Matrix	14B Rehabilitation: Multi-Unit Residential		
	Objective	Decent Housing x	Suitable Living ☒ Environment	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability x
12	**Project Name**	**CDBG: Business Façade Rehabilitation**		
	Target Area	Provo City		
	Goals Supported	Economic Development		
	Needs Addressed	Economic Development		
	Funding	CDBG: $50,000 - Façade Renovations CDBG: $8,000 - Program Delivery		
	Description	Funds will be used to provide matching grants for commercial façade renovation and program delivery, leading to job creation for LMI.		
	Target Date	6/30/2024		

	Estimate the number and type of families that will benefit from the proposed activities	About one façades will be rehabilitated creating approximately two jobs for LMI Persons.		
	Location Description	445 West Center Provo, UT 84601		
	Planned Activities	Façade renovation and rehabilitation – Job Creation		
	Matrix	14E Rehabilitation; Publicly or Privately Owned Commercial		
	Objective	Decent Housing	Suitable Living Environment ☐	Economic Opportunity x
	Outcome	Availability/Accessibility	Affordability ☐	Sustainability x
13	**Project Name**	**CDBG: Neighborhood Revitalization Program**		
	Target Area	Serving Provo City Residents		
	Goals Supported	Public Facilities		
	Needs Addressed	Public Facilities		
	Funding	CDBG: $25,000		
	Description	Funds will be used to uplift neighborhoods through installation/repair of curb & gutter, parks/equipment, safety crossings, pathways/lighting.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 1,000 LMI Provo residents will benefit from this project.		
	Location Description	CDBG Eligible Neighborhoods in Provo		
	Planned Activities	Curb & Gutter/Sidewalk/Safety Crossings/Lighting, etc.		
	Matrix	03K Street Improvements/03L Sidewalks		

	Objective	Decent Housing	Suitable Living Environment x	Economic Opportunity ☐
	Outcome	Availability/Accessibility	Affordability ☐	Sustainability x
14	**Project Name**	**CDBG: Provo Public Works – Joaquin Neighborhood Improvements**		
	Target Area	Joaquin Neighborhood		
	Goals Supported	Public Facilities		
	Needs Addressed	Public Facilities		
	Funding	CDBG: $221,442		
	Description	Funds will be used to make safety improvements such as safe routes to school, ADA Ramps, Bulb outs, and lighting.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 5,784 Provo residents will benefit from this project.		
	Location Description	Joaquin Neighborhood		
	Planned Activities	Install and replace sidewalks in need, crosswalks, signage, and ADA ramps and panels.		
	Matrix	03L Sidewalks		
	Objective	Decent Housing ☐	Suitable Living ☒ Environment	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability ☐	Sustainability ☐
15	**Project Name**	**CDBG: Provo Public Works Wasatch and Foothills**		
	Target Area	Wasatch and Foothills Neighborhoods		
	Goals Supported	Public Facilities		
	Needs Addressed	Public Facilities		
	Funding	CDBG: $360,000		
	Description	Wasatch and Foothills Neighborhood safety improvements		
	Target Date	6/30/2024		

	Estimate the number and type of families that will benefit from the proposed activities	Approximately 7,386 Provo residents will benefit from this project.		
	Location Description	Provo Wasatch and Foothills neighborhoods		
	Planned Activities	Install and replace sidewalks in need, crosswalks, signage, and ADA ramps and panels.		
	Matrix	03L Sidewalks		
	Objective	Decent Housing ☐	Suitable Living Environment x	Economic Opportunity
	Outcome	Availability/Accessibility ☐	Affordability ☐	Sustainability ☒
16	**Project Name**	**CDBG: Emergency Home Repair**		
	Target Area	City of Provo		
	Goals Supported	Homeownership		
	Needs Addressed	Housing		
	Funding	CDBG: $ 4,500 – Program Delivery		
	Description	Program Delivery for Emergency home repairs.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	It is expected to serve about eight low-income households.		
	Location Description	Eligible single-family properties in Provo City.		
	Planned Activities	Rehabilitation of heating/air conditioning, water, electrical, plumbing systems; roof leaks; sewer. May include other repairs to ensure a healthy/sanitary living environment.		
	Matrix	14A Rehabilitation: Single-Unit Residential		
	Objective	Decent Housing ☒	Suitable Living Environment ☐	Economic Opportunity ☐

	Outcome	Availability/Accessibility ☐	Affordability ☒	Sustainability ☐
17	**Project Name**	**CDBG: Egress Windows**		
	Target Area	Provo City		
	Goals Supported	Homeownership		
	Needs Addressed	Housing		
	Funding	CDBG: $6,500 – Program Delivery		
	Description	Funding will be used to assist low-income homeowners needing to bring bedroom windows up to code.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	About nine LMI households will be served.		
	Location Description	Eligible single-family properties in Provo City.		
	Planned Activities	Installation of Egress Windows		
	Matrix	14A Rehabilitation: Single-Unit Residential		
	Objective	Decent Housing ☒	Suitable Living Environment ☐	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☐	Affordability ☒	Sustainability ☐
18	**Project Name**	**HOME: Administration**		
	Target Area	Consortium wide		
	Goals Supported	Homeownership Rental Housing		
	Needs Addressed	Housing		
	Funding	HOME: $158,982		
	Description	Funds will be used to pay for administration costs of the activities for the Utah Valley HOME Consortium.		
	Target Date	6/30/2024		

	Estimate the number and type of families that will benefit from the proposed activities			
	Location Description	445 West Center Provo, UT 84601		
	Planned Activities	Administration and planning		
	Matrix	21A General Program Administration		
	Objective	Decent Housing ☐	Suitable Living Environment ☒	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☐	Affordability ☐	Sustainability ☒
19	**Project Name**	**HOME: RHDC – Self Help Homes**		
	Target Area	Santaquin, Utah		
	Goals Supported	Homeownership		
	Needs Addressed	Housing		
	Funding	HOME: $531,641 CHDO: $119,236		
	Description	Funds will be used for acquisition of approximately 8.32 acres in Santaquin for the development of about 29 residential single-family homes.		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 3 HOME-assisted units will benefit LMI eligible households.		
	Location Description	North Fox Avenue and Dasher Drive (close to 1000 South) Santaquin, UT 84665		
	Planned Activities	Land acquisition, predevelopment costs, lot improvements and new construction of affordable single-family housing.		
	Matrix	12 Construction of Housing		

	Objective	Decent Housing x	Suitable Living Environment	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☐	Affordability x	Sustainability ☒
20	**Project Name**	**HOME: Mountain Country Home Solutions**		
	Target Area	Orem City		
	Goals Supported	Housing		
	Needs Addressed	Housing		
	Funding	HOME: $656,763.58 CHDO: $119,236		
	Description	Funds will be used to build a single level four-plex in Orem.		
	Target Date	7/31/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 4 LMI Households will benefit from this project.		
	Location Description	672 East 1700 South Orem, UT 84097		
	Planned Activities	Construction of 4 affordable rental units.		
	Matrix	12 Construction of Housing		
	Objective	Decent Housing x	Suitable Living Environment	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☒	Affordability x	Sustainability ☐
21	**Project Name**	**HOME: Home Purchase Plus**		
	Target Area	Provo City		
	Goals Supported	Homeownership		
	Needs Addressed	Housing		
	Funding	HOME: $200,000 CDBG: $12,500		

	Description	HOME funds to provide down payment assistance and closing costs loans to eligible low-income households. Up to $12,500 in CDBG funds will be used for Program Delivery		
	Target Date	6/30/2024		
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 5 households will receive down payment and closing cost assistance loans.		
	Location Description	Throughout Provo City		
	Planned Activities	Down payment assistance and closing costs loans. Program Delivery		
	Matrix	13B Homeownership Assistance – excluding Housing Counseling		
	Objective	Decent Housing x	Suitable Living Environment ☐	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☐	Affordability x	Sustainability ☐
22	**Project Name**	**HOME: Loan to Own**		
	Target Area	Throughout Utah County		
	Goals Supported	Homeownership		
	Needs Addressed	Housing		
	Funding	HOME: $200,000 CDBG: $ 12,500		
	Description	HOME funds to provide down payment assistance and closing costs loans to eligible low-income households. Up to $12,500 in CDBG funds will be used for Program Delivery		
	Target Date	6/30/2024		

	Estimate the number and type of families that will benefit from the proposed activities	Approximately 5 households will receive down payment and closing cost assistance loans.		
	Location Description	Eligible cities throughout Utah County		
	Planned Activities	Down payment assistance and closing costs loans. Program Delivery		
	Matrix	13B Homeownership Assistance – excluding Housing Counseling		
	Objective	Decent Housing ☒	Suitable Living Environment ☐	Economic Opportunity ☐
	Outcome	Availability/Accessibility ☐	Affordability ☒	Sustainability ☐

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

At this time neither the City of Provo nor the Consortium is establishing specific geographic areas of service.

Geographic Distribution

Target Area	Percentage of Funds

Table 5 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Discussion

N/A

Affordable Housing

AP-55 Affordable Housing - 91.420, 91.220(g)

Introduction

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	34
Special-Needs	0
Total	34

Table 5 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	7
Rehab of Existing Units	17
Acquisition of Existing Units	10
Total	34

Table 7 - One Year Goals for Affordable Housing by Support Type

Discussion

Housing activities will be supported through both CDBG and HOME and will provide subsidies for individuals and families ranging from 0% to 80% AMI. Activities will include homeowner housing rehabilitation, construction of new affordable single-family housing, construction of rental housing units, and direct financial assistance for eligible homebuyers.

AP-60 Public Housing - 91.420, 91.220(h)

1. Introduction

The Housing Authority of Utah County and Provo City Housing Authority are responsible for managing the public housing inventory, developing new affordable housing units and administering the Section 8 voucher programs for Utah County and Provo City. They provide affordable housing opportunities throughout their jurisdiction by developing new and rehabilitating existing housing that is safe, decent, sanitary, and affordable a place where an individual's income level or background cannot be identified by the neighborhood or housing in which they live.

2. Actions planned during the next year to address the needs to public housing

The Provo City Housing Authority is currently in the process of building affordable rental units. They also manage several properties and keep them well maintained.

3. Actions to encourage public housing residents to become more involved in management and participate in homeownership

Housing Authority of Utah County (HAUC) residents are invited to participate each year in a Resident Advisory Board where proposed policies are reviewed prior to implementation. HAUC has a resident currently serving on our Board of Commissioners. HAUC promotes self-sufficiency to all residents, to the extent they are able to achieve. Clients are referred to various agencies who provide budgeting, homeownership, and financial counseling. Clients are often notified about various homeownership opportunities available.

Provo City Housing Authority (PCHA) has a few CROWN developments which allow the resident to purchase their unit after 15 years at a price well below market value. PCHA coordinates a homeowner class for residents as well.

4. If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Neither Housing Authority is designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)

1. Introduction

The Consortium, through the Mountainland Continuum of Care (CoC), works with a number of homeless agencies to reduce the number of persons experiencing homelessness, reduce the length of time individuals experience homelessness, increase successful transitions out of homelessness and reduce the instances of return to homelessness.

Representatives from the City of Provo and Consortium cities participate in the CoC executive committee specifically so the CoC's priorities are considered during funding allocations.

The Mountainland Continuum of Care contract with the State of Utah to administer HMIS. All service agencies in the region and the rest of the state are under a uniform data standard for HUD reporting and local ESG funders. All ESG funded organizations participate in HMIS, which is supported by Client Track.

The Mountainland Continuum of Care conducts an annual Point-In-Time count at the end of January to count sheltered (emergency sheltered and transitional housing) and unsheltered homeless individuals. Unsheltered homeless individuals are counted by canvassing volunteers. The volunteers use the Vulnerability Index & Service Prioritization Decision Assistance Tool (VI-SPDAT) to interview and try to connect unsheltered homeless individuals into services.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

a. Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Provo and Consortium cities will continue to partner with the Mountainland Continuum of Care and its partner agencies and provide CDBG funding to support the efforts to reaching out to unsheltered individuals to assess their needs.

b. Addressing the emergency shelter and transitional housing needs of homeless persons:

Neither the City of Provo nor Consortium cities have direct access to Emergency Solutions Grant (ESG) funding. However, State of Utah allocations are awarded to Community Action Services and Food Bank and the Food and Care Coalition. These agencies use the funding to support services such as: providing motel vouchers, access to safe facilities, case management, etc.

c. Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness,

facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again:

The City of Provo, the City of Orem, and Mountainland Association of Governments (MAG, CDBG Administrator for Utah County) are active participants in the Task force to End Chronic Homelessness, which have set the following goals:

- Renew Shelter Plus Care (S+C) projects currently in place for homeless mentally ill
- Introduce new S+C projects to provide housing and support services for chronic homeless
- Build permanent supportive housing for homeless mentally ill
- Fully utilize Olen Walker Housing Trust Fund through State of Utah to fund housing for chronically homeless and increase levels of funding
- Hold Chronic Homeless Task Force meetings to develop further goals
- Continue to hold Discharge Planning meetings
- Increase outreach and support services to chronic homeless by acquiring additional funding
- Train homeless service providers quarterly regarding access to mainstream resources
- Assess and address client pathway barriers
- Assess problems and possible solutions to the problem of chronic homeless persons acquiring needed personal identification to access mainstream resources
- Continue to support efforts to assist young adult homeless people with substance abuse and mental health problems
- Provide counseling at main chronic homeless provider site
- Develop resources to expand care clinics

Other goals to eliminate homelessness are being addressed through participation in the Mountainland Continuum of Care. Goals are crafted to reduce homelessness in the larger service area of which Provo and Consortium cities are a part.

d. Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

A Discharge Planning Committee meets regularly addressing the following issues:

Foster Care Discharge – As a result of the Initiative on Utah Children in Foster Care and the Transitions to Adult Living support Network Plan formed within the Department of Human Services, including the Division of Child and Family Services (DCFS), Juvenile Justice Services (JJS), Services for People with Disabilities (DSPD), and the Department of Workforce Services (DWS), young people transitioning into adulthood are increasingly living in safe, stable and affordable housing in their communities. Case management is a key component to success during the transition; community partners are assisting the youth as they learn and grow in their new environments. Wasatch Mental Health Vantage Point Youth Services plays a key role in assisting youth in making the transition to independence.

Health Care Discharge – The Mountainland Continuum of Care has a Discharge Planning Committee whose goal is to ensure that no one is discharged from a medical facility to the streets. The persons on this committee who are developing the final protocol for health care discharge are: homeless service providers, housing providers, emergency room case workers, hospital social workers and representation from the largest local health care system, Intermountain Healthcare.

Mental Health Discharge – The State of Utah has developed protocol and has completed a survey and analysis of homelessness. Within the Public Mental Health System, we are currently in development stages to plan the capacity to ensure that all mentally ill homeless individuals discharged from public institutions will have access to affordable housing and supportive services. State Human Services Discharge Planning Committee has developed a plan specific to mental health and substance abuse and continues to work with the State Homeless Coordinating Committee to identify and create additional low-income permanent housing for the chronically homeless and develop a process for rapid re-housing of the temporarily homeless.

Correction Discharge – In addition to private organizations such as Prisoner Information Network (PIN) and the Harm Reduction Project, which provide prisoners being discharged with information and services as they leave the State prison, State Corrections has developed a program inmates are able to access before their release. The Women's Correctional Facility has developed 'Your Parole Requires Extensive Preparation' (YPREP) office which is opened to women prior to their release and offers information on successful living outside the facility. The YPREP office is currently in the process of assessing the housing needs of the female population. The information gathered will result in a strategically targeted effort to meet those needs for the women prior to release from incarceration. Each month community members meet for the Women's Summit and Men's Summit meetings. The summit meetings are used to identify and develop resources needed for successful transition.

3. Discussion

While the City of Provo and Consortium cities do not fund services that directly affect homelessness, it is their intent to support agencies with programs that assist the homeless and help people that are vulnerable to becoming homeless. We also continue to work with other organizations, including those that serve and coordinate with the Mountainland Continuum of Care to influence policy to help prevent homelessness in the future.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

1. Introduction

The most critical public policy barriers (direct and indirect) to the production and preservation of affordable housing include the following:

1. Supply of rental units for large families
2. Limited land for development
3. Construction costs
4. Zoning
5. Hispanic and other minority groups mortgage application denial rates
6. Continued high rents and sales prices

2. Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Provo City will initiate the process of coordination with Consortium cities to review the barriers and establish strategies and action plans to address them.

Zoning, building and safety regulations can create barriers to affordable housing. To avoid barriers, the City has an ongoing practice of updating its zoning code. The City has a zoning ordinance in place which open opportunities for different housing types. Specifically, it promotes attached housing, small lots for single-family homes, apartment development and units above commercial space. The City recently expanded its Accessory Dwelling Unit Overlay zone to provide and promote more housing opportunities. The City conforms to the standards set by the International Building Code (IBC), which is utilized through the State of Utah and enforcement of IBC regulations does not create unique restraints on construction or rehabilitation projects.

Provo and Orem City councils meet quarterly to discuss common items including availability of affordable housing. Orem has committed to do a closer review of future multi-family projects and provide assistance for qualification for Low-Income Housing Tax Credits.

AP-85 Other Actions - 91.420, 91.220(k)

1. Introduction

The City of Provo and Consortium cities will engage in various activities intended to further local housing and community development goals.

2. Actions planned to address obstacles to meeting underserved needs

The City of Provo and Consortium cities will continue to collaborate and partner with a wide network of housing and human services providers, government officials, business leaders, and citizens to identify areas of need in the community. A coordinated effort will be made to continually improve service delivery systems, reduce duplicative services and to create a process that is flexible enough to meet new needs as they develop.

3. Actions planned to foster and maintain affordable housing

The City of Provo and Consortium cities will continue to operate single-family rehabilitation programs. In the past few years, the State of Utah has put emphasis on affordable housing options in every city. This directive will open more options in Consortium cities. First-time homebuyer and rental projects will continue this year and additionally street improvements are planned in low-to-moderate-income neighborhoods in Provo.

4. Actions planned to reduce lead-based paint hazards

Lead risk assessments will be completed for all housing units receiving assistance through the housing rehabilitation programs. When conditions are found which indicate a potential lead-based paint hazard, appropriate remedial action will be included as part of the proposed work. All lead work will be conducted in accordance with federal regulations and performed by an appropriate certified and/or licensed contractor.

5. Actions planned to reduce the number of poverty-level families

The City of Provo and Consortium cities have well-established service networks to provide services to impoverished people. These include:

- County Health Program to provide medical coverage for those who need it.
- The City and Consortium address other critical needs by supporting, coordinating, and referring families and individuals to resources such as:
    - Circles initiative, which helps individuals living in generational poverty recognize and overcome their barriers to self-reliance. This is sponsored by Community Action Services and Food Bank (CASFB).
    - Bridges Out of Poverty Training, conducted by CASFB

    - Community gardens, community kitchen, food bank, family development program, homebuyer and mortgage counseling through CASFB
    - Weatherization and energy conservation programs are available from the Housing Authority of Utah County.
    - Down payment assistance through Provo City administered programs
- Partner nonprofit agencies that provide medical services to extremely low and very low-income families and individuals.

6. Actions planned to develop institutional structure

The City will continue to coordinate activities and foster relationships in the community among public and non-governmental entities.

In the coming year, Provo City and the Utah Valley HOME Consortium will:

- Continue to seek additional ways to share resources and costs to maintain and acceptable level of program and management capacity.
- Identify service gaps and improve efficiency and effectiveness in their delivery. Program delivery and design with be enhanced.
- Efforts will continue in strengthening existing and establishing new relationships in the community.
- Subrecipients and Community Housing Development Organizations (CHDOs) will continue to be monitored. Monitoring will be performed through risk assessment and Technical Assistance will be provided to the degree needed.

7. Actions planned to enhance coordination between public and private housing and social service agencies

The City of Provo and Utah Valley HOME Consortium will enhance coordination with service providers and housing providers through coordination meetings, participating in community-wide-committees, and engaging local experts to provide programs for their target populations. A major tool for this coordination is through the collaborative relationship with the Mountainland Continuum of Care.

PROGRAM SPECIFIC REQUIREMENTS

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

In this section the City addresses various program specific requirements and how it complies with federal regulations specific to the grants received. This section provides a calculation of total CDBG Program Income. The guidelines established to comply with statutory requirements of the HOME program are also included.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	$454.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	$0.00
3. The amount of surplus funds from urban renewal settlements	$0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	$0.00
5. The amount of income from float-funded activities.	$0.00
Total Program Income	$454.00

Other CDBG Requirements

1. The amount of urgent need activities

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   The Utah Valley HOME Consortium utilizes only forms of investment as outlines in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   The following provisions will apply to subrecipients, Contractors and Developers (including CHDOs) or other entities that will provide homebuyer assistance with HOME funds provided through the Utah Valley HOME Consortium.
   - The length of the affordability period will be established by the HOME Program statute depending on the amount of funding received for the project.
   - The chosen method is Recapture.
   - The Utah Valley HOME Consortium will require full payment of assistance provided to the homebuyer of the assisted HOME unit is sold during the affordability period. However, if there are no net proceeds or insufficient proceeds to recapture the full amount of the HOME investment due, the amount subject to recapture will be limited to what is available from the net proceeds. Net proceeds are defined as the sales price minus the superior non-HOME loan repayments and closing costs excluding realtor commissions.
   - Written agreements will reflect this requirement.
   - Affordability provision will be enforced through a recorded Deed of Trust.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   The description of the guidelines for homebuyer activities (Question #2 in this section) applies here as well. Please refer to the response to question AP-90 #2.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   The Consortium has no plans to exercise this section of the HOME statute during this five-year period.

5. A description of the determination of the 95 percent median area purchase price limit for affordable homeownership established by the Jurisdiction. See 24 CFR 92.254(a)(2)(iii):

The current local market in Utah County shows that the affordable homeownership limits provided by HUD ($380,000 for a 1-unit structure) are discordant.

Regulations require that:

A. The 95 percent of median area purchase price must be established in accordance with a market analysis that ensures a sufficient number of recent housing sales is included in the survey.
B. Sales must cover the requisite number of months based on volume: For 500 or more sales per month a one-month reporting period; for 250 through 499 sales per month, a 2-month reporting period; for less than 250 sales per month, at least a 3-month reporting period. The data must be in ascending order of sales price.
C. The address of the listed properties must include the location within the Participating Jurisdiction. Lot, square, and subdivision data may be substituted for the street address.
D. The housing sales data must reflect all, or nearly all, of the one-family house sales in the entire Participating Jurisdiction.
E. To determine the median, take the middle sale on the list if an odd number of sales, and if an even number, take the higher of the middle numbers and consider it the median. After identifying the median sales price, the amount should be multiplied by 0.95 to determine the 95 percent of the median area purchase price.

Following the requirements above PJ staff gathered and analyzed data of all single-family housing sales in Utah County for the months of November 2022 and January of 2023. A total of 1080 single-family homes sales were identified. The average price amongst all sales is $665,417.25. Following the instructions of paragraph E) above, the median price is: $580,000 and therefore **the 95% of median is $551,000**.

Exhibit B

PY 2023 CDBG Entitlement			**$ 1,337,813.00**
Available for reprogramming			
PY 2022 PI			$ 2,813.37
Balances from finished/cancelled projects			$ 148,050.54
Total Available for reprogramming			**$ 150,863.91**
PY2023 Funding			**$ 1,488,676.91**
Administration	20% of Entitlement		$ 267,562.60
Program Delivery			
Commercial Façade			$ 8,000.00
DPA			$ 25,000.00
Egress Windows			$ 6,500.00
Emergency Repairs			$ 4,500.00
108 Loan payments P&I			$ 314,000.00
Public Services Regional			$ 160,547.56
PS Provo Only			$ 40,124.39
Capital Projects Available Funding			$ 662,442.36
Awarded Entities PS			
RAH			$ 33,838.00
CASFB Homebuyer Class			$ 9,500.00
CASFB Circles			$ 10,000.00
The Refuge			$ 40,000.00
UCCJC			$ 57,000.00
Project Read			$ 10,210.00
Community Action Community Garden			$ 10,000.00
Provo Police Victim's Services			$ 30,124.00
		Total PS	**$ 200,672.00**
Awarded Capital Projects			
Alpine House			$ 6,000.00
Public Works Joaquin			$ 221,442.00
Neighborhood Revitalization			$ 25,000.00
Commercial Facades			$ 50,000.00
PW Wasatch and Foothills			$ 360,000.00
		Total Capital Projects	**$ 662,442.00**

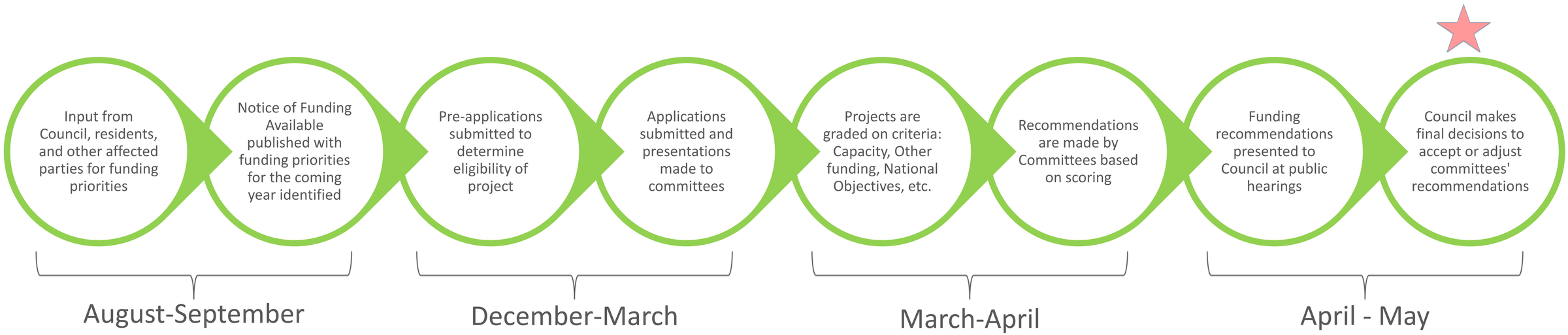
Exhibit C

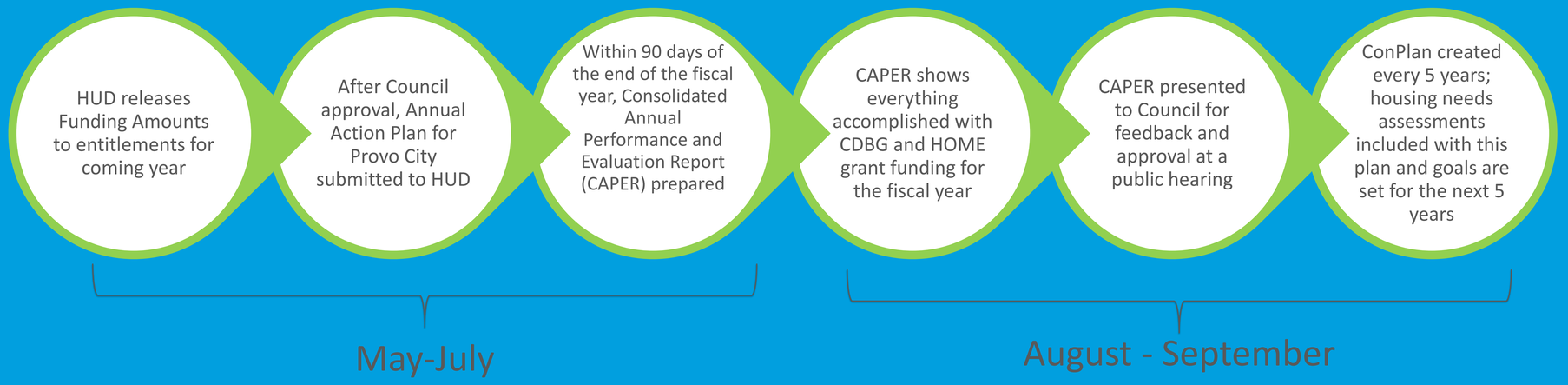
PY23-24 HOME Entitlement	**$**	**1,589,819.00**	
Program Income			**$ 396,040.82**
PI 2022 Jan-June	$	129,261.73	
PI 2023 Jul-Dec	$	116,734.09	
HP 2022 Jan-June	$	119,097.00	
HP 2023 Jul-Dec	$	30,948.00	
Reprogrammed funding			$ -
Total Available Funding			**$ 1,985,859.82**
Admin			$ 158,981.90
CHDO Funds			$ 238,472.85
Available for Projects			**$ 1,826,877.92**
Proposed Awarded Entities			
RHDC Santaquin Project	$	531,641.49	
RHDC CHDO	$	119,236.43	
Provo HPP	$	200,000.00	
LTO	$	200,000.00	
Mountain Crest Manor (Neighborworks)	$	656,763.58	
Mountain Crest Manor CHDO	$	119,236.43	
Total HOME	**$**	**1,826,877.93**	

provo

WELCOME HOME

23-24 ANNUAL ACTION PLAN


Input from Council, residents, and other affected parties for funding priorities
Notice of Funding Available published with funding priorities for the coming year identified
Pre-applications submitted to determine eligibility of project
Applications submitted and presentations made to committees
Projects are graded on criteria: Capacity, Other funding, National Objectives, etc.
Recommendations are made by Committees based on scoring
Funding recommendations presented to Council at public hearings
Council makes final decisions to accept or adjust committees' recommendations
August-September
December-March
March-April
April - May


HUD releases Funding Amounts to entitlements for coming year
After Council approval, Annual Action Plan for Provo City submitted to HUD
Within 90 days of the end of the fiscal year, Consolidated Annual Performance and Evaluation Report (CAPER) prepared
CAPER shows everything accomplished with CDBG and HOME grant funding for the fiscal year
CAPER presented to Council for feedback and approval at a public hearing
ConPlan created every 5 years; housing needs assessments included with this plan and goals are set for the next 5 years
May-July
August - September

Provo City 2020 Consolidated Plan funding priorities

Housing

- Down-payment assistance programs providing access to homeownership
- development of new affordable housing
- Housing programs that help update aging housing stock
- Rental assistance programs for special needs populations

Public Services

- Organizations that provide services to special needs populations (elderly, disabled, homeless)
- Organizations that provide education including job training
- Organizations providing services to seniors
- Organizations providing healthcare services and health education
- Organizations providing housing services

Economic Development

- Support small businesses and entreprenuers by providing mentoring and technical assistance
- Utilize Section 108 Loan garantees
- Improve visability of small business storefronts throughout Provo

Public Facilities

- Public Facilities improvements (Sidewalks, Curb and gutter, and water/sewer improvements)
- Public and Nonprofit neighborhood community facilities and health centers

Proposed Award Amounts

2023-24 CDBG Entitlement Amount	**$**	**1,337,813.00**
2022 Program Income	$	2,813.37
reprogram unused CDBG Funds	$	148,050.54
Total Funding Available 23-24 FY	$	1,488,676.91
Administration	$	267,562.60
Program Delivery		
Commercial Façade	$	8,000.00
Down-payment assistance	$	25,000.00
Egress Windows	$	6,500.00
Emergency Repairs	$	4,500.00
108 Loan P&I	$	314,000.00
Public Services		
RAH	$	33,838.00
CASFB Homebuyer Class	$	9,500.00
CASFB Circles	$	10,000.00
CASFB Community Garden	$	10,000.00
The Refuge	$	40,000.00
Utah County Children's Justice	$	57,000.00
Project Read	$	10,210.00
Provo Police Victim's Services	$	30,124.00
Total PS	$	200,672.00
Capital Projects		
Alpine House	$	6,000.00
Public Works Joaquin Neighborhood	$	221,442.00
PW Wasatch and Foothills Neigh	$	360,000.00
Neighborhood Revitalization	$	25,000.00
Commercial Facades	$	50,000.00
Total CP	$	662,442.00
Total Admin & Projects	$	1,488,676.60

2023-24 HOME Entitlement Amount	**$**	**1,589,819.00**
2022 Program Income	$	396,040.82
Total Funding Available 23-24 FY	$	1,985,859.82
Admin	$	158,981.90
Awarded Projects		
RHDC Santaquin Project	$	531,641.49
RHDC CHDO	$	119,236.43
Provo Home Purchase Plus	$	200,000.00
Loan To Own	$	200,000.00
Mountain Crest Manor	$	656,763.58
Mountain Crest Manor CHDO	$	119,236.42
Total Admin and Projects	$	1,985,859.82

Total funding requests:

CDBG Joint Public Svcs: $633,405

- Provo – $160,548
- UT County - $144,878
- Orem - $63,000
- Provo Only - $40,000

CDBG Cap Projects - $1,666,000

HOME - $2,687,527.15

Project	Priority Met
Alpine House	Public Facilities – Non-Profit facility
Joaquin Neighborhood	Public Facilities – PF Improvements
Wasatch and Foothills	Public Facilities – PF Improvements
Neighborhood Revitalization	Public Facilities – Neighborhood improvements and community facilities
Section 108 Loan repayment	Economic Development
Community Action – Community Garden	Public Services – Services to special needs populations
Community Action – Homebuyer Class	Public Services – Housing Services
Community Action – Circles	Public Services – Education and Job Training
RAH	Public Services – Services to special needs populations
The Refuge	Public Services – Services to special needs populations
Children’s Justice Center	Public Services – Services to special needs populations

Project	Priority Met
Project Read	Public Services – Education including job training
Provo Police - Victim’s Services	Public Services – Services to special needs populations
Commercial Facades	Economic Development – Small business storefronts
Emergency Home Repair	Housing – Programs that help update aging housing stock
Egress Windows	Housing – Programs that help update aging housing stock
Loan to Own	Housing – Down-payment assistance program (Most of Utah County)
Home Purchase Plus	Housing – Down-payment assistance program (Provo Only)
Mutual Self Help Homes	Housing – Development of new affordable housing
Mountain Crest Manor	Housing – Development of new affordable housing



PROVO MUNICIPAL COUNCIL STAFF REPORT

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

SUBJECT: An ordinance amending Provo City Code regarding location of boats, recreational vehicles, and trailers, Section 14.34.060. Citywide Application. PLOTA20230034

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

BACKGROUND: Section 14.34.060 of the Provo City Code currently regulates the location of boats, boat trailers and travel trailers in residential zones of Provo City. Development Services Department wishes to amend the text of this section to clarify the wording as well as include Trailers, along with a definition of Trailers in section 14.06.020. It is believed that this will allow for a more equitable enforcement of trailers in general throughout Provo City Residential Zones.

FISCAL IMPACT:

PRESENTER'S NAME: Abinadi Borja (801) 852-6421 aborja@provo.org

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLOTA20230034

ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING LOCATION OF BOATS, RECREATIONAL VEHILCES, AND TRAILERS, SECTION 14.34.060. CITYWIDE APPLICATION. (PLOTA20230034)

WHEREAS, it is proposed that Provo City Code Section 14.34.060 be amended; and

WHEREAS, on April 12th, May 10th, and May 24th 2023, the Planning Commission held duly noticed public hearings to consider the proposed amendment, and after such meetings, the Planning Commission recommended approval by a vote of 6-0; and

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

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

PART I:

Provo City Code Section 14.34.060 is hereby amended as set forth in Exhibit A.

PART II:

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

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

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

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

END OF ORDINANCE.

Exhibit A

14.34.060 ~~Location of~~ Boats, Recreational Vehicles, and ~~Boat~~ Trailers~~, and Travel Trailers~~.

(1) In any zone, boats, recreational vehicles, ~~boat~~ or trailers~~, or travel trailers,~~ may not be placed, kept, or maintained within ~~the front yard areas of any residential (R) zones, except that such boats or trailers may be located anywhere on the lot, except in a~~ the clear vision area ~~zone~~ of a corner lot as defined in Section 14.34.100, Provo City Code ~~for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days, provided the item if such facility is owned or rented by a bona fide guest of the occupants of the premises~~. In any residential (R) zone, boats, recreational vehicles, or trailers may be kept within the front or street side yards provided each:

(a) Be kept on the driveway or paved area. For the purposes of this section, a paved area includes: asphalt, concrete, pavers, gravel stabilized with a stabilizer grid, grasscrete, or other similar material approved by the Development Services Director;

(b) Any portion of a boat, recreation vehicle, or trailer over three (3) feet in height must be set back a minimum of twelve (12) and one-half (1/2) feet from the inside edge of the sidewalk or property line, if there is no sidewalk; and

(c) Does not encroach into any public right-of-way.

(2) Any boat, recreational vehicle, or trailer may be parked on the side or rear yards.

(3) A recreational vehicle may be occupied on a temporary basis while located on a lot in any residential (R) zone provided that:

(a) The recreational vehicle must be parked off the street and in compliance with subsection (1) and (2) above;

(b) Occupancy of the recreational vehicle must be limited to not more than seven (7) consecutive days and not more than a total of thirty (30) days in any calendar year; and

(d) Any sewage (black water) waste must be discharged at a dump station.

(4) For the convenience of users of this section, certain terms are illustrated below. If any conflict arises between an illustration and a definition, the definition shall apply.

Figure 14.34.060 Restricted Parking Locations for Boats, Recreational Vehicles, and Trailers

= CLEAR VISION CONTROLLED AREA
= PARKWAYS
- - - = YARD DIVISIONS
- . - = TRAILER SET BACK ON DRIVEWAY
/// = NO TRAILER PARKING
= NO TRAILER PARKING OVER 3 FT
PUBLIC STREET
SIDE YARD
GARAGE
CARPORT
FRONT YARD
HOUSE
REAR YARD
DRIVEWAY
STREET SIDE YARD
12'
PRIVATE OR PUBLIC STREET
STREET SIDE YARD
FRONT YARD
HOUSE
REAR YARD
GARAGE
SIDE YARD
CARPORT
DRIVEWAY
12'
DRIVEWAY
12'
SIDE YARD
CARPORT
GARAGE
FRONT YARD
HOUSE
REAR YARD
SIDE YARD

14.06.020 Definitions

…

“Block Face” means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, city boundary, public park, or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.

“Boats” means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

…

“Building-Main” means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one (1) structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one (1) lot as defined by this Title shall be construed as constituting a main building.

“Camping van” means a van designed, used, and maintained primarily to provide a mobile dwelling, sleeping place, or facilities for human habitation or for camping.

…

“Public” means that which is under the ownership of the United States Government, Utah State, or any subdivision thereof, Utah County, or Provo City (or any departments or agencies thereof).

"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.

(a) Recreational vehicle includes:
(i) a travel trailer;
(ii) a camping trailer;
(iii) a motor home;
(iv) a fifth wheel trailer; and
(v) a camping van.

"Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

“Travel trailer~~s~~” ~~and **“recreational vehicles”** means a motorized or non-motorized vehicle which is designed or used for temporary human habitation and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur’s license, or both, without violating provisions of the Vehicle Code.~~ means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

DEVELOPMENT SERVICES

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

***ITEM # 2** Provo City Development Services requests Text Amendments to Section 14.34.060 (Location of Boats, Boat Trailers, and Travel Trailers).

Applicant: Development Services

Staff Coordinator: Abinadi Borja

Property Owner: Citywide Application

Relevant History: The Development Services Department desires to revise Section 14.34.060 of the Municipal Code to clarify the text and include other types of trailers. This will allow for an easier understanding of requirements within this section of code, as well as a more equitable enforcement on trailers throughout the city. It is also requested that a list of definitions be added to section 14.06.020 Definitions.

Neighborhood Issues: Staff attended District 2, 3, and 5 meetings. District 2 had no comment. District 3 had one comment on the restriction of the proposed amendment to RVs and trailers and where they can park in Residential Zones. District 5 asked for clarification of the proposed text amendment.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council to amend Sections 14.34.060 and 14.06.020, as proposed.

ALTERNATIVE ACTIONS

1. **Approve** the requested appeal. *This action would be consistent with the recommendations of the Staff Report.*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 26th, 2023, at 5:00 P.M.*

3. **Deny** the requested variance. *This action would not be consistent with the recommendations of the Staff Report. The Board of Adjustment should state new findings.*

OVERVIEW

Section 14.34.060 of the Provo City Code currently regulates the location of boats, boat trailers and travel trailers in residential zones of Provo City. Development Services Department wishes to amend the text of this section to clarify the wording as well as include Trailers, along with a definition of Trailers in section 14.06.020. It is believed that this will allow for a more equitable enforcement of trailers in general throughout Provo City Residential Zones.

FINDINGS OF FACT

1. Provo City Code 14.34.060 currently regulates the location of boats, boat trailers, and travel trailers in Residential Zones.
2. Provo City Code does not regulate the location of all other types of trailers in Residential Zones.
3. Provo City Code specifically defines “Travel Trailers” as “a motorized or non-motorized vehicle which is designed or used for temporary human habitation and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur’s license, or both, without violating provisions of the Vehicle Code.” This definition will change to meet state statue.
4. Provo City Code does not specifically define “Trailers.”

APPLICABLE ZONING CODES

14.34.060 Location of Boats, Boat Trailers, and Travel Trailers

14.06.020 Definitions

ANALYSIS

Section 14.34.060 of Provo City Code currently states:

> *“Boats, boat trailers, or travel trailers may not be placed, kept, or maintained within the front yard areas of any residential [R] zones, except that such boats or trailer may be located anywhere on the lot., except in a clear vision zone of a corner lot as defined in Section 14.34.100, Provo City Code for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona fide gust of the occupants of the premises.”*

This section of code is currently used by Code Compliance Officers to enforce on property owners for having boats, boat trailers, and travel trailers parked in front yard areas of residential zones, When a property owner is enforced on for violation this section of code, a copy of this section is sent along with a Notice of Violation to the property owner. As written currently, this section can lend to confusion and misunderstanding as to what is and what is not allowed.

As Officers are enforcing on properties, they generally look along the street to verify if additional properties are also in violation of the same section of code. They often find that, while some

properties have trailers that fit this section of code and are enforceable violations of code (see Attachment 3), other nearby properties have trailers (see Attachment 5) that do not fit the definitions of any trailer mentioned in section 14.34.060.

At times Officer have found one trailer that is enforceable and another tailer which is not enforceable located on the same lot and in similar locations (see Attachment 4). Including the various proposed definitions to Section 14.34.060 (see Attachment 2) would allow for a more equitable enforcement of various trailers parked in front yard areas of Residential Zones.

City Staff has found properties where camp trailers are being used and/or rented as a separate dwelling unit. In addition, some of these trailers have discharged their waste onto the property, and not into the appropriate discharge location (see Attachment 2 & 3).

CONCLUSIONS

Based on the Findings of Fact and Analysis, staff recommends the Planning Commission forward a positive recommendation of the proposed text amendment to Municipal Council.

ATTACHMENTS

1. Current Text from Section 14.34.060.
2. Proposed Text Amendment for Sections 14.34.060 & 14.06.020.
3. Examples of trailers that are in violation of current text of Section 14.34.060.
4. Examples of properties that have one trailer enforceable, and another trailer not enforceable of current text.
5. Examples of trailers not enforceable under current text but would be with new text amendment.

ATTACHMENT 1 – CURRENT TEXT SECTION 14.34.060

14.34.060 Location of Boats, Boat Trailers, and Travel Trailers.

Boats, boat trailers, or travel trailers may not be placed, kept, or maintained within the front yard areas of any residential (R) zones, except that such boats or trailers may be located anywhere on the lot, except in a clear vision zone of a corner lot as defined in Section 14.34.100, Provo City Code for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona fide guest of the occupants of the premises.

The Provo City Code is current through Ordinance 2023-01, passed January 17, 2023.

Disclaimer: The city recorder has the official version of the Provo City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

City Website: www.provo.org
City Telephone: (801) 852-6000
Code Publishing Company, A General Code Company

ATTACHMENT 2 – PROPOSED TEXT AMENDMENT FOR SECTIONS 14.34.060 & 14.06.020

14.34.060 ~~Location of~~ Boats, Recreational Vehicles, and ~~Boat~~ Trailers~~, and Travel Trailers~~.

(1) Boats, recreational vehicles, ~~boat~~ or trailers~~, or travel trailers,~~ may not be placed, kept, or maintained within the front yard areas of any residential (R) zones, ~~except that such boats or trailers may be located anywhere on the~~ lot~~, except~~ in a clear vision area ~~zone~~ of a corner lot as defined in Section 14.34.100, Provo City Code or in a street side yard of a corner lot. However, such items may be allowed in these locations for:

(a) a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or

(b) for temporary storage not to exceed seven (7) days, provided the item ~~if such facility~~ is owned or rented by a bona fide guest of the occupants of the premises.

(2) Travel trailers and other recreational vehicles may be occupied on a temporary basis on a lot in a single-family residential (R) zone for traveling guests or visitors subject to the following:

(a) The trailer or recreational vehicle must be parked off the street, and not within the front yard areas;

(b) The occupancy must be limited to not more than seven (7) consecutive days and not more than a total of thirty (30) days in any calendar year; and

(c) Discharge of any sewage (black water) waste must be done properly by accessing a dump station so as to not pose environmental harm or create unsanitary conditions.

14.06.020 Definitions

…

"Block Face" means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, city boundary, public park, or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.

"Boats" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

…

"Building-Main" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one (1) structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one (1) lot as defined by this Title shall be construed as constituting a main building.

"Camping van" means a van designed, used, and maintained primarily to provide a mobile dwelling, sleeping place, or facilities for human habitation or for camping.

…

"Public" means that which is under the ownership of the United States Government, Utah State, or any subdivision thereof, Utah County, or Provo City (or any departments or agencies thereof).

"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.

(a) Recreational vehicle includes:
(i) a travel trailer;

(ii) a camping trailer;
(iii) a motor home;

(iv) a fifth wheel trailer; and

(v) a camping van.

…

"Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

"Travel trailer~~s~~" ~~and **"recreational vehicles"** means a motorized or non-motorized vehicle which is designed or used for temporary human habitation and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur's license, or both, without violating provisions of the Vehicle Code.~~ means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

ATTACHMENT 3 – EXAMPLES OF TRAILERS THAT ARE IN VIOLATION OF CURRENT TEXT OF SECTION 14.34.060








MAXUM





ATTACHMENT 4 – EXAMPLES OF PROPERTIES THAT HAVE ONE TRAILER ENFORCEABLE, AND ANOTHER TRAILER NOT ENFORCEABLE OF CURRENT TEXT





ATTACHMENT 5 – EXAMPLES OF TRAILERS NOT ENFORCEABLE UNDER CURRENT TEXT, BUT WOULD BE WITH THE NEW TEXT AMENDMENT







Provo City Planning Commission

Report of Action

April 12, 2023

* ITEM #2	Provo City Development Services requests Text Amendments to Section 14.34.060 (Location of Boats, Boat Trailers, and Travel Trailers). Citywide Application. Abinadi Borja (801) 852-6421 aborja@provo.org PLOTA20230034

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

CONTINUED

On a vote of 6:0, the Planning Commission continued the item to the next Planning Commission date, which is May 10th, 2023.

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

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

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

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

DISTRICT MEETING DATE
- Multiple district meetings were held on March 9th, 16th, and 30th, 2023.
- The District Chair determined that a neighborhood meeting would not be required for District 1 and 4.
- City-wide application: all District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT
- The District Chair Representative (District 3) was present/addressed the Planning Commission during the public hearing.
- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

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

- Karen Saluone – Addressed a stat that was given to her concerning the percentage of cases that address this section of code. She addressed that there is more harm creating a space or storing it outside of an owner's property compared to parking it on the driveway. She asked to recommend denial and repeal part 1 of section 14.34.060.
- Jonathan Saluone – He mentioned driving on the road he commutes to work would affect 12 properties. Most people who would be affected are the working class. You are only hurting the citizens by enforcing this. This is not being enforced in the neighborhood he lives in. His recommendation is to repeal.
- Art Phillips – He mentioned he has multiple trailers. He received 2 tickets for his trailers. Lisa Jensen asked what type of tickets he received. He said parking tickets for parking on the street. He owns everything he has. He doesn't understand the proposed section of code.
- Becky Bogdin – There are many people in Lakewood neighborhood that would like to park their trailers on their driveways.
- Eldin Johnston – Hope this statute is fully repealed. He understood how some of the statute came to be. There needs to be some leniency on this.

APPLICANT RESPONSE

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

- Equality of enforcing all trailers.
- Address occupancy in trailers on private property.
- Add several definitions of trailers to section 14.06.020.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Knudsen – Keep bringing up things about pads. Was there ever part of this ordinance mention about a pad?
- South – Does the space need to be improved at all as long as it refers to off-street?
- Kendall - What if there is no space on the property to put a pad or off-street parking space?
- Jensen – Worried about the outcry about this being enforced when it hasn't been in the past. Where are all the trailers going to go? She agrees it will hurt the small owners. Even without the text amendment, there are 12 violators on the street. Why can't we just enforce on-street parking and junk vehicles? She hasn't seen the current version of the law enforced.
- Gonzales – Some language we can agree on. 2(c). There's a situation in Orem that has a large parcel with multiple campers and use it as a homeless camp. There's some type of balance that needs to occur to enforce health and safety while also recognizing the needs of community members to park their trailers on their property.
- Whitlock – Agrees with a lot of what Jensen said. He agrees with all of 2, but there are problems with 1. It is not enforced.
- Kendall – Trailers on the street are a safety issue. We have laws on them and they need to be enforced. Agrees with almost all of 2 except for the front yard part.
- South – Agree with staff on consistency and almost all of 2, but why? What's the objective?
- Scott Johnson – We see violations of code enforced in the city and have difficulty enforcing some types of trailers on one property and not the others. The way the code is currently written isn't equal with all types of trailers. We want to make it equal with all types of trailers. Planning Commission can make a recommendation to City Council to allow trailers to be parked on driveways, staff and make that change.
- Jensen – Allowing trailers parked on the driveway addresses public concerns and addresses the commissioners concerns.
- South – How do we tackle the root of this part of the ordinance? Is there another way to get a pull on how this can affect others, not just directly affected by people with trailers?
- Jensen – If there was a wide knowledge of this, the language adaptation would not be a problem. Because there is so much ignorance that this is on the books, it will be a tough sell.
- Scott Johnson – The suggestion made does not include the street. It includes minor tweaks to the language to allow parking on the driveway.
- Jensen – Always a big-time advocate for parking the trailer properly. This has been discussed before with not great adoration. Let's move forward to continue this item.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- Allow parking on the driveway.
- Address the occupancy.

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, 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

14.34.060 ~~Location of~~ Boats, Recreational Vehicles, ~~Boat~~ Trailers, and Travel Trailers.

(1) Boats, recreational vehicles, ~~may boat~~ trailers, or travel trailers, may not be placed, kept, or maintained within the front yard areas of any residential (R) zones, ~~except that such boats or trailers may be located anywhere on the lot, except~~ in a clear vision area ~~zone~~ of a corner lot as defined in Section 14.34.100, Provo City Code or in a street side yard of a corner lot. Items listed herein may be allowed in such locations for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days, provided ~~if~~ such facility is owned or rented by a bona fide guest of the occupants of the premises.

(2) Travel trailers and other recreational vehicles may be occupied on a temporary basis on a lot in a single-family residential (R) zone for traveling guests or visitors subject to the following:

(a) The trailer or recreational vehicle shall be parked off the street.

(b) The occupancy is limited to not more than seven (7) consecutive days and not more than a total of thirty (30) days in any calendar year.

(c) Discharge of any sewage (black water) waste should be done properly by accessing a dump station as to not pose environmental harm or create unsanitary conditions.

14.06.020 Definitions

"Boats" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

….

"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.

(a) Recreational vehicle includes:

(i) a travel trailer;

(ii) a camping trailer;

(iii) a motor home;

(iv) a fifth wheel trailer; and

(v) a van.

….

"Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

"Travel trailers" ~~and **"recreational vehicles"** means a motorized or non-motorized vehicle which is designed or used for temporary human habitation and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur's license, or both, without violating provisions of the Vehicle Code.~~ means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

ITEM 2*

Provo City Development Services requests Text Amendments to Section 14.34.060 (Location of Boats, Boat Trailers, and Travel Trailers).

Citywide Application

PLOTA20230034

14.34.060 ~~Location of~~ Boats, Recreational Vehicles, and ~~Boat~~ Trailers~~, and Travel Trailers~~.

(1) Boats, recreational vehicles, ~~boat~~ or trailers~~, or travel trailers,~~ may not be placed, kept, or maintained within the front yard areas of any residential (R) zones, ~~except that such boats or trailers may be located anywhere on the lot, except~~ in a clear vision area ~~zone~~ of a corner lot as defined in Section 14.34.100, Provo City Code or in a street side yard of a corner lot. However, such items may be allowed in these locations for:

(a) a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or

(b) for temporary storage not to exceed seven (7) days, provided the item ~~if such facility~~ is owned or rented by a bona fide guest of the occupants of the premises.

(2) Travel trailers and other recreational vehicles may be occupied on a temporary basis on a lot in a single-family residential (R) zone for traveling guests or visitors subject to the following:

(a) The trailer or recreational vehicle must be parked off the street, and not within the front yard areas;

(b) The occupancy must be limited to not more than seven (7) consecutive days and not more than a total of thirty (30) days in any calendar year; and

(c) Discharge of any sewage (black water) waste must be done properly by accessing a dump station so as to not pose environmental harm or create unsanitary conditions.

14.06.020 Definitions

...

"Block Face" means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between the street and the railroad right-of-way, waterway, terminus of a dead end street, city boundary, public park, or other natural boundary. An intercepting street shall determine only the boundary of the block face of the side of the street which it intercepts.

"Boats" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

...

"Building-Main" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one (1) structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one (1) lot as defined by this Title shall be construed as constituting a main building.

"Camping van" means a van designed, used, and maintained primarily to provide a mobile dwelling, sleeping place, or facilities for human habitation or for camping.

...

"Public" means that which is under the ownership of the United States Government, Utah State, or any subdivision thereof, Utah County, or Provo City (or any departments or agencies thereof).

"Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.

(a) Recreational vehicle includes:
(i) a travel trailer;

(ii) a camping trailer;
(iii) a motor home;

(iv) a fifth wheel trailer; and

(v) a camping van.

...

"Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

"Travel trailer~~s~~" ~~and "recreational vehicles" means a motorized or non-motorized vehicle which is designed or used for temporary human habitation and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur's license, or both, without violating provisions of the Vehicle Code.~~ means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

Examples of Trailers that are in violation of current text of section 14.34.060.







Examples of Trailers that are in violation of current text of section 14.34.060.







Examples of a property that has one trailer enforceable, and the other trailer not enforceable of current text.





Examples of Trailers not enforceable under current text but would be with new text amendment.







Matt Peterson | March 20, 2023
Trailer text amendment

Hi Abinadi,

I'm a neighborhood executive board member for district 3 and many of the folks in our area have questions about this agenda item for the work session:

Provo City Development Services requests Text Amendments to Section 14.34.060 (Location of Boats, Boat Trailers, and Travel Trailers). Citywide Impact. Abinadi Borja (801) 852-6421 aborja@provo.org PLOTA20230034

I understand that a few people have seen the proposed amendments but it has not otherwise been made publicly available. Rather than spend the time and gas to come down to transcribe it personally at the study session I'd like to request a copy of the text amendment as you intend to present it so that the neighborhood discussion can be informed by the actual proposal rather than speculation as I've already encountered conflicting information on it.

Regards,
Matt Peterson

Becky Bogdin | March 29, 2023
Trailer ordinance

Hi all

My concerns about the trailer ordinance are:

1. No reasons are being given other than public clamor for the ordinance change. Residents that I am hearing from are wanting/needing more than that. The best I can compare it to is if it is subject to lawsuit for council to base a zone change on public clamor the same sentiment is being felt here for the ordinance amendment. Some solid reasons for the change would be better received.

2. As I understand it travel trailers and boats are already subject to enforcement under the current ordinance. We are looking at utility trailers which are often used for work.

One example I will use is Kip. He is a friend of my dads and his mother in law is a former resident of the neighborhood. Kip lives in Highland and flips houses for a living. Last year he did the drug house across from me that COP and zoning got rid of. THANK YOU. Side of house parking is NOT an option and he had a trailer there for the entire summer hauling things in and taking things away.

Now they have moved his mother in law into senior living and he is doing the same for her home. Pictured is his trash trailer but he also has one of those enclosed models.


1668

3. 30 days in the calendar year. Residents I have spoke with think that is too little of time. They would like driveway parking allowed for loading/unloading purposes. I am sure for guests as well.

4. Corner lot parking. This would impact at least 6 people within that little area around my home. PICTs below.





5. Trailer living

With the area I am concerned by enforcing this we will be trading one problem for another. I already have shed dwellers, that imo is worse. When we look at different cultures and poverty levels, All of which I have here, I am sure this will NOT solve any issues. They will just do something else. I would prefer trailer living compared to shed living or even the shanty town that existed near Duncan aviation or the barn dwellers.

I don't feel comfortable handing over the shed dwellers address. They were renters in the neighborhood about 7 years ago and could NOT find housing so they lived in the hotel by maverick by the mall until someone from the neighborhood sold them their home. It is a really old small 3 bedroom home and they have 6 kids. One was married and living with them so they had their older kids live in the sheds behind the home. 2 kids have moved away but last I spoke with them about 3 years ago they still had children living in what they called the "cottages". Don't know how they heat those things. My guess is space heaters. But I don't know.

https://localtvkstu.wordpress.com/2018/11/12/crews-working-to-find-two-people-after-fire-at-farm-in-provo/

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Becky Bogdin

Robert Dey | March 27, 2023
proposed ordinance concerning trailer parking on private residential areas.

I usually don't get involved in city policy decisions but this proposed ordinance is not only an incredible overreach by city government but it is a direct attack on the working class and the poor in our city.

First we have entered a time of economic difficulty. Wages are not increasing as fast as inflation, home prices are out of control, rents have followed home prices etc. these things put an economic stranglehold on those who are just getting by. Many are small contractors who make their living doing various construction work. Almost all of these require a trailer or two to move their equipment to and from the job sites. Most of them cannot afford to have a dedicated shop and cannot afford to pay to park their equipment in a paid storage area. This ordinance will put many of them out of business.

Concerning the parking of recreational vehicles, boats, utility trailers, the city of provo has no business telling citizens what they can or cannot park on their privately owned property unless there is a demonstrated safety concern. When I look beyond the surface of this I can only see it as another attack on those citizens whom are in the lower socioeconomic class. If the city makes it illegal for citizens to park their privately owned vehicles on their property then code enforcers can ticket and fine them until they are in a financial position that causes them to lose their possessions and eventually their houses. Then of course its very easy to rezone the area to accommodate apartments or more expensive homes which benefits the more wealthy larger contractors who have ties to city officials. It also eliminates the smaller competitors by driving them out of the area. Whether it is intentional or not is of little consequence the results are the same.

Because of the way our political system is set up the working class citizens are rarely represented by any of their peers, instead they are misrepresented by those in the upper socioeconomic class.

This proposed ordinance will grind upon the faces of the poor and is a sad indication that our city government operates in a sounding chamber that only lets the elected officials hear the echoes of their own small group of citizens.

Robert Dey

Eldon Johnston | March 22, 2023
Proposed amendment for 14.34.060

Dear Provo City council and planning commission,

I am writing concerning proposed amendments to city code 14.34.060, regarding trailers, RV's, recreational vehicles and where they are stored on one's property. I'll keep it short and to the point. Until you pay my mortgage, and taxes on the property on which I reside, you have no say as to what is parked on my property and where it is parked. I didn't buy a house that is part of a HOA for a reason. Stop trying to turn Provo into a HOA. I do own a RV trailer, and it is parked on MY property, not my neighbors, not on the public street. It is on MY property. That's all I have to say. I don't see ANY justification for these proposed restrictions.

Eldon Johnston
Concerned member of Provo City

Brian Sheets | March 21, 2023
Re: 14.34.060 Boats, Recreational Vehicles, Trailers, and Travel Trailers

I do not yet own a boat, an RV, or a trailer of any kind, but I'm writing to voice my objection to the tightening of these laws regarding them. As one gentleman said on a community forum I follow, you're "turning Provo into a bloody HOA."

If the concern is over safety, such as clear views of or from a driveway or sidewalk, that ought to be enforced. If it's about aesthetics... tough cookies! Keep your danged opinions to yourself. You're not the ones paying our mortgage and property taxes, we are. We should be able to do what we want with our property, so long as it isn't a hazard to ourselves or our community.

If article (1)(b) is because the city is being stiffed on taxes by someone allowing friends or family a place to stay, then maybe something ought to be done about the housing market. For one, put limits on "house flippers." *Real families* with *real housing needs* keep getting undercut by these [mother] flippers who can drop cash, keep it vacant while they wrap it in $1K worth of bandaids, then sell it for an extra $100K.

Set policies and update laws that *help* the families. And stop it with these petty "Karen laws" that are just about controlling your neighbors.

- - - - - - - - -

Brian Sheets

[redacted]

Brian Sheets | April 6, 2023
Re: 14.34.060 Boats, Recreational Vehicles, Trailers, and Travel Trailers

Thank you.

After having conversations with Katrice Mackay, I want to clarify that I am not opposed to further creating and enforcing policies regarding street or otherwise obstructive parking; this is strictly about property rights -- what I am allowed to keep on my own property, so long as it isn't a public hazard, such as sightline obstruction, improper waste disposal, etc. I merely wish for us to reserve our rights to keep / store boats, trailers, campers, RVs, etc on personal, private property.

Please let me know if you have any follow-up questions.

Karen & Jonathan Saluone | April 10, 2023
Planning Commission Item #2, April 12th

Hello Abinadi,

I am a resident who lives in the Fort Utah neighborhood of District 3. I have a question about the staff report that you have written for Item 2 on this week's Planning Commission Agenda. In the Findings of Fact number 3 you reference a state statute (there's a typo in that sentence, by the way) that is related to the proposed definition change. Can you explain more about what state statute you are referring to? Or are you trying to say that this new definition will more closely align with the State's definitions of trailer, travel trailer, etc.? I appreciate any clarification you can provide.

Thanks,
Karen Saluone

Karen & Jonathan Saluone | April 12, 2023
Re: Planning Commission Item #2, April 12th

Hi Abinadi,

Thanks for getting back to me with that information. I couldn't find 13-1-102 in the State Code, maybe that reference is missing a number? But it's okay, I this I understand now how this aligns more with the Utah Code.

Can you tell me how often your division enforces or issues Notices of Violation for this particular code section? And what percentage it is of all Notices of Violations issued? I would love to see data for the last 5 years or since the ordinance was enacted (which I haven't been able to find out). If you could break it out by neighborhood I would love that even more, but something simple like: "In 2022 we had 100 code cases and 10 of them were for 14.34.060" would do.

Thanks,
Karen Saluone

PLOTA20230034 - Citywide

April 27, 2023, 9:02 AM

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PLOTA20230034 - Citywide

What do you think of the proposed Ordinance Text Amendment to add clarifying language to Section 14.34.060 (Boats, Recreational Vehicles, Trailers, and Travel Trailers) for administrative approvals?

Summary Of Statements

As of April 27, 2023, 9:02 AM, this forum had:		Topic Start	Topic End
Attendees:	11	March 23, 2023, 3:19 PM	April 26, 2023, 11:59 PM
Statements:	2		
Minutes of Public Comment:	4		

PLOTA20230034 - Citywide

What do you think of the proposed Ordinance Text Amendment to add clarifying language to Section 14.34.060 (Boats, Recreational Vehicles, Trailers, and Travel Trailers) for administrative approvals?

Individual Statements

Name not shown
inside City Boundary
April 10, 2023, 10:39 AM

I feel like this amendment is adding more government overreach to an enacted ordinance that shouldn't even exist. I do not think that Provo City should be able to tell me where I can park a boat, trailer, or recreational vehicle on my own property - period. I already pay property taxes, as well as vehicle registration, I should be able to park where I want on my own property. Ordinances already exist to limit unregistered and inoperable vehicles from being parked in the driveway and elsewhere; and there are clear vision ordinances that limit where vehicles can be parked if it interferes with being able to see around corners. Why do we also need to be told where we can and cannot park a registered trailer on our own property? It isn't worth the time and effort to enforce this rule, and the truth is the only people who will be enforced upon are those with nitpicky neighbors, which speaks even more to this being an unnecessary ordinance. I would question how often the Code Compliance Division is even enforcing on this ordinance. If it is minimal, that should also tell you how unnecessary the existing ordinance is. I would hope that you deny this ordinance amendment and then seek to repeal Section 14.34.060 altogether.

Michael Mitchell
inside City Boundary
April 12, 2023, 8:54 PM

It is important to identify the purpose of this ordinance. To what extent is this ordinance designed to promote safety by prohibiting trailer and junk car storage on the street and/or overhanging a sidewalk? To what extent is this ordinance designed to "beautify" a neighborhood by hiding trailers from view? What aspects of these reasons are actually reasonable to require of a private property?
I would suggest that safety reasons should be the main focus of this ordinance, specifically applied to street parking, obstruction of sidewalks, and obstruction of clear vision areas. I believe that if the formerly specified safety hazards and any other environmental hazards are mitigated, homeowners should be permitted to use their private driveway as temporary storage (3-7 days depending) of all types of vehicles and trailers as they see fit. Because of this belief, I am against the proposed changes to the ordinance as well as any current aspects of the ordinance that do not directly pertain to safety.
I also request that there be a clarification as to what a "front yard area" includes. My interpretation of a front yard area does not include a driveway, which I perceive as a designated location for vehicle and trailer driving and storage. While this may be an incorrect interpretation, it does seem to be consionable.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: SWILMOTH
Department: Development Services
Requested Meeting Date: 06-06-2023

SUBJECT: Development Services requests Ordinance Text Amendments to Sections 14.21A.150 and 14.21B.140 to add parking exemptions for existing structures in portions of downtown. PLOTA20230094

RECOMMENDATION: To be heard at the June 6, 2023 Work & Council Meeting. Please see supporting documents.

BACKGROUND: The Development Services Department is requesting approval of text amendments to the General Downtown (DT1) and Downtown Core (DT2) Zones in order to add parking exemptions for some existing structures in portions of downtown Provo. These exemptions would only be for existing buildings when a change of use occurs and would not apply to any new expansion of the buildings within the defined area.
The specific area (shown in the attachments) identifies the area for which this exemption would be applicable and runs from 500 West to 100 East on Center Street, and Center Street to 300 North on University Avenue. This area includes one hundred and fifteen (115) properties, of which one hundred and five (105) have very little or no off-street parking on site. Sixty-three (63) of the properties are within the official Provo Downtown Historic District, which runs from 300 West to 100 East along Center Street. The proposed amendments state that buildings that have frontage in the area described above will not be required to provide any new off-street parking unless there is an addition.

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: PLOTA20230094

ORDINANCE 2023-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING DOWNTOWN PARKING IN SECTIONS 14.21A.150 AND 14.21B.140. CITYWIDE APPLICATION. (PLOTA20230094)

WHEREAS, it is proposed that Provo City Code 14.21A.150 and 14.21B.140 be amended; and

WHEREAS, on May 10, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 5:0; and

WHEREAS, on June 6, 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) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code 14.21A.150 and 14.21B.140 are hereby amended as set forth in Exhibit A.

PART II:

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

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

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

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

accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

END OF ORDINANCE.

Exhibit A

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) New off-street parking for existing structures on properties that front Center Street between 500 West and 100 East and properties that front University Avenue between Center Street and 300 North shall not be required, so long as the existing structure is not being expanded by new owners or new uses.

~~(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.

(3) New off-street parking for existing structures on properties that front Center Street between 500 West and 100 East and properties that front University Avenue between Center Street and 300 North shall not be required, so long as the existing structure is not being expanded by new owners or new uses.

~~(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.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: May 10, 2023

***ITEM 2** Development Services requests Ordinance Text Amendments to Sections 14.21A.150 and 14.21B.140 to add parking exemptions for existing structures in portions of downtown. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230094

Applicant: Development Services

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 24, 2023 at 6:00 P.M.*

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

Relevant History: Planning staff have had a recent influx of parking reduction requests for new uses on historic properties in downtown Provo. The majority of these parcels do not have any off-street parking to meet code standards.

In an effort to continue the economic development of downtown, staff introduced a solution to the Planning Commission and Council during study sessions that would waive off-street parking standards for changes of use in existing buildings for a very specific area of downtown. In those meetings, staff were encouraged to bring forward these amendments.

Neighborhood Issues: Though these changes are technically "citywide", the Downtown neighborhood would be most directly affected. That neighborhood district is set to discuss this on May 11th. The item has also been posted on Open City Hall, and at the time of this report has no comments.

Summary of Key Issues:

- Many properties downtown do not have their own off-street parking and are unable to accommodate additional spaces.
- Changes of use in historic buildings would currently trigger requirements for additional off-street parking.
- There are over 1,200 public parking spaces downtown available for use to nearby businesses.
- The proposal would waive new parking requirements and instead rely on nearby parking garages, on-street parking, and surface lots.

Staff Recommendation: Staff recommends the Planning Commission recommend approval to the City Council.

OVERVIEW

The Development Services Department is requesting approval of text amendments to the General Downtown (DT1) and Downtown Core (DT2) Zones in order to add parking exemptions for some existing structures in portions of downtown Provo. These exemptions would only be for existing buildings when a change of use occurs and would not apply to any new expansion of the buildings within the defined area.

The specific area (shown in the attachments) identifies the area for which this exemption would be applicable and runs from 500 West to 100 East on Center Street, and Center Street to 300 North on University Avenue. This area includes one hundred and fifteen (115) properties, of which one hundred and five (105) have very little or no off-street parking on site. Sixty-three (63) of the properties are within the official Provo Downtown Historic District, which runs from 300 West to 100 East along Center Street.

The proposed amendments state that buildings that have frontage in the area described above will not be required to provide any new off-street parking unless there is an addition.

STAFF ANALYSIS

This application is being brought forward by staff after consideration of the language by the Planning Commission and City Council and is therefore supported by staff. Staff have already been allowing “nonconforming parking” as businesses have changed throughout this corridor over the last decade and therefore does not see much risk with making these policies official through these amendments. To further analyze the proposed text amendments, Provo City Code Section 14.02.020 has provided the following criteria:

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

(a) Public purpose for the amendment in question.

Staff response: The public purpose of the amendments is to allow the continued success of downtown Provo, providing an economic boost and quality of life benefit to the city.

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

Staff response: The proposed amendments will allow continued use of valued storefronts downtown resulting in an economic boost for Provo. Additionally,

allowing the reuse of these buildings without restrictive parking requirements will result in less empty storefronts and continue the dynamic quality of life that downtown Provo amenities provide.

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

Staff response: Chapter two of the General Plan identifies one of the top strategies for community identity is to "celebrate and preserve Provo's history, especially historic architecture", staff believes easing the parking regulations to promote the reuse of these historic buildings helps to meet that goal. Additionally, chapter six (transportation) encourages the city to "find the right balance of parking to promote the local economy and encourage alternative transportation." The downtown environment is an ideal place to implement these proposed amendments in an effort to meet these goals and be more sustainable.

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

Staff response: There are no timing and sequencing provisions related to this request.

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

Staff response: Staff has been careful in the wording of these proposed amendments to catch anything that would hinder any of the General Plan policies for growth, transportation, and land use; and does not believe the proposal would obstruct attainment of any articulated policies.

(f) Adverse impacts on adjacent land owners.

Staff response: There may be some "growing pains" to adjacent land owners as people continue to adjust to a more vibrant downtown where parking directly in front of or at the destination is not always available. However, planning has seen continued changeover of businesses in this area of downtown without a lot of issues with nearby available parking or any adverse impacts on adjacent owners.

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

Staff response: Staff have verified the correctness of the zoning and General Plan in relation to this request.

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

Staff response: There is no such conflict.

CONCLUSIONS

Staff have seen a revitalization of downtown Provo over the last decade and want to ensure as different types of businesses come in that they are not finding obstacles to fill spaces on Center Street and University Avenue simply because they do not have available parking on-site. Downtown parking continues to be widely available on the street, in parking structures, and on surface lots. Allowing an exemption for properties that don't have the ability to meet today's parking code to be filled should benefit the City and its citizens. Staff would propose that these amendments are approved.

ATTACHMENTS

1. Proposed Amendments
2. Area Map

ATTACHMENT 1 – PROPOSED AMENDMENTS

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.

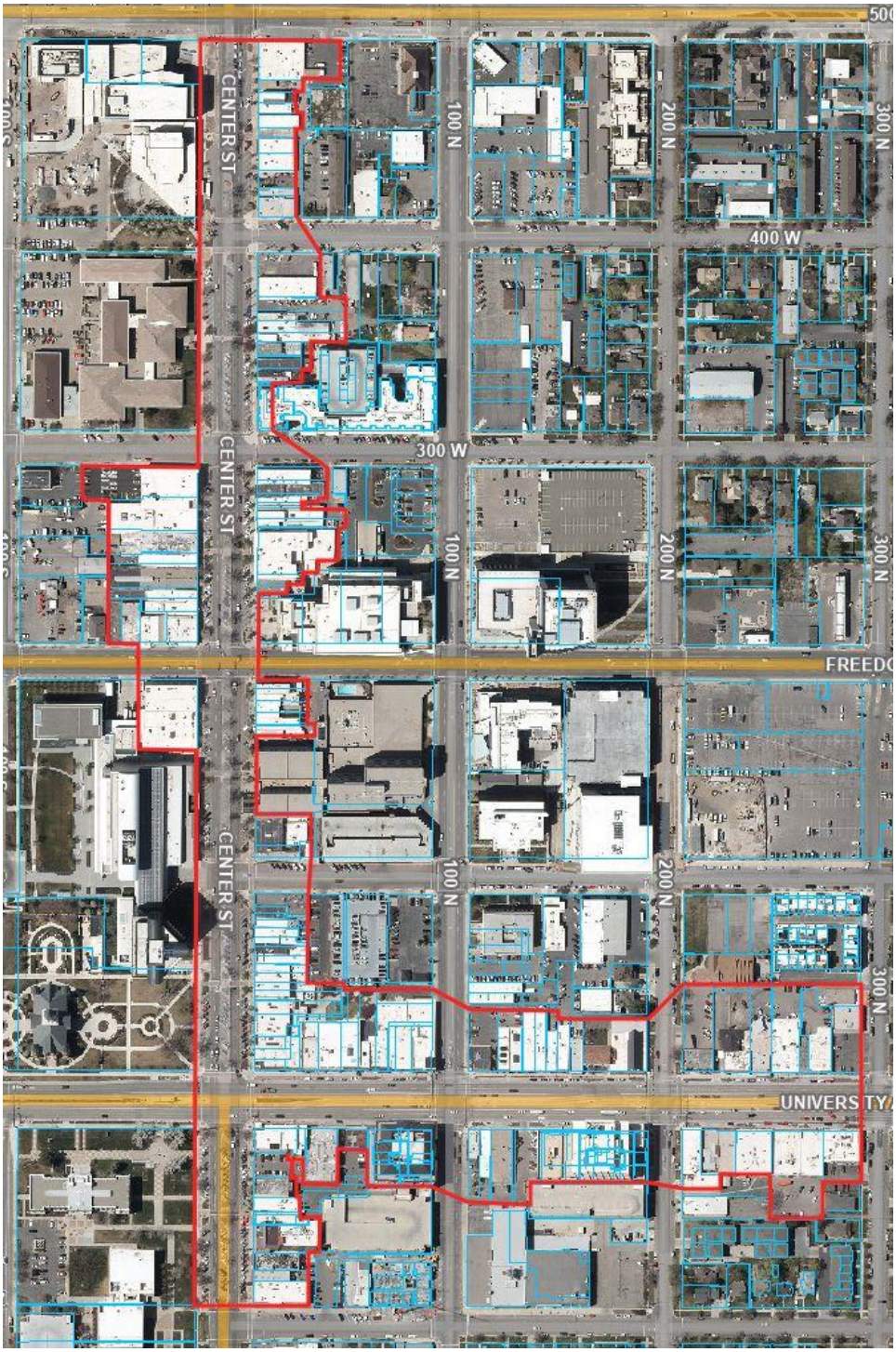
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ATTACHMENT 2 – AREA MAP



Provo City Planning Commission

Report of Action

May 10, 2023

*ITEM #2	Development Services requests Ordinance Text Amendments to Sections 14.21A.150 and 14.21B.140 to add parking exemptions for existing structures in portions of downtown. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230094

The following action was taken by the Planning Commission on the above-described item at its regular meeting of May 10, 2023:

RECOMMENDED APPROVAL

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

Motion By: Melissa Kendall
Second By: Andrew South
Votes in Favor of Motion: Melissa Kendall, Andrew South, Jeff Whitlock, Daniel Gonzales, Lisa Jensen
Lisa Jensen was present as Chair.

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

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

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

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

NEIGHBORHOOD MEETING DATE
- The Neighborhood Chair was notified but no neighborhood meeting was held.

NEIGHBORHOOD AND PUBLIC COMMENT
- The Neighborhood Chair was not present and no public comment was received.

PLANNING COMMISSION DISCUSSION
Key points discussed by the Planning Commission included the following:
- Daniel Gonzales asked if the proposed amendment had changed since the Planning Commission discussed this item in a work session. He was told that it had not.
- Lisa Jensen asked if alternative formatting for where the amended language would make it easier to understand.
- Lisa Jensen also asked if the meaning of "structural modification" was clear.

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

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:

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(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.

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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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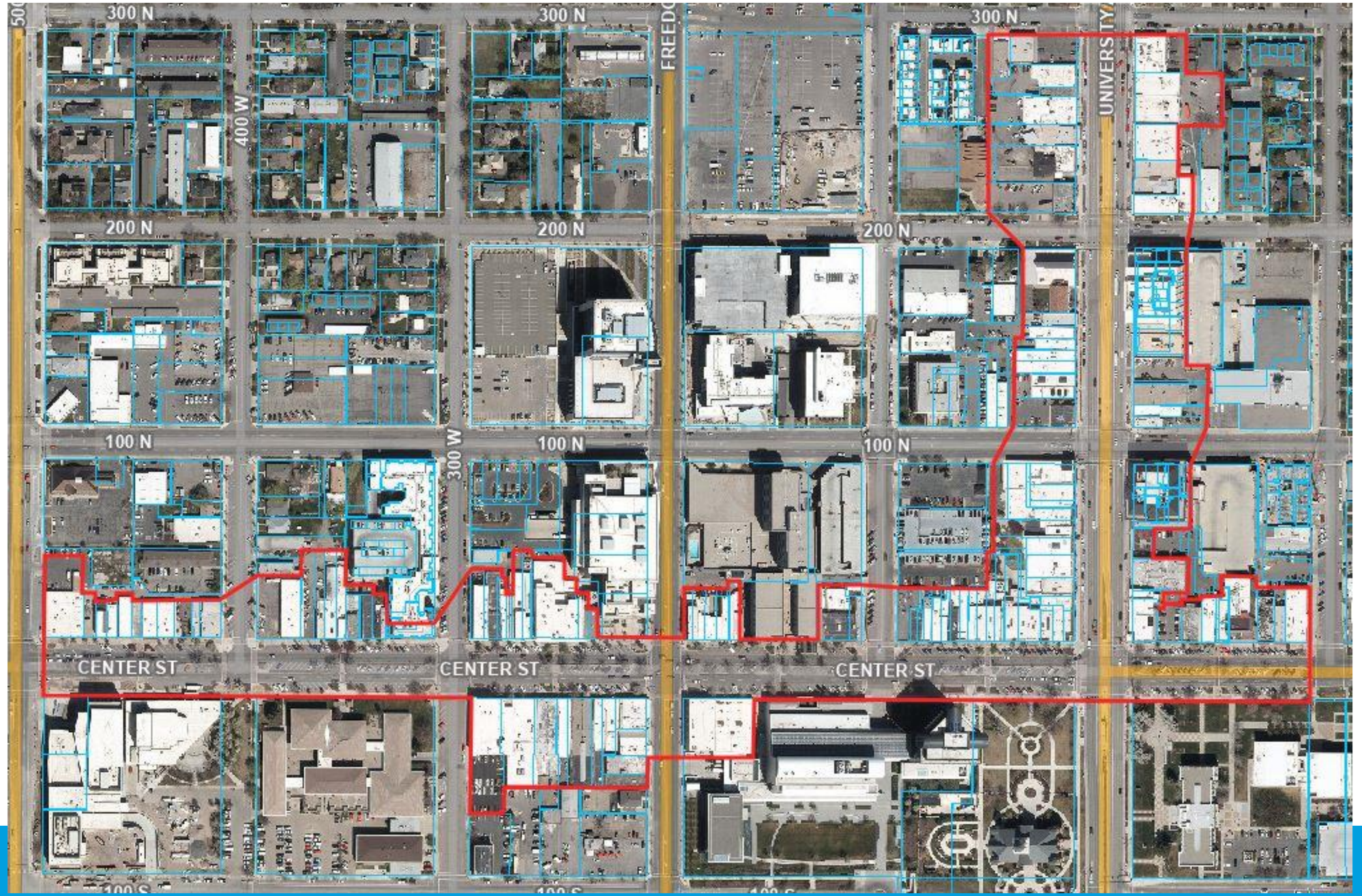
*ITEM 2

Development Services requests Ordinance Text Amendments to Sections 14.21A.150 and 14.21B.140 to add parking exemptions for existing structures in portions of downtown.

Downtown Neighborhood

PLOTA20230094

DT Parking


300 N
300 N
300 N
400 W
FREED
UNIVERS
200 N
200 N
200 N
100 N
100 N
100 N
300 W
CENTER ST
CENTER ST
CENTER ST

DT Parking

14.21A.150
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PROVO MUNICIPAL COUNCIL STAFF REPORT

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

SUBJECT: An ordinance amending the zone map class. of approx. 2 acres of property, located at 2075 W Center Street, from One-Family Residential (R1.8) to Mixed Use (MU) & authorizing and related development agreement. Provo Bay Neighborhood. (PLRZ20210271)

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

BACKGROUND: Steve Turley is requesting approval of a zone change at 2075 West Center Street that would replace approximately 2 acres of the existing R1.8 (One-Family Residential) zone on the north portion of the parcel with the MU (Mixed Use) zone and leave the remainder of the lot as undeveloped R1.8 zoned land.
The property is surrounded by mostly detached one-family dwellings, with R1.8 zoning to the west and south and R1.8PD zoning to the southeast. The property to the south of this lot is currently vacant, and there is a PF zone on one parcel to the east for a fire station. To the north and northeast of the property is the CG zone which includes the 7-11 and some vacant commercial parcels that are home to temporary commercial uses at times. The dominant land use in this area are single-family homes, with around forty (40) one family detached dwellings within five-hundred feet (500') of the subject property.

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: PLRZ20210271

ORDINANCE 2023~~2~~-.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY TWO (2) ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 2075 WEST CENTER STREET, FROM ONE FAMILY RESIDENTIAL (R1.8) TO MIXED USE (MU) AND AUTHORIZING A RELATED DEVELOPMENT AGREEMENT. PROVO BAY NEIGHBORHOOD. (PLRZ20210271)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 2 acres of real property, generally located at 2075 West Center Street (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 One Family Residential (R1.8) to Mixed Use (MU); and

WHEREAS, on April 18, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended denial to the Municipal Council by a 3:3 vote; and

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

WHEREAS, on May 16, 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 representations made by the applicant and the applicant's representatives in the Council

Meeting of May 16, 2023 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 One Family Residential (R1.8) Zone to the Mixed Use (MU) Zone for approximately 2 acres of real property generally located at 2075 West Center Street, 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 Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 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

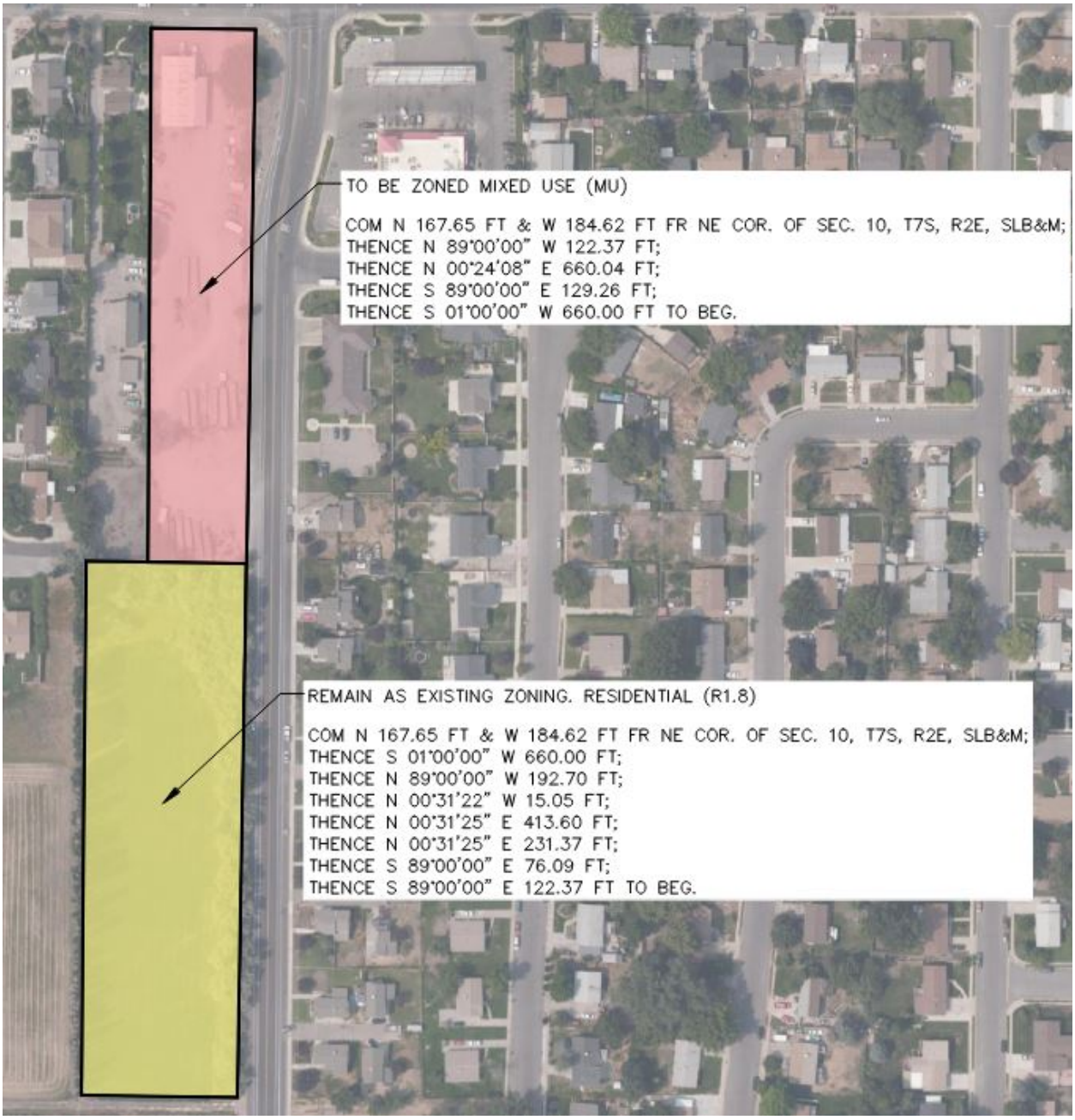


EXHIBIT C – DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT
FOR
LAKEVIEW CROSSING

(Center Street to 130 South, 2050 West, Provo, Utah)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 20__ (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and Premier Realty Investments, 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 two (2) 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 Mixed-Use Zones, (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:

> ROOFTOP AMENITY - **a minimum of 9,036 square feet of massed area be included in Lakeview Crossing as a rooftop garden, including patio, canopy, deck, BBQ, firepit, pet exercise space, gardens, kitchenette, lounge furniture, and storage. This proffer is subject to change based on the final project plan but the rooftop amenity space shall not be less than the minimum square footage required by the Mixed-Use (MU) zone for the size and scope of the amenity.**

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: Premier Realty Investments, LLC
Attn: Steve Turley
1480 South State Street

Provo, Utah 84606

To the City: City of Provo
Attention: City Attorney
351 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:

Premier Realty Investments, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

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:

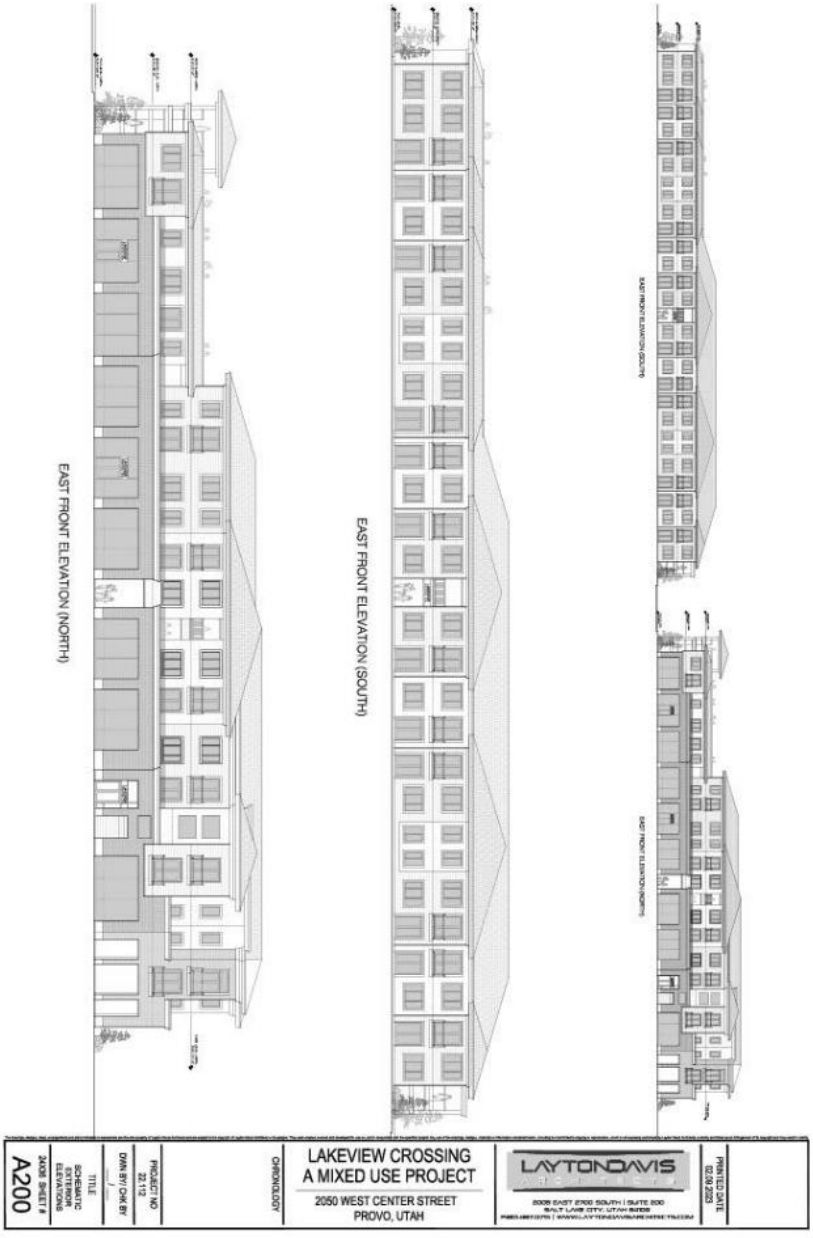
Exhibit A

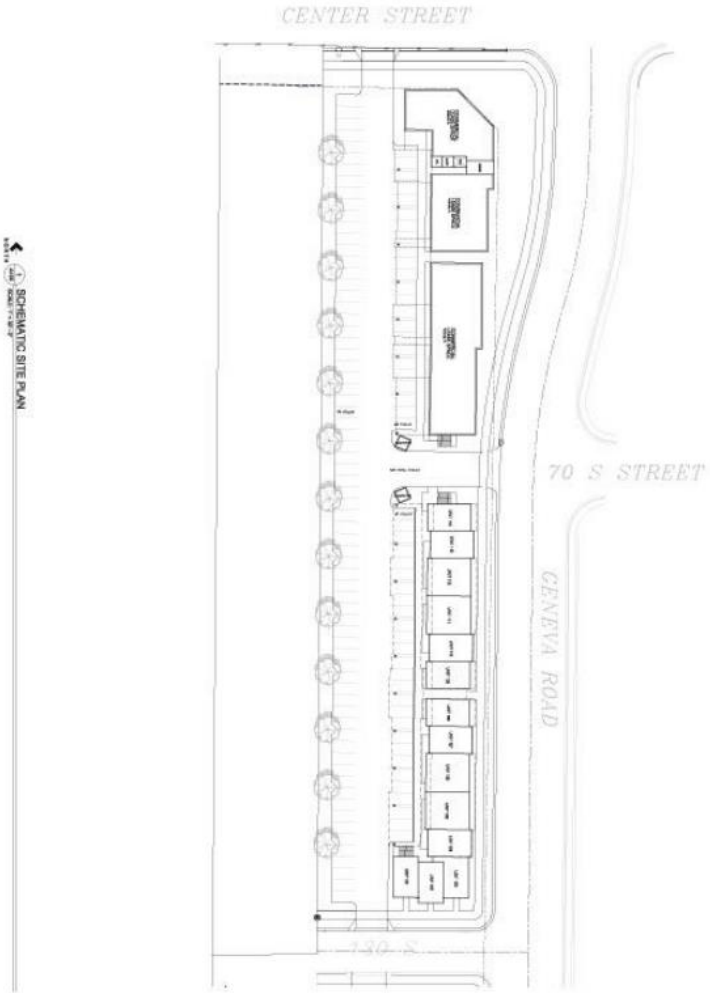
Legal Description of the Property

COM N 167.65 FT & W 184.62 FT FR NE COR. OF SEC 10, T7S, R2E, SLB&M;
THENCE N 89°00’00” W 122.37 FT;
THENCE N 00°24’08 E 660.04 FT;
THENCE S 89°00’00” E 129.26 FT;
THENCE s 01°00’00” W 660.00 FT TO BEG

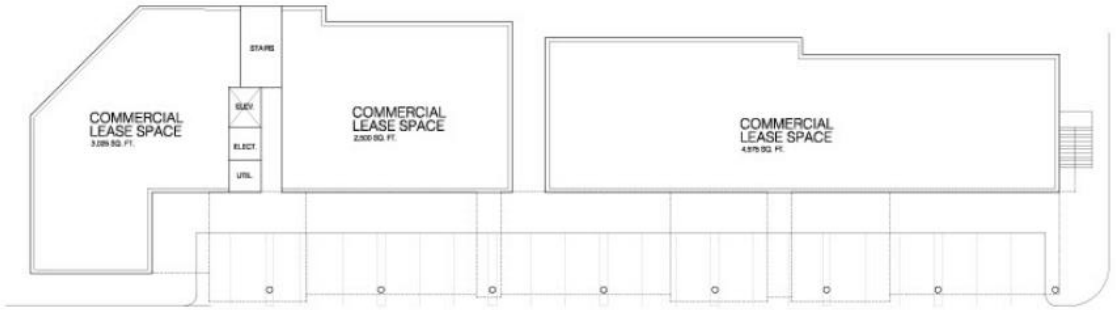
Exhibit B

Concept Plan

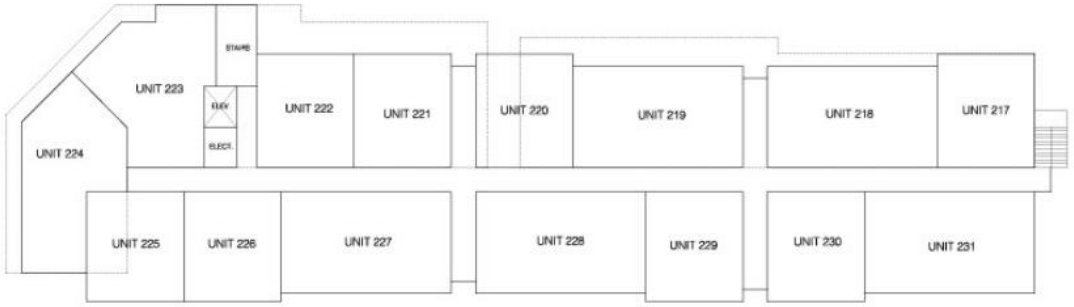




A100	PROJECT NO 22.112	CHRONOLOGY	LAKEVIEW CROSSING A MIXED USE PROJECT 2050 WEST CENTER STREET PROVO, UTAH	LAYTONDAVIS ARCHITECTS 8005 EAST 2700 SOUTH | SUITE 200 SALT LAKE CITY, UTAH 84109 PHONE (801) 272-0278 | WWW.LAYTONDAVISARCHITECTS.COM	PRINTED DATE 02.13.2023
24X36 SHEET #	DWN BY | CHK BY				
	TITLE SCHEMATIC SITE PLAN				



NORTH BUILDING - MAIN FLOOR PLAN



NORTH BUILDING - SECOND FLOOR PLAN

PRINTED DATE
02.13.2023

LAYTON DAVIS

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

CHRONOLOGY

PROJECT NO
22.112

DWN BY/ CHK BY
—/—

TITLE
NORTH - MAIN AND SECOND FLOOR PLANS

24X36 SHEET #
A101

PRINTED DATE	02.13.2023
LAYTONDAVIS ARCHITECTURE	2005 EAST 2700 SOUTH | SUITE 200 SALT LAKE CITY, UTAH 84109 PHONE (801) 278-7678 | WWW.LAYTONDAVISARCHITECTS.COM
LAKEVIEW CROSSING A MIXED USE PROJECT	2050 WEST CENTER STREET PROVO, UTAH
CHRONOLOGY	
PROJECT NO	22.112
DWN BY/ CHK BY	___/___
TITLE	NORTH - THIRD FLOOR PLAN
24X36 SHEET #	A102

UNIT 114
UNIT 113
UNIT 112
UNIT 111
UNIT 110
UNIT 109
UNIT 108
UNIT 107
UNIT 106
UNIT 105
UNIT 104
UNIT 103
UNIT 102
UNIT 101
SOUTH BUILDING - MAIN FLOOR PLAN
UNIT 214
UNIT 213
UNIT 212
UNIT 211
UNIT 210
UNIT 209
UNIT 208
UNIT 207
UNIT 206
UNIT 205
UNIT 204
UNIT 203
UNIT 202
UNIT 201
UNIT 215
UNIT 216
UNIT 217
UNIT 218
UNIT 219
UNIT 220
UNIT 221
UNIT 222
SOUTH BUILDING - SECOND FLOOR PLAN
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
ARCHITECTS
2005 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
PHONE 801.277.7275 | WWW.LAYTONDAVISARCHITECTS.COM
PRINTED DATE
02.13.2023
CHRONOLOGY
PROJECT NO
22.12
DWN BY/ CHK BY
TITLE
SOUTH - MAIN
FLOOR PLAN AND
FLOOR PLANS
2408 SHEET #
A103

LAKEVIEW CROSSING
A MIXED USE PROJECT

2050 WEST CENTER STREET
PROVO, UTAH

LAYTONDAVIS ARCHITECTS

2005 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
P.801.967.2570 | WWW.LAYTONDAVISARCHITECTS.COM

PRINTED DATE
02.13.2023

CHRONOLOGY

PROJECT NO
22.112

DWN BY/ CHK BY
__/__

TITLE
SOUTH - THIRD FLOOR PLAN

24X36 SHEET #
A104

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

***ITEM #5** Steve Turley requests a Zone Change from the R1.8 (One Family Residential) zone to the MU (Mixed Use) zone for approximately two acres of land, located at 2075 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20210271

Applicant: Steve Turley

Staff Coordinator: Aaron Ardmore

Property Owner: LL Income - Miscellaneous Properties LLC

Parcel ID#: 21:038:0083

Acreage: 5.20

Number of Properties: 1

ALTERNATIVE ACTIONS

1. **Recommend Approval** of the requested zone change. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 26, 2023.*

3. **Recommend Denial** of the requested zone change. *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 is mostly vacant land with a legal, nonconforming commercial trucking business on the north.

Relevant History: The zone for the property has been R1.8 since 1974. This area was considered with the Southwest Area Future Land Use Map adopted by the City Council in 2018.This item was continued from the January 11, 2023 PC hearing with specific items to address on a revised concept plan.

Neighborhood Issues: A neighborhood meeting was held for this item on December 2nd, 2021 through an online format, the following concerns have been shared:

- Not enough open space and trees
- Lack of commercial entrance to the street
- Too much parking

Summary of Key Issues:

- The General Plan calls for commercial on the corner and single-family housing of no more than four units per acre on the rest of the property.
- The Mixed-Use zone for the amount of property requested is not supported as it would increase the planned mixed-use by nearly 50% on the parcel and bring densities above four units per acre.
- Staff recommends following the Southwest Area Future Land Use Map for any westside development.

Staff Recommendation: That the Planning Commission recommend that the City Council **approve a zone change, limited to the area shown in the Mixed-Use area in Appendix V of the General Plan**.

OVERVIEW

Steve Turley is requesting approval of a zone change at 2075 West Center Street that would replace approximately 2 acres of the existing R1.8 (One-Family Residential) zone on the north portion of the parcel with the MU (Mixed Use) zone and leave the remainder of the lot as undeveloped R1.8 zoned land.

The property is surrounded by mostly detached one-family dwellings, with R1.8 zoning to the west and south and R1.8PD zoning to the southeast. The property to the south of this lot is currently vacant, and there is a PF zone on one parcel to the east for a fire station. To the north and northeast of the property is the CG zone which includes the 7-11 and some vacant commercial parcels that are home to temporary commercial uses at times. The dominant land use in this area are single-family homes, with around forty (40) one family detached dwellings within five-hundred feet (500') of the subject property.

The concept for the mixed-use portion includes a north building with just over ten thousand (10,000) square feet of ground-floor commercial space with twenty-four (24) residential apartments in the two stories above. The south building plans show another thirty-six (36) residential apartments in a three-story building. The plans also show the required amount of amenity spaces provided through rooftop gardens on both buildings. The applicant has provided a draft development agreement detailing the amenity program that is attached to this report.

The parking requirement for the residential portion alone would be eighty (80) stalls based on the summary of sixty (60) units. These numbers are *with* the code giving a 25% reduction for the MU zone. The concept shows a total of 120 total stalls for the site, that would leave forty (40) stalls for the commercial use, equating to one stall per 252 square feet of commercial space.

STAFF ANALYSIS

In addition to the concerns staff have regarding the extension of the Mixed-Use zone into the second acre, there are still pending review comments that have not been addressed. The concept plan has yet to show the required design corridor standards, residential design standards, and transitional development standards. Staff has made the applicant aware of these issues in review of the concept plan and noted that all relevant codes would need to be complied with at the Project Plan phase if the zone changes are approved.

The Southwest General Plan provides for just over two-thousand multi-family units west of I-15, not including any multi-family units within the mixed-use node at this location. The applicant is proposing to stretch the mixed-use node into what would amount to a

doubling of residential density over two acres and not be in line with the General Plan. Provo has seen multi-family units outpace detached single-family homes over the last several years at a rate of nine to one. With all of the multi-family units the city has approved, stretching a mixed-use node to allow for even more multi-family, to the detriment of single-family lots, does not make sense to staff. Further reducing land slated for single-family homes, as this proposal suggests, does not fall in line with the goals and policies for west-side development. Staff is concerned that the city is becoming more and more out-of-balance in terms of rental units to owner-occupied units and multi-family units compared to single-family homes.

Staff is not in favor of this proposal as shown, especially considering that the applicant has already provided another concept application for a single-family subdivision that meets the current zoning and has been approved by the Coordinator Review Committee (CRC). Alternatively, rezoning only the north one (1) acre would be in line with the General Plan and still provide for a quality mixed-use development on the corner.

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

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

Staff response: The public purpose for the request is to provide additional commercial and residential opportunities on the west side of Provo.

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

Staff response: While staff may support a zone change for the north part of the property, the public is not best served by carrying that further south on the parcel. The MU zone would allow for increased density that was not accounted for when analyzing the west side for infrastructure limits. There are specific nodes for these densities expressed on the Southwest Area Future Land Use map that amount to around two-thousand multi-family units. Attempting to double the size of this particular node creates a concern that the public would not have the infrastructure to meet demands for the larger area. Additionally, substantially increasing the multi-family node in the highest density permitted on the west side will encourage all other multi-family nodes to also seek expansions. Again, staff suggests that the city not expand multi-family at the expense of single-family.

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

Staff response: As stated earlier, this proposal to extend the MU zone over two acres is not compatible with the General Plan maps, policies, and objectives for this property. Section 1.2.9 states that the overall average density of the west side should average four units per acre, and that the single-family home should be the predominant housing type. Staff would be comfortable with the MU on the north one acre of the property and R1 zoning on the remainder.

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

Staff response: There are no timing and sequencing provisions articulated for this property.

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

Staff response: Approving this request would obstruct attainment for development goals for the rest of the west side. Allowing increased density on this parcel would essentially take it away from those areas that anticipate growth and increased density on the west side.

(f) Adverse impacts on adjacent land owners.

Staff response: There are impacts associated with this request to the surrounding properties, on top of impacts to the entire west side of Provo. The adjacent properties would experience increased traffic and parking demands.

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

Staff response: Staff has verified the correctness of the General Plan and zoning for this area.

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

Staff response: Staff has found no such conflict.

CONCLUSIONS

The proposed zone change does not comply with the General Plan's policies, maps, or appendices. Additionally, the related concept plan shows issues in meeting the proposed zone. The General Plan Appendix V designates specific areas for densities over four units per acre, otherwise we need to hold property owners and developers to that standard on the west side of Provo in order to maintain the ability to provide water and sewer services to all in the City; but also, to hold to existing owners' expectations on how their neighborhoods will develop. The applicant asked that these items come before the Planning Commission and City Council for decision knowing that there is not staff support.

The Planning Commission noted six specific items to be addressed on this project before it came back to them when they continued it at the January hearing. Those items were to:

1. Provide a draft development agreement detailing the amenity space.
2. Have the number of units solidified.
3. Redistribute the number of units (or decrease the number) in the proposal to transition to the south.
4. Provide a plan with no parking reduction request.
5. Put the highest use and most intensity on the north corner.
6. Have verification from Provo City Engineering on preferred access points.

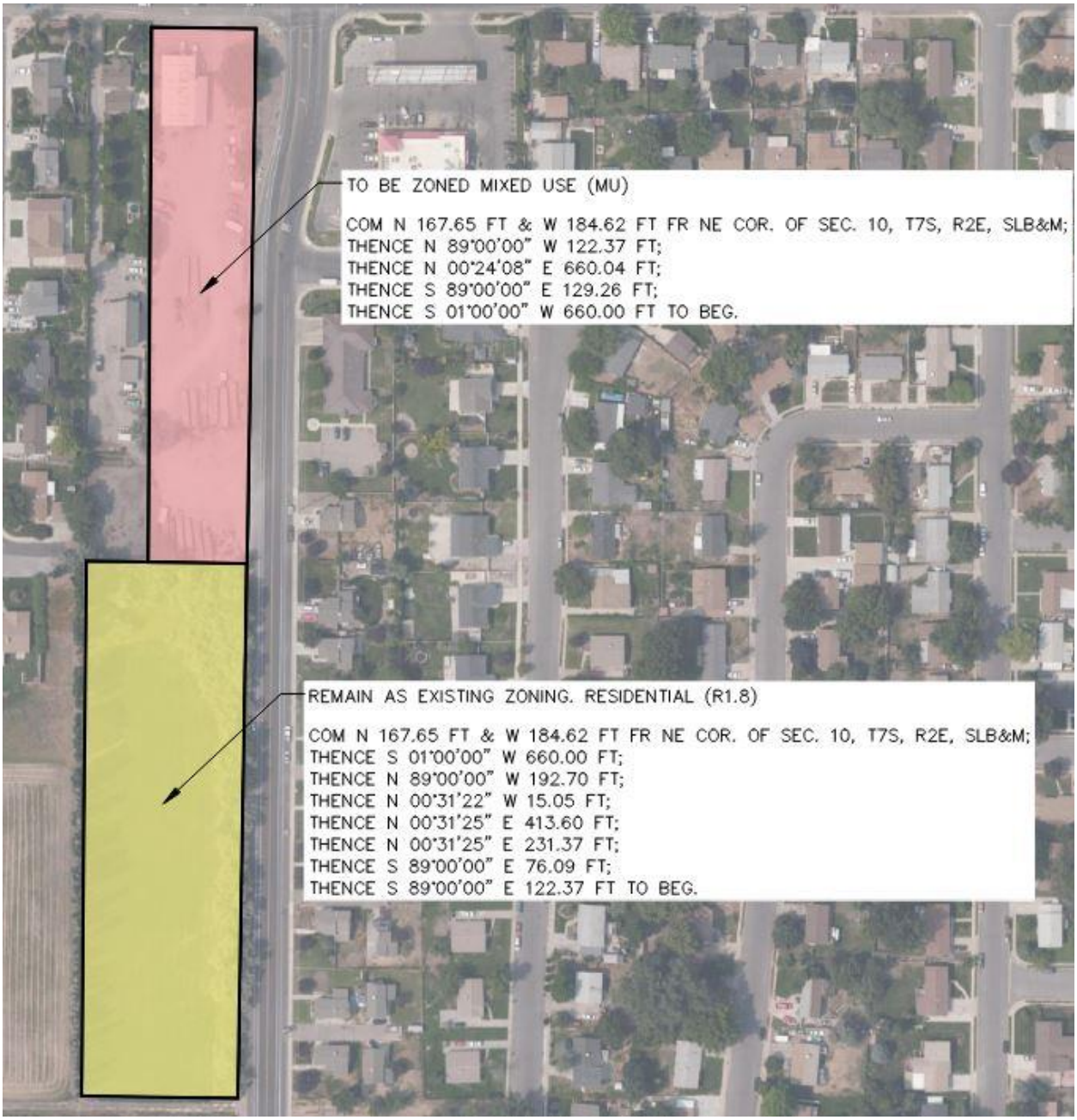
While the applicants have provided a draft development agreement to detail the amenity spaces, they have not provided that content in the plans. Staff feels that the amenities need to be detailed and show some type of coverage from the weather. The other items have been sufficiently addressed in the plans.

Since the rezone request does not comply with the General Plan of the City, staff recommends that the Planning Commission approve a revised zone map amendment, rezoning the portion of this property that lies within the Mixed-Use area of the Southwest Area Future Land Use map (appendix V) of the General Plan.

ATTACHMENTS

1. Proposed Zone Change Map
2. General Plan Map
3. Conceptual Site Plan
4. Concept Plan Summary Table
5. Draft Development Agreement
6. Applicant Submittal

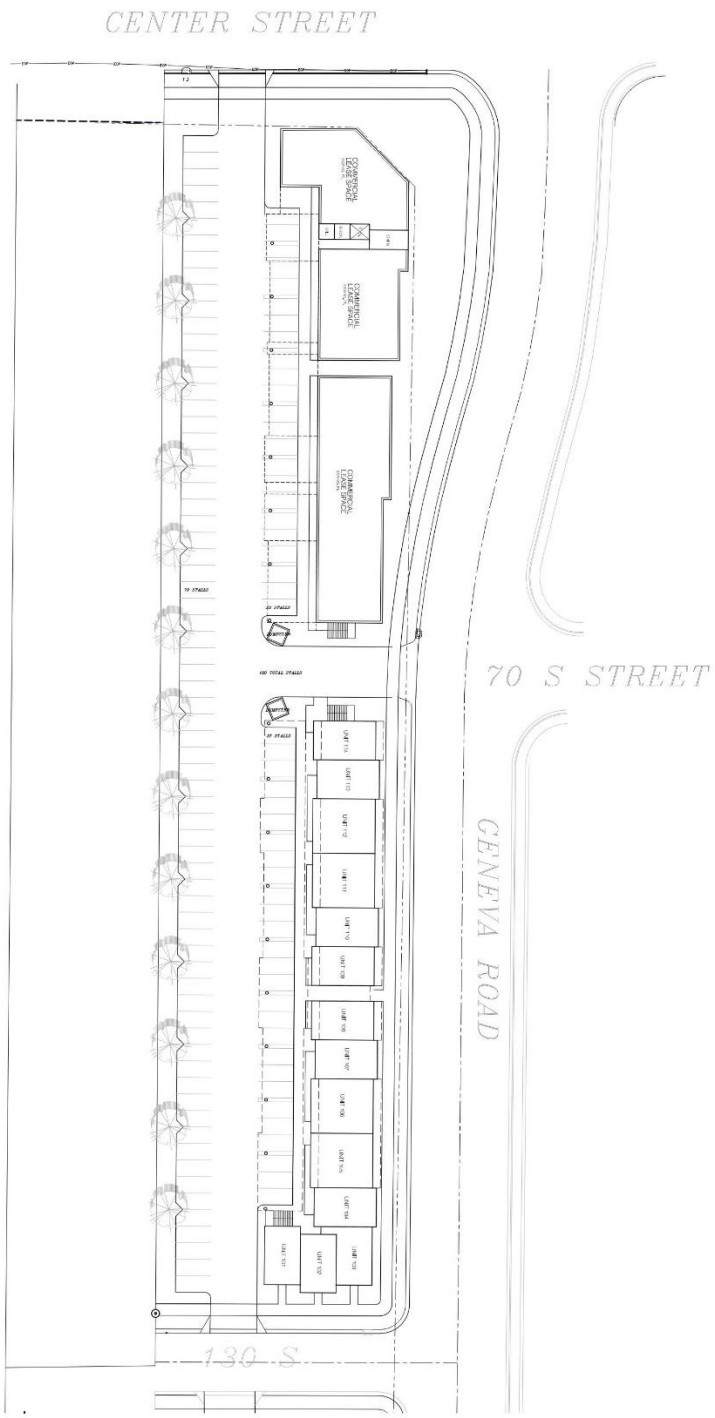
ATTACHMENT 1 – PROPOSED ZONE CHANGE MAP



ATTACHMENT 2 – GENERAL PLAN MAP



ATTACHMENT 3 – CONCEPTUAL SITE PLAN



ATTACHMENT 4 – CONCEPT PLAN SUMMARY TABLE

Parking requirements as per 14.14D.110, land uses within the Mixed-Use (MU) Zone "*need only provide seventy-five (75%) of the required off-street parking*" (see also 14.37.050 & 14.37.100).

The Staff supports this MU Zone parking allowance for this location as follows: "*Staff would not be supportive of a parking reduction for this location beyond the 25% reduction allowed in the zone*" (Staff Report – January 11, 2023).

	UNITS	TYPE	STALLS/UNIT	STALLS	REQUIRED	REQUIRED STALLS
Studio	20	DU	1.5	30.0		
1-Bedroom	20	DU	1.5	30.0		
2-Bedroom	18	DU	2.25	40.5		
3-Bedroom	2	DU	2.25	4.5		
Retail	10.1	KSF	5	50.5		
TOTAL REQUIRED				**155.5**	75%	**117**

TOTAL PROVIDED	**120**

ATTACHMENT 5 – DRAFT DEVELOPMENT AGREEMENT LANGUAGE

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

We proffer that a minimum of 9,036 square feet of massed area to be included in Lakeview Crossing as a rooftop garden, including patio, canopy, deck, BBQ, firepit, pet exercise space, gardens, kitchenette, lounge furniture, and storage. This proffer is subject to change based on the final project plan, but the rooftop amenity space shall not be less than the minimum square footage required by the Mixed-Use (MU) zone for the size and scope of the amenity.

ATTACHMENT 6 – APPLICANT SUBMITTAL

LAKEVIEW CROSSING

Center Street and Geneva Road

Zone Change application: PLRZ20210271
Concept Plan application: PLCP20210398

Applicant Responses to Planning Commission Requests – 1/11/2023

1. PROVIDE A DRAFT DEVELOPMENT AGREEMENT DETAILING THE AMENITY SPACE 2
2. HAVE THE NUMBER OF UNITS SOLIDIFIED 21
3. REDISTRIBUTE THE NUMBER OF UNITS (OR DECREASE THE NUMBER) IN THE PROPOSAL TO TRANSITION TO THE SOUTH. 28
4. PROVIDE A PLAN WITH NO PARKING REDUCTION REQUEST 33
5. PUT THE HIGHEST USE AND MOST INTENSITY ON THE NORTH CORNER 37
6. VERIFICATION FROM PROVO CITY ENGINEERING ON PREFERRED ACCESS POINTS 39
SUPPLEMENTAL INFORMATION 41
A. STATEMENT REGARDING LAKEVIEW CROSSING COMPLIANCE WITH GENERAL PLAN 41
B. PUBLIC WORKS STATEMENT REGARDING ADEQUATE SEWER CAPACITY 44

1. PROVIDE A DRAFT DEVELOPMENT AGREEMENT DETAILING THE AMENITY SPACE

APPLICANT RESPONSE:

Mixed-Use Zones 14.14D.120(1) requires the following:

> "an area equivalent to twenty percent (20%) or more of the residential gross floor area must be developed in recreational amenities, such as a common … rooftop garden, or other amenity."
>
> "Any open space counting towards this requirement must be massed or accumulated to be functional as a recreational amenity or gathering place."

The total residential gross floor area of the proposed concept plan equals 45,178 square feet, therefore, based on the 20% amenity requirement, the required amenity area minimum would be 9,036 square feet.

We proffer that a minimum of 9,036 square feet of massed area be included in Lakeview Crossing as a rooftop garden, including patio, canopy, deck, BBQ, firepit, pet exercise space, gardens, kitchenette, lounge furniture, and storage. This proffer is subject to change based on the final project plan but the rooftop amenity space shall not be less than the minimum square footage required by the Mixed-Use (MU) zone for the size and scope of the amenity.

See draft development agreement, including concept plan, attached.



Image of what rooftop amenity could possibly look like.

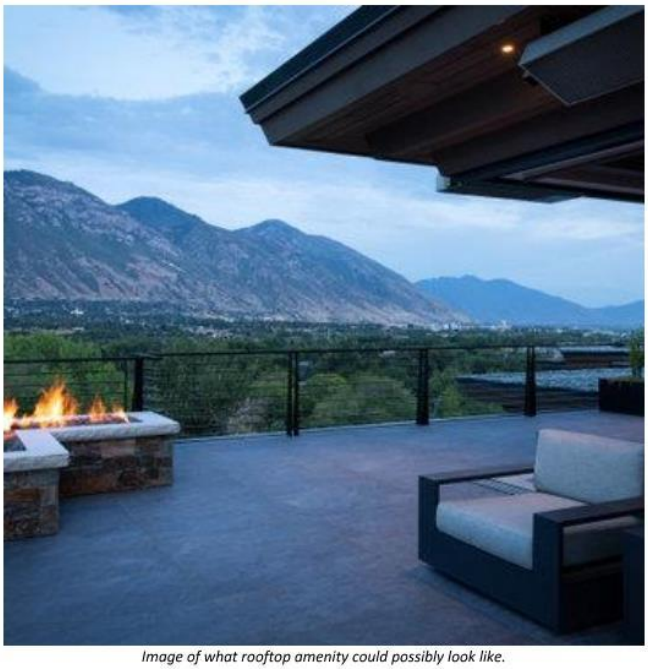
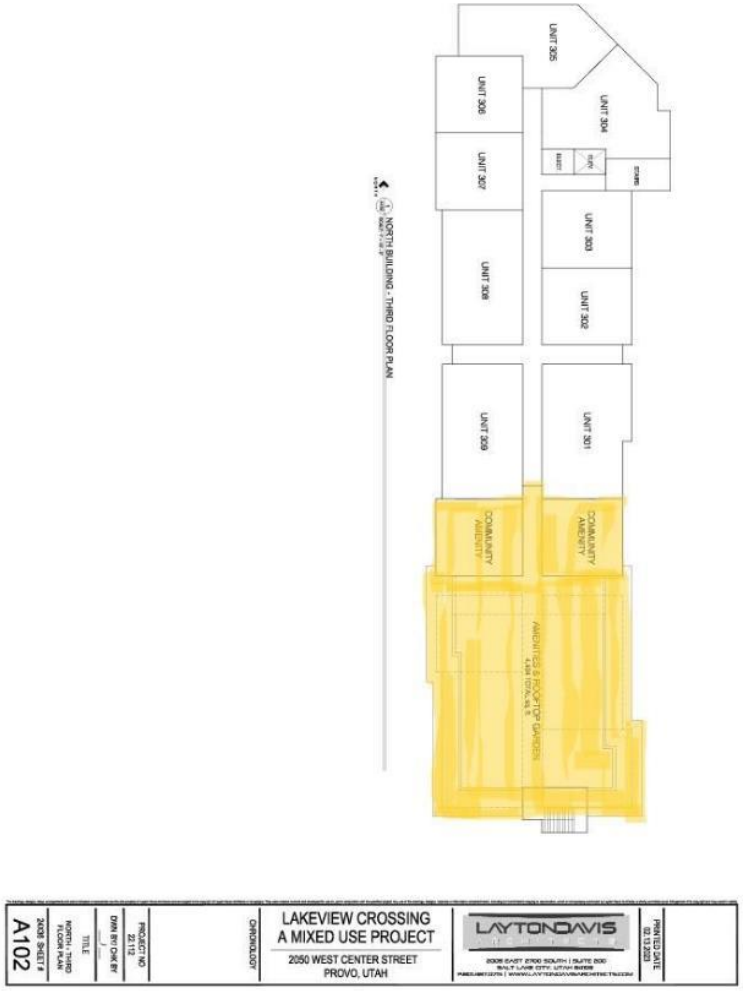


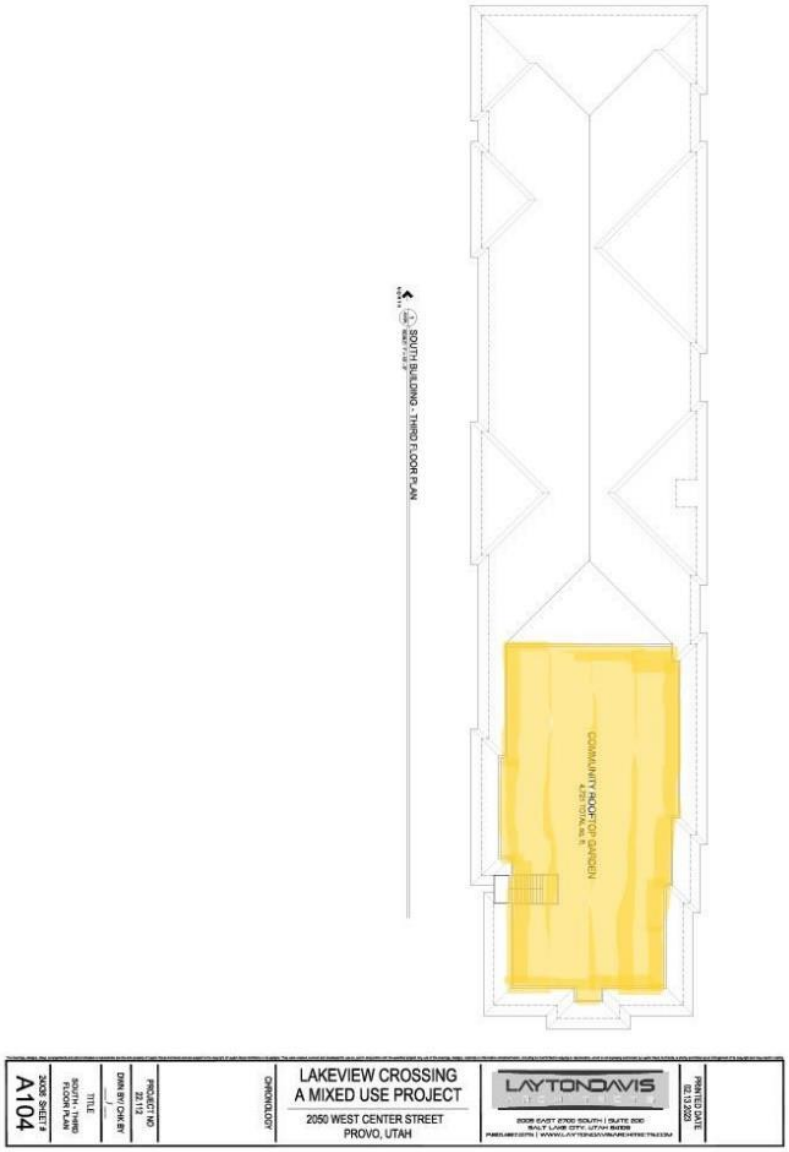
Image of what rooftop amenity could possibly look like.



Image of what rooftop amenity could possibly look like.

CONCEPT PLAN WITH AMENITY AREA HIGHLIGHTED




SOUTH BUILDING - THIRD FLOOR PLAN
COMMUNITY ROOFTOP GARDEN
4,751 TOTAL sq. ft.
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
A104
SHEET #
TITLE
SOUTH - THIRD FLOOR PLAN
DWN BY CHK BY
PROJECT NO
22.113
CHRONOLOGY
PRINTED DATE
02.13.2023

DEVELOPMENT AGREEMENT
FOR
LAKEVIEW CROSSING

(Center Street to 130 South, 2050 West, Provo, Utah)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 20__ (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and Premier Realty Investments, 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 two (2) 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 Mixed-Use Zones, (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:

> We proffer that a minimum of 9,036 square feet of massed area to be included in Lakeview Crossing as a rooftop garden, including patio, canopy, deck, BBQ, firepit, pet exercise space, gardens, kitchenette, lounge furniture, and storage. This proffer is subject to change based on the final project plan, but the rooftop amenity space shall not be less than the minimum square footage required by the Mixed-Use (MU) zone for the size and scope of the amenity.

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: Premier Realty Investments, LLC
Attn: Steve Turley
1480 South State Street
Provo, Utah 84606

To the City: City of Provo
Attention: City Attorney

351 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: _____
City Recorder

By:_____
Mayor Michelle Kaufusi

DEVELOPER:

Premier Realty Investments, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

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:

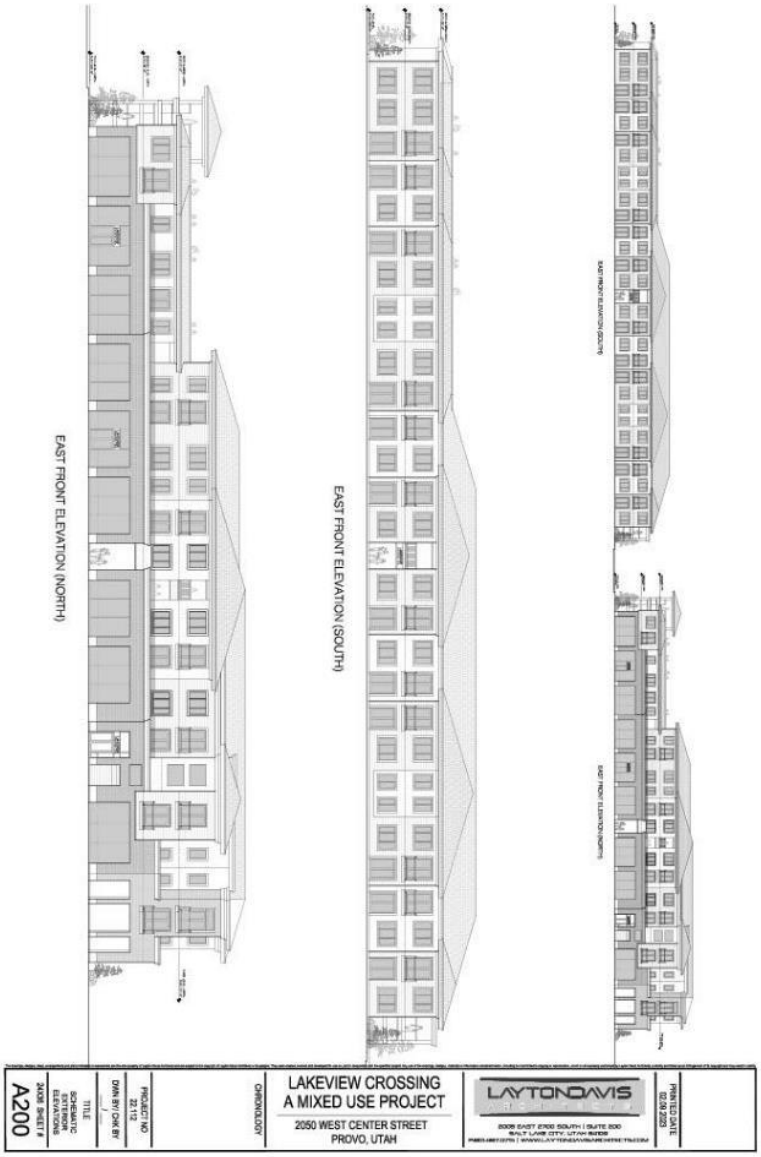
Exhibit A

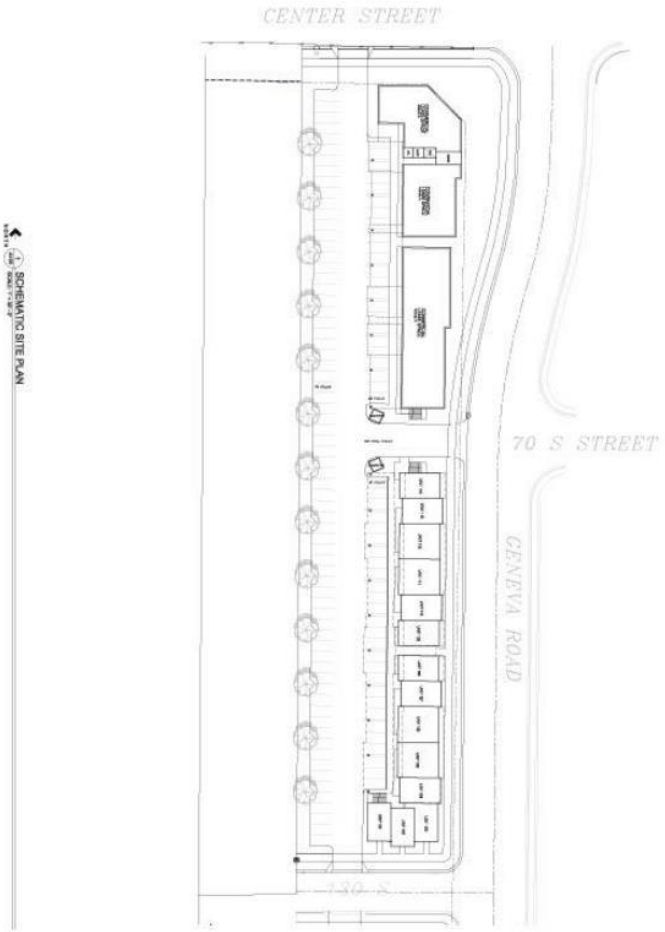
Legal Description of the Property

COM N 167.65 FT & W 184.62 FT FR NE COR. OF SEC 10, T7S, R2E, SLB&M;
THENCE N 89°00'00" W 122.37 FT;
THENCE N 00°24'08 E 660.04 FT;
THENCE S 89°00'00" E 129.26 FT;
THENCE s 01°00'00" W 660.00 FT TO BEG

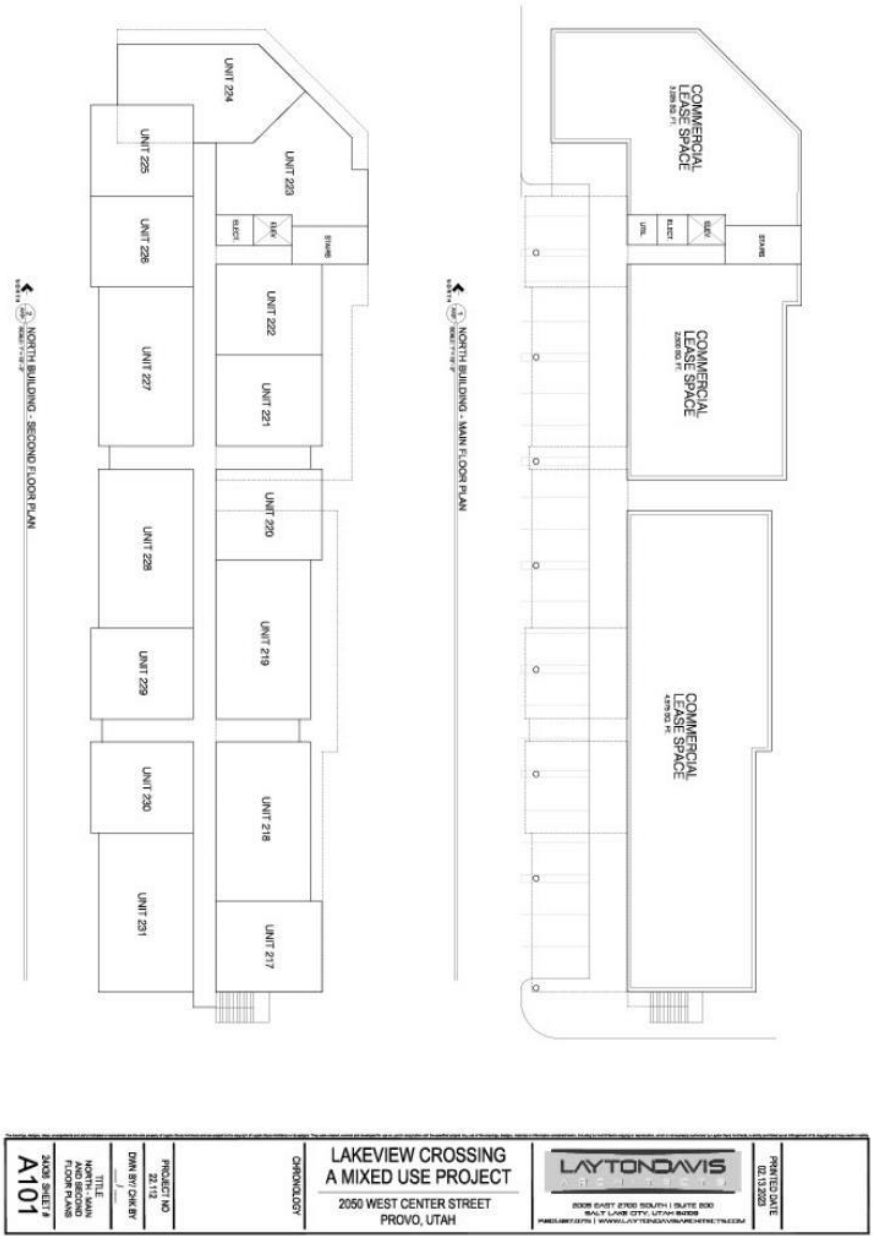
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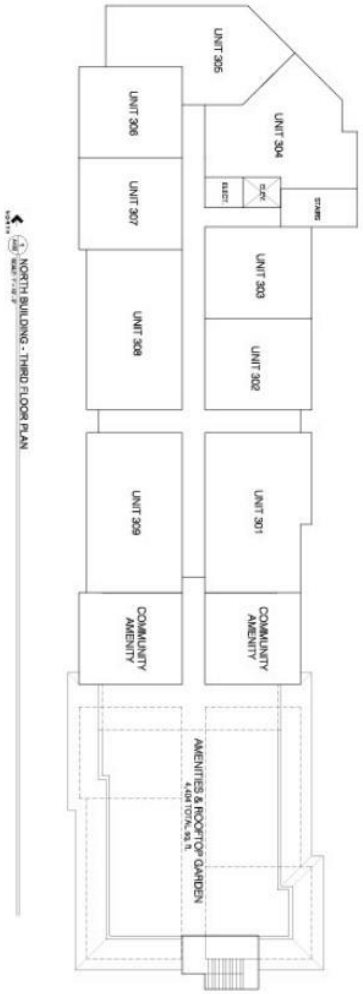
Concept Plan





A100 SHEET #	TITLE: SCHEMATIC SITE PLAN	PROJECT NO: 22.113 / DWN BY / CHK BY: /	CHRONOLOGY	LAKEVIEW CROSSING A MIXED USE PROJECT 2050 WEST CENTER STREET PROVO, UTAH LAYTONDAVIS ARCHITECTURE 5006 EAST 2700 SOUTH | SUITE 300 SALT LAKE CITY, UTAH 84109	PRINTED DATE: 02.13.2023


NORTH BUILDING - SECOND FLOOR PLAN
UNIT 224
UNIT 225
UNIT 226
UNIT 227
UNIT 228
UNIT 229
UNIT 230
UNIT 231
UNIT 223
UNIT 222
UNIT 221
UNIT 220
UNIT 219
UNIT 218
UNIT 217
NORTH BUILDING - MAIN FLOOR PLAN
COMMERCIAL LEASE SPACE
COMMERCIAL LEASE SPACE
COMMERCIAL LEASE SPACE
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
PROJECT NO
22.112
DWN BY/ CHK BY
TITLE
NORTH - MAIN AND SECOND FLOOR PLANS
SHEET #
A101
CHRONOLOGY
PRINTED DATE
02.13.2023



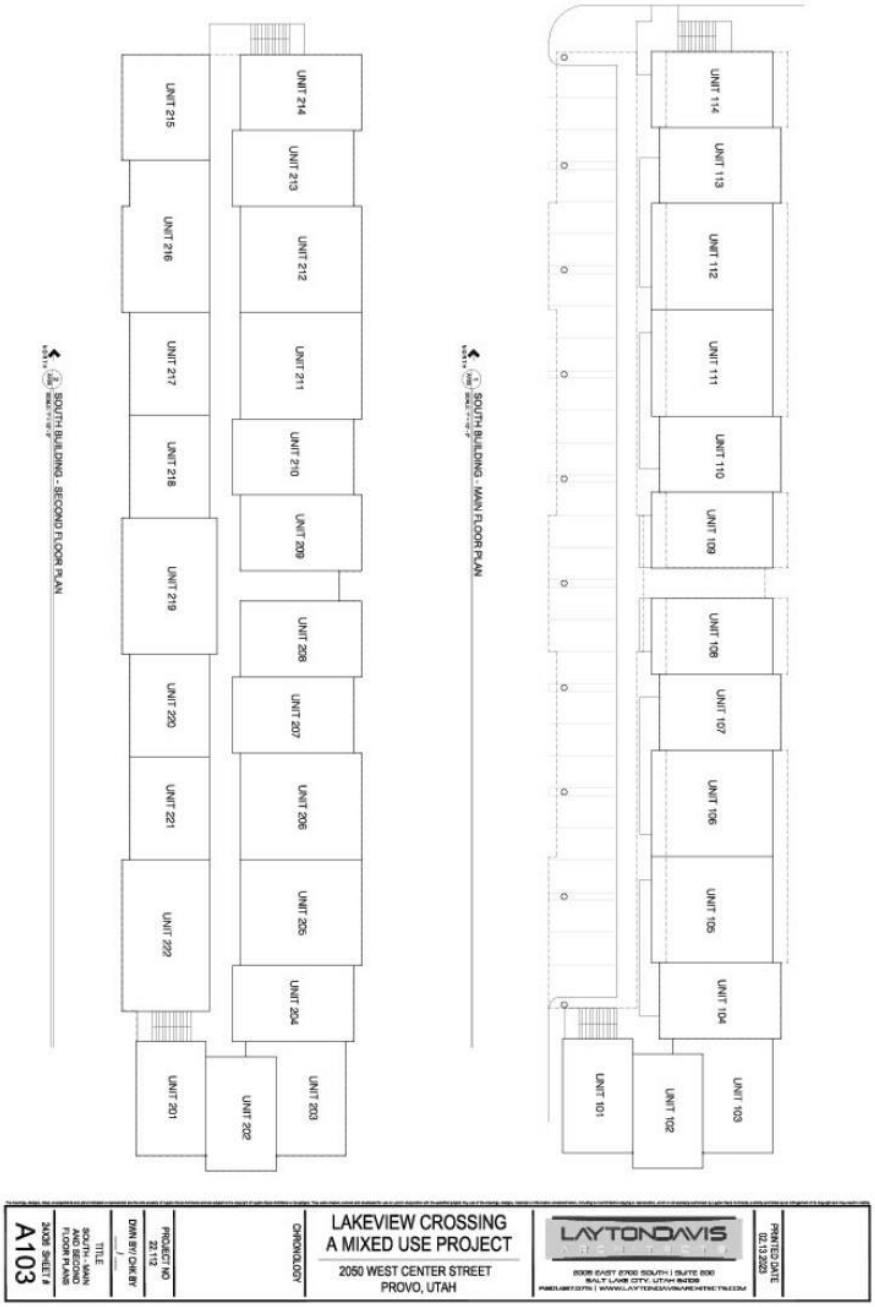
LAKEVIEW CROSSING
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2050 WEST CENTER STREET
PROVO, UTAH

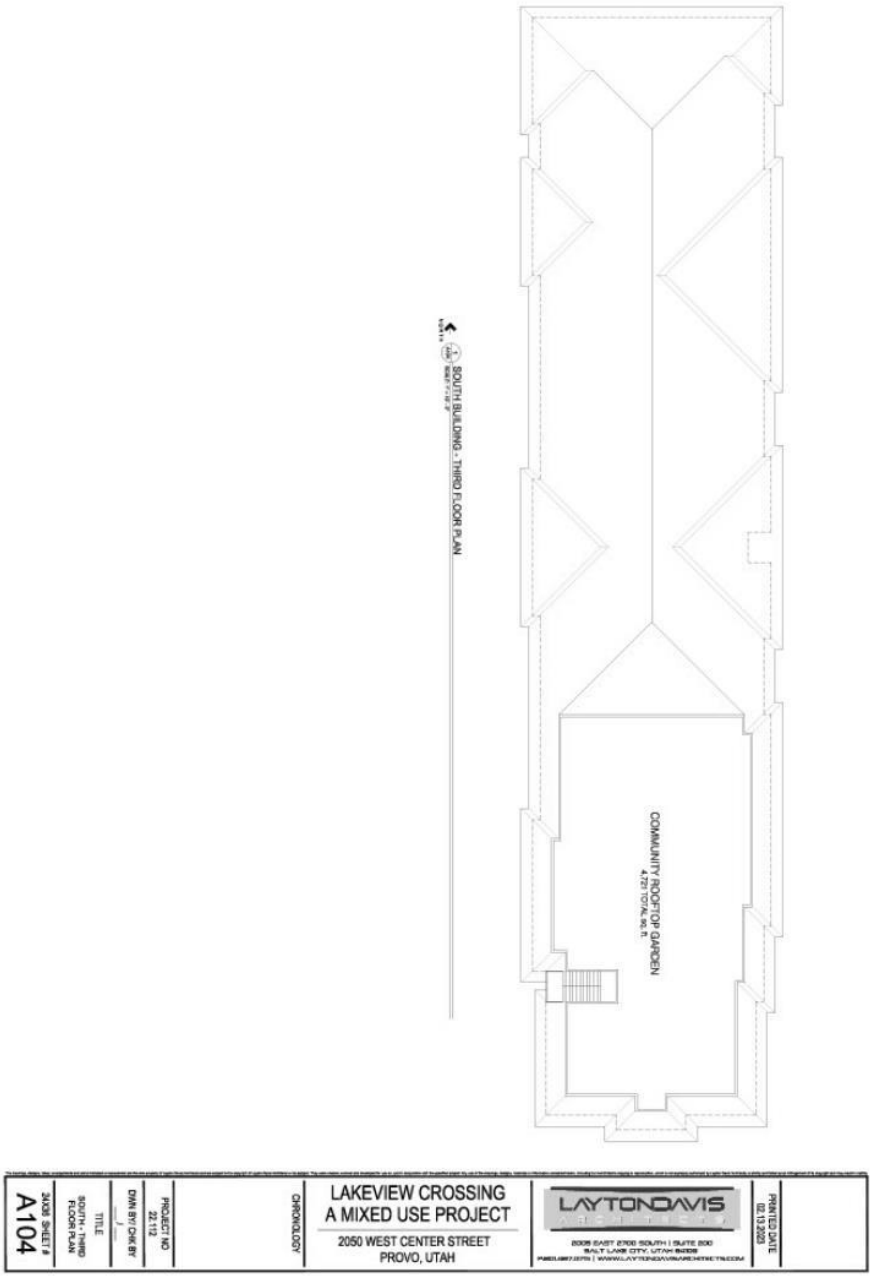
LAYTONDAVIS ARCHITECTURE
8305 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109

PROJECT NO: 22.13
DWN BY/ CHK BY: ___/___
TITLE: NORTH - THIRD FLOOR PLAN
SHEET #: A102

CHRONOLOGY

PRINTED DATE: 02.13.2023


SOUTH BUILDING - SECOND FLOOR PLAN
UNIT 214
UNIT 213
UNIT 212
UNIT 211
UNIT 210
UNIT 209
UNIT 208
UNIT 207
UNIT 206
UNIT 205
UNIT 204
UNIT 203
UNIT 202
UNIT 201
UNIT 215
UNIT 216
UNIT 217
UNIT 218
UNIT 219
UNIT 220
UNIT 221
UNIT 222
SOUTH BUILDING - MAIN FLOOR PLAN
UNIT 114
UNIT 113
UNIT 112
UNIT 111
UNIT 110
UNIT 109
UNIT 108
UNIT 107
UNIT 106
UNIT 105
UNIT 104
UNIT 103
UNIT 102
UNIT 101
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
PRINTED DATE
02.13.2023
PROJECT NO
22.112
DWN BY/ CHK BY
TITLE
SOUTH - MAIN AND SECOND FLOOR PLANS
24X36 SHEET #
A103


SOUTH BUILDING - THIRD FLOOR PLAN
COMMUNITY ROOFTOP GARDEN
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
CHRONOLOGY
PROJECT NO
22.112
DWN BY CHK BY
TITLE
SOUTH - THIRD FLOOR PLAN
SHEET #
A104
PRINTED DATE
02.13.2023

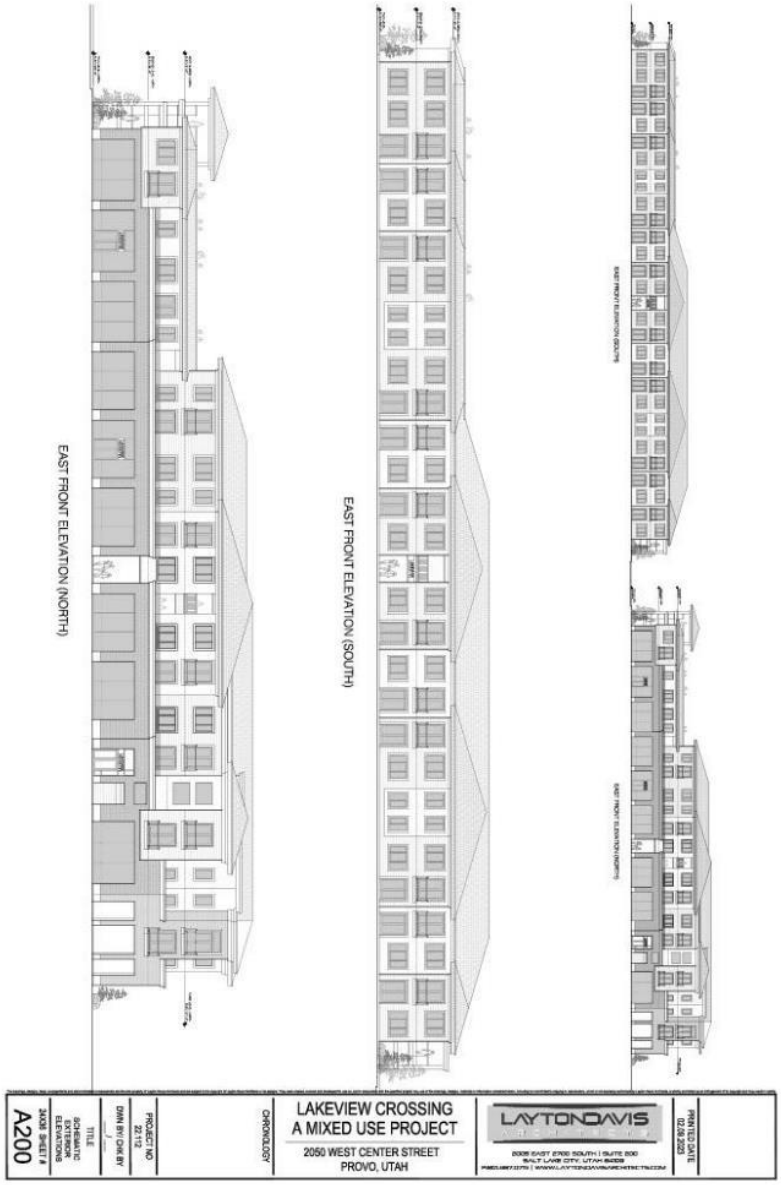
2. HAVE THE NUMBER OF UNITS SOLIDIFIED

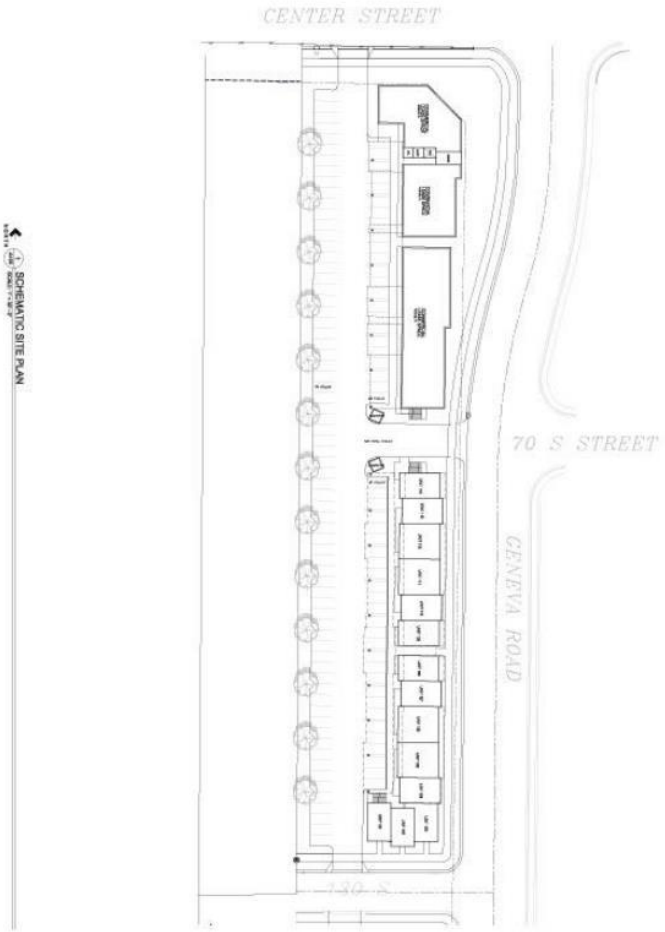
APPLICANT RESPONSE:

	UNIT COUNT
Studio	20
1-Bedroom	20
2-Bedroom	18
3-Bedroom	2
TOTAL	**60**

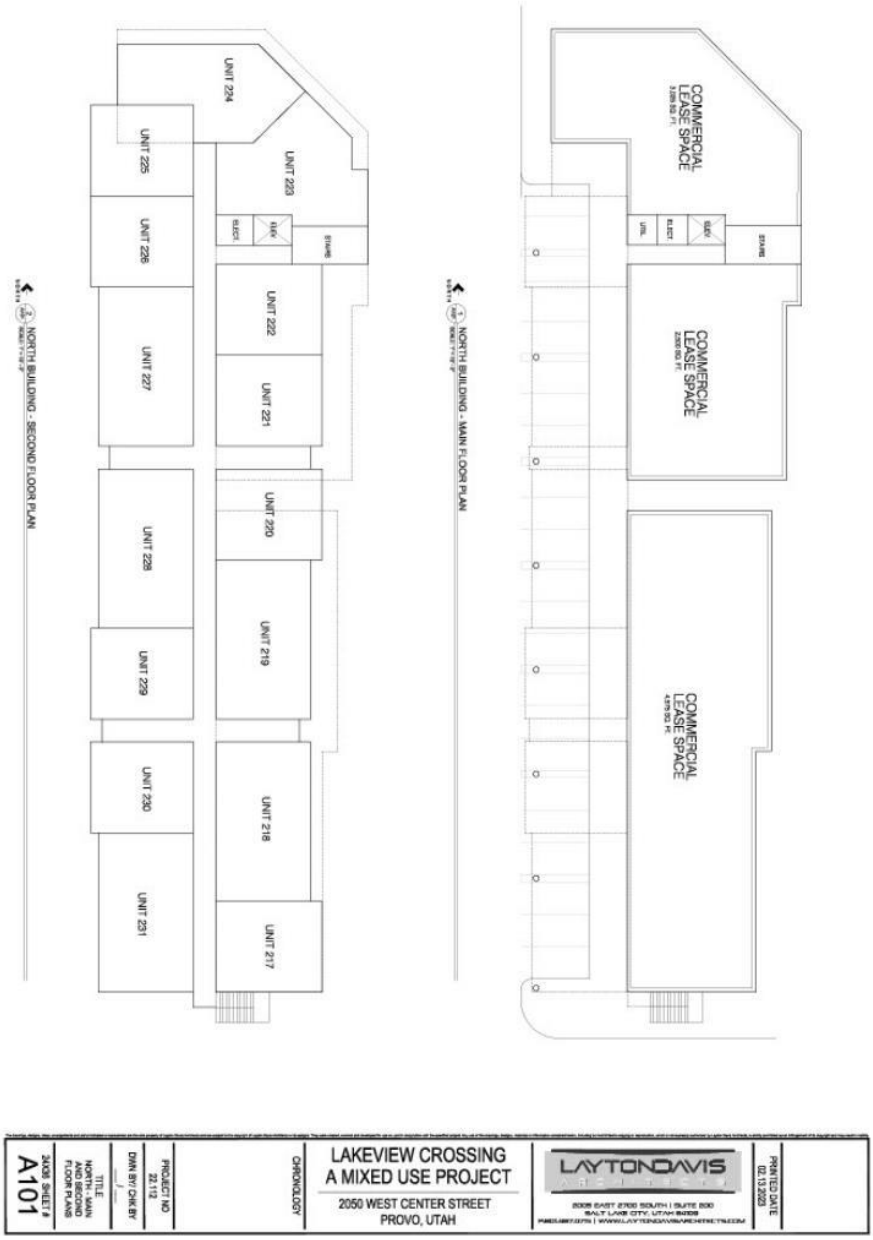
See concept plan attached.

CONCEPT PLAN SHOWING UNITS:





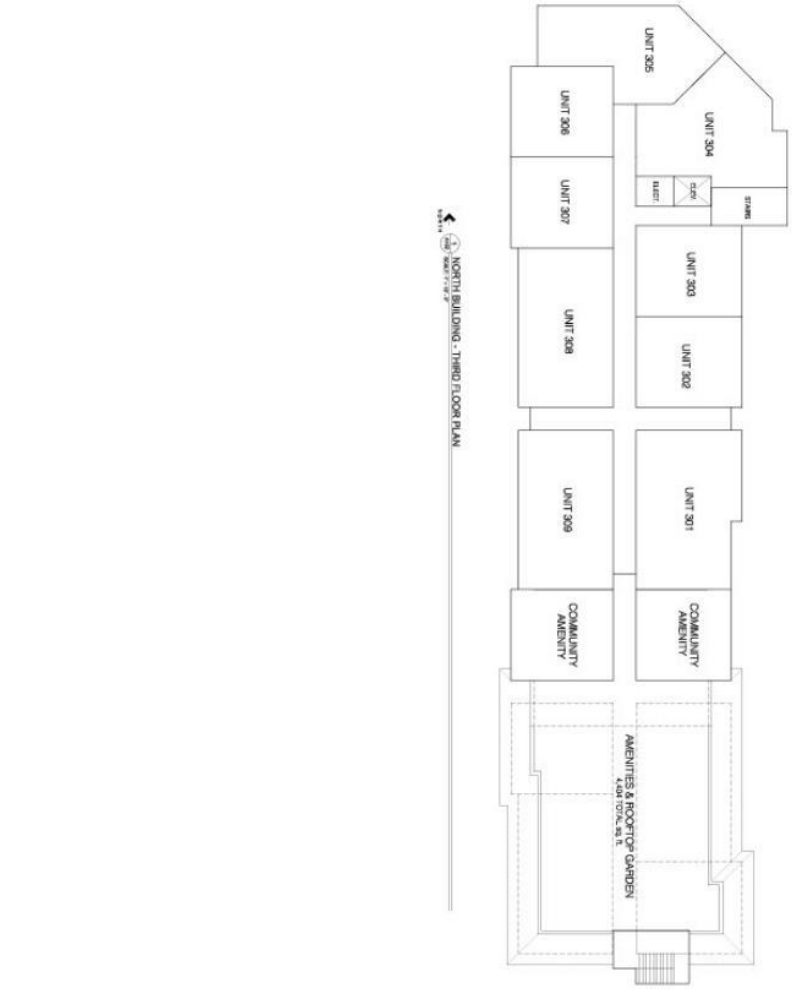
A100 SHEET #	PROJECT NO 22.13	CHRONOLOGY	LAKEVIEW CROSSING A MIXED USE PROJECT 2050 WEST CENTER STREET PROVO, UTAH	LAYTONDAVIS 8305 EAST 2700 SOUTH | SUITE 300 SALT LAKE CITY, UTAH 84109	PRINTED DATE 02.13.2023
TITLE SCHEMATIC SITE PLAN	DWN BY / CHK BY				



LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

LAYTONDAVIS

PROJECT NO 22.112
DWN BY/ CHK BY
TITLE NORTH - MAIN AND SECOND FLOOR PLANS
24X36 SHEET # A101
CHRONOLOGY
PRINTED DATE 02.13.2023



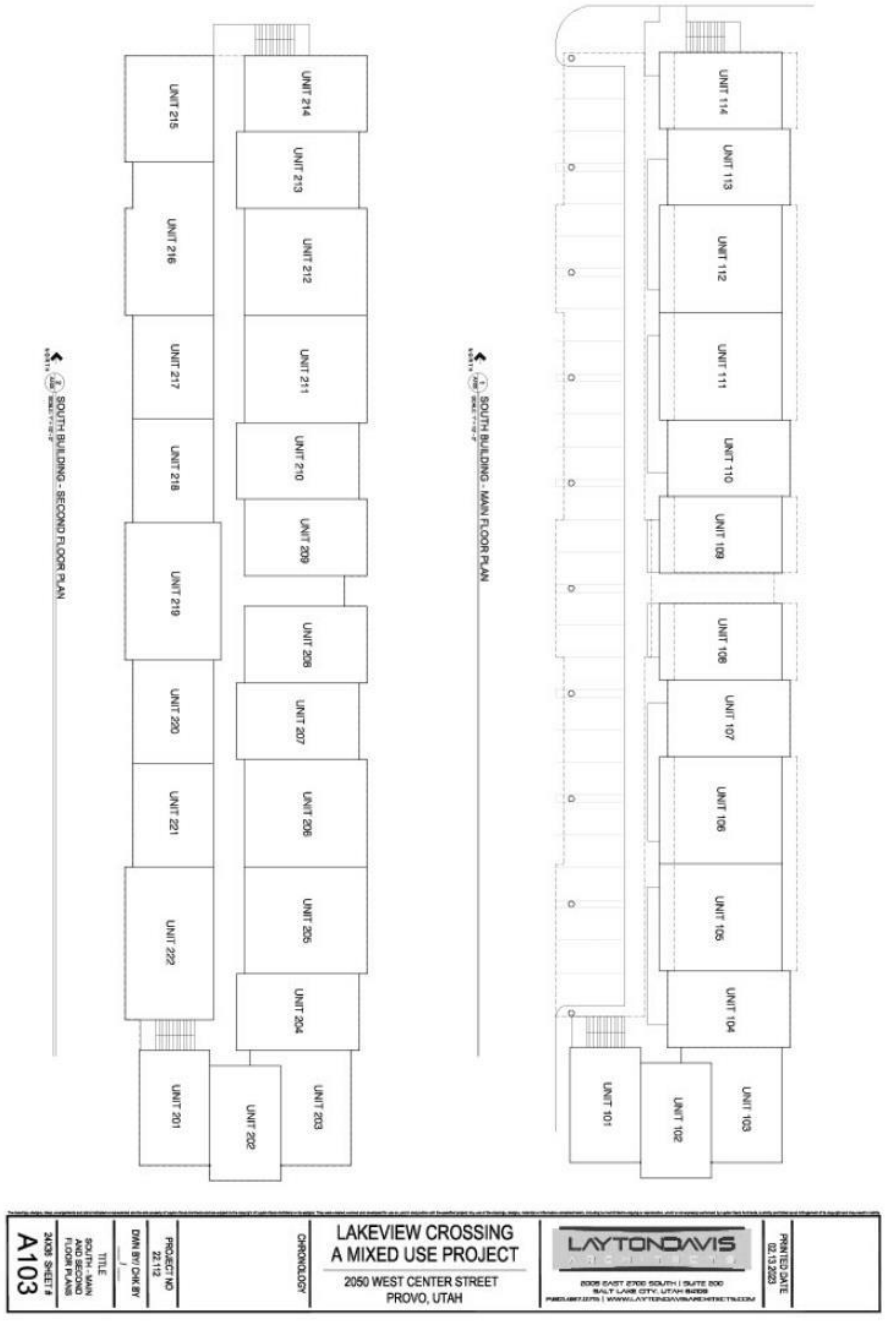
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

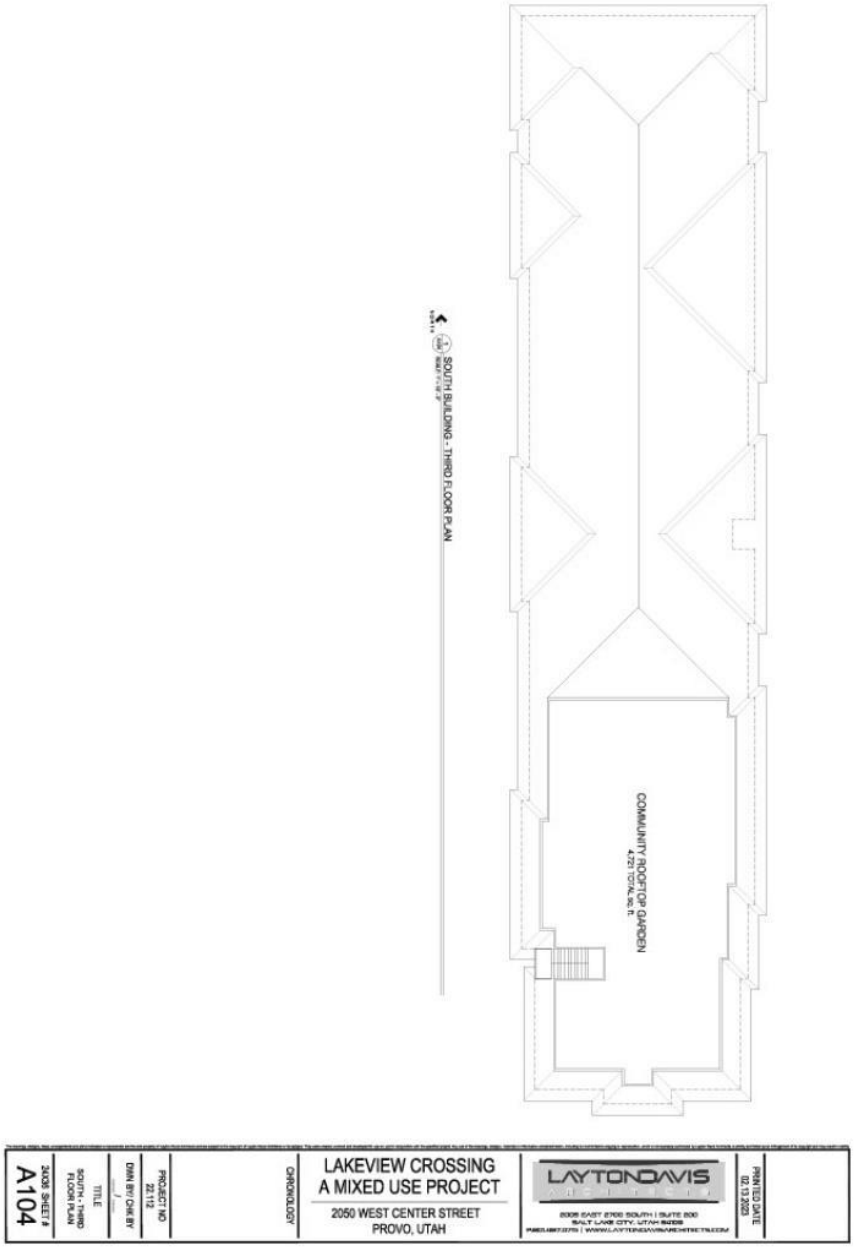
LAYTONDAVIS ARCHITECTS
8308 EAST 6700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84609
PHONE (801) 255-1 | WWW.LAYTONDAVISARCHITECTS.COM

CHRONOLOGY

PROJECT NO 22.112
DWN BY/ CHK BY
TITLE NORTH - THIRD FLOOR PLAN
24X36 SHEET # A102

PRINTED DATE 02.13.2023


SOUTH BUILDING - SECOND FLOOR PLAN
UNIT 214
UNIT 213
UNIT 212
UNIT 211
UNIT 210
UNIT 209
UNIT 208
UNIT 207
UNIT 206
UNIT 205
UNIT 204
UNIT 203
UNIT 202
UNIT 201
UNIT 215
UNIT 216
UNIT 217
UNIT 218
UNIT 219
UNIT 220
UNIT 221
UNIT 222
SOUTH BUILDING - MAIN FLOOR PLAN
UNIT 114
UNIT 113
UNIT 112
UNIT 111
UNIT 110
UNIT 109
UNIT 108
UNIT 107
UNIT 106
UNIT 105
UNIT 104
UNIT 103
UNIT 102
UNIT 101
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
PROJECT NO
22.112
DWN BY/ CHK BY
TITLE
SOUTH - MAIN AND SECOND FLOOR PLANS
24X36 SHEET #
A103
CHRONOLOGY
PRINTED DATE
02.13.2023


SOUTH BUILDING - THIRD FLOOR PLAN
COMMUNITY ROOFTOP GARDEN
4721 TOTAL sq. ft.
LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH
LAYTONDAVIS
PROJECT NO
22.112
DWN BY CHK BY
TITLE
SOUTH - THIRD FLOOR PLAN
SHEET #
A104
PRINTED DATE
02.13.2023
CHRONOLOGY

3. REDISTRIBUTE THE NUMBER OF UNITS (OR DECREASE THE NUMBER) IN THE PROPOSAL TO TRANSITION TO THE SOUTH.

APPLICANT RESPONSE:

North Building: 55% of total project square footage

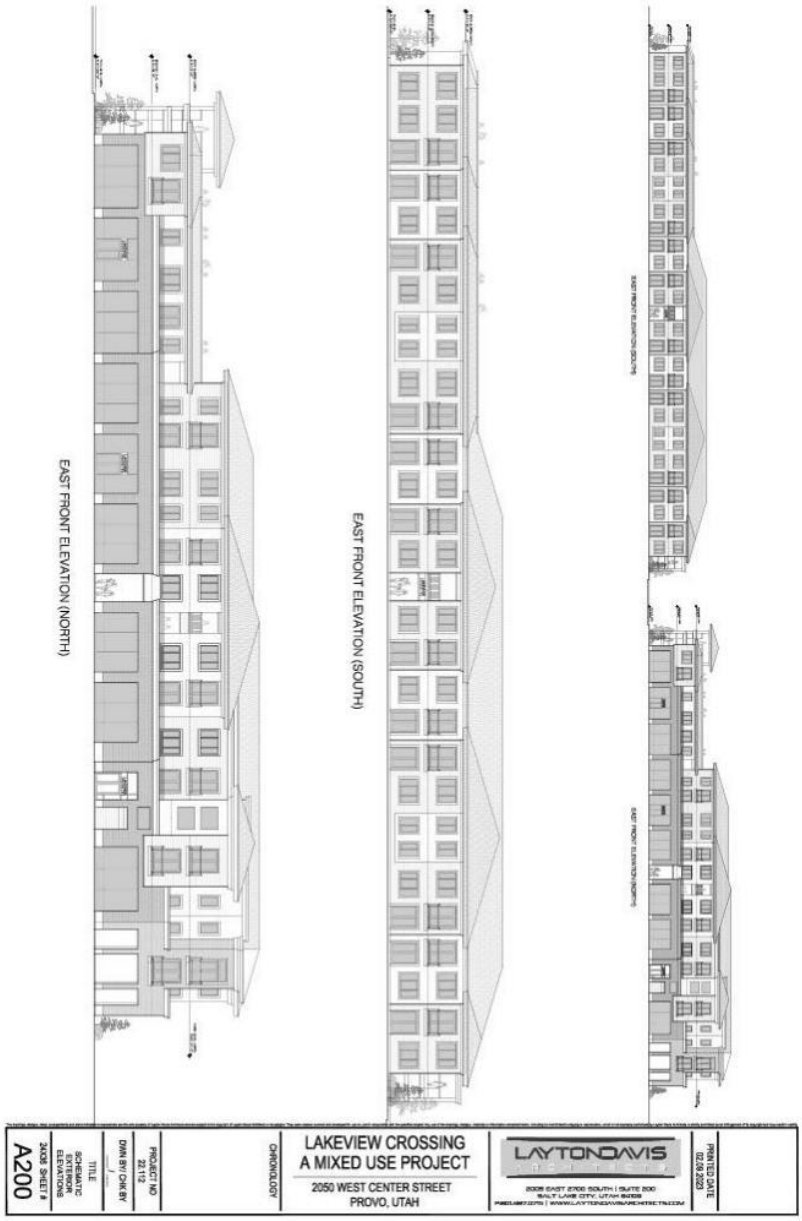
Height:	3 stories
	40' to eave
	47' to ridge
Use:	commercial & residential
Transition:	3 story building to 2 story building

South Building: 45% to total project square footage

Height:	2 stories
	26' to eave
	32' to ridge
Use:	residential only
Transition:	2 story townhome-style units on south elevation facing 130 South Street

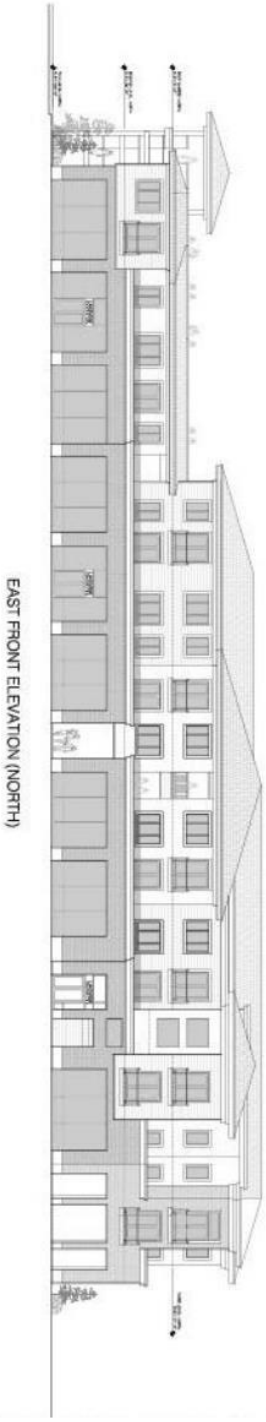
See revised architectural elevations attached.

REVISED ARCHITECTUTRAL RENDERINGS

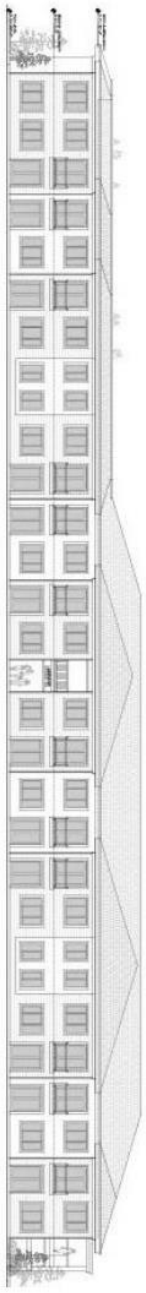




30



EAST FRONT ELEVATION (NORTH)



EAST FRONT ELEVATION (SOUTH)

32

4. PROVIDE A PLAN WITH NO PARKING REDUCTION REQUEST

APPLICANT RESPONSE

Parking requirements as per 14.14D.110, land uses within the Mixed-Use (MU) Zone "*need only provide seventy-five (75%) of the required off-street parking*" (see also 14.37.050 & 14.37.100).

The Staff supports this MU Zone parking allowance for this location as follows: "*Staff would not be supportive of a parking reduction for this location beyond the 25% reduction allowed in the zone*" (Staff Report – January 11, 2023).

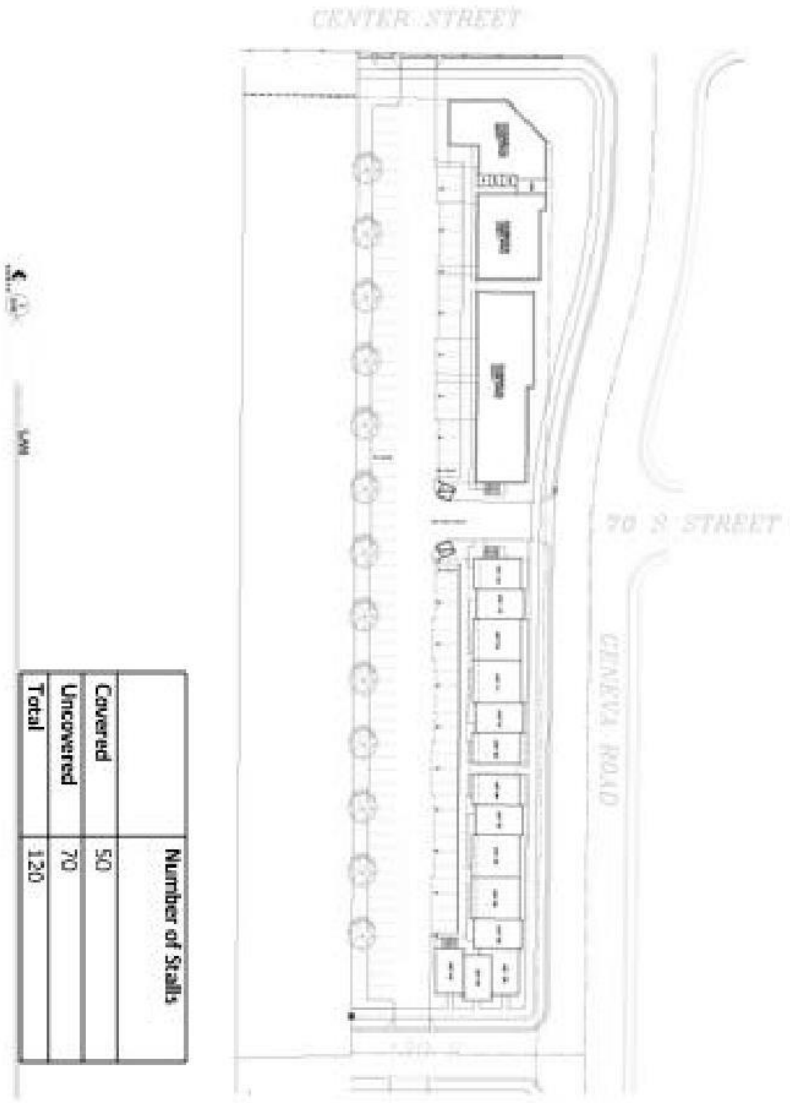
	UNITS	TYPE	STALLS/UNIT	STALLS	REQUIRED	REQUIRED STALLS
Studio	20	DU	1.5	30.0		
1-Bedroom	20	DU	1.5	30.0		
2-Bedroom	18	DU	2.25	40.5		
3-Bedroom	2	DU	2.25	4.5		
Retail	10.1	KSF	5	50.5		
TOTAL REQUIRED				**155.5**	75%	**117**

TOTAL PROVIDED	**120**

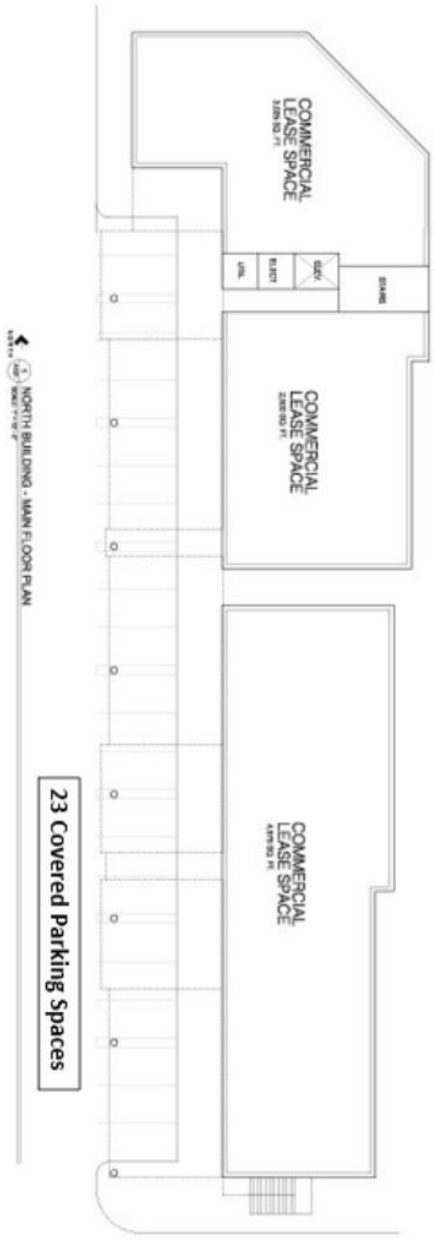
- **No shared use parking reduction request**
- 50 covered parking stalls / 70 uncovered parking stalls
- 25% more parking stalls than parking demand study (Hales Engineering – Report UT22-2389)
- Electric Vehicle (EV) charging - 50 stalls (public charging & private charging)
- Bike lockers & bike repair station
- Public Transit (UTA Route 833)
    - 7 minutes to Provo Airport
    - 10 minutes to Provo Center Station (UVX bus rapid transit line & UTA FrontRunner commuter rail)

See concept site plan and parking detail attached.

CONCEPT SITE PLAN:



Number of Stalls	
Covered	50
Uncovered	70
Total	120


COMMERCIAL LEASE SPACE
COMMERCIAL LEASE SPACE
COMMERCIAL LEASE SPACE
23 Covered Parking Spaces
NORTH BUILDING - MAIN FLOOR PLAN


UNIT 114
UNIT 113
UNIT 112
UNIT 111
UNIT 110
UNIT 109
UNIT 108
UNIT 107
UNIT 106
UNIT 105
UNIT 104
UNIT 101
UNIT 102
UNIT 103
SOUTH BUILDING - MAIN FLOOR PLAN
27 Covered Parking Spaces

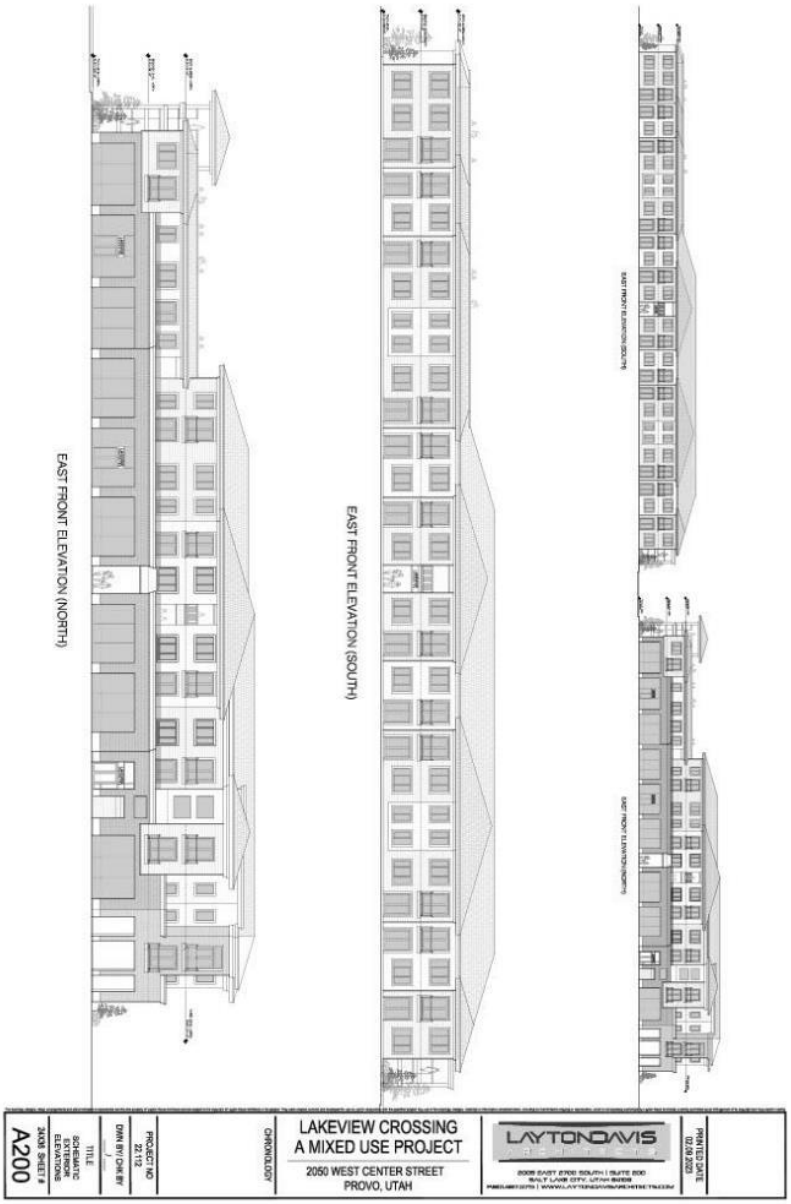
5. PUT THE HIGHEST USE AND MOST INTENSITY ON THE NORTH CORNER

APPLICANT RESPONSE:

North Building: 55% of total project square footage
Height: 3 stories
40' to eave
47' to ridge
Mixed-Use:
Commercial - 10,100 sqft
Residential - 20,040 sqft

See revised architectural elevation attached.

REVISED ARCHITECTUTRAL RENDERINGS



6. VERIFICATION FROM PROVO CITY ENGINEERING ON PREFERRED ACCESS POINTS

APPLICANT RESPONSE

In meeting with David Day on January 19, 2023, David reviewed the proposed site plan (attached) and verified the following:

- The proposed driveway accessing 130 South Street is at an acceptable location.
- The proposed driveway accessing Geneva Road (2050 West) is at an acceptable location (where it is aligned with the opposing 70 South Street to the east).
- The proposed driveway accessing Center Street is at an acceptable location. Center Street is an Arterial Street, and all improvements need to be constructed according to Provo City Standard Detail P-900 on the north (Center Street) frontage of the project.

See email confirmation attached.

ATTACHED EMAIL FROM DAVID DAY

From: David Day <DDay@provo.utah.gov>
Sent: Tuesday, January 24, 2023 11:54 AM
To: Steve Turley <StevenTurley001@msn.com>
Subject: RE: Lakeview Crossing discussion 1/19/2022

Yes

From: Steve Turley <StevenTurley001@msn.com>
Sent: Monday, January 23, 2023 6:29 PM
To: David Day <DDay@provo.utah.gov>
Subject: Lakeview Crossing discussion 1/19/2022

CAUTION: This email originated from outside of Provo's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

Thanks for talking me through the accesses on the proposed project at Center Street and Geneva Road last week.

I'm drafting a response to the staff report. Can I include the following?

6. VERIFICATION FROM PROVO CITY ENGINEERING ON PREFERRED ACCESS POINTS
APPLICANT RESPONSE:
In meeting with David Day on January 19, 2023, David reviewed the proposed site plan (attached) and verified the following:

- The proposed driveway accessing 130 South Street is at an acceptable location.
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- The proposed driveway accessing Center Street is at an acceptable location. Center Street is an Arterial Street and all improvements need to be constructed according to Provo City Standard Detail P-900 on the north (Center Street) frontage of the project.

SUPPLEMENTAL INFORMATION

A. STATEMENT REGARDING LAKEVIEW CROSSING COMPLIANCE WITH GENERAL PLAN

STATEMENT REGARDING COMPLIANCE WITH GENERAL PLAN

Lakeview Crossing @ Center Street & Geneva Road (2050 West), Provo
re-zone and concept plan

Staff maintains that the General Plan only supports changing the existing *R1-8 One-Family Residential Zone* designation to the *Mixed-Use Zone* on the northern-most one acre area (on the corner of Center Street and Geneva Road) of the project, and that any area further south must remain zoned as *R1.8 One-Family Residential*. Support for this determination is based on the strict interpretation of the boundary of land use bubbles on the General Plan's *Southwest Area Future Land Use Map*.

The General Plan's adopted Southwest Neighborhood Plan states the following regarding the Southwest area Future Land Use map:

> *"The boundaries of the illustrated land uses should be viewed as flexible and not hard boundaries in order to allow creativity in the layout and development of a site."*
> Provo City Council Meeting, November 15, 2022 - p. 14

Please further consider the following comment by Bill Peperone, Director of Development Services, when he presented the *Southwest Area Future Land Use Map* to the City Council on November 13, 2018, (when the area plan was approved and adopted):

> *"There's a certain amount of ebb and flow that we expect to go with this. So as development applications come in, it's expected that there's going to be some give and take on the boundaries of all of those areas."*
> Provo City Council Meeting, November 13, 2018 - Bill Peperone (31:48)

Clearly, the land use bubble boundaries in the *Southwest Area Future Land Use Map* are intended to be flexible and are not hard delineations. As stated, these bubble boundaries "should be viewed as flexible and not hard boundaries" and that these boundaries "ebb and flow" and there is "give and take" according to the interpretation and discretion of the Planning Commission and City Council. Regarding projects that may not fit entirely within the land use bubbles, Provo City Councilor David Harding stated the following:

> *"These very specifically were drawn as kind of bubbles. What we are trying to communicate with the community is this is what you can expect. We'd like to communicate to developers this is what we are looking for. Now if you come in with something that doesn't quite fit, but it's aligned with the vision of what we are trying to achieve, great bring it in."*
> Provo City Council Meeting, November 13, 2018 - City Councilor David Harding (1:18:33)

The northern-most one acre of the proposed rezone area lies in the *Village Center / Commercial Mixed-Use* land use bubble. The southern one acre of the proposed rezone area lies in an area that is not included in any land use bubble. In fact, there is approximately 600 feet between the *Village Center / Commercial Mixed-Use* land use bubble to the north and the *Residential* land use bubble to the south. The Staff's position that there is a hard boundary of the north *Village Center / Commercial Mixed-Use* land use bubble but not a hard boundary to the south *Residential* land use bubble is untenable and arbitrary. Such a position would render the 600 feet between land use bubbles as not designated for any land use. Clearly this is not logical.

While the proposed rezone area does not entirely fit within the *Village Center / Commercial Mixed-Use* bubble, the proposed rezone meets the vision that the area is intended to be a mix of well-designed commercial and residential uses. Staff specified that the new *Mixed-Use Zone* should be used for the *Village Center / Commercial Mixed-Use* area and the proposed project concept meets the requirements of this zone.

When the proposed rezone was originally presented to the Planning Commission on March 9, 2022, commissioners provided the following direction:

> *"What you are proposing for the two [acres] on the north doesn't bother me at all. It seems like that is a perfect location for that kind of thing and certainly having higher density housing, if it were on top of the commercial, it would be fine."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Laurie Urquiaga (2:06:00)

> *"We would feel comfortable with the [Mixed-Use Village Center] commercial General Plan designation being rezoned in an area that was larger than the bubble shown on the map because it meets the intent, which is to provide something useful in that commercial node…we actually want it [Mixed-Use Village Center area] to be something useful to the community so allowing [the rezone] to go further than what the bubble shows, would, in my mind, meet that requirement."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Lisa Jensen (2:19:00)

> *"I support what [Commissioner Jensen] has just recommended."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Laurie Urquiaga (2:19:40)

> *"I agree with Commissioner Jensen, it makes more sense to clean things up on the zoning, but to stick strictly to the General Plan just because something is not quite within the bubble doesn't make sense…"*
> Planning Commission Meeting, March 9, 2022 - Commissioner Miles Miller (2:22:19)

> *"A 'village center' to me is a more walkable neighborhood….to see something that meets the corner is a building that helps define the intersection with shops on the bottom with apartments above that to me says: 'village center'… I would love to see something that is actually mixed-use on that corner…to create something a little more walkable, a little more 'mini downtown' feel."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Brian Henrie (2:24:23)

In consideration of the guidance provided by these comments, the request to change the zone designation from the existing *R1-8 One-Family Residential Zone* designation to the proposed *Mixed-Use Zone* allows the two acres at the corner of Center Street and Geneva Road to accommodate a mix of ground-floor commercial uses with higher density residential uses above.

Please also consider that the *Mixed-Use Zone* requires at least 10,000 square feet of commercial uses to facilitate the desired mixed-use walkable community. The parking spaces required to support 10,000 square feet of commercial uses can range from 40 parking spaces (office), 50 spaces (retail), to 100 parking spaces (restaurant). Requiring the minimum of 10,000 square feet of commercial space and even the minimum of 40 parking stalls cannot fit on a single acre site. The combination of requiring the 10,000 square feet of commercial space and the adequate parking requirement necessitates incorporating the additional acreage to the south (logically bounded by 130 South street). Limiting the *Mixed-Use Zone* to only one acre makes development simply impossible. Either rezone both acres, or rezone none and eliminate the opportunity for this corner property to contribute to the *Village Center / Commercial Mixed-Use* area.

In conclusion, Staff maintains that the rezone request does not comply with the General Plan based on the southern one-acre area of the proposed rezone being designated on the *Southwest Future Land Use Map* as limited to residential uses not exceeding three (3) units per acre. This determination is arbitrarily based on strictly defining the boundary of one land use bubble (*Village Center / Commercial Mixed-Use*) to NOT include the southern acre, but fudging the boundary of the other land use bubble (*Residential*) by 600 feet.

- This position is contrary to the adopted Southwest Neighborhood Plan (pending adoption by City Council on November 15, 2022).
- This position is contrary to the prior statements made by Staff, Planning Commision, and City Council when this map was being created and adopted.
- This position is contrary to the opinions expressed by a majority of the planning commissioners when they considered this project's rezone request at their March 9, 2022, meeting.

Staff suggests that 'hands are tied' and that the Planning Commission and City Council must interpret the General Plan solely on the arbitrary boundary of a bubble (and curtail development accordingly). The General Plan itself states the opposite and is actually much broader and details greater goals. The General Plan aspires for a vibrant mixed-use node at west Provo's most prominent intersection facilitating the beginnings of a much-desired west-side walkable community. This project creates the desired "mix of retail, office, and higher density residential uses, with attractive site amenities and distinctive design features with a density limit of 30 residential units per acre (see: Southwest Neighborhood Plan, p. 15). It is a choice to encourage and facilitate the creation of mixed retail, office, and residential uses (and extend an arbitrary flexible boundary of a bubble on a map), or hold fast to an arbitrary line of a bubble on a map (and exclude the potential benefits of the proposed mixed-use project). We hope you'll choose to support this project as proposed and begin to realize the Village Center envisioned by Provo's General Plan.

B. PUBLIC WORKS STATEMENT REGARDING ADEQUATE SEWER CAPACITY

Planning Commission Meeting-January 11, 2023

1:36:15

Commissioner Whitlock: I had a question for Mr. Day from Public Works. There was a comment made about sewage and I didn't see anything about that in the Staff Report. Is that a concern at all from Public Works about the project?

David Day: No

Commissioner Whitlock: No. OK.

Commissioner Jensen: I think the comment was in relation to the thing we've talked about a lot on the West Side where there's a limit to the number of units that the sewer system can sustain and so that always comes up in just an aside.

Commissioner Whitlock: Yea, and I just wanted to know if it was pertinent to this particular project.

David Day: [inaudible] I should probably come to the microphone, right? David Day with Public Works. Don't let that influence your decision on this. I think that the sewer and water issue is far below what you're contemplating here. So, just don't let that even influence you.

Provo City Planning Commission

Report of Action

April 12, 2023

*ITEM #5	Steven Turley requests a Zone Change from the R1.8 (One Family Residential) zone to the MU (Mixed Use) zone for approximately two acres of land, located at 2075 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20210271

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

RECOMMENDED DENIAL

On a vote of 3:3, the Planning Commission failed to recommend that the Municipal Council approve the above noted application.

Motion By: Daniel Gonzales (to recommend approval to the City Council)
Second By: Jeff Whitlock
Votes in Favor of Motion: Daniel Gonzales, Jeff Whitlock, Andrew South
Votes Against the Motion: Melissa Kendall, Robert Knudsen, Lisa Jensen
Lisa Jensen was present as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the MU Zone is described in the attached Exhibit A.

RELATED ACTIONS

The related concept plan request was also voted on at the April 12th Planning Commission hearing and was denied due to a 3:3 split vote (PLCP20210398).

DEVELOPMENT AGREEMENT

- May apply with future approvals.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Planning staff gave an overview of the changes from the last time the item was before the Planning Commission and noted that the specific criteria asked for by the Commission had been addressed. Staff reiterated that there is only support for the north building.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 12/02/2021.

NEIGHBORHOOD AND PUBLIC COMMENT

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

CONCERNS RAISED BY PUBLIC

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

- Brian Taylor sent a message that he is in support of staff recommendations on this project.
- Rick Cox spoke in favor of the project as proposed as a way to attract more commercial services.
- Dave Lewis spoke in favor of the project for the full two acres.
- Frank Gilbert spoke in favor of the project to bring business to the west side.
- Vicki Gilbert spoke in favor of the project.
- Becky Bogdin agreed with the staff recommendation and wants to stick to the area plan.
- Michael Mitchell spoke in favor of the proposal and stated there would be no issues with traffic.

APPLICANT RESPONSE

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

- Steve Turley went into detail on how he has addressed each of the six criteria that the Planning Commission had asked about at the previous hearing.
- Mr. Turley also expressed his opinion on how the plan would meet the General Plan for this property and confirmed with Public Works that the sewer demand would not be an issue if the project were approved.
- Mr. Turley stated that he is not interested in doing only the north building and that parking would not work for the site due to the minimum 10,000 square feet of commercial space and the parking for that use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission confirmed that there are 24 units proposed on the north, with 36 in the south building.
- Lisa Jensen indicated that the scale of the buildings is fine, but the density limits of the General Plan should be followed.
- Some of the commissioners discussed the southwest plan and noted that there are areas specified for higher density that should be respected, while some others thought that those areas could be adjusted to make the project work.
- Commissioners Jensen and Kendall were expecting a decrease in density after the continuance and thought the project could still be revised to work on the north one acre.
- Commissioners Whitlock and South noted that the project seems to fit and would be a positive for the area.
- The Commission confirmed with David Day that the proposed project would not pose any issues with the sewer demand.



Planning Commission Chair



Director of Development Services

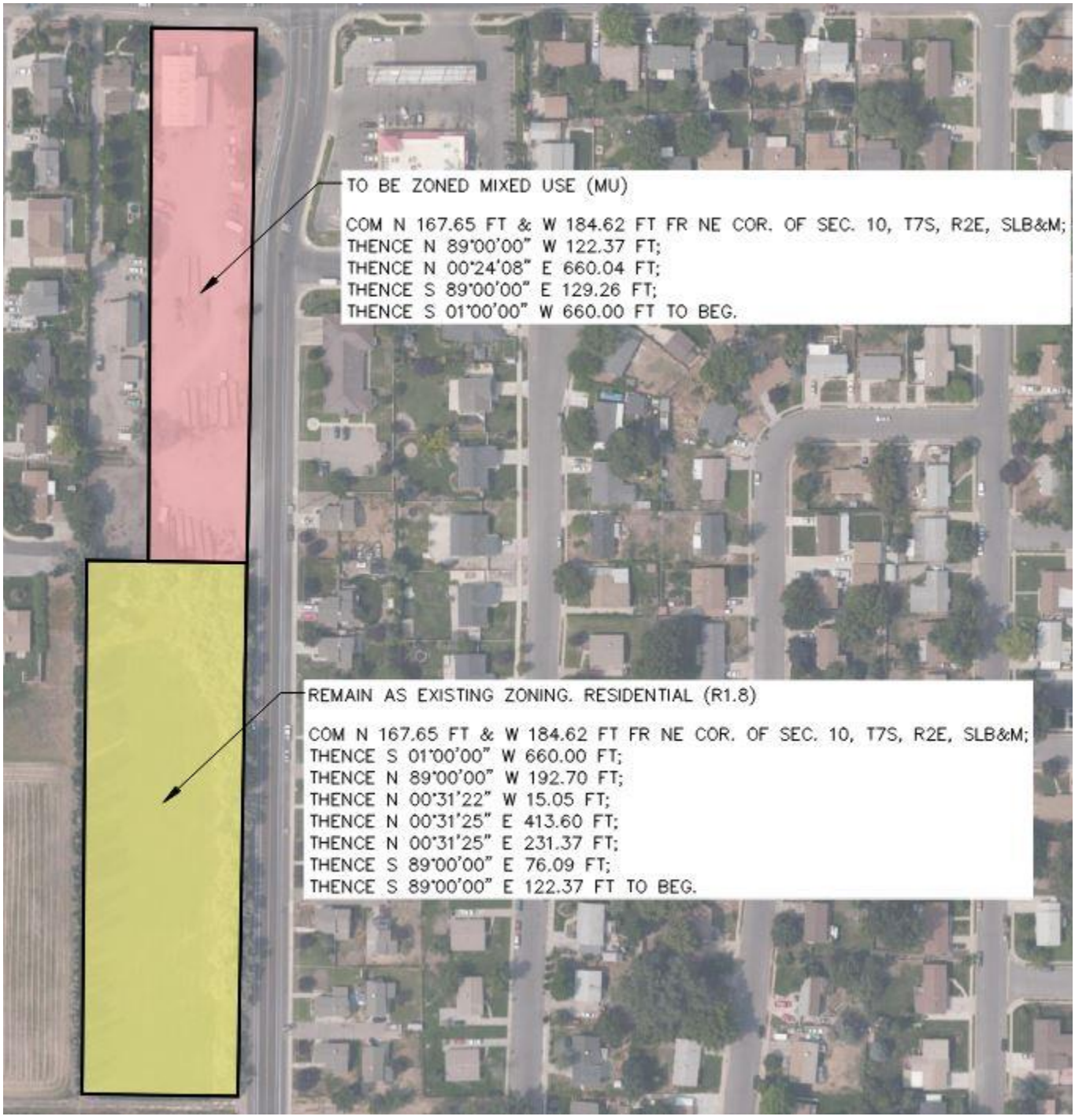
See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ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

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

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to 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


TO BE ZONED MIXED USE (MU)
COM N 167.65 FT & W 184.62 FT FR NE COR. OF SEC. 10, T7S, R2E, SLB&M;
THENCE N 89°00'00" W 122.37 FT;
THENCE N 00°24'08" E 660.04 FT;
THENCE S 89°00'00" E 129.26 FT;
THENCE S 01°00'00" W 660.00 FT TO BEG.
REMAIN AS EXISTING ZONING. RESIDENTIAL (R1.8)
COM N 167.65 FT & W 184.62 FT FR NE COR. OF SEC. 10, T7S, R2E, SLB&M;
THENCE S 01°00'00" W 660.00 FT;
THENCE N 89°00'00" W 192.70 FT;
THENCE N 00°31'22" W 15.05 FT;
THENCE N 00°31'25" E 413.60 FT;
THENCE N 00°31'25" E 231.37 FT;
THENCE S 89°00'00" E 76.09 FT;
THENCE S 89°00'00" E 122.37 FT TO BEG.

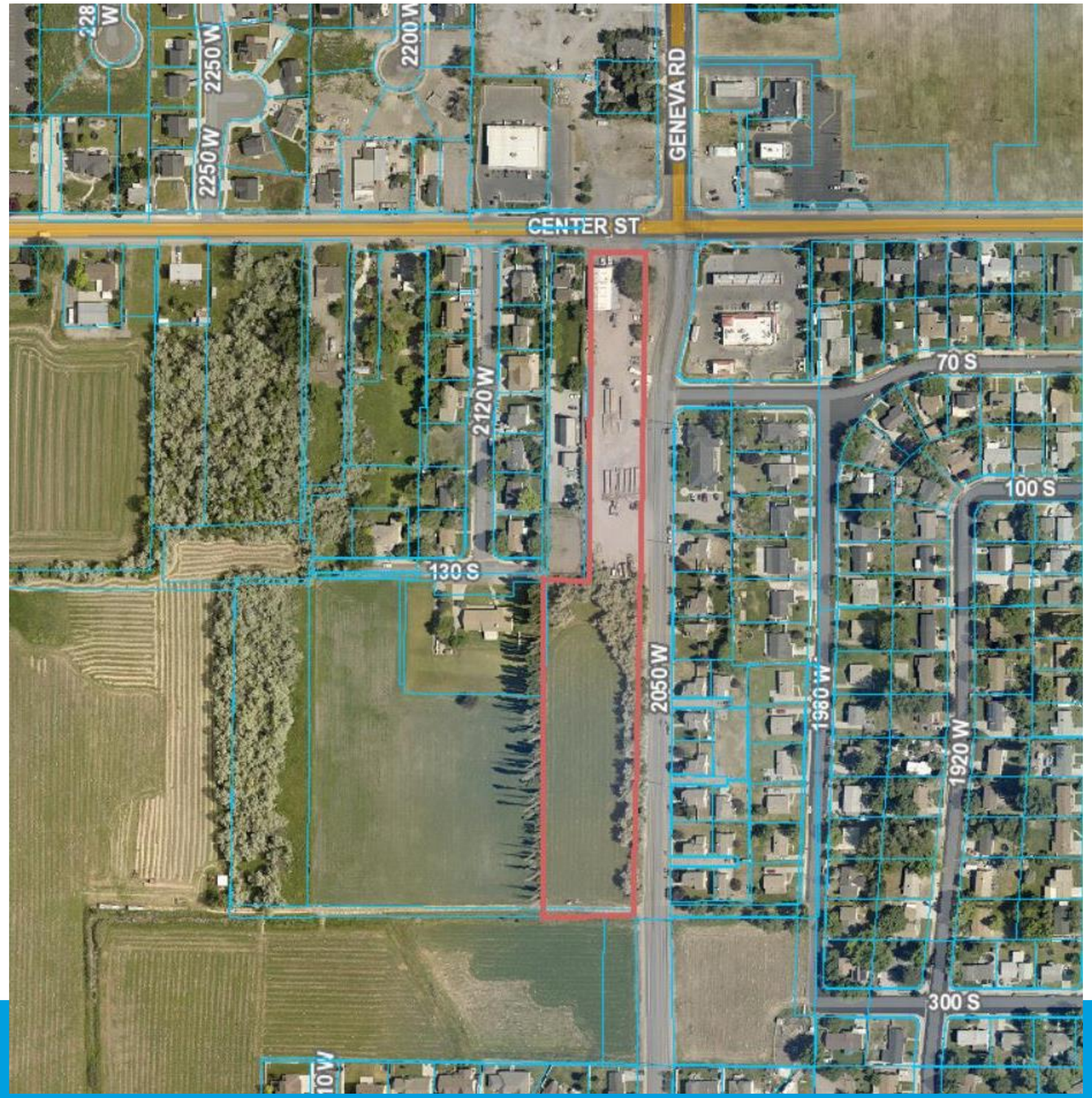
ITEM 5*

Steven Turley requests a Zone Change from the R1.8 (One Family Residential) zone to the MU (Mixed Use) zone for approximately two acres of land, located at 2075 W Center Street.

Provo Bay Neighborhood

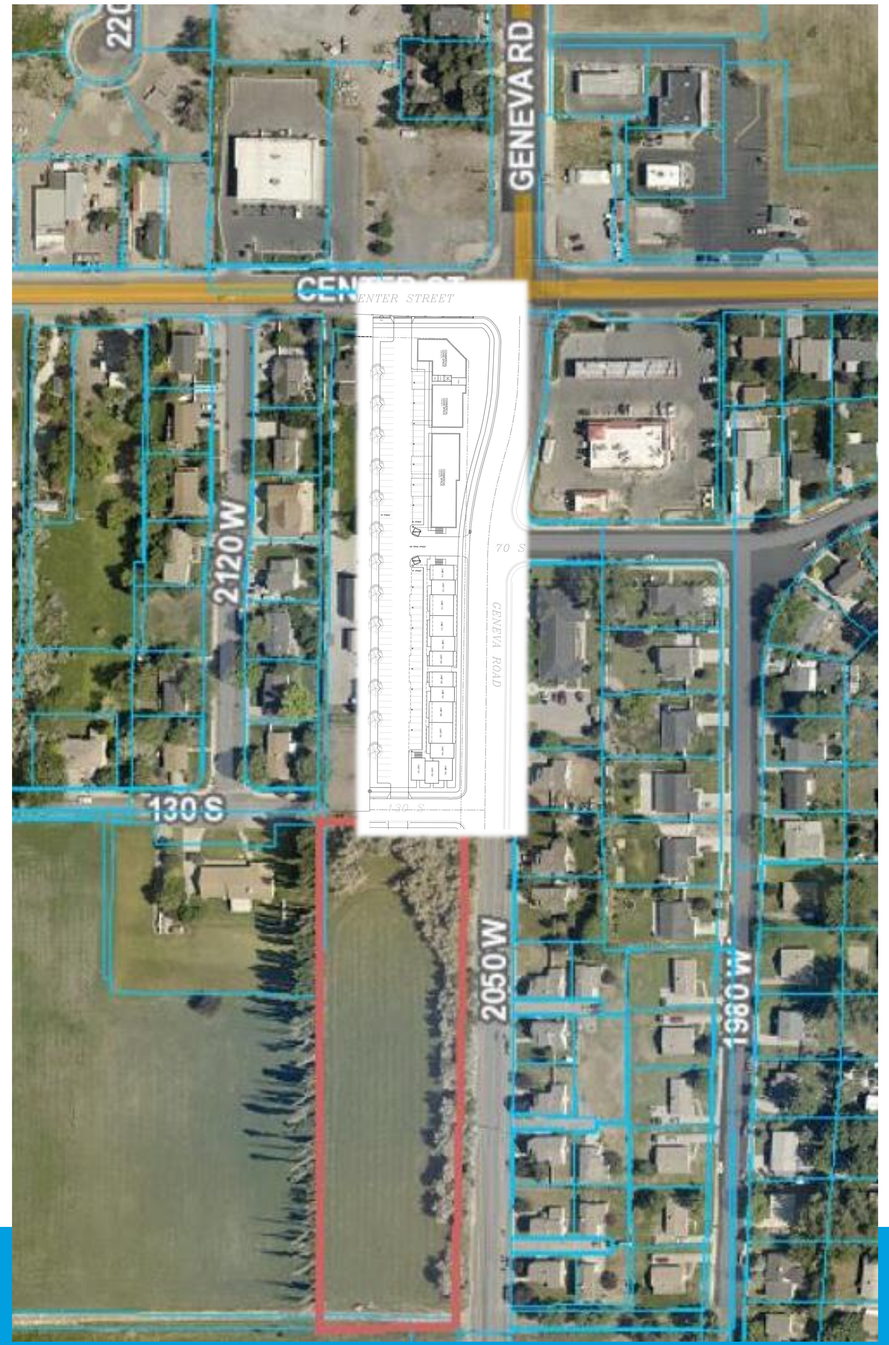
PLRZ20210271

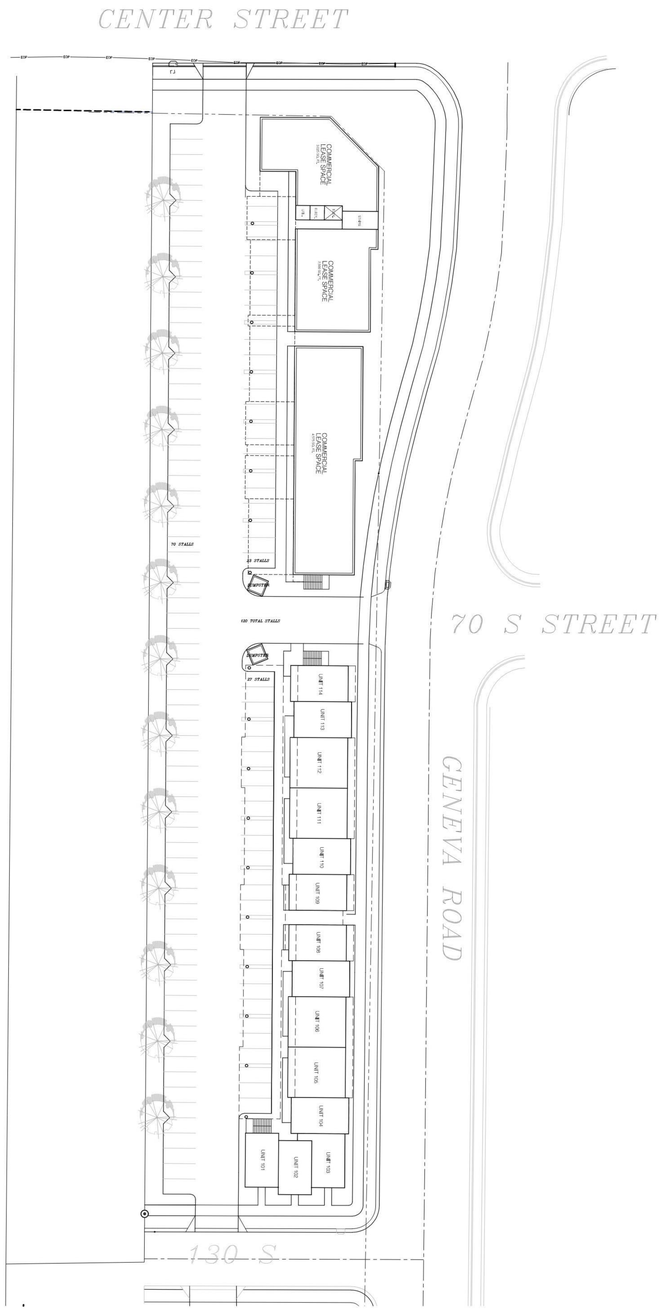
2075 W Center



2075 W Center

- Concept: 10,100 sq. ft. of commercial space and 60 res. units.





2075 W Center

- Concept: 10,100 sq. ft. of commercial space and 60 res. units.

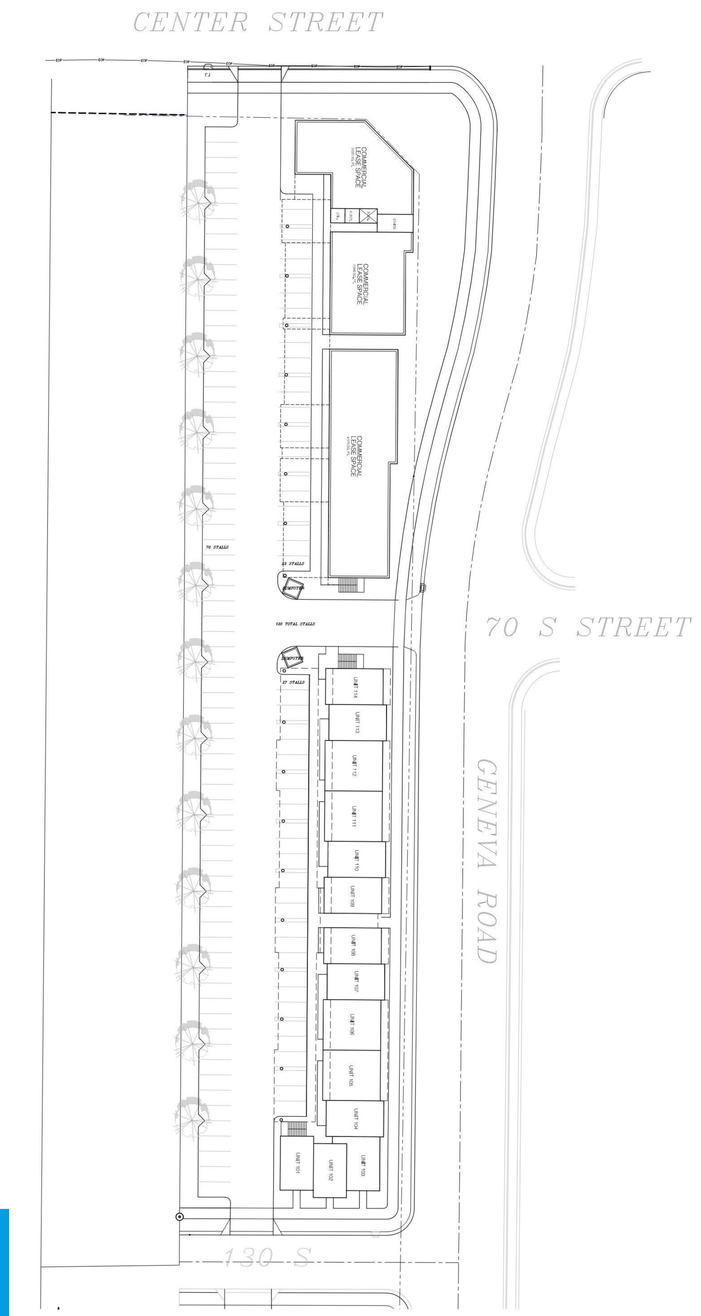
- Revised Plans provide parking to meet code.

Parking requirements as per 14.14D.110, land uses within the Mixed-Use (MU) Zone "*need only provide seventy-five (75%) of the required off-street parking*" (see also 14.37.050 & 14.37.100).

The Staff supports this MU Zone parking allowance for this location as follows: "*Staff would not be supportive of a parking reduction for this location beyond the 25% reduction allowed in the zone*" (Staff Report – January 11, 2023).

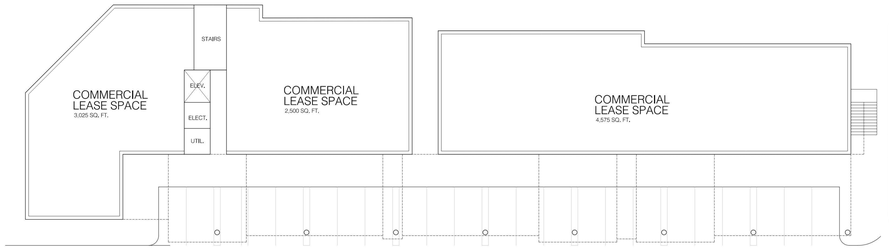
	UNITS	TYPE	STALLS/UNIT	STALLS	REQUIRED	REQUIRED STALLS
Studio	20	DU	1.5	30.0		
1-Bedroom	20	DU	1.5	30.0		
2-Bedroom	18	DU	2.25	40.5		
3-Bedroom	2	DU	2.25	4.5		
Retail	10.1	KSF	5	50.5		
TOTAL REQUIRED				**155.5**	75%	**117**

TOTAL PROVIDED	**120**

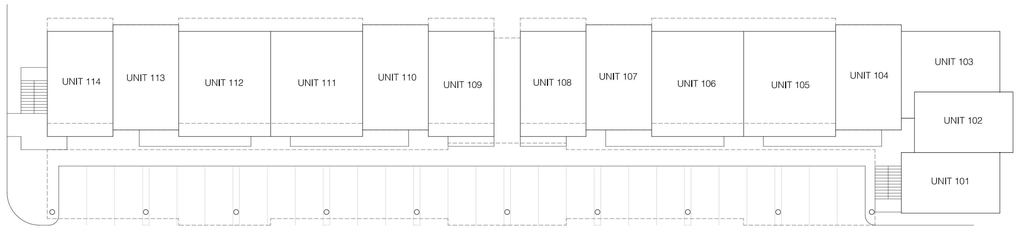


2075 W Center

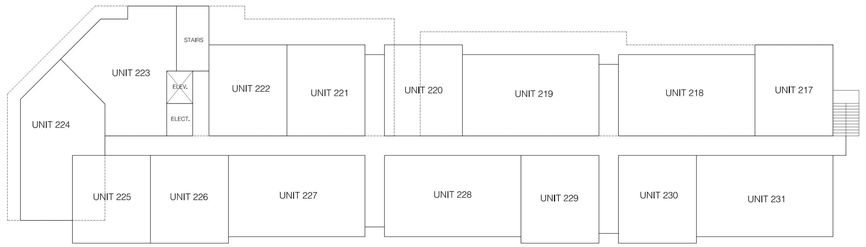
- Concept: 10,100 sq. ft. of commercial space and 60 res. units.
- Revised Plans provide parking to meet code.
- Floor Plans and Elevations address most of the prior concerns.



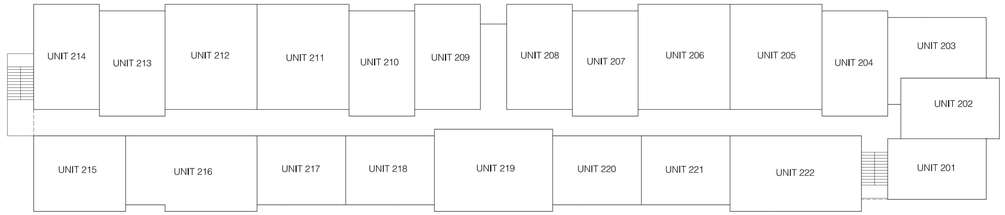
NORTH BUILDING - MAIN FLOOR PLAN



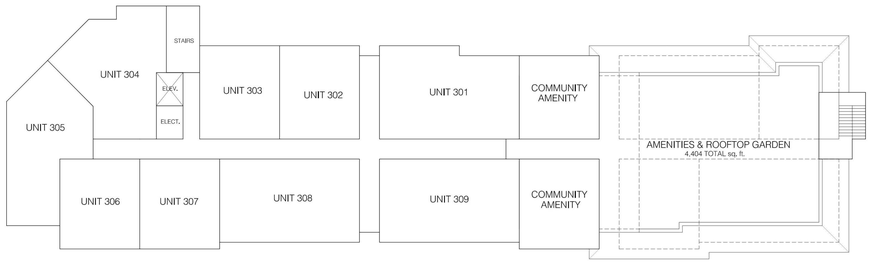
SOUTH BUILDING - MAIN FLOOR PLAN



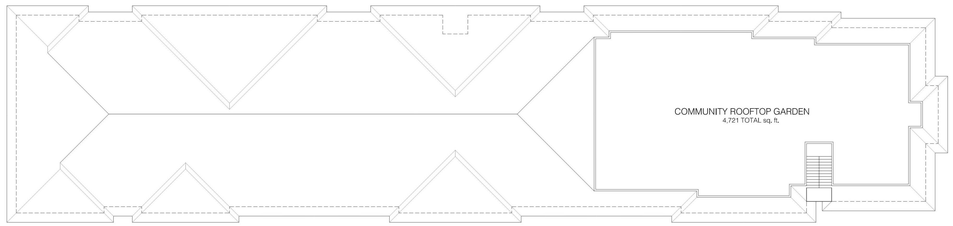
NORTH BUILDING - SECOND FLOOR PLAN



SOUTH BUILDING - SECOND FLOOR PLAN



NORTH BUILDING - THIRD FLOOR PLAN



SOUTH BUILDING - THIRD FLOOR PLAN

2075 W Center

- Concept: 10,100 sq. ft. of commercial space and 60 res. units.
- Revised Plans provide parking to meet code.
- Floor Plans and Elevations address most of the prior concerns.



EAST FRONT ELEVATION (SOUTH)



EAST FRONT ELEVATION (NORTH)



EAST FRONT ELEVATION (SOUTH)

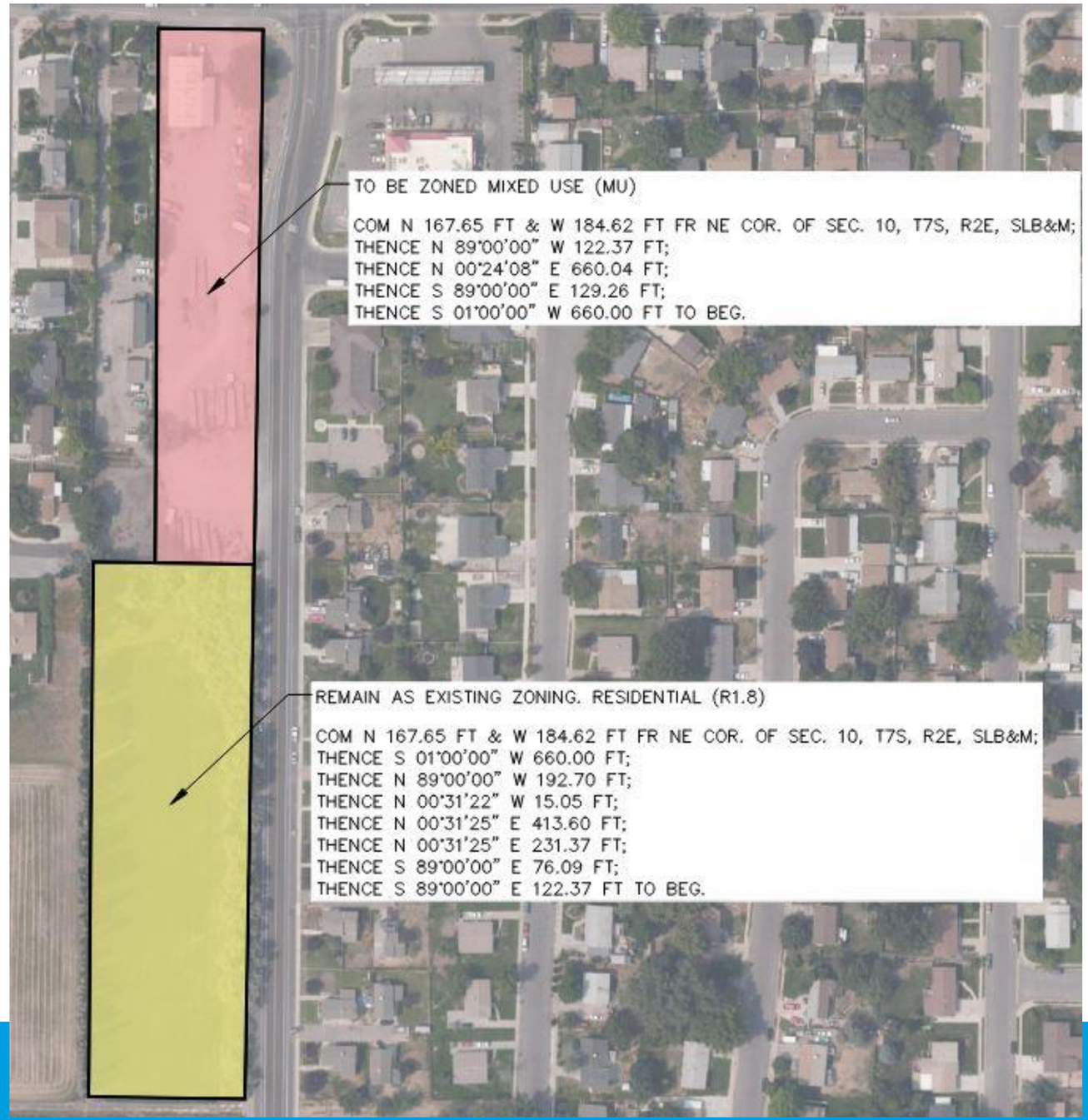


EAST FRONT ELEVATION (NORTH)

2075 W Center

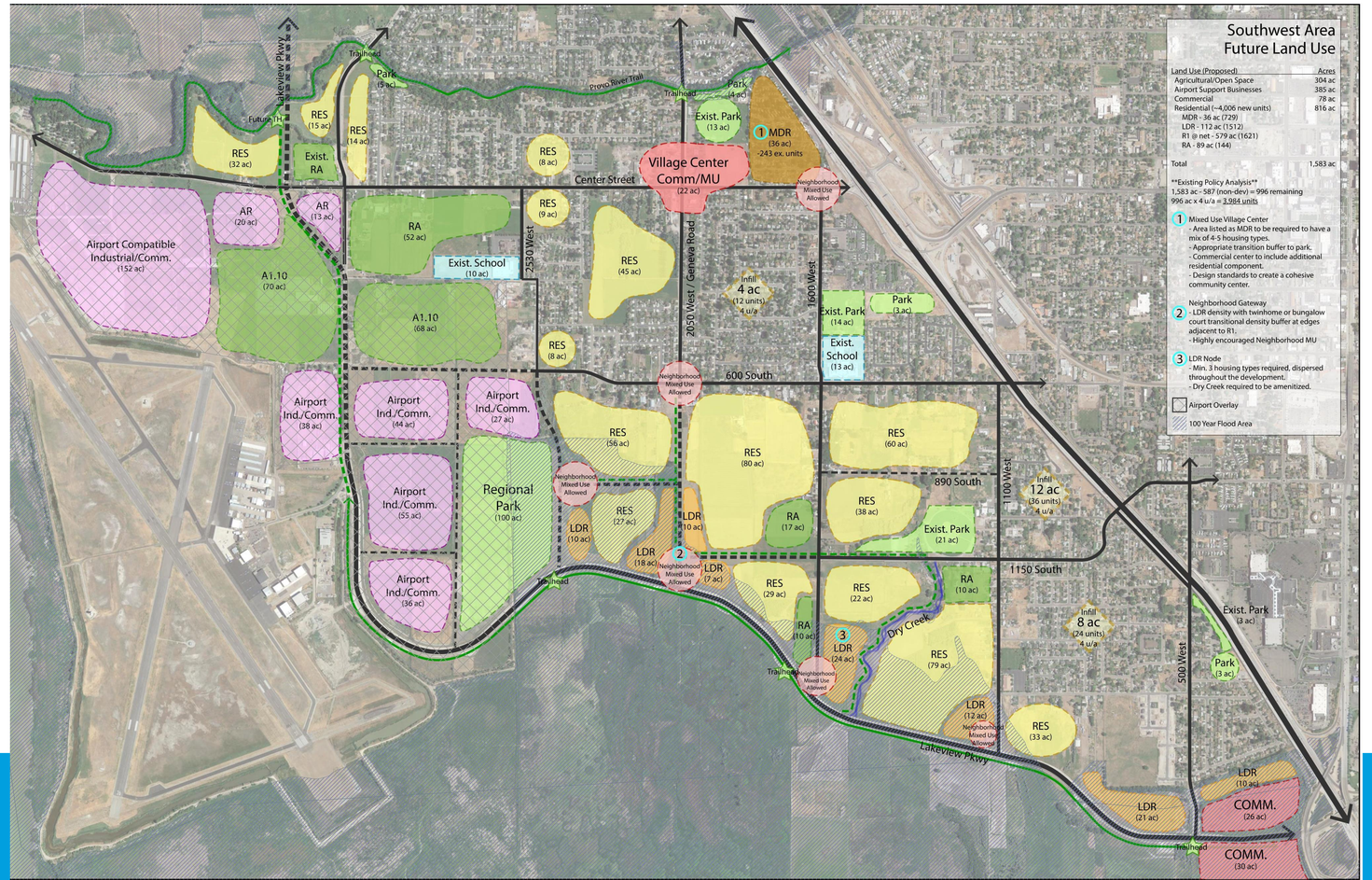
- Concept: 10,100 sq. ft. of commercial space and 60 res. units.

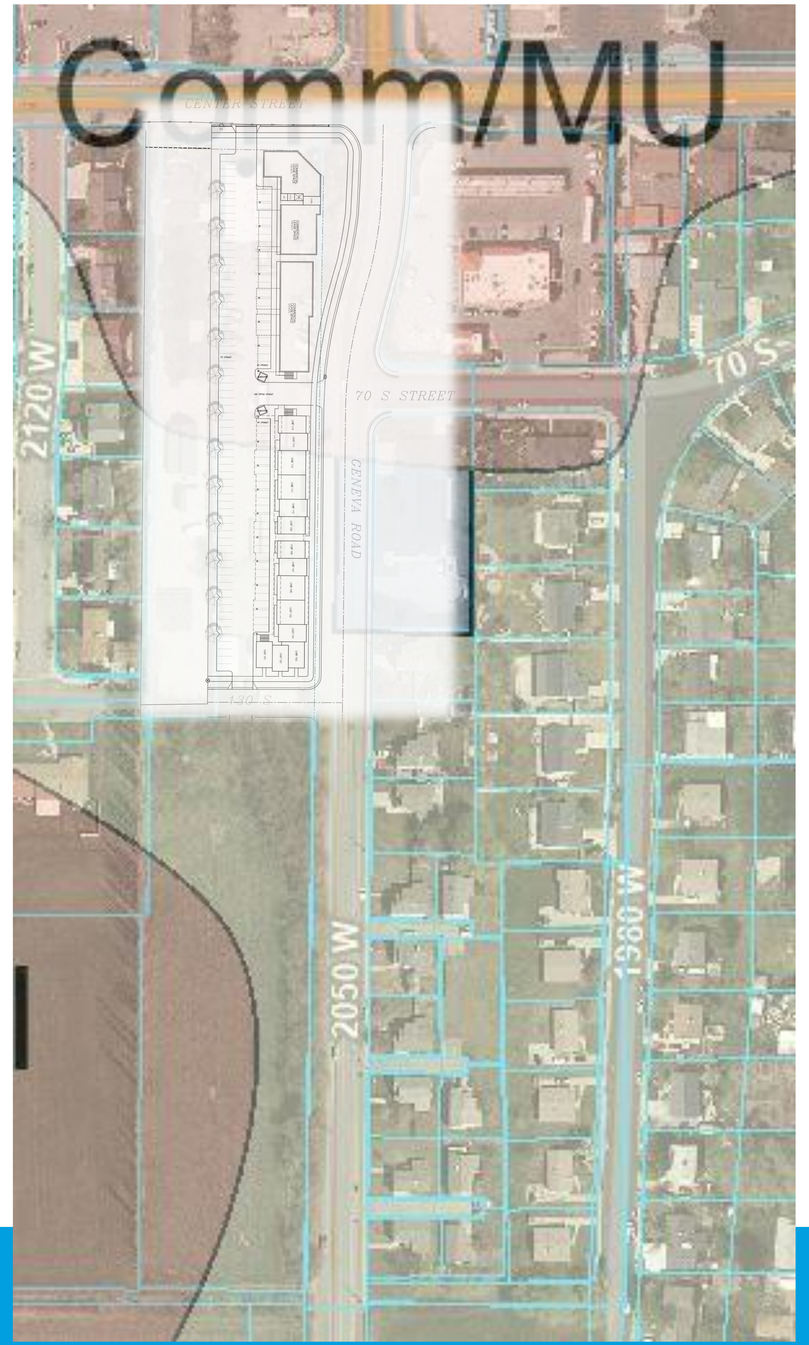
- Zone Change Request: north 2 acres from R1.8 to MU



2075 W Center

- Concept: 10,100 sq. ft. of commercial space and 60 res. units.
- Zone Change Request: north 2 acres from R1.8 to MU
- General Plan: only supports mixed-use on north acre, and 4 units/acre on remainder.





2075 W Center

- Applicant Slides

LAKEVIEW CROSSING

Center Street and Geneva Road

Zone Change application: PLRZ20210271
Concept Plan application: PLCP20210398

Applicant Responses to Planning Commission Requests – 1/11/2023

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B. PUBLIC WORKS STATEMENT REGARDING ADEQUATE SEWER CAPACITY 44

1. PROVIDE A DRAFT DEVELOPMENT AGREEMENT DETAILING THE AMENITY SPACE

APPLICANT RESPONSE:

Mixed-Use Zones 14.14D.120(1) requires the following:

> "an area equivalent to twenty percent (20%) or more of the residential gross floor area must be developed in recreational amenities, such as a common … rooftop garden, or other amenity."
>
> "Any open space counting towards this requirement must be massed or accumulated to be functional as a recreational amenity or gathering place."

The total residential gross floor area of the proposed concept plan equals 45,178 square feet, therefore, based on the 20% amenity requirement, the required amenity area minimum would be 9,036 square feet.

We proffer that a minimum of 9,036 square feet of massed area be included in Lakeview Crossing as a rooftop garden, including patio, canopy, deck, BBQ, firepit, pet exercise space, gardens, kitchenette, lounge furniture, and storage. This proffer is subject to change based on the final project plan but the rooftop amenity space shall not be less than the minimum square footage required by the Mixed-Use (MU) zone for the size and scope of the amenity.

See draft development agreement, including concept plan, attached.



Image of what rooftop amenity could possibly look like.

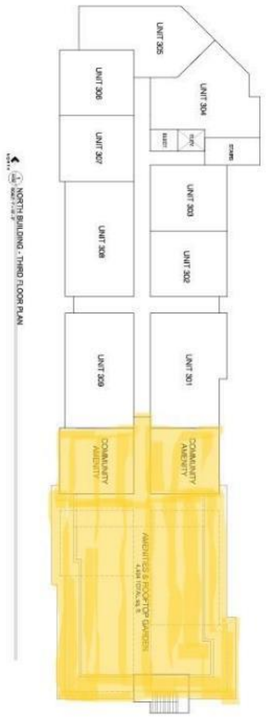


Image of what rooftop amenity could possibly look like.



Image of what rooftop amenity could possibly look like.

CONCEPT PLAN WITH AMENITY AREA HIGHLIGHTED



A102

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

LAYTON DAVIS



DEVELOPMENT AGREEMENT
FOR
LAKEVIEW CROSSING

(Center Street to 130 South, 2050 West, Provo, Utah)

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 20__ (the "Effective Date"), by and between the CITY OF PROVO, a Utah municipal corporation, hereinafter referred to as "City," and Premier Realty Investments, 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 two (2) 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 Mixed-Use Zones, (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:

We proffer that a minimum of 9,036 square feet of massed area to be included in Lakeview Crossing as a rooftop garden, including patio, canopy, deck, BBQ, firepit, pet exercise space, gardens, kitchenette, lounge furniture, and storage. This proffer is subject to change based on the final project plan, but the rooftop amenity space shall not be less than the minimum square footage required by the Mixed-Use (MU) zone for the size and scope of the amenity.

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: Premier Realty Investments, LLC
Attn: Steve Turley
1480 South State Street
Provo, Utah 84606

To the City: City of Provo
Attention: City Attorney

351 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:

Premier Realty Investments, LLC, a Utah limited liability company

By: _____
Name: _____
Title: _____

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:

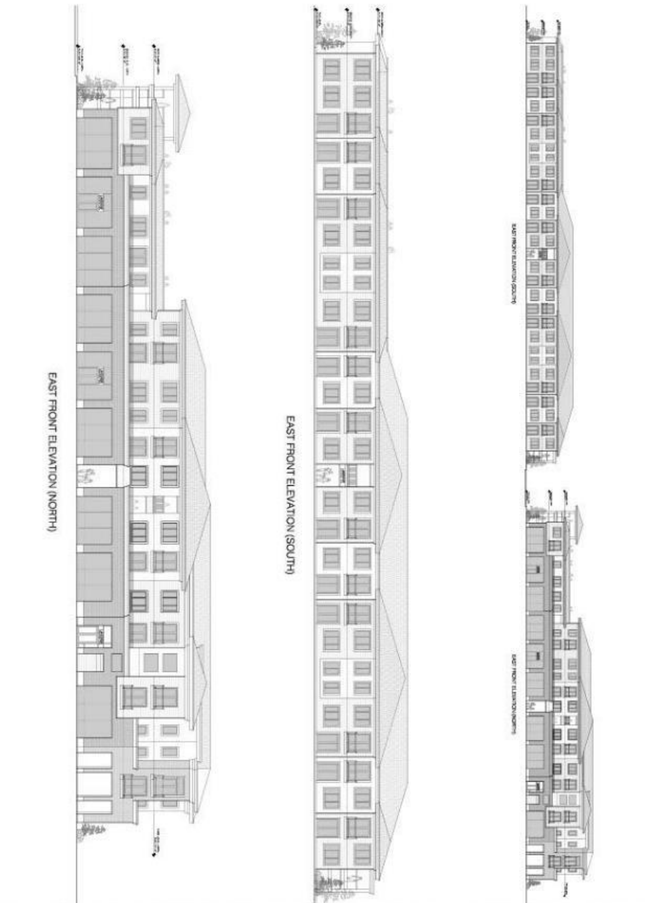
Exhibit A

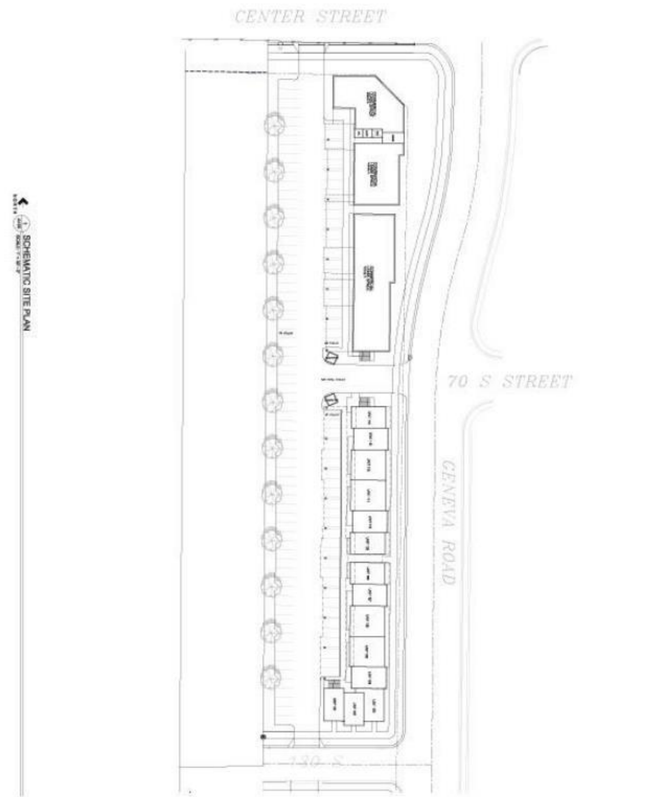
Legal Description of the Property

COM N 167.65 FT & W 184.62 FT FR NE COR. OF SEC 10, T7S, R2E, SLB&M;
THENCE N 89°00’00” W 122.37 FT;
THENCE N 00°24’08 E 660.04 FT;
THENCE S 89°00’00” E 129.26 FT;
THENCE s 01°00’00” W 660.00 FT TO BEG

Exhibit B

Concept Plan





LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

LAYTONDAVIS ARCHITECTS
2005 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
P:801.487.0378 | WWW.LAYTONDAVISARCHITECTS.COM

CHRONOLOGY

PRINTED DATE
02.13.2020

PROJECT NO
22.112

DWN BY/ CHK BY
__/__

TITLE
NORTH BUILDING
FLOOR PLANS

SHEET #
A101

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

LAYTONDAVIS ARCHITECTS
2005 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
P:801.487.0378 | WWW.LAYTONDAVISARCHITECTS.COM

CHRONOLOGY

PRINTED DATE
02.13.2020

PROJECT NO
22.112

DWN BY/ CHK BY
__/__

TITLE
NORTH - THIRD
FLOOR PLAN

SHEET #
A102

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

LAYTONDAVIS ARCHITECTS
3905 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
PHONE:(801)272-2276 | WWW.LAYTONDAVISARCHITECTS.COM

CHRONOLOGY

PRINTED DATE
02.13.2023

PROJECT NO
22.112
DWN BY/ CHK BY
___/___
TITLE
SOUTH - MAIN & SECOND FLOOR PLANS
SHEET #
A103

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

LAYTONDAVIS ARCHITECTS
3905 EAST 2700 SOUTH | SUITE 200
SALT LAKE CITY, UTAH 84109
PHONE:(801)272-2276 | WWW.LAYTONDAVISARCHITECTS.COM

CHRONOLOGY

PRINTED DATE
02.13.2023

PROJECT NO
22.112
DWN BY/ CHK BY
___/___
TITLE
SOUTH - THIRD FLOOR PLAN
SHEET #
A104

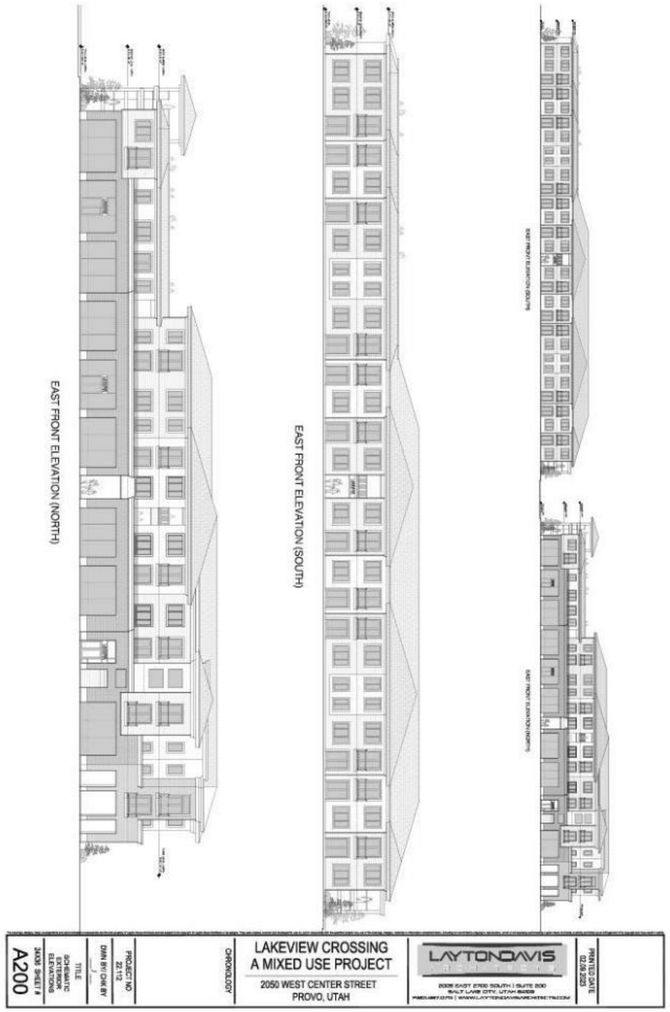
2. HAVE THE NUMBER OF UNITS SOLIDIFIED

APPLICANT RESPONSE:

	UNIT COUNT
Studio	20
1-Bedroom	20
2-Bedroom	18
3-Bedroom	2
TOTAL	**60**

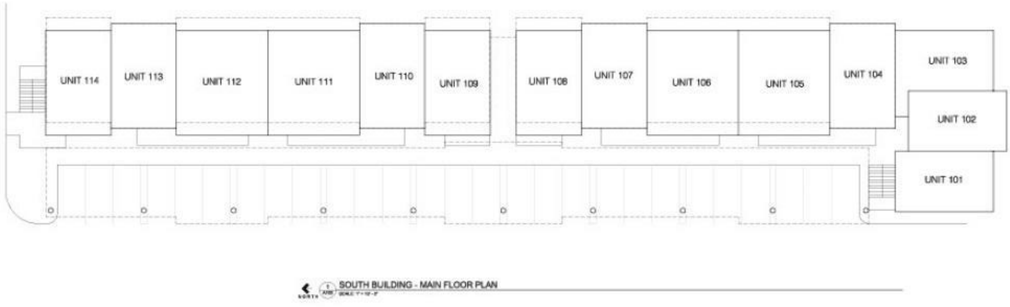
See concept plan attached.

CONCEPT PLAN SHOWING UNITS:

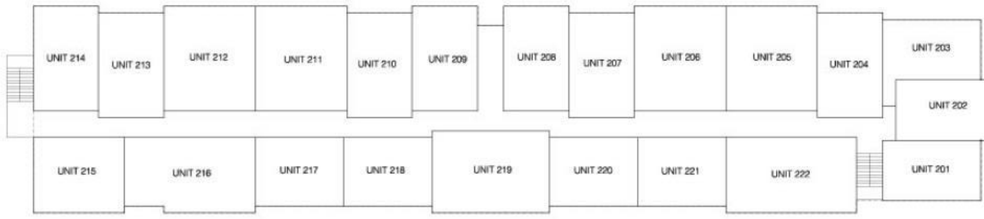


CHRONOLOGY	
	LAKEVIEW CROSSING A MIXED USE PROJECT 2050 WEST CENTER STREET PROVO, UTAH
	LAYTONDAVIS ARCHITECTURE 3005 EAST 2700 SOUTH | SUITE 200 SALT LAKE CITY, UTAH 84109 P:801.487.0378 | WWW.LAYTONDAVISARCHITECTS.COM
PRINTED DATE	02.13.2020
PROJECT NO	22.112
DWN BY | CHK BY	___ | ___
TITLE	SCHEMATIC SITE PLAN
24X36 SHEET #	A100

CHRONOLOGY	
	LAKEVIEW CROSSING A MIXED USE PROJECT 2050 WEST CENTER STREET PROVO, UTAH
	LAYTONDAVIS ARCHITECTURE 3005 EAST 2700 SOUTH | SUITE 200 SALT LAKE CITY, UTAH 84109 P:801.487.0378 | WWW.LAYTONDAVISARCHITECTS.COM
PRINTED DATE	02.13.2020
PROJECT NO	22.112
DWN BY | CHK BY	___ | ___
TITLE	NORTH MAIN AND SECOND FLOOR PLANS
24X36 SHEET #	A101



SOUTH BUILDING - MAIN FLOOR PLAN



SOUTH BUILDING - SECOND FLOOR PLAN

PRINTED DATE
02.13.2023

LAYTONDAVIS

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

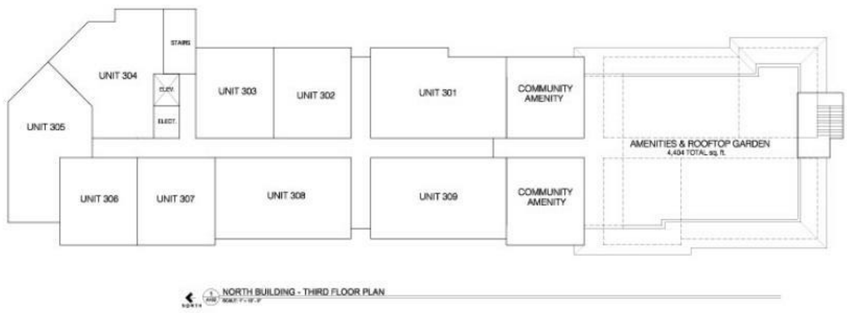
CHRONOLOGY

PROJECT NO
22.112

DWN BY/ CHK BY
/

TITLE
SOUTH - MAIN
AND SECOND
FLOOR PLANS

24X36 SHEET #
A103



NORTH BUILDING - THIRD FLOOR PLAN

PRINTED DATE
02.13.2023

LAYTONDAVIS

LAKEVIEW CROSSING
A MIXED USE PROJECT
2050 WEST CENTER STREET
PROVO, UTAH

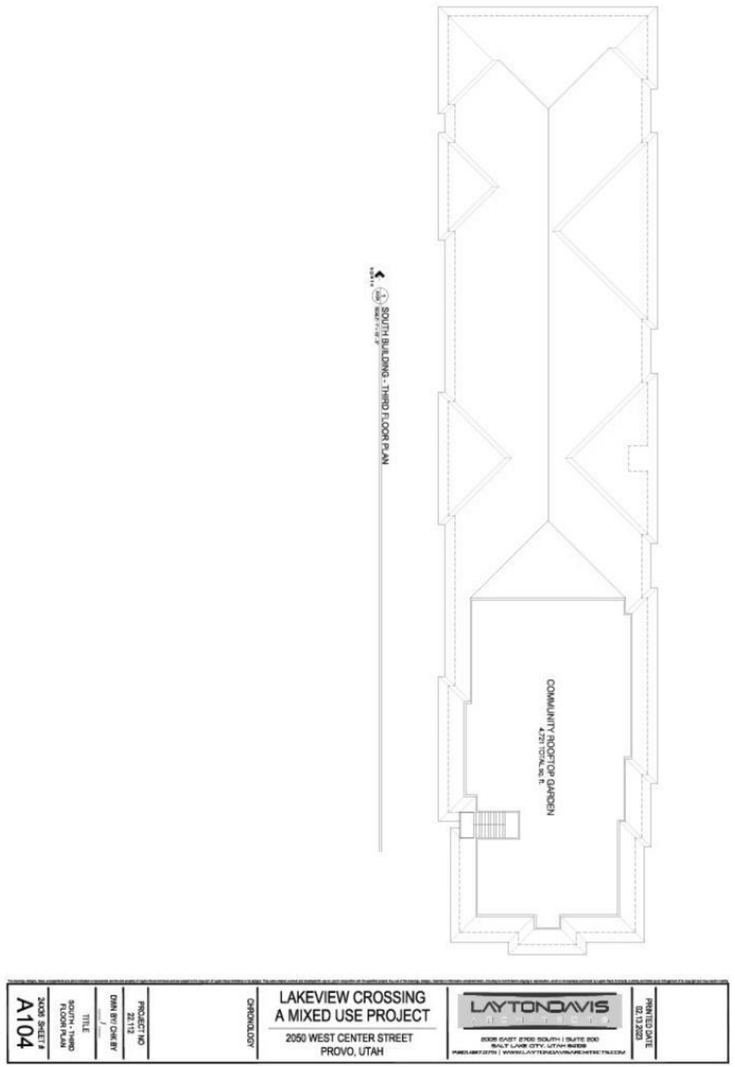
CHRONOLOGY

PROJECT NO
22.112

DWN BY/ CHK BY
/

TITLE
NORTH - THIRD
FLOOR PLAN

24X36 SHEET #
A102



3. REDISTRIBUTE THE NUMBER OF UNITS (OR DECREASE THE NUMBER) IN THE PROPOSAL TO TRANSITION TO THE SOUTH.

APPLICANT RESPONSE:

North Building: **55% of total project square footage**

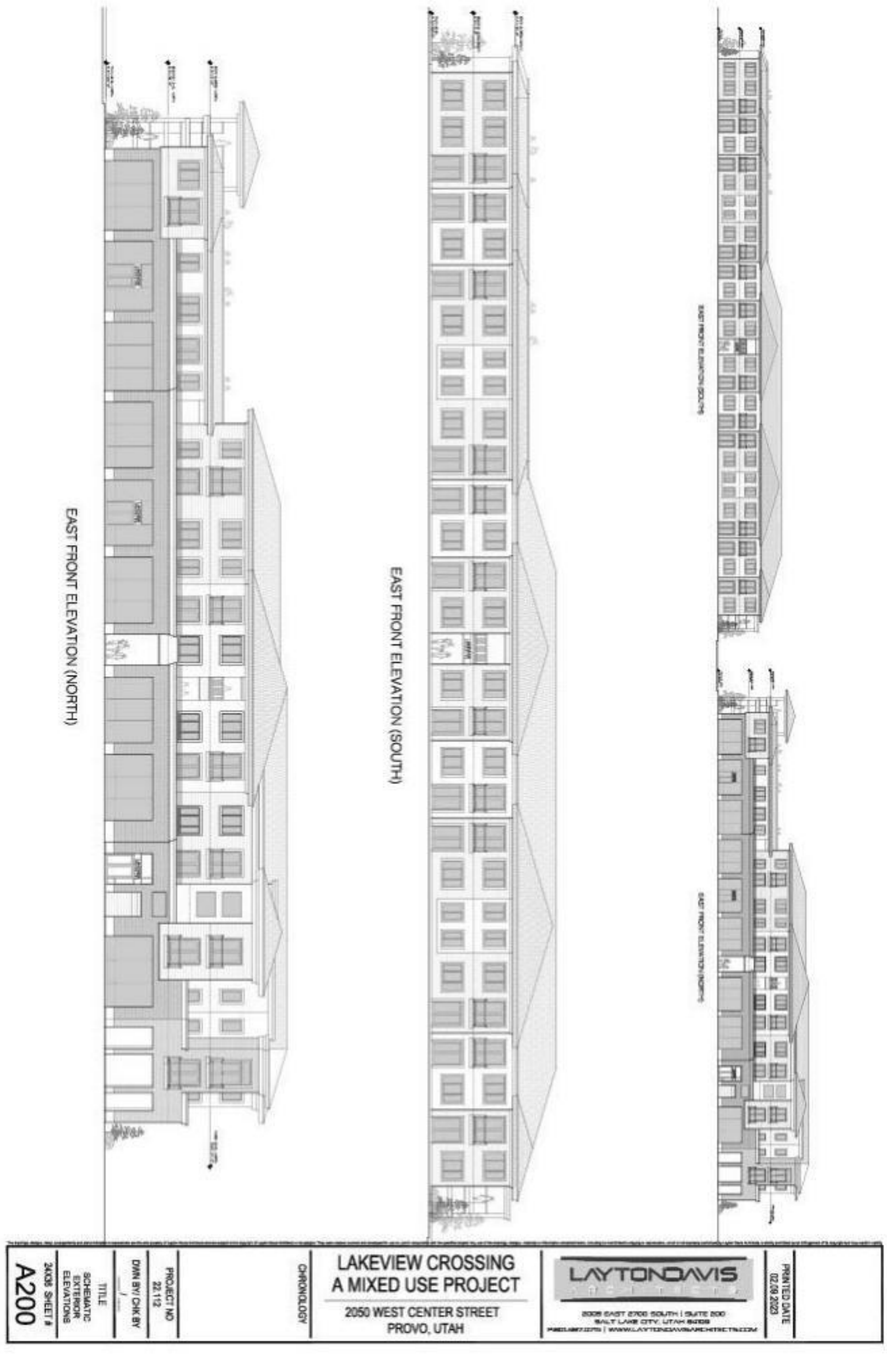
Height:	3 stories
	40′ to eave
	47′ to ridge
Use:	commercial & residential
Transition:	3 story building to 2 story building

South Building: **45% to total project square footage**

Height:	2 stories
	26′ to eave
	32′ to ridge
Use:	residential only
Transition:	2 story townhome-style units on south elevation facing 130 South Street

See revised architectural elevations attached.

REVISED ARCHITECTUTRAL RENDERINGS



EAST FRONT ELEVATION (SOUTH)

EAST FRONT ELEVATION (NORTH)

31



EAST FRONT ELEVATION (NORTH)

32



EAST FRONT ELEVATION (SOUTH)

4. PROVIDE A PLAN WITH NO PARKING REDUCTION REQUEST

APPLICANT RESPONSE

Parking requirements as per 14.14D.110, land uses within the Mixed-Use (MU) Zone "*need only provide seventy-five (75%) of the required off-street parking*" (see also 14.37.050 & 14.37.100).

The Staff supports this MU Zone parking allowance for this location as follows: "*Staff would not be supportive of a parking reduction for this location beyond the 25% reduction allowed in the zone*" (Staff Report – January 11, 2023).

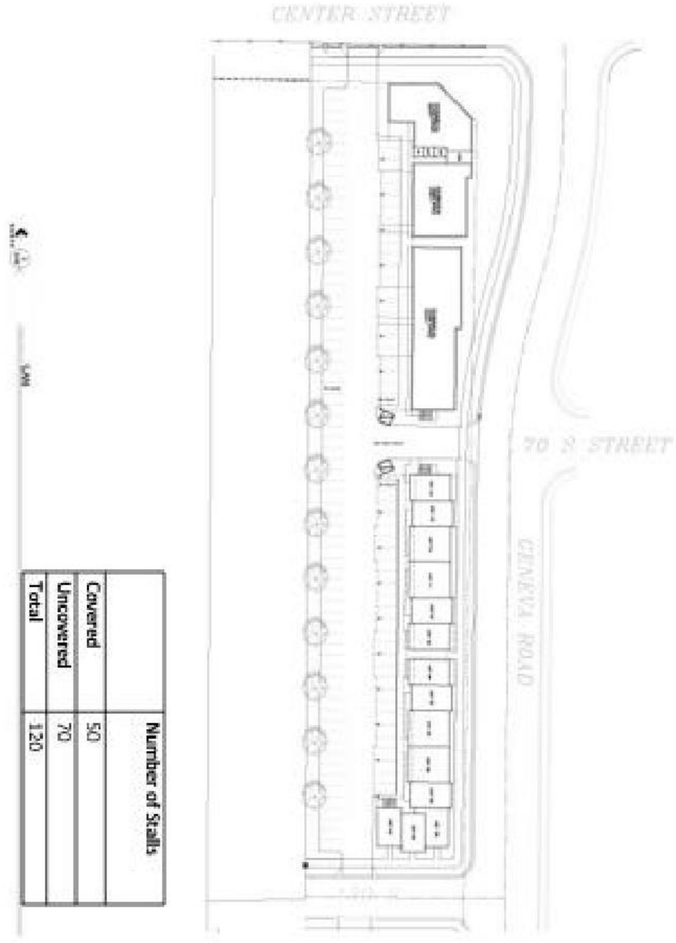
	UNITS	TYPE	STALLS/UNIT	STALLS	REQUIRED	REQUIRED STALLS
Studio	20	DU	1.5	30.0		
1-Bedroom	20	DU	1.5	30.0		
2-Bedroom	18	DU	2.25	40.5		
3-Bedroom	2	DU	2.25	4.5		
Retail	10.1	KSF	5	50.5		
TOTAL REQUIRED				**155.5**	75%	**117**

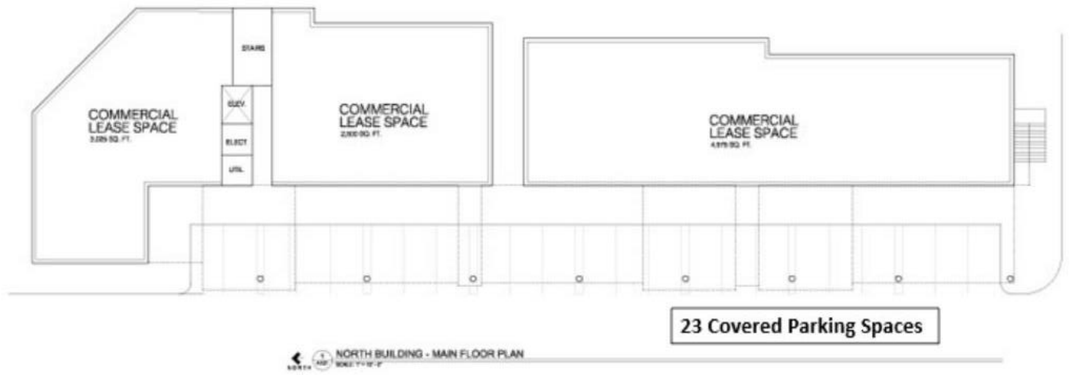
TOTAL PROVIDED	**120**

- **No shared use parking reduction request**
- 50 covered parking stalls / 70 uncovered parking stalls
- 25% more parking stalls than parking demand study (Hales Engineering – Report UT22-2389)
- Electric Vehicle (EV) charging - 50 stalls (public charging & private charging)
- Bike lockers & bike repair station
- Public Transit (UTA Route 833)
    - 7 minutes to Provo Airport
    - 10 minutes to Provo Center Station (UVX bus rapid transit line & UTA FrontRunner commuter rail)

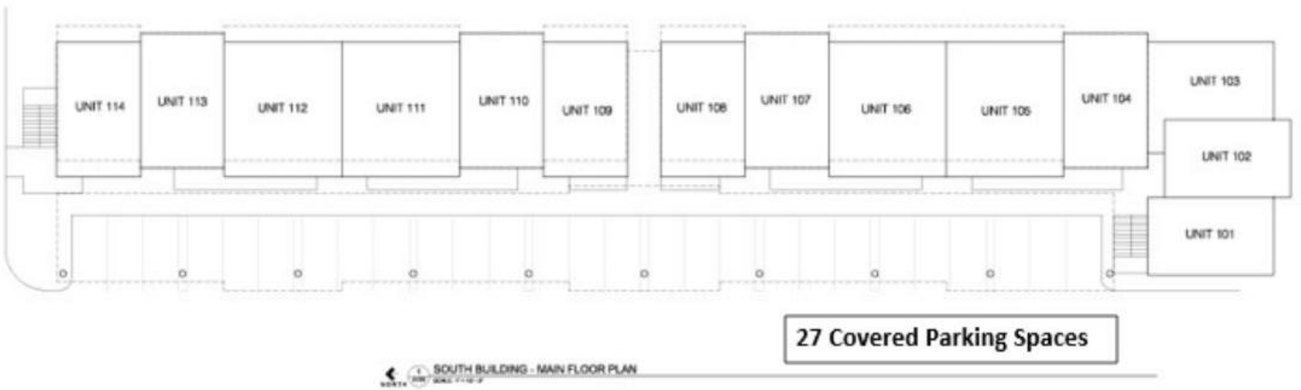
See concept site plan and parking detail attached.

CONCEPT SITE PLAN:





23 Covered Parking Spaces



27 Covered Parking Spaces

5. PUT THE HIGHEST USE AND MOST INTENSITY ON THE NORTH CORNER

APPLICANT RESPONSE:

North Building: 55% of total project square footage

Height: 3 stories

40’ to eave

47’ to ridge

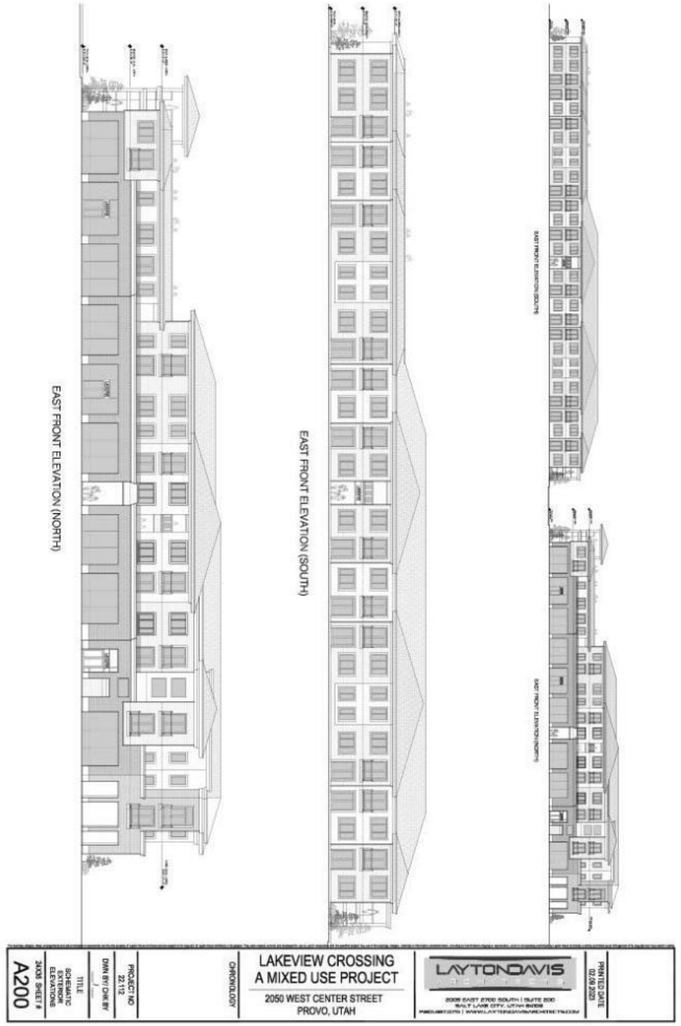
Mixed-Use:

Commercial - 10,100 sqft

Residential - 20,040 sqft

See revised architectural elevation attached.

REVISED ARCHITECTUTRAL RENDERINGS



6. VERIFICATION FROM PROVO CITY ENGINEERING ON PREFERRED ACCESS POINTS

APPLICANT RESPONSE

In meeting with David Day on January 19, 2023, David reviewed the proposed site plan (attached) and verified the following:

- The proposed driveway accessing 130 South Street is at an acceptable location.
- The proposed driveway accessing Geneva Road (2050 West) is at an acceptable location (where it is aligned with the opposing 70 South Street to the east).
- The proposed driveway accessing Center Street is at an acceptable location. Center Street is an Arterial Street, and all improvements need to be constructed according to Provo City Standard Detail P-900 on the north (Center Street) frontage of the project.

See email confirmation attached.

ATTACHED EMAIL FROM DAVID DAY

From: David Day <DDay@provo.utah.gov>
Sent: Tuesday, January 24, 2023 11:54 AM
To: Steve Turley <StevenTurley001@msn.com>
Subject: RE: Lakeview Crossing discussion 1/19/2022

Yes

From: Steve Turley <StevenTurley001@msn.com>
Sent: Monday, January 23, 2023 6:29 PM
To: David Day <DDay@provo.utah.gov>
Subject: Lakeview Crossing discussion 1/19/2022

CAUTION: This email originated from outside of Provo's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

Thanks for talking me through the accesses on the proposed project at Center Street and Geneva Road last week.

I'm drafting a response to the staff report. Can I include the following?

6. VERIFICATION FROM PROVO CITY ENGINEERING ON PREFERRED ACCESS POINTS
APPLICANT RESPONSE:
In meeting with David Day on January 19, 2023, David reviewed the proposed site plan (attached) and verified the following:

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SUPPLEMENTAL INFORMATION

A. STATEMENT REGARDING LAKEVIEW CROSSING COMPLIANCE WITH GENERAL PLAN

STATEMENT REGARDING COMPLIANCE WITH GENERAL PLAN

Lakeview Crossing @ Center Street & Geneva Road (2050 West), Provo
re-zone and concept plan

Staff maintains that the General Plan only supports changing the existing *R1-8 One-Family Residential Zone* designation to the *Mixed-Use Zone* on the northern-most one acre area (on the corner of Center Street and Geneva Road) of the project, and that any area further south must remain zoned as *R1.8 One-Family Residential*. Support for this determination is based on the strict interpretation of the boundary of land use bubbles on the General Plan's *Southwest Area Future Land Use Map*.

The General Plan's adopted Southwest Neighborhood Plan states the following regarding the Southwest area Future Land Use map:

> *"The boundaries of the illustrated land uses should be viewed as flexible and not hard boundaries in order to allow creativity in the layout and development of a site."*
> Provo City Council Meeting, November 15, 2022 - p. 14

Please further consider the following comment by Bill Peperone, Director of Development Services, when he presented the *Southwest Area Future Land Use Map* to the City Council on November 13, 2018, (when the area plan was approved and adopted):

> *"There's a certain amount of ebb and flow that we expect to go with this. So as development applications come in, it's expected that there's going to be some give and take on the boundaries of all of those areas."*
> Provo City Council Meeting, November 13, 2018 - Bill Peperone (31:48)

Clearly, the land use bubble boundaries in the *Southwest Area Future Land Use Map* are intended to be flexible and are not hard delineations. As stated, these bubble boundaries "should be viewed as flexible and not hard boundaries" and that these boundaries "ebb and flow" and there is "give and take" according to the interpretation and discretion of the Planning Commission and City Council. Regarding projects that may not fit entirely within the land use bubbles, Provo City Councilor David Harding stated the following:

> *"These very specifically were drawn as kind of bubbles. What we are trying to communicate with the community is this is what you can expect. We'd like to communicate to developers this is what we are looking for. Now if you come in with something that doesn't quite fit, but it's aligned with the vision of what we are trying to achieve, great bring it in."*
> Provo City Council Meeting, November 13, 2018 - City Councilor David Harding (1:18:33)

The northern-most one acre of the proposed rezone area lies in the *Village Center / Commercial Mixed-Use* land use bubble. The southern one acre of the proposed rezone area lies in an area that is not included in any land use bubble. In fact, there is approximately 600 feet between the *Village Center / Commercial Mixed-Use* land use bubble to the north and the *Residential* land use bubble to the south. The Staff's position that there is a hard boundary of the north *Village Center / Commercial Mixed-Use* land use bubble but not a hard boundary to the south *Residential* land use bubble is untenable and arbitrary. Such a position would render the 600 feet between land use bubbles as not designated for any land use. Clearly this is not logical.

While the proposed rezone area does not entirely fit within the *Village Center / Commercial Mixed-Use* bubble, the proposed rezone meets the vision that the area is intended to be a mix of well-designed commercial and residential uses. Staff specified that the new *Mixed-Use Zone* should be used for the *Village Center / Commercial Mixed-Use* area and the proposed project concept meets the requirements of this zone.

When the proposed rezone was originally presented to the Planning Commission on March 9, 2022, commissioners provided the following direction:

> *"What you are proposing for the two [acres] on the north doesn't bother me at all. It seems like that is a perfect location for that kind of thing and certainly having higher density housing, if it were on top of the commercial, it would be fine."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Laurie Urquiaga (2:06:00)

> *"We would feel comfortable with the [Mixed-Use Village Center] commercial General Plan designation being rezoned in an area that was larger than the bubble shown on the map because it meets the intent, which is to provide something useful in that commercial node…we actually want it [Mixed-Use Village Center area] to be something useful to the community so allowing [the rezone] to go further than what the bubble shows, would, in my mind, meet that requirement."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Lisa Jensen (2:19:00)

> *"I support what [Commissioner Jensen] has just recommended."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Laurie Urquiaga (2:19:40)

> *"I agree with Commissioner Jensen, it makes more sense to clean things up on the zoning, but to stick strictly to the General Plan just because something is not quite within the bubble doesn't make sense…"*
> Planning Commission Meeting, March 9, 2022 - Commissioner Miles Miller (2:22:19)

> *"A 'village center' to me is a more walkable neighborhood….to see something that meets the corner is a building that helps define the intersection with shops on the bottom with apartments above that to me says: 'village center'… I would love to see something that is actually mixed-use on that corner…to create something a little more walkable, a little more 'mini downtown' feel."*
> Planning Commission Meeting, March 9, 2022 - Commissioner Brian Henrie (2:24:23)

In consideration of the guidance provided by these comments, the request to change the zone designation from the existing *R1-8 One-Family Residential Zone* designation to the proposed *Mixed-Use Zone* allows the two acres at the corner of Center Street and Geneva Road to accommodate a mix of ground-floor commercial uses with higher density residential uses above.

Please also consider that the *Mixed-Use Zone* requires at least 10,000 square feet of commercial uses to facilitate the desired mixed-use walkable community. The parking spaces required to support 10,000 square feet of commercial uses can range from 40 parking spaces (office), 50 spaces (retail), to 100 parking spaces (restaurant). Requiring the minimum of 10,000 square feet of commercial space and even the minimum of 40 parking stalls cannot fit on a single acre site. The combination of requiring the 10,000 square feet of commercial space and the adequate parking requirement necessitates incorporating the additional acreage to the south (logically bounded by 130 South street). Limiting the *Mixed-Use Zone* to only one acre makes development simply impossible. Either rezone both acres, or rezone none and eliminate the opportunity for this corner property to contribute to the *Village Center / Commercial Mixed-Use* area.

In conclusion, Staff maintains that the rezone request does not comply with the General Plan based on the southern one-acre area of the proposed rezone being designated on the *Southwest Future Land Use Map* as limited to residential uses not exceeding three (3) units per acre. This determination is arbitrarily based on strictly defining the boundary of one land use bubble (*Village Center / Commercial Mixed-Use*) to NOT include the southern acre, but fudging the boundary of the other land use bubble (*Residential*) by 600 feet.

- This position is contrary to the adopted Southwest Neighborhood Plan (pending adoption by City Council on November 15, 2022).
- This position is contrary to the prior statements made by Staff, Planning Commision, and City Council when this map was being created and adopted.
- This position is contrary to the opinions expressed by a majority of the planning commissioners when they considered this project's rezone request at their March 9, 2022, meeting.

Staff suggests that 'hands are tied' and that the Planning Commission and City Council must interpret the General Plan solely on the arbitrary boundary of a bubble (and curtail development accordingly). The General Plan itself states the opposite and is actually much broader and details greater goals. The General Plan aspires for a vibrant mixed-use node at west Provo's most prominent intersection facilitating the beginnings of a much-desired west-side walkable community. This project creates the desired "mix of retail, office, and higher density residential uses, with attractive site amenities and distinctive design features with a density limit of 30 residential units per acre (see: Southwest Neighborhood Plan, p. 15). It is a choice to encourage and facilitate the creation of mixed retail, office, and residential uses (and extend an arbitrary flexible boundary of a bubble on a map), or hold fast to an arbitrary line of a bubble on a map (and exclude the potential benefits of the proposed mixed-use project). We hope you'll choose to support this project as proposed and begin to realize the Village Center envisioned by Provo's General Plan.

B. PUBLIC WORKS STATEMENT REGARDING ADEQUATE SEWER CAPACITY

Planning Commission Meeting-January 11, 2023

1:36:15

Commissioner Whitlock: I had a question for Mr. Day from Public Works. There was a comment made about sewage and I didn't see anything about that in the Staff Report. Is that a concern at all from Public Works about the project?

David Day: No

Commissioner Whitlock: No. OK.

Commissioner Jensen: I think the comment was in relation to the thing we've talked about a lot on the West Side where there's a limit to the number of units that the sewer system can sustain and so that always comes up in just an aside.

Commissioner Whitlock: Yea, and I just wanted to know if it was pertinent to this particular project.

David Day: [inaudible] I should probably come to the microphone, right? David Day with Public Works. Don't let that influence your decision on this. I think that the sewer and water issue is far below what you're contemplating here. So, just don't let that even influence you.

PLRZ20210271 - Provo Bay Neighborhood

April 27, 2023, 9:05 AM

Contents

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ii.	Summary of statements	3
iii.	Individual statements	4

PLRZ20210271 - Provo Bay Neighborhood

Provo Bay Neighborhood Neighborhood - What do you think about the proposed zone change from residential to commercial for a property at 2075 W Center Street?

Introduction

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

Developer/Applicant
Steven Turley

Project address
2075 W Center Street

Description
Steven Turley requests a zone change from One-Family Residential (R1.8) zone to General Commercial (CG) for approximately one acre, located at 2075 W Center St. in the Provo Bay Neighborhood. This part of the project would have frontage and access to Center Street (to the north) and frontage (but only a single driveway access) on 2050 West (to the east). The Southwest Area Future Land Use Map designates this area as the mixed use village center. The larger project from this applicant includes a mix of commercial uses and several housing types and would transition from higher intensity commercial uses (to the north) gradually to medium and lower density residential (to the south).

The zone change request discussed in the Provo Bay Neighborhood meeting is for the General Commercial zone.

Status
A neighborhood meeting was held in December 2021. The application has been under review of various Provo City departments and will later be heard by the Planning Commission Because it is a zone change, it will also need to be heard by the Provo City Council.

Project Contacts
Planner - Brandon Larsen, 801-852-6404, aardmore@provo.org

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

Provo Bay Neighborhood Meeting about this project

PLRZ20210271 - Provo Bay Neighborhood

Provo Bay Neighborhood Neighborhood - What do you think about the proposed zone change from residential to commercial for a property at 2075 W Center Street?

Summary Of Statements

As of April 27, 2023, 9:05 AM, this forum had:		Topic Start	Topic End
Attendees:	139	December 8, 2021, 3:03 PM	April 26, 2023, 11:59 PM
Statements:	27		
Minutes of Public Comment:	54		

PLRZ20210271 - Provo Bay Neighborhood

Provo Bay Neighborhood Neighborhood - What do you think about the proposed zone change from residential to commercial for a property at 2075 W Center Street?

Individual Statements

Name not shown
more than 2 miles
December 8, 2021, 6:14 PM

There is already limited housing in provo. I think small residential is important for a community in order to allow people with less means to buy land and begin acquiring wealth. Just having larger homes or getting rid of residential homes increases prices/difficulty finding places and so I think it'd be a bad idea and I'd be against changing this zoning

Chris West
more than 2 miles
December 8, 2021, 6:34 PM

My wife and I live in Provo near BYU and are currently students, but we're considering buying a home here after we graduate. When looking it seems that there are more affordable options over on the West side of the freeway, however, there's nothing else over there that I'd want to live near. There are no grocery stores. There aren't many restaurants, gyms, shops, etc. (that I know of). Preferably, some, if not all of these things would be in walking distance to where I live, but, in West Provo this doesn't seem to be the case almost anywhere. I think that this development is a good way to start mixing some commercial into the residential zone in a light and iterative way that would make the amenities of West Provo much more inviting.

Others may be concerned that zoning this as commercial will hurt our ability to provide housing as it will take land away from residential; however, this doesn't actually take any land away from residential zoning. Currently, according to google maps, this area is an empty parking lot looking thing, not housing. Furthermore, this will provide the means to support more housing in this area. The area has lots of space for housing, but for that housing to exist, there needs to be the necessary support system in place: grocery stores, restaurants, shops, in short, commercial services.

7 Supporters

C Mayo
1 to 2 miles
December 8, 2021, 6:54 PM

That corner lot is an existing business office that is low traffic and low commercial value to those of us near it. It is not housing as mentioned in some feedback by folks that don't seem to even live in the area. Some seem to think the city can control housing prices too. Market forces have more bearing, but the city can balance out zoning so that the community can be a bit more sustainable commercially. This zoning change could bring more commercial opportunities to the surrounding area that is so much needed since most of the commercial opportunities on the West side (and the southwest connector especially) are being missed and used for yet more bedroom community growth (Provo becoming a bedroom for other cities it seems). Driving across Provo along a West-East corridor is horrible, so adding a few shops and commercial opportunities to the West side would be wise to allow (or we can keep driving to Orem or Springville which is pretty easy in a lot of cases).

5 Supporters

Name not shown
¼ to ½ mile
December 9, 2021, 10:10 AM

We have a place on Center Street that's very close to your planned development. Although I much prefer open land and larger single family residential lots, I understand that's not realistic for the needs of our community as it's currently and rapidly being developed in other areas on the west side. It appears that your commercial development and dense housing plans are a good fit for that particular location. Good luck with your project.

Name not shown
¼ to ½ mile
December 9, 2021, 10:11 AM

This looks consistent with the area. There is commercial on the other corners around it. I live just a few blocks away and more retail on that piece of land would be welcome.

PLRZ20210271 - Provo Bay Neighborhood

Provo Bay Neighborhood Neighborhood - What do you think about the proposed zone change from residential to commercial for a property at 2075 W Center Street?

1 Supporter

Name not shown
more than 2 miles
December 10, 2021, 1:42 PM

I have heard that this area is in need of a grocery store. If that could happen down there that would be great.

I am in general in favor of mixing more commercial zoning in with residential zoning, to decrease travel time required for daily living needs. However, I am also hopeful that new commercial zoning will be more pedestrian and neighborhood friendly, without requirements for big parking lots that space commercial buildings blocks apart from each other. From what I've read, having more commercial areas built like downtown Provo is the way to go.

If this commercial zoning would result in a commercial area built like Orem, I am opposed.

3 Supporters

Name not shown
1 to 2 miles
December 15, 2021, 11:09 PM

This southwest corner of Center and Geneva as proposed allows for a good transition from Center and Geneva to single family residential. As proposed the commercial on the corner is directly to the west of the gas station, the apartment/condo is directly to the west of the fire station, the townhomes and twin homes are directly to the west of the current cottages. This is a good transition from commercial on the corner and reduced housing as you get closer to the existing single family southwest of the Geneva/Center corner.

Also, Provo City needs to continue negotiations with the Grocery store on the northeast corner of Geneva/Center. Lakeview Provo (west of I-15) would benefit from new and closer grocery and other needed lower impact commercial.

1 Supporter

Name not shown
more than 2 miles
December 16, 2021, 12:12 AM

West Provo is losing to Vineyard and west Orem in Commercial development. More projects like this are necessary to make West Provo attractive as a community.

1 Supporter

Name not shown
more than 2 miles
December 20, 2021, 4:33 PM

super awesome

Name not shown
more than 2 miles
December 21, 2021, 1:02 PM

Increasing the mix of commercial among these residential areas would be beneficial. It would offer closer shopping options for those that live in the area. It would be beautiful to have a new commercial building there to make that part of town look nicer. Great work!

2 Supporters

Aubree Lewis
more than 2 miles
December 21, 2021, 1:48 PM

As a homeowner in Provo (Joaquin Neighborhood) I am supportive of this change. The area seems ideal for Commercial properties and this is a good way to evolve as Provo continues to grow.

1 Supporter

Chad Lewis
more than 2 miles
December 21, 2021, 1:48 PM

We need good growth that will provide jobs. This looks like a great project.

PLRZ20210271 - Provo Bay Neighborhood

Provo Bay Neighborhood Neighborhood - What do you think about the proposed zone change from residential to commercial for a property at 2075 W Center Street?

Ben Lewis
more than 2 miles
December 21, 2021, 1:58 PM

I think think that the area is in need of more commercial opportunities and I think that it fits well with the surrounding area. West Provo and Vineyard are in major need of new commercial developments to bring amenities to the increasing number of residents in twin homes and apartment complexes being built.

2 Supporters

Jackson Lewis
1 to 2 miles
December 21, 2021, 2:11 PM

I think this area of Provo needs this. It needs a few more small commercial building to bring some small companies. Provo also needs to continue to push smiths to build near this listed property

---

Julie Lewis
more than 2 miles
December 23, 2021, 3:41 PM

I think this is the ideal location for light commercial .... A good transition of mixed use housing from light commercial to residential. Brings in more jobs and adds to the spirit of Provo. This is a good move .

Holly Lewis
more than 2 miles
December 24, 2021, 12:25 PM

I think this sounds like a great idea. By having the designated commercial area, it would help alleviate some traffic in the neighborhoods as well as spread the busy consumerism so it's not all in one spot in Provo.

1 Supporter

Kameron Ho Ching
1 to 2 miles
December 27, 2021, 10:54 PM

I just feel like this area of Provo needs more commercial business and activity. More people coming through for commercial reasons would help the community tremendously.

Ana Lewis
more than 2 miles
December 27, 2021, 10:55 PM

This area of Provo would thrive by adding commercial. As the temple in orem is completed and as development continues commercial will be critical!

1 Supporter

Kaleb Ho Ching
1 to 2 miles
December 27, 2021, 10:57 PM

This part of Provo needs more commercial building because it is a little run down and there is not a lot of stores close by. Building more buildings will be very effective at this time.

Nikki Holbrook
1 to 2 miles
December 28, 2021, 12:25 PM

I love this neighborhood but I think it needs more stores and shops. It would build a better community and bring some life to this neighborhood. It needs more commercial property

---

Name not shown
1 to 2 miles
January 1, 2022, 5:48 PM

While I support adding more commercial and mixed development to West Provo, the design as proposed is lacking. Trees should be lining the street before the sidewalk, and optimally these stores would have outward

facing doors to the street to make for a more welcoming front akin to downtown. Some parallel parking on the street would add to all of this as well and cut down on parking space down the back. A store on the corner would also add a desirable space for a business with it right on Center.

1 Supporter

Name not shown
more than 2 miles
January 16, 2022, 9:20 PM

This project looks like it would be a positive addition to the neighborhood. The south-west side of town is in desperate need of commercial opportunities and a lower price point for more affordable housing.

3 Supporters

William Taylor
more than 2 miles
February 21, 2022, 4:58 PM

That seems like too much parking for such a small commercial space. I would like to see more open space along the street with more trees. Too often we have commercial areas with few trees along the road and this needs to change. Also, having the stores have an entrance that opens onto the street opens up the area to walkability.

Name not available
March 2, 2022, 5:39 PM

My concern is with parking. Take a look at the Geneva Townhomes development located at the southeast corner of 820 N and Geneva Road. This is a development with a lot of townhomes crammed onto a small block with insufficient parking spaces. It looks a mess. West Provo is not walkable like downtown so you have to anticipate an average of two cars per townhome. Are we talking townhomes with garages? Or townhomes with one dedicated space per residence? West Provo should not become a parking lot for higher-density developments.

Todd Lewis
more than 2 miles
March 9, 2022, 5:14 PM

This is a good project that is supportive to the immediate neighborhood surrounding and would be a great benefit to the city of Provo.

Name not shown
within ¼ mile
March 16, 2022, 2:59 PM

This would a great addition to west Provo! Sure, I could be picky on exactly how it should be, but the reality is that west Provo is seriously lacking in access to stores, restaurants, & shops. This entire intersection needs a facelift, honestly. Let's do it!

1 Supporter

Name not shown
more than 2 miles
March 19, 2023, 11:03 PM

This could be a positive addition to this part of Provo and I am in support. It looks like a lot of the space will be used for parking. Is there a way to design the space such that pedestrian access is placed ahead of cars? With the river trail and baseball fields close by I could foresee these shops having bike or pedestrian traffic if the space is designed in their favor and is not too heavily car-centric. Thank you!