

Annette Newren | May 22, 2024

Buckley Draw Rezone and Concept Plan (Items 3 &4)

Provo Planning Commission members,

After attending the Neighborhood District 2 meeting, reviewing the staff reports, and in talking with my neighbors concerning the rezoning and concept plan for the Buckley Draw subdivision I felt that I needed to present my concerns about the hazards, density, occupancy, and traffic.

The Staff Reports are missing the Southeast Neighborhoods Plan (2015), Future Land Use Map (pg 22-23) that they referenced.

<https://www.provo.org/Home/ShowDocument?id=11873>

According to the notes for the future land use map: "Areas shown for potential R1 development at the Buckley Draw site will require significant geological studies to determine actual feasibility of development in this area. Areas shown on this map are conceptual only and cannot be verified without additional study". It does not appear that any significant geological studies have been done for this area to determine feasibility.

I feel like the city is putting the cart before the horse, particularly in removing the Critical Hillside Overlay Zone, rezoning, and looking at a concept plan before all geological studies, hazards, and detailed mitigation plans have been done.

HAZARDS

I disagree with the Staff Reports position that the property should not have been included in the Critical Hillside Overlay Zone. According to the staff reports one of the purposes of Critical Hillside Overlay Zone was to add protection to sensitive lands. The two major geological hazards (High Priority Active Alluvial Fan and Buckley Draw debris flow) should alone make this area be considered sensitive lands and therefore the Critical Hillside Overlay Zone apply. I would think that the city would want to keep the Critical Hillside Overlay Zone for liability and immunity purposes.

The intent of the Chapter 15.05 Sensitive Lands was to:

- (a) place the liability and expense of evaluating the condition of potentially unstable land, and determining restrictions which should be placed on its development, upon geologists or engineers employed by the landowner;
- (b) implement the Provo City General Plan by restricting the use of land to those uses which do not present unreasonable risks to persons or property because of geological and natural hazards and/or geotechnical limitations;
- (c) prevent fraud in land sales relating to the geologic or other condition of real property; and
- (d) authorize a governmental function of regulation within the Utah Governmental Immunity Act.

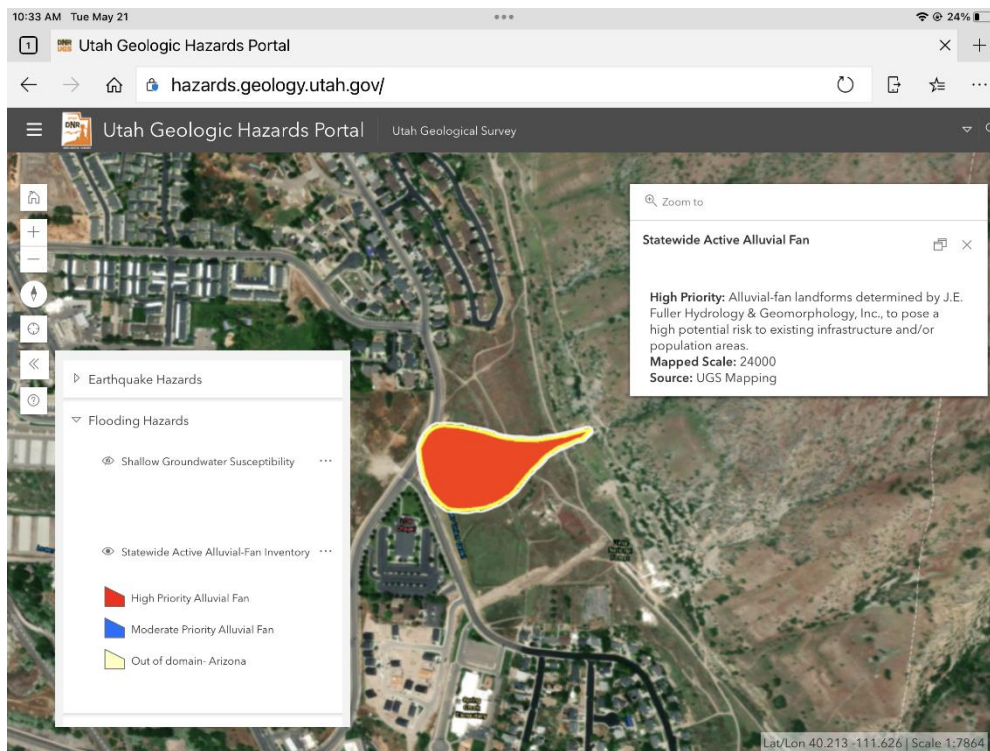
According to the 15.05 Sensitive Lands, General Provisions (15.05.020), these are some of the policies of this Chapter that apply to this area:

- (4) Preserve natural drainage channels as determined by the City.
- (7) Protect the public from natural hazards of storm water run off and erosion by requiring drainage facilities.

(8) Minimize the threat of fire damage by establishing fire protection measures.

(11) Minimize public exposure to geological and natural hazards including, but not limited to, snow avalanche, rock slides, rock falls, debris flow, debris floods, flooding, landsliding, surface fault rupturing and/or deformation along primary and secondary fault traces and ground failure associated with soil liquefaction, by identification, mitigation and/or avoidance of such hazards in conjunction with development proposals.

This property has at least two major geological hazards. According to the Utah Geological Survey Hazards Portal a significant portion of the property has a flooding hazard from a High Priority Active Alluvial Fan (see attached photo below) which poses a high potential risk to existing infrastructure and/or population areas. The other geological hazard is the debris flow from the Buckley Draw. According to a Geologic Hazards Investigation done when the Eagle View Subdivision Plat G was seeking approval, the Buckley Draw debris flow hazard is considered very great to extreme. This Geologic Hazards Investigation was done before the 2002 fire and debris flow ditch and basin construction. The Buckley Draw debris flow hazard still exists but was moved to the north by the ditch. The staff reports even indicate there is a debris flow hazard which is one of the purposes of the Sensitive Lands/Critical Hillside Overlay Zone. You do not get out of the Sensitive Lands/Critical Hillside Overlay Zone by saying you will reroute and improve the debris flow. The Sensitive Lands/Critical Hillside Overlay Zone ensures that the mitigations are done properly and that the purchasers of these homes are aware of the geological issues and mitigations. According to Section 15.05.030 it states, it shall be unlawful to erect any structure which will not be reasonably safe for use as a human habitation because of: (7) proximity to an alluvial fan. It appears that the active alluvial fan will not allow homes to be built in that area and the Concept Plan needs to be revised.



I disagree with the developer's proposal to extend the debris channel and convey the flow (debris, mud, water) to the west side of Slate Canyon Drive (Bicentennial Park expansion). How does the debris flow get to the west side? I feel that this would destroy the park which we have waited many years for, may impact the proposed design of the park, and make the city responsible to build and pay for a debris basin in the park. The debris basin should be built on the property as shown on the future land use map (Open Space between the R1 designations) for the Southeast Neighborhoods Plan (pg 22-23), if the geological studies find it even feasible to build homes in this area. The cost of the debris basin should be paid for by the developer.

According to the 15.05 Sensitive Lands, Scope of Application (15.05.130): No subdivision or other development plat or plan shall be approved without compliance with the provisions of this Chapter.

Some of the provisions of this Chapter is a Geological Report (15.05.090):

(1)(a)(ii) A site-specific geologic map which illustrates exposure to geological and natural hazards identified in Section 15.05.020(11), Provo City Code, and the geotechnical limitations identified in Section 15.05.020(12), Provo City Code. The map shall illustrate the proposed site modifications relative to geological and natural hazards and/or geotechnical limitations that may impact the site. Any corrective site modification actions necessary to mitigate or avoid hazards or limitations shall be clearly identified on the map.

(1)(b)(iv) Any corrective or remedial action necessary to avoid a violation of Section 15.05.020, Provo City Code, shall be described and analyzed in detail;

The rezoning and Concept Plan should not be looked at by the Planning Commission and City Council until the geological modification, limitation, and mitigation map/report has been completed.

FIRE HAZARD

Another purpose of the Sensitive Lands/Critical Hillside Overlay Zone is to minimize the threat of fire damage by establishing fire protection measures. I have lived in Provo for most of my life (the latter half of it in the Southeast area). I have witnessed numerous fires on the Southeast bench over the years, including the 2002 fire which burned to within approximately 100 ft of some of the houses on Oregon Avenue. It was a terrible early morning watching the fire rage down the hillside towards the homes on Oregon Ave. The fire fighters were unaware that the fire had moved more north and were still in the Alaska Ave area fighting the fire. I hope to never see a fire come so close to homes again. The density and close proximity of the houses to one another has me concerned that this whole subdivision could go up in flames. I feel that the density should be significantly reduced and the distance of houses to one another needs to increase to minimize the fire threat. There also does not appear to be access to the mountain for fire vehicles or a fire break road.

DENSITY

I attended meetings when the Southeast Neighborhoods Plan (2015) was being drafted. In these meetings it was felt that the Southeast area already had more than its fair share of higher density homes and townhomes. It was decided that R1 with lots similar in size to those in the neighborhood to the south (Nevada, California, Oregon, Washington, and Montana Ave) was wanted for this area. The PD designation was not even discussed for this area. The small 5000 sq ft lots (from neighborhood mtg) and 10 ft between homes reminds me a lot of the homes on Slate Canyon Drive. This area will just become

another Slate Canyon Drive if the density is not reduced. The current house/floor plans do not accommodate full-size extended cab pickup trucks or possibly large SUV, so those will likely have to park on the street. The close proximity of the houses (10 ft) will not allow a boat, trailer (utility or RV) to be parked in sideyard or allow a full-size truck to park on the side. I feel that the sideyards should be the standard R1 size 10 ft (20 ft between houses) to allow for trailer or large vehicle parking. The driveways/garages appear to be similar in size to those on Slate Canyon Drive. In a recent meeting concerning parking on Slate Canyon it was repeatedly said that you cannot realistically park four vehicles in garage and driveway unless they are all small. This subdivision will suffer with the same problem if the driveways/garages remain the same.

The staff report for rezoning indicates that the property could not exceed four dwellings per acre. Given that this property has a significant amount of acreage that will not be developed for housing; I feel it is inappropriate to include all of this undeveloped land in determining density. I would like to see no performance development overly with a density of R.10, but I could live with R1.8. The current density of 110 homes is too much for that area.

Can the elementary school handle that large of increase by this high density?

OCCUPANCY

The size of the small lots does not encourage long term owner occupancy. These are likely to become rentals and over occupied unless the HOA puts long term owner occupancy restrictions. But this restriction can be changed by the HOA, as was done in the Senior (55+) neighborhood nearby. The Senior (55+) neighborhood now has to deal with over occupied rentals just a few years after being built. I believe that less density and larger lots encourages long term owner occupancy.

TRAFFIC

A 110 homes with only two roads in or out is going to be a nightmare. There could be 400+ cars in this subdivision. The exit near the elementary school will be terrible when school is starting and ending. The safety of the children will be affected by all of this additional traffic. During certain times of the day it is already difficult to make a left from Nevada Ave onto Slate Canyon Drive. All of this additional traffic will just make it even worse.

I feel that the rezoning and Concept Plan should be continued until all of the appropriate geological studies, reports, ect. are completed and show that this is even feasible.

Thanks,

Annette Newren

Dave Knecht | May 1, 2024

Southeast Area Neighborhood Plan re: Buckley Draw 110-lot subdivision

Hi Rachel,

Are the present District 2 leaders aware of our South East Area Neighborhood Plan?

Thanks,

Dave Knecht

----- Forwarded Message -----

Sent: Wednesday, May 1, 2024 at 09:23:46 PM MDT

Subject: The South East Area Neighborhood Plan

Hi Bill,

So one of the outspoken opponents of the project, Tim Stockdale, told me after the meeting that he felt assured when he bought his house that homes would never be built on the city property behind his house because it was zone Public Facilities. He thought it would just stay the way it is now.

After talking to him it occurred to me that what was missing at our neighborhood meeting was a short presentation explaining how this hillside property was master planned as part of the Southeast Area Neighborhood Plan (about 2016).

People need to understand that zoning can change and will change to accomplish the goals of the Neighborhood and General Plans.

I can still see the page that has the colored map of future land uses, but I can't find it online.

This part of the Neighborhood Plan should be part of the information given/presented to the Planning Commission and the Council.

Thanks,

Dave Knecht

Pace Killian | May 9, 2024
Provost South Neighborhood Development

To Whom it May Concern,

I live in the Provost South neighborhood and I wanted to voice my resistance to the proposed development to build 110 residences in the area that is across from Spring Creek Elementary on Nevada Avenue. The development plans are for housing that is too dense. There are neighborhoods a few streets further north which have dense housing and it has a profound effect on the area.

The neighborhood nearby is all single-family homes, with lots of children. The lot in question is across the street from an elementary school. Not only would housing that is this dense cause issues with street traffic and parking (which we can see in nearby densely-populated areas) but it would also restrict access to the hills and mountains up above the development lot - we take our kids on hikes up the trail and would be very sad to see that access taken away.

There are other potential problems (our area is a bit of a tinderbox, with no fireworks allowed at all. Houses this close together would pose a fire risk) but the major issue I have as a current member of the neighborhood is with the density. Building more homes sounds like a great way to use the land, as long

as access to the trail can be guaranteed and as long as the homes aren't squished together too densely.

Thanks,

Pace Killian

Kristina Davis | May 11, 2024

Buckley Draw Development Great idea needing modification

I applaud development for single families near excellent transportation centers. The southern gateway to Provo and excellent access to the Frontrunner and Provo Transit stations make this very an extremely valuable community. However with the current problems on Slate Canyon Drive, we must learn the lesson of planning for the cars that will come with residents. We have people parking on the street blocking people exiting their driveways and not in driveways or garages. How can this be addressed before more vehicles are parking along the curb of southern Slate Canyon Drive?

The garages are used for seasonal storage and do not accommodate cars.

Please take this underlying pressure into consideration when designing these homes. If there will not be basements with designated storage, then storage needs to be built in closets, attics or designated spaces within the homes. The garage must be a space for vehicles.

People must be educated that the allowed vehicles must park in the garage and driveways according to city code Ordinance 14.37.060.

I would especially encourage marketing targeted at people who would appreciate access to trails and canyons who philosophically prefer to use less of the planet resources and desire an efficient dwelling.

Respectfully,

Kristina Davis

Brooke Gardner | May 13, 2024

Buckley Draw

I'd like to express my concern for the planned development of Buckley Draw. It is my understanding that the developer or city is not going to be allowing on street parking and the lots and homes are quite small which means fewer cars will fit in the driveway and garages. As you are probably aware, there is currently a major parking issue in the area, particularly on Slate Canyon Drive, one of the streets bordering the planned development. Major contributors to those parking problems are residents of the developments on the east side of Slate canyon that have no on street parking but instead park on Slate Canyon drive and walk. We see it every day. The same thing happens with Canyon Meadows and Alpine Brook. It is my understanding that these three developments and Buckley Draw were all developed by the same company, which makes residents concerned that Buckley Draw will create the same issues.

If on street parking is not allowed in Buckley Draw or additional parking stalls/lots are not provided, the residents will park on Slate Canyon or Nevada Ave and the surrounding streets. Since Nevada is even

more narrow than Slate canyon, the street is curved and there is an elementary school there, this causes a big safety concern.

I think the city needs to force the developer to make the streets wide enough to allow on street parking and additional overflow lots, or make the driveways and garages larger so that the development has sufficient parking for its own residents. This may mean building fewer homes. We've seen that the lack of on street parking doesn't deter people with multiple vehicles living there, instead they just park around the perimeter on surrounding streets and it lowers the quality of life in all of the surrounding areas.

Another concern is that the outlet for those 110 homes is right across the street from an elementary school on a road that is curved. That issue, combined with the inevitable parking issues, will make it a very unsafe area for children coming to and from school.

Thanks for your time.

Sincerely, a concerned Provost South resident