



PROVO MUNICIPAL COUNCIL

Work Meeting

3:00 PM, Tuesday, July 09, 2019

351 W. Center Street, Provo, UT 84601

Summary of Action

Agenda

Approval of Minutes

April 9, 2019 Work Meeting

April 23, 2019 Joint Meeting with Transportation and Mobility Advisory Committee

Approved by unanimous consent.

Business

1. A discussion regarding a proposed Permit Parking Plan ordinance amendment. (19-002) *A motion to bring this item to the July 23, 2019 Council Meeting, with a request that Gary McGinn relay any comments from the Planning Commission was approved 6:0, with David Sewell excused.*
2. A discussion regarding a resolution of support for the recommendation from the Utah County Good Governance Board regarding the Utah County structure of government. (19-060) *Presentation only. This item was already scheduled for the Council Meeting on July 9, 2019.*
3. A discussion regarding the proposed Urban Deer Control Plan. (19-047) *A motion to replace the text beginning in line 9 of the resolution with the text from the second paragraph of Exhibit A was approved 6:0, with David Sewell excused. A motion to change the language to read "up to \$15,000" for the appropriation was approved 6:0, with David Sewell excused. This item was already scheduled for the Council Meeting on July 9, 2019.*
4. A discussion regarding proposed amendments to Personnel Policies in Title 4. (19-082) *Presentation only. This item will return to the Council at a future date.*

Policy Items Referred from the Planning Commission

5. A discussion regarding a proposed amendment to Provo City Code 14.50(30) to amend the title, purpose, and objectives to the 50 East Project Redevelopment Option Zone. Spring Creek Neighborhood. (PLOTA20190170) *Presentation only. This item was already scheduled for the Council Meeting on July 9, 2019.*

Closed Meeting

A closed meeting was held.

Adjournment

Pending minutes – awaiting approval



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:30 PM, Tuesday, April 09, 2019

Room 310, Provo City Conference Room

351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair David Harding, conducting
Council Vice-chair Kay Van Buren
Councilor George Handley
Councilor George Stewart
Councilor David Knecht
Councilor Gary Winterton
Councilor David Sewell, arrived 12:35 PM
Mayor Michelle Kaufusi

Prayer

Claralyn Hill offered the prayer.

Approval of Minutes

December 11, 2018 Work Meeting
January 31, 2019 Joint Meeting with Orem Council
February 19, 2019 Work Meeting
Approved by unanimous consent.

Business

1. A discussion regarding the proposed Conservation Easement for the Rock Canyon trailhead (17-085) (0:04:00)

Doug Robins, Parks and Recreation Assistant Director, presented. He shared an update on the proposed conservation easement for Rock Canyon, which was nearing readiness for a final recommendation. Mr. Robins reviewed details of the Lichte property and the history of other properties adjoining Rock Canyon. Mr. Robins highlighted elements of the easement draft, which would involve both the City and active partnership from the Rock Canyon Preservation Alliance (RCPA) and community members. Mr. Robins also noted several changes between the original draft and its current version, which has been simplified to more briefly outline the elements of the partnership and contributions. The term of the agreement would be in perpetuity, with the possibility to transfer or assign the agreement to another party, should both parties agree to that change. Mr. Robins also highlighted a provision for completing an aquifer storage and

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recovery (ASR) program. Dave Decker, Public Works Director, explained that the ASR project would augment and enhance the nature of the conservation easement, and would not present invasive or permanent construction interfering with the native landscapes.

Councilor David Harding asked whether there was a way to plan or adjust to future needs of Public Works or Parks and Recreation. Mr. Robins indicated that the Parks and Recreation Department could coordinate with the involved entities on these concerns, in order to best address needs while implementing solutions that would contribute to the conservation efforts in the Canyon. Councilor George Handley asked whether there was a budget for ecological restoration in the canyon. Mr. Robins indicated that this would all be part of the Rock Canyon Trailhead Master Plan and that they would approach grant funding and other fundraising in partnership with the RCPA. Ginger Woolley, RCPA, noted that the master plan addresses areas for restoration that have already been disturbed. She explained that Dr. Phil Allen, RCPA, has obtained grant funding in the past and intends to apply for additional grants and to work with BYU on ecological restoration. Mr. Robins thanked City staff members Tara Riddle, Property Manager, and Chad Hill, City Surveyor, who have both been very supportive of efforts relative to this project. In response to a question from Councilor Gary Winterton, Mr. Robins explained that the Parks and Recreation Department relies on their CIP plan to direct their priorities and efforts for grant-funded projects. *Presentation only.*

2. A presentation from the Parks and Recreation Department and the Redevelopment Agency regarding creation of a redevelopment area near the East Bay Golf Course. (19-041) ([0:18:26](#))

David Walter, Redevelopment Director, presented. He highlighted elements of the proposal to create a community redevelopment area (CRA) near the East Bay Golf Course. Several Councilors had not contemplated that the CRA would include housing; they had been under the impression that it would be primarily retail. Mr. Walter indicated that there would likely be some ancillary retail associated with the housing and medical school, such as hotels for visitors. Dixon Holmes, Economic Development Director, explained that the developer was trying to recoup costs associated with the property purchase for the Nature Sunshine parcel; the CRA would only apply to that particular property.

Councilors shared comments and questions, to which Mr. Walter and Mr. Holmes offered further clarification. Councilor Kay Van Buren asked about the maximum period of 12 referenced in the agreement; that time frame has not yet begun and it would not begin until after the golf course holes had been relocated and the post-closing process had been completed. Brian Jones, Council Attorney, shared language from the purchase agreement for the golf course property, which stated that the City (the seller) shall use reasonable efforts after closing to persuade the Redevelopment Agency to act in favor of making a CRA to reimburse the purchaser for their payment on real property taxes on improvements made by the purchaser for a period of 12 years from the period on which they begin constructing improvements.

As this proposal has come forward, Parks and Recreation has contemplated what improvements they could make to the golf course to make it more of an amenity to the community and to make it more accessible for other users. Since the development of the medical school would have impacts on the golf course, beyond the relocation of the three holes [which was already included

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and paid for by Rocky Mountain University as part of the purchase agreement], the Parks and Recreation Department hoped that some of the tax increment from the medical school development could be applied to additional golf course improvements.

Mr. Walter invited Brett Watson, Golf Course Manager, to present details on an updated master plan for the golf course. Mr. Watson outlined the plans for improvements and new amenities:

- Lighted short course and driving range
- Lighted futures course for Starting New at Golf (SNAG) program
- New routing and a new finish

Mr. Watson explained that the increased maintenance costs of these improvements would be offset by the additional revenue potential (as a result of new programs, longer playability due to lighting, after-hours mowing with lighting, etc.). Councilor Gary Winterton asked whether the investments in the East Bay Golf Course made a mountain/canyon course less relevant in the City's long-term plans. Mr. Watson suggested that these improvements would continue to sustain the existing golf course; it would not preclude plans for a canyon course in the future, but any development of a canyon course would be very involved, including land acquisitions from the federal government, capital expenses, and other considerations.

Councilors asked questions about several elements of the plans. Councilor David Harding asked about the water on the course; Mr. Watson indicated that in adding the island hole, they would actually be losing some water area. Councilor David Knecht asked about the adjoining Kuhni property and CAO Wayne Parker provided some background on that parcel.

Scott Henderson, Parks and Recreation Director, presented on the benefits of the new complex. Mr. Henderson noted that by approaching the project area as a possible funding source for the golf course, the impacts of the project on the golf course were further leveraged to improve the range and use of the facility. They hoped to continue its legacy as a training facility for university and student golfing populations, as well as the best course in the County.

Mr. Walter highlighted figures on several spreadsheets related to the project areas. Mr. Walter indicated that the second benefit area had not yet been assigned a value by the County Assessor, as it was recently brought back into the tax rolls; this figure would establish the base year. Even if the project area were never to be adopted or enacted, all taxing agencies would still see an immediate benefit, as about 20 acres of property which had previously not been taxed in the past, would begin bringing in tax revenues. Mr. Walter highlighted the projected increment for the first project benefit area. Mr. Walter illustrated the proposed allotment for the second benefit area; the School District and Utah County would each receive their complete baseline amount, plus a 25% pass-through of the increment.

Councilors discussed feedback and concerns, including:

- Mr. Harding expressed reservation about potentially using tax increment that way; he wished to further that policy discussion with the Council. He felt it was a creative approach, but he was unsure whether the School District and County would be inclined to participate. Mr. Walter indicated that the other entities could opt not to participate, or could participate at a lower rate than Provo City. He indicated that he had put officials at the School District in touch with a state attorney well-versed in tax increment financing.

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- Several Councilors shared similar feedback about the lack of a TIF policy outlining appropriate uses that the City would approach.
- Councilor Gary Winterton was supportive of the proposal and felt the main question for the Council was whether the golf course was the best use for those funds, or whether those funds should be dedicated to water or sewer lines.
- Councilor George Handley felt that an important element of the public conversation was that the golf course would get the replacement holes, as well as additional improvements. He felt this was an opportunity for the Council to reassure the public that they had heard their feedback and concerns.
- Councilor George Stewart was also favorable toward the proposal and felt it was a great use of the resources there. He noted that whatever the City would be sacrificing for the TIF would be felt in the benefits received.
- Councilor David Sewell felt that the proposal would make the golf course even more of an economic benefit, in addition to the educational benefits it would offer.
- Councilor Kay Van Buren expressed reservations with the proposal. He felt that using taxpayer money to fund something they were not able to negotiate as part of the purchase agreement was problematic. He also had unanswered questions regarding the housing project area. He would love to see improvements at the golf course, but he felt that this proposal was at odds with the arguments made at the time the deal was proposed.
- Councilor David Knecht asked whether there were any projections on the difference in revenue at the golf course after the improvements were implemented. There were not official projections, but Mr. Henderson and staff anticipated that any operational revenues would be applied toward the golf course debt service. Mr. Henderson explained that the medical school had made this initial suggestion regarding the CRA.
- Isaac Paxman, Deputy Mayor, suggested that this was certainly tax money that could go to other purposes or uses, but that it was tax money that would not be there but for the real estate purchase by the medical school. These funds were not being diverted from another intended use had the deal with the medical school not even taken place.
- Mr. Harding felt there were differences in the housing concept as originally presented versus what was up for consideration more recently. He wished to get more clarification on the actual project in order to make a sound decision on whether to approve the CRA.

Motion: George Handley moved to place this item on the agenda on the Council Meeting on April 23, 2019. Seconded by David Knecht.

Vote: Approved 7:0.

3. A discussion on the street right-of-way typical cross-sections and their use in the Transportation Master Plan update (19-040) ([1:20:00](#))

Dave Graves, Engineering Division Director, presented. Mr. Graves highlighted background information on this item and the process to date. Vern Keeslar, Parametrix, has been leading the Transportation Master Plan. Mr. Keeslar was involved with previous transportation planning at Provo City as a former employee of Community Development. Mr. Keeslar noted that Provo has been very progressive in adopting street standards that were neighborhood-friendly. Mr. Keeslar highlighted several existing cross-sections of Provo's street standards and where they have been

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applied in neighborhoods. Mr. Keeslar outlined the proposed cross-sections which have been recommended, noting that sidewalks would be moved back into the City's right-of-way.

Mr. Keeslar shared feedback received at several public open houses, particularly from the development community, who had favorable feedback about moving the sidewalk back to City right-of-ways. Mr. Keeslar summarized a number of the adjustments, noting that minor arterial streets was a crucial category in order to receive funding from Mountainland Association of Governments. Mr. Keeslar highlighted other considerations impacting lane-widths, including traffic studies, speed limits, etc. Bicycle infrastructure and median treatment types were another critical component; a fifth type of bikeway classification was added for University Avenue in connection with the UVX route. Mr. Keeslar outlined the local cross-section selection guidelines and how staff conducts an assessment on this when a development is proposed.

Mr. Graves shared additional details regarding the local cross-section selection guidelines. He indicated that the City's consultant has examined standards across the country to compare and make the best recommendations to develop criteria specific to and appropriate for Provo City.

Councilors shared comments on the savings and efficiencies presented to the City's street networks by making some of these adjustments. Additional comments included:

- Councilor Gary Winterton asked if any streets in Provo were out of character in their current classification. Bulldog Boulevard would be much more appropriate and in line with its classification following the improvements which are currently underway.
- Councilor David Harding asked about what industry standards the City had adopted. Mr. Graves explained that the City has adopted ASHTO, a federal engineering standard. UDOT adopts ASHTO on an annual basis, typically with some modifications to school zones and railroad crossings. NACTO is another standard used widely in the industry; the City has not adopted this as a standard policy but refers to these guidelines.
- Mr. Harding asked about how input has been incorporated from the Transportation and Mobility Advisory Committee and Planning Commission. Deborah Jensen, Planning Commission member, was present and shared some comments in this regard. Ms. Jensen indicated that there was a lot of desire from the Planning Commission in general for narrower street widths; that group discussed street sections in detail. Generally narrower street sections improves safety for pedestrians and cyclists, reduces speeding cars, and reduces construction and maintenance costs of roadways over time. She indicated that the Planning Commission was in favor of the compromises and adjustments made. Perhaps the largest concern of the Planning Commission was how to retrofit existing streets over time to adhere to these standards; many existing residential areas have extremely wide streets. Mr. Keeslar indicated that they were on the 7th version of the street sections since beginning the process; many stakeholders have been involved in the process.

Public Works asked for any concerns from the Council regarding moving forward. This would be part of the broader Transportation Master Plan update and would come back to Council.

Motion: Gary Winterton moved to bring the street cross sections to a future Council Meeting after going to the Planning Commission. Seconded by George Handley.

Vote: Approved 7:0.

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4. A continued discussion regarding proposed organizational changes. (19-036) (1:49:16)

Council Chair David Harding introduced this discussion, regarding the proposed City reorganization for creating a Community and Neighborhood Services Department and Development Services Department. Councilors shared comments and feedback regarding the proposal:

- Councilor David Sewell was supportive of the change. He felt that the reorganization would address needs directly and effectively which he observed during his work on the Council's Development Approval Process Review Committee.
- Councilor George Handley shared feedback from his perspective as chair of the Council's Foothills Protection Committee. The committee recently discussed how to ensure all parts of the City were coordinating and communicating on development.
- Mr. Harding felt that the names were lengthy and not easily shortened, but his general impression was that the Council was supportive of the proposal and looked forward to hearing additional details as the Administration worked out final details.
- Councilor David Knecht indicated that Orem City has a neighborhood preservation unit in their Police Department that was focused on code enforcement.

Wayne Parker, CAO, explained that the department names were meant to have consistency across the municipal world and to better characterize the function of each department. Mr. Parker indicated that the Administration would bring amendments to Title 2 of Provo City Code as well as a budget proposal in May to solidify the reorganization and create the new director position. Once the job description, grade, and step were defined, then this would be a proposed supplemental request in the budget. *Presentation only.*

5. A discussion regarding the formation of the Sign Committee (19-002) (1:57:37)

Motion: David Sewell moved to organize the Sign Committee as an ad hoc committee with the mission statement: "Review sign ordinances and how they are applied and enforced in various areas of the city. Review design corridors and evaluate how the current sign ordinance aligns with the interests of these areas and evaluate the compatibility with other zones in surrounding areas. Study how the sign ordinance aligns with the General Plan. Recommend improvements as a result of lessons learned and input from committee members, Community Development, and stakeholders including neighborhoods and business representatives. Bring legislative recommendations to the Council for consideration;" with Gary Winterton as Chair, David Sewell as vice-chair, and Kay Van Buren as a member of the committee. Seconded by George Handley.

Vote: Approved 7:0.

Councilor David Sewell introduced another motion related to a loss of public confidence and trust as a result of a sign issue in the City. There has been a perception of an uneven playing field and residents have expressed concern about a lack of information. Mr. Sewell noted that there was a coalition of citizens intending to sue the City regarding the issue. Mr. Sewell proposed working with the Council Attorney and each Councilor, the Administration, and staff members, to prepare a statement that the Council could support that would help residents understand how these events transpired. Council Chair David Harding asked whether this were a topic which could be discussed

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in a closed meeting. Council Attorney Brian Jones indicated that because there was reasonably imminent litigation, that it would be a topic appropriate for a closed meeting.

Mr. Sewell clarified that he wished to aggregate publicly released information to clarify the City's position. Mr. Sewell intended that Mr. Jones would communicate with Councilors privately in preparing a draft statement, which the Council could review before approving or releasing it. Mr. Jones was comfortable with the concept, but felt that it might be more difficult in practice. Several Councilors expressed reservation with the proposal, as some information was presented in closed meetings in the past. It would be difficult to reach consensus and in vetting information to ensure that it was both accurate and something the Council was comfortable with releasing. Mr. Sewell clarified that if the majority of Councilors were not comfortable with the statement, then nothing would be released. Mr. Sewell felt a degree of urgency to do this, due to the loss of trust from several respectable long-time residents who have been very involved with the issue and are knowledgeable about the process.

Motion: David Sewell moved “to further the goals of transparency and accountability to the citizens who elected us to serve them, I move that we ask Council attorney Brian Jones to prepare a draft statement for the benefit of the public who are concerned about the Blue Rock Medical sign. The statement would include a timeline and relevant facts pertaining to the decision to settle the lawsuit against the city by Blue Rock Medical. We ask that Mr. Jones consult with each Councilor, with Council staff, and with the Administration to prepare a draft statement that the Council could review by April 23rd – with the goal that, if approved, the statement would be released to the public shortly thereafter.” Seconded by George Handley.

Substitute Motion: George Stewart moved “to further the goals of transparency and accountability to the citizens who elected us to serve them, I move that we ask Council attorney Brian Jones to prepare a draft statement for the benefit of the public who are concerned about the Blue Rock Medical sign. The statement would include a timeline and relevant facts pertaining to the decision to settle the lawsuit against the city by Blue Rock Medical. We ask that Mr. Jones consult with each Councilor, with Council staff, and with the Administration to prepare a draft statement that the Council could review by April 23rd – with the goal that, if approved unanimously, the statement would be released to the public shortly thereafter.” Seconded by David Sewell.

Vote: Approved 7:0.

Initially Mr. Harding voted against the motion, but he realized that he had misunderstood its intent; before the item was concluded, he changed his vote to affirmative, in support of the substitute motion.

Budget Committee

6. A discussion regarding the Provo City Five-Year Capital Improvement Plan for FY 2019-2020 (part 2 of 2). (19-035) (2:29:03)

Dustin Grabau, Budget Officer, presented highlights of the capital improvement plan relating to all other CIP functions outside of the Public Works Department. Highlights included:

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- Ongoing licensure of software utilized in the Energy Department
- New City Center and Public Safety Facilities and Fire Station 2 Replacement
 - The funds have already been appropriated in their entirety, but this was included in the CIP in order to provide a forecast for the schedule of expenditures.
- Unfunded needs in the general CIP category include funds to complete the wayfinding project downtown and parking structures. Several parking structures are owned but not operated by the City; should the City resume operation, there are capital improvements which will need to be addressed.
- Provo360 is separated from the general CIP due to the scope of the project; they do not need to dedicate additional funds for the remaining elements of the project, but its inclusion in the CIP is meant to reflect how the remaining funds are programmed.
- CIP projects for the Parks and Recreation Department included improvements related to the medical school construction, which were partially funded. Several funded projects were being funded with RAP tax revenues, while several other partially funded were candidates to receive CDBG funds.
- The Regional Sports Complex was included in the CIP and Parks and Recreation staff could answer more specific queries related to the project.
- A critical (priority level 1) project was the Kiwanis Park Tennis Court Renovations, which they hoped to receive CDBG funds to complete. At present, there were concerns with the risk of injury to tennis court users due to failed maintenance. The Parks and Recreation Department would confirm whether the rebuilding of Wasatch Elementary by the Provo School District would present any impacts to the tennis courts.

Presentation only.

7. A presentation on the Energy Department and potential budget requests (19-004) ([2:38:21](#))

Travis Ball, Energy Director, presented on the department's budget requests. He explained the primary goal of Provo Power: to operate as the most reliable provider of power in the country, while providing a safe environment for employees. Mr. Ball reviewed several key performance indicators and goals of Provo Power, noting that in the last year, they have diversified their resources in moving from 25% to 31% renewable sources, with the advent of BYU's CoGen renewable project and the Olmsted hydroelectric power plant. Provo Power has also increased reliability of the electric grid through their forestry operation; the department trips 9,000 trees per year, which has dramatically improved reliability of the City's power system.

Mr. Ball highlighted some of the services of Provo Power and several elements of the budget, noting that their CIP includes upgrades to two substations. Scott Bunker, Provo Power Assistant Director, highlighted areas where they are moving toward sustainability, including:

- Hybrid elements in the Provo Power fleet (such as a dual battery-engine for lift hydraulics)
- Forthcoming UMPA solar project for 80 megawatts
- Continued programs for energy conservation and conservation rebates
- Transitioning City streetlights to LED bulbs
- Management of over 15,000 street trees in the City's right-of-way and 9,000 on private property beneath power lines; by managing the tree inventory, they can track how much carbon sequestration these trees contribute and resulting improvements to local air quality

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Mr. Ball highlighted details of the Energy Department's transfer to the General Fund as well as other budget considerations and projections. He also responded to Councilors' questions, including:

- Provo's rates for residential, commercial, and industrial users are in the middle range compared to neighboring municipality-owned utilities and Rocky Mountain Power.
- Last year, they had budgeted for a deficit due to CIP projects underway at the time. This year they have saved up for most projects and have made up the difference. While they projected decreased expenditures in the new fiscal year, their budget was relatively static and their revenues were projected to meet their expenditures.
- Councilor David Harding asked about CIP revenues, which Mr. Ball indicated came in the form of impact fees and aid to construction fees on capital improvements.
- Councilor Gary Winterton asked whether they still contributed to Energy fund balance. Mr. Ball indicated that there was \$2 million in operations and maintenance fund balance, which was important maintaining stable rates despite fluctuation of natural gas prices.
- Councilor David Knecht asked about emergency backups if the UMPA grid failed. Mr. Ball shared details of backup generators which would continue to support essential services.
- The \$11 million transfer to the City's general fund includes the telecom transfer.

Presentation only.

8. A presentation on the Library Department and potential budget requests (19-004) ([3:04:45](#))

Gene Nelson, Library Director, presented. He expressed gratitude for the Council and their support during his recent health recovery. Mr. Nelson highlighted how the library was addressing the City's General Plan goals and needs. He indicated that they have been working on updates to their strategic plan, as required every four years by the Utah State Library. He indicated that their budget was fairly static this year, with much of their revenue coming from property tax.

The Library's budget was comprised primarily of personnel costs, books, digital programming, and building upkeep. Mr. Nelson highlighted in greater detail specific elements of the General Plan and how library programs have operated in support of these goals, fostering community engagement and connection, social and gathering spaces, events, and raising awareness of local history and culture. The library seeks to serve patrons and residents of all ages, as well as the broader community, and to provide enhanced opportunities and facilities for the arts and entertainment. Annually, the library brings in about 45-50 authors and illustrators for events each year.

Mr. Nelson explained that the library had healthy savings and they have worked to prepare in advance for future needs. Typically their operational budget has seen slight decreases each year, though they have not raised taxes for the library in 21 years. While their revenue decreases slightly, they did not anticipate coming to Council in the next few years to increase that rate. Mr. Nelson highlighted the balancing act between funding books, digital programming, and the building; if they were to face budget cuts, they would assess how to scale back each of those elements while still providing great services. Councilor Gary Winterton asked whether the library worked with Parks and Recreation and the Arts Council. Mr. Nelson indicated that the Covey Center did some advertising in the Library, but he hoped to continue those collaborations within the City organization. ***Presentation only.***

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9. A presentation on the Mayor's Office and potential budget requests (19-004) (3:23:39)

Wayne Parker, CAO, presented. Mr. Parker distributed a memo which addressed several questions relative to the General Plan goals and objectives. Mr. Parker highlighted in particular several elements of the Mayor's Office budget, noting that the Mayor's Office has struggled to staff their graduate-level internship in recent years, due to a shift in focus of BYU's MPA program toward more non-profit organizations. They continue to recruit for this position, but Mr. Parker has noted a general decline in public sector generalist employment.

As far as unfunded needs, the only related item is the City's department reorganization; however, this would go through a supplemental request process, as it involved creation of a new department. In response to a question, Mr. Parker clarified the nature of the City's contract with the Freedom Festival. The Miss Provo scholarship still remains in the Council budget, and the float is now being managed from Parks and Recreation. Overall, the Mayor's Office budget remains fairly static from that of the previous year.

Should they face an economic downturn, Mr. Parker stressed the importance of consolidating existing operations to highlight potential duplication of efforts. He also indicated that the Mayor's Office could economize their department budget as well as involve many stakeholders in the discussion of how to manage a 5% budget reduction.

Mr. Parker also briefly addressed the current status of the innovation program. Following the initial introduction of the program, most of the plans and projects have been implemented, leaving a small fund balance of \$30,000. That did not present a substantial enough amount to continue a robust program, but the Administration wished to evaluate that in context of the coming fiscal year. In past years, the employee recognition program has been funded by a portion of annual budgetary savings. The Mayor was interested in exploring combining that program with the innovation program, in order to put the innovation fund on a platform that would have ongoing funding; going forward, it would be funded from budget savings carryover. In theory, the projects born of the innovation program would result in additional savings, and would contribute toward the perpetual nature of the program. *Presentation only.*

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

Council Attorney Brian Jones outlined the statutory basis for the requested closed session.

Motion: George Handley moved to close the meeting. Seconded by Gary Winterton.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval



**PROVO MUNICIPAL COUNCIL
Joint Meeting with the Transportation and
Mobility Advisory Committee (TMAC) Minutes**

12:00 PM, Tuesday, April 23, 2019
Room 310, Provo City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following Councilors, TMAC members, and staff were present:

Council Chair David Harding, conducting	Isaac Paxman, Deputy Mayor
Councilor David Knecht	Gary McGinn, Community Development Director
Councilor Gary Winterton	Dave Decker, Public Works Director
Councilor David Sewell arrived at 12:09 PM	Hannah Salzl, Council Policy Analyst
Councilor George Handley, arrived 12:20 PM	Austin Taylor, Sustainability Coordinator
Mayor Michelle Kaufusi, arrived 12:08 PM	Dave Graves, Engineering Division Director
Laureen Urquiaga, TMAC Chair	David Day, Engineering Development Coordinator
Mitsuru Saito, TMAC	Brian Maxfield, Planning Administrator
Clancy Black, TMAC	Aaron Ardmore, Planner
Anna Lim, TMAC	Shane Winters, Engineer
Deborah Jensen, TMAC	Jared Penrod, Engineer

Excused: Councilors Kay Van Buren and George Stewart

Prayer

The prayer was given by Councilor Gary Winterton.

Business

1. An update from TMAC on the Transportation Master Plan process (0:00:08)

Laureen Urquiaga, TMAC Chair, shared updates on the process for reviewing the Transportation Master Plan. TMAC members felt that the process has been good but incomplete; they have been able to review street cross-sections and have had several presentations from the consultants, but TMAC members have not ever actually seen the full report. Ms. Urquiaga was not sure whether that was deliberate, but she felt that they could not comment in full on what they have not seen. Perhaps the relationship between TMAC and the City departments needed to be better-defined to clarify the role of TMAC beyond simply giving feedback.

David Day, Engineering Development Coordinator, explained that they had advanced the street cross-sections earlier on in the process, as developers intended to begin putting them into practice as soon as possible, following approval or adoption; they did not want the development standards to be delayed by the rest of the master plan preparation and review process. Mr. Day

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indicated that they were working with the master plan consultants to finalize a full draft document which would be available for review in the next several months. He indicated that this would likewise be made available to TMAC for their review and consideration.

Shane Winters, Engineer, elaborated on the public process they have undertaken during the master planning process, including open houses, public comment, and demonstrations of traffic modeling (modeling the results of future improvements and projected traffic conditions). Mr. Winters explained that they received many comments and concerns about active transportation and he explained how they intended to proceed with reviewing those comments. Council Chair David Harding asked whether TMAC or the public open houses reviewed any material that was not presented or available to the other group. Public Works staff indicated that the refinement of the street cross sections has been an ongoing process, so different versions of the document were available at different points in the process. Dave Decker, Public Works Director, suggested that they present another draft to the public following implementation of public comments.

Clancy Black, TMAC member, suggested that it would be better for TMAC to review draft documents before they were presented at public open houses. He also thought it would be helpful for TMAC to see the feedback collected at the two open houses. Several other TMAC members agreed with that proposed process. TMAC members indicated a preference to have documents at least a week in advance to allow sufficient review lead time. Mr. Day indicated that as soon as drafts were available, that those could be distributed to TMAC and staff.

Dave Graves, Engineering Division Director, clarified further details about the revision and feedback process; each round of comments would not result in a rewrite of the document, but they would track comments and feedback and incorporate those elements which the Council and the other City advisory bodies felt were important to adopt for the final version.

2. A general update on TMAC projects and the committee's work ([0:15:44](#))

Ms. Urquiaga shared a general update on recent projects at TMAC, including:

- Bicycle proposals
- Street cross-sections
- Bulldog Boulevard redesign and construction
- Complete Streets policy
- Positive community impacts of bike lanes

Deborah Jensen, TMAC member, shared information from several nationwide studies which have illustrated the positive impacts that bicycle lanes have for local economic development. She noted that Salt Lake had recently received a lot of bad press about protected bike lanes, but that overwhelmingly, the evidence shows a demonstrable effect to the bottom line for economic development. Councilor George Handley noted that improvements to air quality was another tangible, positive gain for all. Austin Taylor, Sustainability & Parking Coordinator, could present at a future meeting on the benefits to the community of bicycle lanes.

Mr. Harding expressed the Council's appreciation for the work of TMAC and expressed that the Council could do more to support the role of TMAC.

Pending minutes – awaiting approval

Anna Lim, TMAC member, explained that they had worked on the Complete Streets policy for over 6 months and never saw an end result or heard an update on the status. She felt that they did not receive much feedback on their work; she felt it was critical for TMAC to hear whether what they were doing was useful, in line with the Council, and how their work was being used or implemented. Councilor David Sewell expressed that a lot of great work had gone into the Complete Streets policy and that he likewise was interested to hear a status update on that.

Mr. Harding asked whether Complete Streets principles were being incorporated into the Transportation Master Plan. Public Works staff indicated that those elements would be part of the chapter on active transportation. Mr. Winters also highlighted that there would be a CIP project budget for complete streets facilities and capital improvements. Mr. Harding was under the impression that complete streets related not only to active transportation, but to the entire street network and system; implementing complete streets policies would not result in a special budget, rather, it would simply be the process by which Provo planned streets.

Mr. Handley felt that it was critical for the Council to have a sense of what the Complete Streets policy looked like on its own; he felt that the Council had never made a legislative or policy decision, and he was not satisfied that they had definitive answers on the direction it would take.

Ms. Jensen, who also serves as a member of the Planning Commission, indicated that the Planning Commission felt strongly that Complete Streets should be clearly stated as a guiding principle and community vision as they completed their review of the General Plan; they planned to incorporate complete streets throughout the General Plan. Mr. Graves noted that the Transportation Master Plan was a component of the General Plan and that there could certainly be other documents that expand on the complete streets policy.

Mr. Harding returned to the topic of providing more consistent feedback for TMAC. Ms. Urquiaga suggested that city employees keep TMAC apprised of policies or legislative decisions by the Council that relate to TMAC. Gary McGinn, Community Development Director, indicated that he could act as emissary to share those kinds of updates with TMAC.

Mitsuru Saito, TMAC member, commented on downtown parking and invited suggestions on further improvements and how to publicize available parking. Mr. Taylor shared several updates on downtown parking, including lighted signs and additional wayfinding measures, and the City's downtown parking website and map.

3. A discussion on e-scooters (0:38:48)

Mr. Harding introduced this item and discussion, which had been requested by TMAC member Ryan Frandsen (who was unable to attend). Mr. Taylor indicated that Provo City was in the process of bringing in a bike or scooter share system in Provo. He highlighted details of the proposed program and the review process of vendors that was underway. The group discussed considerations for e-scooters. Comments included:

- Mr. Taylor explained that BYU did not permit scooters on campus, but that many e-scooters can be programmed to restrict or designate certain areas for riding.

Pending minutes – awaiting approval

- Bike shares can be dockless or can have docks where bikes must be returned.
- Generally members of the group expressed support for this equipment and concept.
- Mr. Black shared his experience using a scooter system in Los Angeles, which required uploading a photo of how the scooter was parked after use.
- Mr. Harding asked whether there were any restrictions or legislation that the Council should consider. Mr. McGinn indicated that there was not necessarily a need to enact legislation to permit e-scooters, but if the Council was concerned about restricting certain things, that legislation would be advised earlier in the process. Mr. Harding indicated that the Council would look to the Administration to bring a proposal if they felt changes were needed.
- Mr. Taylor indicated that the target audience included students, guests or visitors, and infrequent users who may not want to maintain their own bicycle. The prices were very competitive in order to reach all those audiences.
- UTA has sent a letter supporting the concept as a great last-mile connection to transit.
- Mr. Handley had serious concerns about safety and scooter use, both for scooter riders without helmets (which is the more likely scenario) as well as pedestrians.
- Mr. Winters explained that SB131 regulated e-scooters and their use, including speed limits, where they can or cannot be used, on what types of roads, and insurance required.
- It may not be safe for a scooter rider to use the sidewalk, but essentially scooters were permitted anywhere a bicycle was permitted.
- Ms. Jensen inquired about enforcement for scooters and how other cities have approached that. Mr. Taylor explained several methods of enforcement (GPS-programmed restrictions and police enforcement).
- Mr. Saito suggested implementing an educational program to improve safety for users.

4. Additional discussion of items of mutual interest as time allows *No additional items were discussed.*

Adjournment

Adjourned by unanimous consent.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 07-09-2019

SUBJECT: A discussion regarding a proposed Permit Parking Plan ordinance amendment. (19-002)

RECOMMENDATION: Information only. Item is scheduled to be heard at the July 9, 2019 Council Meeting. If the Council desires to see changes to the proposed ordinance amendment, a motion may be necessary.

BACKGROUND: In mid- to late-2018, the Policy Governance Committee began discussions to clean up and make amendments to certain elements of the Permit Parking code (see Provo City Code Chapter 9.80). The Permit Parking Areas currently in code have been subject to certain code language that has been outdated since the Parking Enforcement has gone 21st Century. There is no longer a need for actual permits due to the electronic system that Parking Enforcement has put in place. Then there were some procedural elements that the Policy Governance Committee chose to amend certain elements to tighten up the process and add a step for the Planning Commission to review the Permit Parking Area plans. This step is thought to help the Council obtain a land use perspective on these Permit Parking Area plans. Also, there is a fee added to the Consolidated Fee Schedule.

FISCAL IMPACT: Potentially added revenue

PRESENTER'S NAME: Brian Jones

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-002

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 07-09-2019

SUBJECT: A discussion regarding a resolution of support for the recommendation from the Utah County Good Governance Board regarding the Utah County structure of government. (19-080)

RECOMMENDATION: Adopt the resolution.

BACKGROUND: After several weeks of deliberation, on Monday, June 10, 2019, the Utah County Good Governance Board joined Strengthen Utah County in recommending that Utah County change its form of government from a three-person commission to a full-time mayor with seven part-time council members. Five council members would be elected in geographic districts, and two would be elected at large.

The recommended change will be placed on the ballot this November 2019.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Cliff Strachan

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-080

1 RESOLUTION 2019-.

2
3 A RESOLUTION SUPPORTING THE UTAH COUNTY GOOD
4 GOVERNANCE ADVISORY BOARD'S RECOMMENDATIONS TO PLACE
5 A CHANGE OF FORM OF GOVERNMENT QUESTION ON THE
6 NOVEMBER 2019 BALLOT. (19-080)
7

8 Whereas, Strengthen Utah County, a political issues committee (PIC), initiated a petition
9 to place the question of changing Utah County's form of government on the municipal ballots in
10 November 2019; and
11

12 Whereas, the Utah County Commission established the Utah County Good Governance
13 Advisory Board (the Advisory Board) to facilitate research, analysis, public outreach, and
14 provide recommendations to the Commissioners related to a potential modification of
15 Utah County's form of government; and
16

17 Whereas, the Advisory Board presented its findings and six recommendations to the Utah
18 County Board of Commissioners on June 20, 2019, which recommendations are as follows:
19

20 #1 - The Utah County Board of County Commissioners should support a change of Utah
21 County's form of government from its current three-member county commission form to
22 the county executive-council (mayor-council) form of government with a full-time elected
23 at-large mayor, [and] an elected seven-member part-time county council that has five seats
24 elected by districts and two seats elected at large.
25

26 #2 - The Utah County Board of County Commissioners should pass a county ordinance to
27 hire a professionally trained and skilled chief administrative officer (CAO) to aid in the
28 day-to-day management of the county.
29

30 #3 - The Utah County Board of County Commissioners should move expeditiously to hold
31 a special election in November 2019 to seek voter approval for a change in Utah County's
32 form of government to the mayor-council form.
33

34 #4 - The Utah County Board of County Commissioners should establish a non-partisan
35 committee to follow established federal and state judicial criteria and recommend the
36 geographic boundaries for the five district seats of the county council. Public engagement
37 in this process guards against perceptions of self-serving decisions made by county
38 officials.
39

40 #5 - The Utah County Board of County Commissioners should establish a compensation
41 committee comprised of volunteers with expertise in cost analysis and compensation.
42 Public engagement in this process guards against perceptions of self-serving decisions
43 made by county officials.

44
45 #6 - The Utah County Board of County Commissioners should educate Utah County voters
46 on the mayor-council form of government and how it holds elected officials accountable,
47 improves representation of all areas and communities within the county, and how the
48 transition will be funded; and

49
50 Whereas, the Utah County Attorney and Utah County Clerk/Auditor, in comments made to
51 the Utah County Board of Commissioners on June 20, 2019, noted their concerns about timing
52 and a need for additional resources to:

- 53
- 54 • accommodate a change of government question on the November 2019 ballot, in
55 accordance with recommendations 1, 3, and 6; and
 - 56 • subsequently, if the voters vote affirmatively to change the form of government, to
57 establish county council districts, and conduct elections for a mayor and the county
58 council during the 2020 election cycle, in accordance with recommendations 4 and 5; and

59
60 Whereas, the Provo City Municipal Council finds that Provo City is well governed by a
61 seven-member council and a mayor; and

62
63 Whereas, the Provo City Municipal Council desires to express firm support for the
64 recommendations of the Advisory Board and supports placing the decision on the change in the
65 form of government in the hands of the Utah County voters.

66
67 **NOW, THEREFORE, be it resolved that the Provo City Municipal Council supports**
68 **the findings and recommendations of the Utah County Good Governance Advisory Board,**
69 **and urges the Utah County Board of Commissioners to take all appropriate and necessary**
70 **measures to fully implement the six recommendations of the Advisory Board, and to**
71 **appropriately and necessarily fund the additional resources needed to successfully**
72 **implement them in the timeframe stated in the recommendations.**

73
74 BE IT FURTHER RESOLVED, that the City Recorder of Provo City transmit duly
75 authenticated copies of this resolution to the: Utah County Board of Commissioners, Utah
76 County Clerk/Auditor, Mayors of all Utah County cities and towns, Utah County's state
77 legislators, Governor and Lt. Governor of the State of Utah, and to the news media of Utah.

78
79 END OF RESOLUTION

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 07-09-2019

SUBJECT: A discussion regarding the proposed Urban Deer Control Plan. (19-047)

RECOMMENDATION: Report only. This item is scheduled to be heard as part of the public hearing to review the Certificate of Registration and an appropriation for the first year of the plan during the Council Meeting.

BACKGROUND: The Urban Deer program has received preliminary approval from the Council to progress to the point where an Urban Deer Control Plan has been put together, a budget has been prepared, and the Council needs to approve the final pieces in order to make the Plan operational. To do this this resolution takes three steps:

1. This is the second required public hearing to renew our Certificate of Registration with the Division of Wildlife Resources
2. This resolution approves the Urban Deer Control Plan, and
3. Appropriates the needed funds to make it operational

The COR from the Division of Wildlife Resources will be authorized for another three-year period. This is the final step in making the Urban Deer Program move forward in the process.

FISCAL IMPACT: not directly

PRESENTER'S NAME: Camille Williams

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-047

1 RESOLUTION 2019-.

2
3 A RESOLUTION AUTHORIZING SUBMISSION OF A FINAL URBAN
4 DEER CONTROL PLAN, AUTHORIZING THE REQUEST FOR THE
5 CERTIFICATE OF REGISTRATION (COR) FROM THE UTAH DIVISION OF
6 WILDLIFE RESOURCES, AND APPROPRIATING FUNDS FOR THE FIRST
7 YEAR OF THE PLAN. (19-047)

8
9 WHEREAS, mule deer within the boundary of City are frequently involved in traffic
10 accidents, cause significant property damage to landscaping, attract predators, and create other
11 threats to the public's health, safety, and welfare; and

12
13 WHEREAS, a recent survey by a deer specialist estimates that approximately 250-300
14 deer live within Provo City; and

15
16 WHEREAS, on June 2, 2015, the Provo City Municipal Council prohibited the feeding of
17 deer and other designated wildlife within the city limits by Ordinance 2015-23, and stated an
18 intent to pursue and implement a policy of selective harvesting and/or relocation of urban deer;
19 and

20
21 WHEREAS, on May 7, 2019, the Council unanimously passed Resolution 2019-24
22 authorizing the Mayor to request a Certificate of Registration (COR) from the Utah Division of
23 Wildlife Resources (DWR); and

24
25 WHEREAS, the Council was interested in better understanding what the Urban Deer
26 Control program would look like moving forward and requested that staff work to create an
27 urban deer control plan and report back regarding the cost to implement the revised urban deer
28 control plan; and

29
30 WHEREAS, the Council has received a recommendation from the Provo City Mayor that
31 up to \$15,000 be appropriated in the Police Department Animal Control Division for personnel
32 and operating costs; and

33
34 WHEREAS, the appropriation will be funded by up to \$15,000 from the carryover from
35 the Mayor's Office and the Municipal Council General Fund budgets; and

36
37 WHEREAS, on July 9, 2019, the Municipal Council met in a public meeting to ascertain
38 the facts regarding this matter and receive public comment, which facts and comments are found
39 in the public record of the Council's consideration; and

41 WHEREAS, all persons for and against the urban deer control plan and the proposed
42 appropriation were given an opportunity to be heard; and

43
44 WHEREAS, after considering the facts presented to the Municipal Council, the Council
45 finds (i) that deer living within the City are causing significant damage and threatening public
46 safety; (ii) that monies for the services of deer removal specialists, tracking cameras, and bait
47 should be appropriated; (iii) that the Mayor, or her designee, should be authorized to submit the
48 final urban deer control plan to the DWR and execute an agreement with Humphries Archery,
49 LLC, and any other documents necessary to implement the plan; and (iv) that said actions
50 reasonably further the health, safety and general welfare of the citizens of Provo.

51
52 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
53 follows:

54
55 PART I:

- 56
57 1. The Mayor is hereby authorized to appropriate up to \$15,000, in the Police Department's
58 Animal Control Division for deer removal services to be performed for Fiscal Year 2019-
59 2020.
60 2. The Mayor or her designee is authorized to execute an agreement between Provo City and
61 Humphries Archery, LLC, in all its essential terms like the attached Exhibit A, and execute
62 all other documents that may be required by the Division of Wildlife Resources in order to
63 implement Provo's urban deer control plan, which in its essential elements is like the
64 attached Exhibit B; the Mayor is also authorized to make non-substantive amendments to the
65 agreement to achieve proper legal form.

66
67 PART II:

68
69 This resolution shall take effect immediately.

70
71 END OF RESOLUTION.

EXHIBIT A

PROVO CITY URBAN DEER CONTROL AGREEMENT

This agreement is made _____, 2019, by and between Humphries Archery, LLC, a Utah limited liability company, with its principal office in Highland, Utah (hereinafter referred to as “Humphries”), and Provo City, a municipality of the State of Utah (hereinafter referred to as “City”). Humphries or the City may be referred to within this agreement as “Party,” or they jointly may be referred to as “the Parties.”

Whereas, mule deer within the boundary of City are causing traffic accidents, significant property damage to landscaping, attracting predators, and are creating other threats to the public's health, safety, and welfare; and

Whereas, City desires to reduce the population of deer that remain continuously within its boundaries pursuant to, and in compliance with, an Urban Deer Control Plan approved by Utah Division of Wildlife Resources (hereinafter “UDWR”); and

Whereas, Humphries desires to act as City’s agent in reducing the City's urban deer population pursuant to the City's Urban Deer Control Plan by using approved lethal methods;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. City has received from the UDWR a Certificate of Registration (hereinafter “COR”) for an Urban Deer Control Plan. Pursuant to the COR the City is developing an urban deer control plan (the “Control Plan” or “Plan”) with input from UDWR, the public, interested businesses and organizations, and other local, state and federal government agencies. Humphries will assist City in developing the plan. The provisions of the COR and Plan, and any amendments thereto, shall automatically be incorporated herein when approved by the UDWR.

2. The Control Plan may provide options for lethal removal of deer. Archery harvesting or trapping and euthanizing will be the only authorized methods for the lethal removal of the deer. During the term of this agreement, Humphries is hereby appointed as the sole and exclusive agent of City to perform such lethal removal.

3. Humphries may employ such individuals as it shall determine to harvest deer and shall be solely responsible for their training, activities and methods. In harvesting deer, Humphries and said individuals shall act strictly in compliance with the Certificate of Registration issued by UDWR, including without limitation (a) dates of harvest, (b) restrictions on baiting and spotlighting, (c) tagging of carcasses, (d) protocols for testing, removing and disposing of carcasses, and (e) procedures for returning antlers to UDWR. Humphries shall also be responsible for filing all harvest reports and all annual reports required by UDWR and provide copies of all such reports to City.

4. Locations within the boundary of City where deer are harvested shall be as specified in the Control Plan and as agreed upon from time-to-time by the parties.

5. City shall maintain general liability insurance in the amount of at least \$1,000,000.00 and shall cause Humphries to be named as an additional insured under such policy for the acts of Humphries and the individuals employed by Humphries to carry out activities within the scope of the Control Plan. Humphries shall maintain liability insurance in the amount of \$1,000,000 throughout the period the implementation of the control plan, and shall indemnify, defend, and hold Provo City harmless for any of the actions of Humphries and its agents, which are negligent, constitute willful misconduct, or are otherwise outside the scope of the Control Plan.

6. If City has an ordinance or other regulation prohibiting hunting or otherwise restricting the use of archery as a lethal method to carry out the control plan, City will amend the ordinance or regulation so that the activities of Humphries under this agreement shall not be unlawful or this agreement will terminate and be void. City specifically agrees that it will not prosecute Humphries or any of the individuals employed by Humphries for any of their acts lawfully done pursuant to this agreement.

7. City shall designate an agent as Coordinator of the Control Plan. Humphries shall notify that agent in advance of all intended activities, including location, of Humphries in harvesting deer pursuant to the plan and again after the conclusion of the activity. When any animal is harvested Humphries will promptly notify the DWR, the Provo City Chief of Police, and the City Coordinator.

8. (a) City shall pay Humphries the amount of \$2,500.00 per each of four removal sites by August 1, 2019. Humphries will bill City monthly at a rate of \$75 per deer harvested during the first year of this COR as compensation for using its best efforts to implement the removal of deer from Provo City pursuant to the Division of Wildlife Resources guidelines and the approved Control Plan. If the term of this agreement is extended as provided in paragraph 9 below, City shall pay to Humphries the same amount at the beginning of each renewal term and the same amount per deer, unless the Parties amend this agreement in writing.

(b) The parties acknowledge that Humphries may use cameras to monitor the number and locations of deer and the activities of the individuals who are authorized by Humphries to harvest deer. The cameras are the sole property of Humphries.

(c) Humphries shall provide bait, traps and all other equipment used in carrying out the control plan during the term of this agreement. However, if the City wants second traps set at one or more removal sites, Humphries shall have the use of City traps and a City trailer for transporting them and will set a City-owned trap at \$50 per month per trap, and reasonable cost of any needed tie-downs or other parts not provided by the City. Humphries will use ordinary reasonable care in the use of City traps, and return them in good condition given ordinary wear and tear resulting from the capture of wild animals.

9. The term of this agreement shall be one year from the date hereof. It shall be automatically renewed thereafter for two successive terms of one year each unless either Party gives to the other written notice of nonrenewal at least thirty (30) days prior to expiration of the original or any renewal term. The amounts and limits in 8(a) shall also be provided for each of two successive terms if the agreement is renewed for each term, subject to adjustments by written agreement of the parties. Provided, however, this agreement shall automatically terminate if the COR expires or is cancelled for any reason by UDWR. At any time during the implementation of the control plan, the City may give notice to Humphries and to Brian Cook at 9637 North 6800 West, Highland, Utah 84003 that this Agreement is terminated, and any notice Humphries gives the City should be sent to Provo City Attorney's Office and to Provo City Police Department, 351 West Center Street, Provo, Utah 84603.

10. This document contains the entire agreement of the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties whether verbal or otherwise. This agreement cannot be changed except by written agreement of the parties.

SIGNED to become effective as the date first above written.

PROVO CITY

Attest:

By: _____
Michelle Kaufusi, Mayor

Provo City Recorder

HUMPHRIES ARCHERY, LLC

By: _____
Brian Cook, Manager

State of Utah)

ss.

County of Utah)

Subscribed and sworn to before me on this _____ day of _____, 20____,
by Brian Cook.

Notary Public

EXHIBIT B

Provo City Urban Deer Control Plan

C.O.R #: 4COLL10421

City: Provo City

City Contact Information:

Main Contact: Camille Williams, CWilliams@provo.utah.gov, 801. 852.6140

Secondary Contact: Marcus Draper, Mdraper@provo.utah.gov , 801.852.6140

Address for Correspondence:

351 West Center Street

P.O. Box 1849

Provo, Utah 84603

Summary of Justification for Action:

Provo City's Urban Deer Control Plan is intended to maintain a balance between the number of deer within the City and the negative impact they create. These negative impacts include public safety, auto/deer accidents, damage to private and public property, and the health of the deer herds. The City has determined that new management controls are needed.

Estimated Population Size at Beginning of Action: 400

Population Objective after Action: 200 (Reduce by up to 100 annually)

Management Actions

Persons Eligible to Perform Deer Removal Activities (List all People and Their Job Descriptions and Contact Information):

Brian Cook, Program Coordinator,
Deer Removal Management Specialist
42 West Main Street
American Fork, Utah 84003
801.756.4750

Up to 12 Control Specialists, certified archers, chosen and managed by Program Coordinator.

Lethal Methods: As stated in the COR, as per agreement with DWR in terms of season dates, number and gender of animals harvested.

Conditions and Restrictions of Baiting and Spotlighting:

Baiting is only permitted to facilitate safe and effective trapping and euthanizing or to achieve a closer shot. Specialists may use a flashlight while walking to and from their stand/area in low light to distinguish themselves from intruders. The City will authorize spotlighting only to facilitate carcass recovery efforts.

Locations and Time Periods of Deer Removal Activities:

Hunting locations are being identified by Program Coordinator based on the pressure of animals. Locations may include both public and private property, and will be approved by the Chief of Police.

Time period for the hunt will be determined by the Division of Wildlife Resources. The season for archery control will run from August 1-December 31 each year, unless otherwise approved by the DWR.

Lethal Methods of Take (Include conditions under which each may be employed):

Archery Tackle equipment; trap and euthanize with a bolt gun.

Tagging Requirements:

Animals will be tagged with a tag issued by Provo City immediately upon recovery. Prompt notification to the Provo City Program Coordinator is required for all kills. Submittal of the Deer Control Harvest Survey for City Records is also required.

Carcass Removal and Disposal (Include protocol for how carcasses will be handled once deer are euthanized. Address donating meat, how antlers will be returned to the Division of Wildlife Resources, biological samples collected, etc.):

All harvested deer one year or older must be tested for Chronic Wasting Disease (CWD), as coordinated with the Regional Urban Wildlife Biologist. Evidence of the deer must be removed from the property. Field dress of the deer will need to take place at another permissible site. The

hunter is allowed to keep the animal if desired. Donations of the venison go to a list of citizens willing and able to take the meat for prompt processing.

Date of Public Meeting Considering this Plan: Information was presented at a public Municipal Council Work Meeting April 23, 2019; the general outline of the lethal plan was presented at public Municipal Council Meeting May 7, 2019, when a Resolution approving application for the Certificate of Registration was approved; a public hearing before the Provo City Municipal Council July 9, 2019.

Approval Signatures:

City Mayor

ATTEST:

City Recorder

DWR Authorizing Signature

Date

Provo City Urban Deer Control Plan 2019-2022

Public Hearing July 9, 2019

Differences in Methods, Results, Risks

- 2016-2019
 - Lethal and Nonlethal
 - Archery
 - Trap and Translocate
 - Testing for CWD
 - Nonlethal only
 - Complaint-Based
- 2019-2022
 - Lethal Only
 - Archery
 - Trap and Euthanize
 - Extended hours
 - Testing for CWD
 - All Harvested Animals 1 yr.+
 - Public Safety Focus*

Potential Differences in Results, Risks

- 2016-2019
- Results: 193 total animals removed via lethal and nonlethal
- Estimated current City deer population 565 animals lower because of 2016-2019 COR.
- 2019-2022
- Archery Continues
- Trap and Euthanize
 - May use specialists with shorter training needs.
 - Reduces safety risk in densely populated areas.
- Potential for Larger Harvest

Differences in Costs

- 2016-2019
- Humphries
 - Flat fee + Capped Expenses
- DWR
 - Flat fee per deer
 - Animal Control Officers' Participation
- 2019-2016
- Humphries
 - Flat fee per site (\$2500)
 - Flat fee per deer (\$75)
- Coordinate with Police Department
 - No Animal Control Officers required on site
- Coordinate with DWR

What Makes Harvesting Possible?

- **Equipment**
 - Archery Tackle
 - Cameras
 - Blinds
 - Trucks
 - Traps
- **Deer Specialist Labor**
 - Training
 - Contacting property owners
 - Coordinating with/Reporting to City/DWR
 - Setting up cameras, blinds, traps
 - Baiting
 - Travel to and from sites
 - Time in blinds (5 hrs./deer avg.)
 - Removal of animal from site
 - Taking tissue sample from animal and delivering it to DWR pickup site
 - Travel to deliver harvested animal to donee/processor

Potential Focus on Roadway Safety

- Survey deer movement patterns near high-KIT areas
- Identify City Properties near roadways as potential sites (map)
- Identify commercial and residential properties near roadways as potential sites.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: BMUMFORD
Department: Council
Requested Meeting Date: 05-07-2019

SUBJECT: A resolution requesting a Certificate of Registration ("COR") from the Utah Division of Wildlife Resources. (19-054)

RECOMMENDATION: Approve the resolution as written

BACKGROUND: The Urban Deer program is reliant upon a Certificate of Registration in order to continue the program past August 1, 2019. In order to renew our Certificate of Registration with the Division of Wildlife Resources for another three-year period the City must have two public hearings. This is the first step in that process.

FISCAL IMPACT: Not directly

PRESENTER'S NAME: Camille Williams

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-054



**CERTIFICATE OF REGISTRATION (COR)
URBAN DEER CONTROL PLAN FOR LETHAL REMOVAL**

Registrant Name and Address	COR Number
Camille S. Williams, Assistant City Attorney Provo City 351 West Center Street Provo Utah 84601 cwilliams@provo.org	801-852-6148 4COLL10421
	Effective Dates 07/01/2019 – 07/01/2022

Purpose

To enable Provo City (City) to design and administer an Urban Deer Control Plan for **the lethal removal of up to 100 deer per year of which 25 may be antlered from August 1 – October 31 (antlered) and from August 1 – December 31 (antlerless). A bolt gun may be used to put deer down after dark.**

Annual Report Due March 1 of each year: Submit an annual report (that will be provided by the Division) to the Region Contact listed herein. The report will consist of lethal removal activities, including the following information for each permit issued: name of shooter/permit holder; sex and age of the animal; date of harvest; disposition of carcass, ie, retained by hunter, donated, etc.

Region Contact: Wes Alexander, Urban Wildlife Biologist, 801-380-6010 or wesalexander@utah.gov

Authorities and Limitations.

To prescribe and employ lethal methods to remove resident deer damaging private property or threatening public safety within the city by:

- Requiring that all deer one year or older, that have been harvested, be tested for Chronic Wasting Disease (CWD). Testing shall be coordinated with the Regional Urban Wildlife Biologist.
- Utilizing baiting to facilitate safe and effective deer removal activities.
- Selecting and supervising individuals to perform specified deer removal activities, provided the city, issues to each individual authorized to remove deer a written authorization and tag that is on a form prescribed by the Division. Is signed by the city manager and recipient; identifies the recipient's name, address, date of birth, gender, height, weight, and eye color; describes the locations, time periods, methods of take, and related activities authorized by the city; and includes a detachable tag consistent with the requirements in Section 23-20-30.
- Allowing a single individual to take more than one deer.
- Permitting spotlighting to facilitate non-lethal deer removal or carcass recovery efforts.
- Require individuals authorized to lethally remove deer to tag the carcass consistent with Section 23-20-30.
- Comply with all federal, state, and local laws pertaining to the possession, use, and discharge of a dangerous weapon.
- Take measures to ensure that deer carcasses are salvaged consistent with Section 23-20-8 (Waste of Wildlife) and disposed of as provided by law.
- Insure the viscera is removed from the kill site and disposed of as provided by law.
- Insure that antlers of lethally removed deer are promptly surrendered to the Division and not retained by the city or the person that takes the animal.

The city will not:

- Capture a deer for release outside municipal boundaries without a written capture and relocation plan prepared in coordination with and approved by the Division.
- Capture or relocate a deer in violation of the approved capture and relocation plan; allow an employee, officer, agent, licensee, or contractor who has not been certified and approved according to the written capture and relocation plan to capture or release a deer.
- Sell or barter a deer carcass or otherwise use it for pecuniary gain without prior written approval from the Division.
- Collect a fee or compensation from a person or entity it authorizes to remove deer from its incorporated boundaries, unless the fee or compensation is \$50 or less and is used exclusively to recoup the actual costs incurred by the city in, selecting and qualifying the person; or butchering and processing lethally removed deer for donation; and approved by the Division in writing.
- Undertake or authorize deer removal activities outside the incorporated city boundaries or any unincorporated areas approved by the Division and the county or the season time frame prescribed in the COR.
- Remove more deer, collectively or by gender, than authorized in the COR.
- Authorize the discharge of firearms or archery equipment for deer removal, between one half hour after official sunset and one half hour before official sunrise; or in violation of federal, state, or local laws.

Urban Deer Control Plan

The City must prepare an urban deer control plan consistent with this COR prior to undertaking any deer removal activities. The urban deer control plan will address and prescribe, at a minimum:

- Lethal methods of take that may be used to remove deer and the conditions under which each may be employed.
- Conditions and restrictions under which baiting and spotlighting may be used to facilitate deer removal.
- Persons eligible to perform deer removal activities and the requirements imposed on them.
- Locations and time periods where specified types of deer removal activities may be employed or authorized.
- Requirements for tagging deer carcasses.
- Protocols for carcass removal and disposal.
- Procedures for promptly returning to the Division all antlers of lethally removed deer.
- The estimated population of resident deer in the city and the final target population number the city seeks to achieve through deer removal.
- All aspects of the plan must be consistent with the authorizations and limitations imposed in R657-65 and this COR.
- The Division shall have sole discretion to authorize or prohibit capture and relocation as part of an urban deer control plan. If the city desires to capture and relocate resident deer, it must petition the Division to include a capture and relocation component in its urban deer control plan.
- The city will solicit and consider input in the formulation and development of the urban deer control plan from, the Division; the public; interested businesses and organizations; and local, state, and federal governments.
- The Division may provide technical assistance to the city in preparing the urban deer control plan.
- After formulating a draft plan, the city will hold a public meeting to take and consider input on the draft before finalizing or implementing it.
- The city will assume full responsibility for, all costs associated with designing, establishing, implementing, and operating the urban deer control plan and all its associated activities; and for the acts and omissions of its officers, employees, agents, contractors, and licensees in designing, preparing, and implementing its urban deer control plan and undertaking the activities authorized thereunder.

COR Term, Termination, Renewal, and Amendment.

- An urban deer control plan COR issued under this rule will remain valid for three years from the date of issuance. The Division and the city shall each have the right to unilaterally terminate an urban deer control plan COR with or without cause upon 7 days advance written notice to the other.
- Upon termination or expiration of the COR, the city and its officers, employees, agents, contractors, and licensees must cease all deer removal activities formally authorized by the COR.
- Upon application by a city, the Division may renew an urban deer control plan COR for an additional three year term, provided, the city complies with the conditions in R657-65-3(2); and the application for renewal is presented at a public meeting for comment and approved by the city council.
- An urban deer control plan may be amended upon mutual written agreement of the city and Division, provided the amendment is consistent with the authorizations and limitations in this rule.

Violations.

Pursuant to Section 23-19-9, the Division may suspend, restrict, or deny an urban deer control plan COR for any intentional, knowing, or reckless violation of the Wildlife Code, this rule, or the terms of this COR.

Issued under authority granted by R657-65 and Title 23, Utah Code.

By



COR Specialist



Registrant signature

Issued by: Anita Candelaria, Wildlife Licensing Specialist – 801-538-4701 – anitacandelaria@utah.gov

Resolution 2019-24

SHORT TITLE

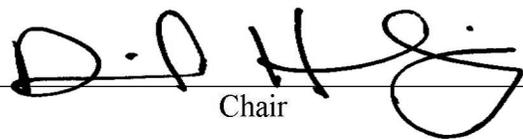
A resolution requesting a Certificate of Registration (COR) from the Utah Division of Wildlife Resources. (19-054)

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	√		
CW 2	GEORGE STEWART	√		
CD 1	GARY WINTERTON	√		
CD 2	GEORGE HANDLEY	√		
CD 3	DAVID KNECHT	√		
CD 4	KAY VAN BUREN	√		
CD 5	DAVID HARDING	√		
TOTALS		7		

This resolution was passed by the Municipal Council of Provo City, on the 7th day of May 2019, on a roll call vote as described above. Signed this 22nd day of May 2019.


Chair


Mayor

Resolution 2019-24

CITY RECORDER'S CERTIFICATE AND ATTEST

I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to resolution number 2019-24.

This resolution was signed and recorded in the office of the Provo City Recorder on the

23rd day of May 2019



Amanda Greenbrack
City Recorder

1 RESOLUTION 2019-24.

2
3 A RESOLUTION REQUESTING A CERTIFICATE OF REGISTRATION
4 (COR) FROM THE UTAH DIVISION OF WILDLIFE RESOURCES, IN
5 ORDER TO BEGIN WORK ON AN URBAN DEER CONTROL PLAN FOR
6 JULY 1, 2019 THROUGH JUNE 30, 2022. (19-054)
7

8 WHEREAS, Provo City is interested in the continuing a plan that enables the City to
9 design and administer a control plan for the lethal removal of resident deer damaging private
10 property or threatening public safety within the City; and
11

12 WHEREAS, such programs are authorized and governed by Utah Code Sections 23-14-3,
13 23-14-18, and 23-14-19, and administered by the Division of Wildlife Resources under
14 Administrative Rule R657-65; and
15

16 WHEREAS, the City meets all of the following requirements necessary to receive a
17 Certificate Of Registration :

- 18 (a) the City has established that deer are collectively causing significant damage
19 to private property and threatening public safety within City boundaries,
- 20 (b) the City passed Ordinance 2015-23, which prohibits the feeding of wild deer,
21 elk, moose, or turkey within City limits,
- 22 (c) the City has General Liability Insurance in the amount of \$1 million, and
- 23 (d) the City will hold the Division of Wildlife Resources harmless against claims;
24 and
25

26 WHEREAS, by being granted a COR, the City will be able to design, create and
27 administer an urban deer control plan to prescribe and employ lethal methods to control the deer
28 population; and
29

30 WHEREAS, the City will hold the Division of Wildlife Resources harmless against
31 claims in the design, creation and administration of the urban deer control plan the City
32 implements; and
33

34 WHEREAS, on April 23, 2019 and May 7, 2019, the Municipal Council held a duly
35 noticed public meeting to ascertain the facts regarding this matter, which facts are found in the
36 meeting record; and
37

38 WHEREAS, after considering the facts presented to the Municipal Council, the Council
39 finds (i) the Mayor should be authorized to petition the Utah Division of Wildlife Resources for
40 the COR, and (ii) such action reasonably furthers the health, safety, and welfare of the citizens of
41 Provo City.
42

43 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
44 follows:
45

46 PART I:

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55

The Mayor is hereby authorized to petition the Utah Division of Wildlife Resources for a COR and continue efforts to develop an Urban Deer Control Plan.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Summary of Updates Made to the Urban Deer Program Report

June 26, 2019

The Urban Deer Program Evaluation originally reported that the Division of Wildlife Resources (DWR) had not trapped and relocated any deer in Provo in 2018 as part of the nonlethal urban deer program. On June 5, 2019, Camille Williams, Assistant City Attorney, contacted Council Staff to tell them that Wes Alexander, head of the state's Urban Deer Control Program under the Division of Wildlife Resources (DWR), recently informed her that 13 deer were trapped and relocated from Provo in 2018. The DWR charges \$200 per deer nonlethally removed, which the City will pay in 2019.

This update has necessitated some changes to the Urban Deer Program Report. All changes are noted in the list below:

- number of deer nonlethally removed in 2018 changed from 0 to 13
- total number of deer removed in 2018 changed from 39 to 52
- total number of deer nonlethally removed 2016-2018 changed from 76 to 89
- total number of deer removed 2016-2018 changed from 180 to 193
- nonlethal cost-effectiveness ratio changed from 284:1 (\$284 per deer) to 271:1 (\$271 per deer)
- total payment to the DWR for deer removal changed from \$15,200 to \$17,800
- 2019 program costs changed from \$0 to \$2,600
- total nonlethal cost changed from \$21,557 to \$24,157
- total program cost 2016-2019 changed from \$64,309 to \$66,909
- removal of all statements that the nonlethal portion of the urban deer program ceased to operate in 2018,
- addition on page 9 of the explanation, "The DWR nonlethally removed 13 deer in 2018 and charged the City for them, but did not require any City manpower."
- updated References section to include the source of the new information

These changes are all included in the updated Urban Deer Program Report sent with this summary.



Provo City Municipal Council

Staff Memorandum

Urban Deer Program Evaluation

Hannah Salzl, Policy Analyst, and Rachel Woerner, Intern

Executive Summary

Background and Problem

Urban deer cause many accidents and many thousands of dollars in property damage annually in Provo. To reduce the number of urban deer in the city and the related problems, the Council approved Resolution 2016-31 (see Appendix C) to create an urban deer program that would run through August 1, 2019. The City contracted with Humphries Archery for the lethal portion, and the harvested meat was given to families in need or volunteer recipients in the city or in neighboring cities. The DWR, with the help of Provo Animal Control, the Mule Deer Foundation, and Humphries Archery, operated the nonlethal trap and relocate portion (see page 6 for program details). On January 22, 2019, the Council decided not to continue funding the nonlethal portion of the program.

From October 1, 2016 to December 31, 2018, Humphries Archery has lethally taken a total of 104 urban deer, and the DWR trapped and released 89 (see page 11). According to Brian Cook, the owner of Humphries Archery, there are many fewer deer in Provo now than there were when the program began. However, the number of deer-related auto accidents, an early metric for the severity of the urban deer problem, does not seem to have responded to the program. Several factors (e.g., urban spread, human population increase, increased traffic, etc.) also contribute to deer-related accidents. Many of the accidents also involve mountain deer rather than urban deer (see page 12). The program carefully does not target mountain deer, and that element of the problem remains largely unaddressed.

Humphries Archery will be changing the way they charge cities from their urban deer program, and the new structure gives cities more control over the cost (see page 10). At a Work Meeting on December 18, 2018, the Council asked about trapping and euthanizing. City staff have verified that it would be permissible with the DWR, and Humphries Archery would be willing to add a trap and euthanize element (see page 14).

As the end of the three-year urban deer program approaches, the Council has the opportunity to evaluate the program and determine whether to renew it.

Objectives

In analyzing the urban deer program, Council staff have identified the following five objectives (see page 20):

- effectiveness and safety
- efficiency
- cost-effectiveness
- public opinion
- environmental impact

Alternatives, Consequences, and Tradeoffs

Council staff have identified four potential alternatives and presented some of the expected consequences and tradeoffs of each. The fourth alternative could also be combined with any of the others. Although this list is not exhaustive, please consider the following alternatives as the Council evaluates the program (see page 24):

1. let program end (do nothing)
2. renew the program (lethal takings only)
3. renew the program and add a trap and euthanize portion
4. adopt or encourage the adoption of other methods to control urban deer and improve safety

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Background

Where did this issue stem from?

Wildlife permanently settling in urban areas can prove hazardous for both the animals and the residents. For example, between 2013 and 2015, deer-related auto accidents caused an estimated \$450,000 in vehicular damage, killed about 150 deer per year, and endangered human lives. Urban deer also cause serious property damage, which was estimated to total \$300,000 in 2015.¹

In response to the growing number of urban deer in the city, the Provo City Council adopted a series of resolutions to implement an urban deer program with the goal of reducing the number of deer living in the urban area. The City contracted with Humphries Archery in American Fork, which managed a similar program in Highland,² to carry out the lethal portion of the program and with the Division of Wildlife Resources (DWR) to operate the nonlethal portion.

It is worth noting that the program focused on urban deer who live within the city and not on transient mountain deer, although mountain deer do sometimes wander into traps set for urban deer as the weather pushes them deeper into urban areas in search of food and mates. Data gathered on the program does not distinguish between urban and mountain deer, but Brian Cook, the owner of Humphries Archery, explained that, "... [A]ll deer were harvested inside the city boundaries and at more than a half mile away from any boundary."³ Mountain deer tend to be larger than urban deer, and Humphries Archery uses cameras between June and November in order to determine if spikes in numbers could be caused by transient mountain deer. The cameras also allow them to recognize individual deer within urban herds and thus focus their efforts on urban deer.

Although the program does not target mountain deer, they still cause many of the deer-related auto accidents, especially on high-traffic and high-speed roads near the mountains. The number of such accidents might therefore not provide a reliable metric for how much safety has improved with the urban deer program. A separate approach to reducing the threats caused by mountain deer could be considered, but it is only touched on briefly in the scope of this paper.

What has the Council done so far?

On July 7, 2015, the Council unanimously passed Resolution 2015-37 (see Appendix B), which authorized the Mayor to request a certificate of registration from the Utah Division of Wildlife Resources (DWR) and begin the creation of an urban deer program. On March 15, 2016, the

¹ Resolution 2016-31 (see Appendix C)

² Humphries Archery now manages urban deer programs in Herriman, Mapleton, American Fork, and Springville in addition to Highland and Provo.

³ Cook, "Re:PS," 2017

DWR issued a certificate of registration (COR) to Provo City (see Appendix A). The COR authorized the City to:

1. lethally take antlered animals between August 1 through October 31,
2. lethally take antlerless animals between August 1 and December 31,⁴
3. lethally remove up to 300 deer during the duration of the program, and
4. non-lethally remove deer to approved release sites determined by the DWR.

The COR for the urban deer program expires on August 1, 2019.

On August 3, 2016, City Council unanimously approved a resolution authorizing the submission of a final Urban Deer Control Plan, the implementation of the program, and an appropriation for the funds for the program's first year.⁵ The Urban Deer Control Plan estimated that 500 urban deer lived in Provo, and the goal of the program was to reduce the population to 100.

On January 19, 2019, the Council approved an appropriation to fund only the lethal portion of the program. Non-lethally trapping the deer proved significantly more labor-intensive and was also traumatic for the deer. The DWR estimates that because of stress and injury, only approximately half of the deer trapped and released to the east of the Wasatch range survive the process.⁶ In one non-lethal taking, a Provo Animal Control officer sustained a serious injury. According to Wes Alexander, who heads the Urban Deer Control Program for the State, the DNR will discontinue the non-lethal taking portion of the program.⁷

How does the program work?

The City contracts with Humphries Archery, which is based in American Fork. Brian Cook, the owner, explained that "The goal of the program is not to eliminate urban deer from Provo. That is not possible.... The goal is of the urban deer program is to control the population of urban deer."⁸ Cook identified Humphries Archery's two goals:

1. Reduce the number of urban deer in the city.
2. Keep that number low by continuing to target does.

Removing one young doe can significantly reduce the future population of a herd, and so Cook and his archers focus their efforts on does as per the COR. Of the 104 deer lethally taken over the three years of the program, 101 were does.

⁴ Focusing efforts on the female population results in steeper population decline as fewer fawns are born in the area in the following years.

⁵ Resolution 2016-31 (see Appendix C)

⁶ Alexander, Interview by phone with Camille Williams, 2019

⁷ Alexander, Interview by phone with Hannah Salzl, 2019

⁸ Cook, Personal interview, March 7, 2019

The Process

The Division of Wildlife Resources operated the nonlethal portion of the program with help from Provo Animal Control, the Mule Deer Foundation, and Humphries Archery. The DWR did not specifically target does, and they relocated whatever deer wandered into the trap to designated release points.

Humphries Archery operated the lethal portion. The archers set up cameras in June near portable feeders so they would have identified the herds' travel patterns by the time the COR allowed them to begin taking animals in August. In lethal takings, archers hid in ground blinds or portable stands near the feeders until the deer come to eat. Cook and his team became familiar with the herds in the city, and they can usually predict their travel patterns fairly accurately. The archers used broadhead bolts with crossbows mounted on stable tripods. According to Cook, they have recovered every arrow fired.⁹

The DWR prohibits the wasting of game. The initial agreement was that the archers would deliver the deer meat from lethal takings to Honaker's Farm Fresh Market Meats for butchering, which would cost the recipient approximately \$85. Honakers closed publically, but the owners continued to privately dress some of the deer. Residents who received the meat paid the cost for dressing the deer when they could, and Honaker donated the labor for free when they could not. In the majority of cases, in order to ensure that the meat was fresh upon delivery, the deer was delivered to volunteers who would dress the deer themselves and keep the meat. The archers typically set up a recipient from the list of volunteers before the deer was killed. Humphries Archery prioritizes giving the meat to a resident in the city where the deer was taken, but they must do so before the meat spoils. If they cannot contact any of the listed recipients in the city, they give the meat to one of the other volunteers on the list (often a local religious leader) who distributes the meat to families in need in their area. Humphries Archery has donated approximately 7,800 pounds of meat from deer taken in Provo.¹⁰

Cook believes that the DWR will begin requiring the archers to collect tissue samples from harvested deer, a preventative measure to counter the spread of chronic wasting disease. The disease has not yet been identified in any local deer populations, though it has in the state. The effects of eating meat contaminated with the disease are not well studied. Cook estimates that this new tissue sample requirement will cost an additional \$10 per deer to be paid by the City.¹¹

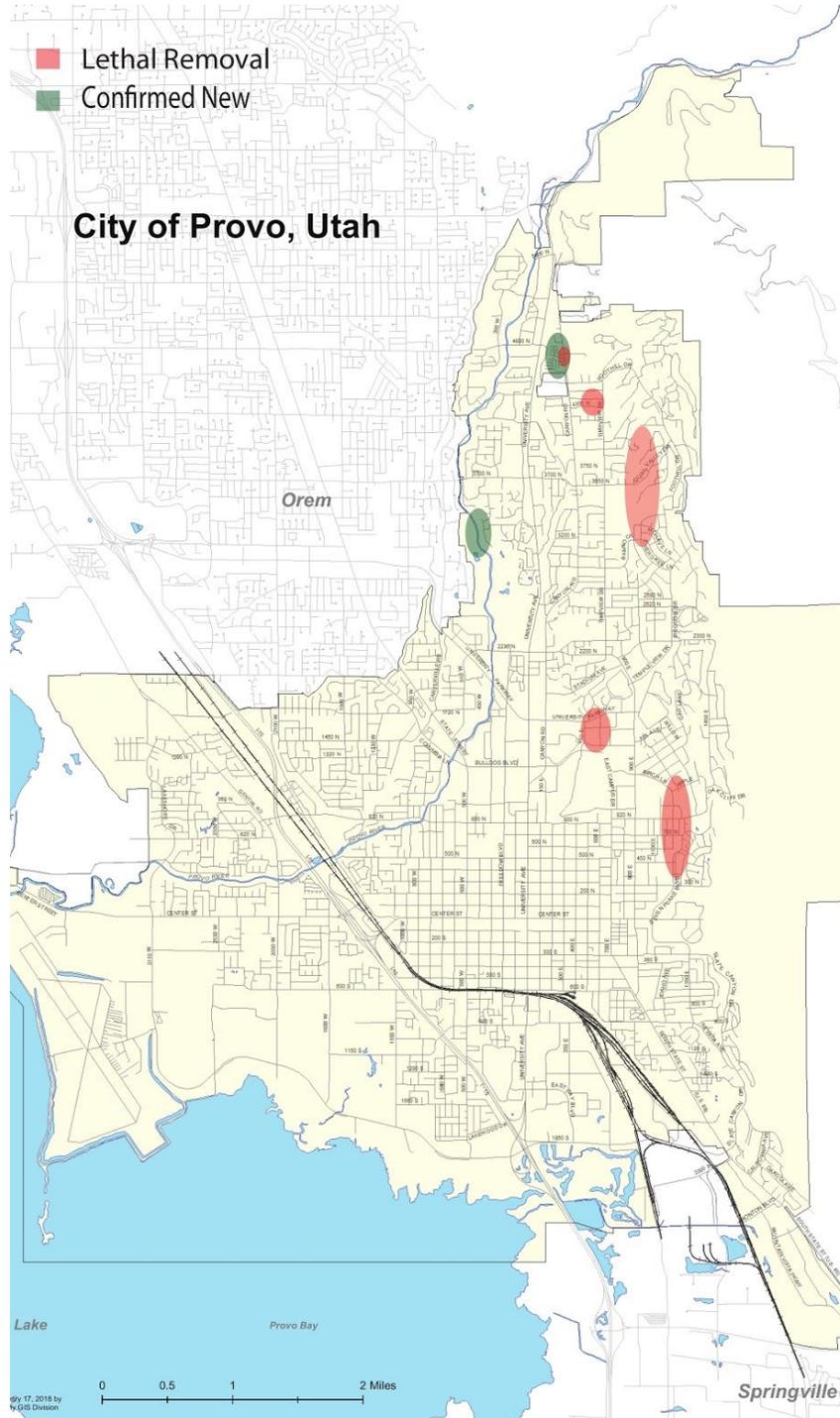
⁹ Cook, Personal interview, March 7, 2019

¹⁰ Humphries Archery has taken 101 does and 3 bucks. Each urban doe yields an average of 75 pounds of meat for a total of 7,800 pounds. This calculation does not include the bucks.

¹¹ Cook, Personal interview, March 7, 2019

The Timing and Location

The map below shows the general area where Humphries Archery has operated between 2016-2018 as well as two new areas where they would have permission to operate in 2019 if the program were renewed.



Humphries Archery began with one good lethal taking location in 2016, and they have now expanded to six good locations at the request of residents in those areas.¹² Because a mule deer can die within a 100-yard radius of the area where it was shot, the archer must be able to follow and collect it within a wide radius of the feeder. If a deer were to die in the yard of someone who had not given Humphries Archery permission to take deer from their yard, the archers would have to leave the animal where it died. Humphries Archery enters new areas only at the request of residents and with their permission. Unlike some cities in which deer were taken on city property, deer taken in Provo are taken on private property with the property owners' permission. Obtaining that permission and acquainting surrounding neighbors with the program required hundreds of personnel hours in 2016.

This has sometimes slowed the program. For example, although Cook knows that a herd lives near the south end of the Riverside Country Club on North University Avenue, he cannot send archers to remove them until residents in the area have given permission to enter their properties. The archers must therefore attempt to take the animals as they range around the city to forage, but the herd learns to avoid areas where deer have been taken. However, Cook expects that the herd will soon begin to return to old feeding areas on properties to which the archers already have access. As Humphries Archery has built rapport with residents, they have been able to expand their areas of operation. They will continue to work with residents and expect access to continue to expand.

Mule deer typically feed shortly after sunset and shortly before dawn. Licensed hunters (including the archers for Humphries Archery) may hunt deer only during daylight hours. During the summer and early fall, the archers must exercise even greater caution, as the meat can spoil quickly on a warm day.

The Cost

The lethal portion of the program cost the City \$10,000 per year plus bait and camera rental fees. Humphries Archery uses approximately \$150 dollars worth of apples per location per year. They use approximately 1.5 cameras per location and charges \$30 per month for approximately six months each year. Except for the owner, Brian Cook, Humphries Archery's deer control program works with unpaid volunteer archers who pass a rigorous test, which lowers the program cost for the City while ensuring a high standard of work.

The nonlethal portion of the program cost \$200 per deer trapped and relocated. The City also purchased five traps (\$4,075) and a trailer (\$7,000) to operate the nonlethal program without

¹² A list of the locations is available through Council staff. Brian Cook asked that the locations not be made public in order to preserve the privacy of the property owners.

using equipment from the DWR, but the equipment was never used. The DWR nonlethally removed 13 deer in 2018 and charged the City, but did not require any City manpower.¹³

Since the program began in 2016, the City spent a total of \$31,677 on the lethal portion, \$24,157 on the nonlethal portion (including assistance from Humphries Archery and Provo City Police overtime¹⁴), and \$11,075 on the traps and a trailer for a total program cost of \$66,909. The costs are listed in the table below.

Source	2016	2017	2018	2019	Total
Humphries Archery Contract	\$10,000	\$10,000	\$10,000		\$30,000
Humphries Archery Cameras	\$120	\$360	\$390		\$870
Humphries Archery Bait	\$52	\$280	\$295		\$627
Humphries Archery Trap & Relocate Assistance	-	-	\$3,100		\$3,100
Deer Tags ¹⁵	-	\$180	-		\$180
Department of Natural Resources for Trap & Relocate	-	\$6,200	\$9,000	\$2,600	\$15,200
Police Overtime	-	-	\$3,257		\$3,257
Traps	-	\$4,075	-		\$4,075
Trailer	-	-	\$7,000		\$7,000
TOTAL	\$10,172	\$21,095	\$33,042	\$2,600	\$66,909

¹³ Williams, "Invoice for urban deer removed by DWR from Sept. 2018 to December 2018," 2019

¹⁴ The majority of the overtime hours were accrued in assisting the DWR with the nonlethal portion of the program. The only off-hours work done for the lethal program was passing on communications to and from Humphries Archery and/or residents.

¹⁵ The DWR requires that the person in possession of the deer carcass have a tag for it. The City printed the tags in-house in 2016 and ordered 200 through Alphagraphics in 2017 after the employee who printed them for the City left. If the Council decides to renew the program and would like to reduce the cost, Council staff could explore printing in-house. Tags could also be printed once to cover the three years of the program.

In order to simplify budgeting for the lethal portion of the urban deer program, Humphries Archery will soon be moving to an annual flat fee per location system. Brian Cook expects this to save most cities money, make costs more predictable, and allow cities greater control over the cost of their programs. Humphries Archery will begin charging \$2,500 per location plus cameras and bait, which varies based on the cost of produce but is estimated at approximately \$150 per location. Cook recommends approximately between two and four locations in Provo. These locations would not be static, and the archers would move them to follow the most productive harvesting points. If the Council decides to apply for another COR and operate the program in the four recommended locations, it would cost the City \$10,000 per year plus cameras and bait (not including other potential costs like overtime for police officers, which totaled \$3,256 over the three years of the program). This figure represents a significant reduction in the estimated total cost of the program.

Has the program been effective?

Determining the effectiveness of the urban deer program is challenging. In the initial proposal for the urban deer program, staff used the number of deer-related auto accidents to illustrate the severity of the urban deer problem. This metric proves unreliable for several reasons. First, the Provo Police Department has tracked deer-related auto accidents and phone calls about deer since 2014, but neighboring cities have not. Staff can compare Provo's numbers from year to year, but they lack a comparison to determine whether changes were caused by the program or by other factors. Potential external factors that could impact the number of deer and the number of deer-related accidents in the city include the following:

- weather
- snow elevations
- expansion of urban areas
- new construction pushing deer herds closer to highways
- increased traffic
- public awareness and an increase in reports

Springville only recently began their urban deer program through Humphries Archery in 2016. However, a comparison between the two cities would say little about the effectiveness of the program because the cities' development patterns differ. Provo also covers over three times more land, which means more roads, people, and cars. Even so, in order to provide consistency with previous reports, this paper will address deer-related auto accidents.

To evaluate the effectiveness of the urban deer program, this report will analyze the following metrics:

- the number of deer removed
- deer-related auto accidents

In addition, Chief Ferguson expressed his opinion that the trapping portion of the program was “not working on several levels,” but that the professional hunter portion was “making a difference” even if the program could not remove as many deer as some residents might like. His primary concern is safety and the number of accidents caused by deer.¹⁶

The Number of Deer Removed

In 2016, the estimated number of urban deer in Provo was 500. In the spring of 2019, Brian Cook estimates that number to be around 250 to 300.

According to Brian Cook, “the overall urban herd is diminishing.”¹⁷ He and the other archers at Humphries Archery have lethally taken 104 deer over the three years of the program. The DWR and Provo Animal Control removed 89 deer, as shown in the table below, bringing the total number of deer removed lethally and nonlethally to 193.

Year	Deer Lethally Taken	Deer Trapped and Relocated	Total Deer Removed
2016	35	31	66
2017	30	45	75
2018	39	13	52
TOTAL	104	89	193

Brian Cook expects the number of deer taken to increase in 2019 if the program continues to operate. He and the other archers have seen deer begin to return to old locations that were cleared in 2016. They already have permission to operate in these areas and are familiar with the travel patterns now, and so they should be able to harvest a greater number. If they receive permission to take deer on properties near the south end of the private golf course on North University Avenue, where a herd of 30-35 deer currently live, they will also be able to begin reducing the

¹⁶ Ferguson, 2019

¹⁷ Cook, Personal interview, March 7, 2019

size of that herd. Additionally, they recently received permission to begin lethal takings on properties near a natural funnel.¹⁸

The number of does taken can have a significant impact on the total population over time. Does live an average of 9 to 11 years and give birth to an average of two fawns per year (with the exception of the first birth, where one fawn is standard). Approximately half of those fawns will be females who will be sexually mature within 18 months.¹⁹ This means that half of the fawns born to does taken in 2016 would have mated in 2018 and given birth in 2019.

By targeting does, the City and its partners can significantly reduce the population over time while removing relatively few animals. Humphries Archery has already begun to see the effects. When the program began in 2016, Brian Cook saw an average of 20-25 sightings per night per location on their cameras (these were sometimes the same herd, which can travel 10 miles per night in search of food). Even though they have improved their tracking in the city, they now see only about 5 sightings per night per location (still sometimes the same herd).²⁰

Deer-Related Auto Accidents

One of the original expectations of the urban deer program was that it would reduce the number of deer-related auto accidents. Since the urban deer program began in October 2016,²¹ the annual number of deer-related accidents has increased and then decreased, as shown in the table below.

Year	Number of Deer-Related Accidents
2016	189
2017	224
2018	143

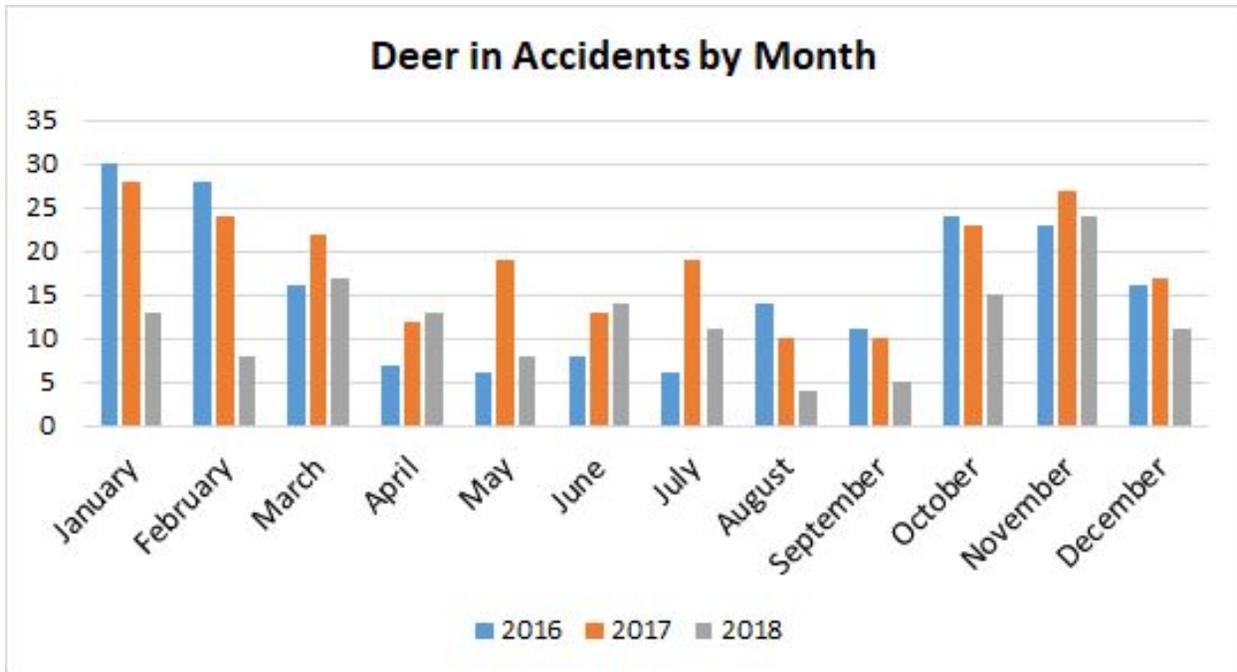
A month-by-month breakdown reveals that the spike in accidents in 2017 occurred during the summer months of 2017, as shown in the graph on the next page.

¹⁸ Ibid.

¹⁹ Texas Tech University, 2019

²⁰ Cook, Personal interview, March 7, 2019

²¹ 2016 on its own cannot serve as a control year or an indicator of a “normal” year. The City does not have full data for previous years, and staff cannot establish an average for the number of deer-related accidents in a given year before the implementation of the urban deer program.



2017 seems to have had an unusually high number of accidents, ranking the most or second most dangerous year in all 12 months. 2016 saw fewer accidents than 2017 or 2018 in half of the year (March-July, August), and 2018 had fewer accidents than the two preceding years in the other six months. 2017 and 2018 overall had a higher rate of accidents during the summer than 2016. With the data available, it is difficult to determine whether this is caused by an increased number of deer in the city in those summers or whether 2016 was just unusually low. In all three years, accidents almost consistently peaked in January. A second peak occurs in November in all three years.

With the exception of a peak in November, 2018 remained the most stable and had the least monthly variation in the number of deer-related accidents. Again, Council staff lack sufficient data to determine whether this was caused by the program or by external factors.

The number of deer-related accidents is influenced not only by the overall number of urban deer in the city, but also by the increase in traffic and urban spread. Most of the deer-related accidents in Provo occur on University Avenue in the north (especially near the intersection with 5600 North) and on Highway 89 in the south near the Slate Canyon area. Both of these roads have high speeds and long stretches that run near the mountains without much development to prevent urban and mountain deer from reaching the road. An increase in traffic could account for an increased number of deer-related accidents despite a decrease in the urban deer population.

Many of the deer causing accidents in these areas are mountain deer rather than urban deer. Brian Cook explained that it would prove practically impossible and politically unpopular to run an effective control program in those areas. He explained that a fence or wall could be effective,

but perhaps not the most efficient.²² However, since mule deer can easily jump over six feet,²³ the barrier would need to be very tall. These roads also belong to the state, and so the City could not unilaterally decide to build such a tall wall that might limit future development in those areas. If the Council decides to consider options to prevent accidents involving mountain deer, more analysis would be necessary.

On the whole, the impact of the urban deer program alone on deer-related accidents is nearly impossible to determine, though emails from residents and the survey on Open City Hall reported that most residents who have interacted with the program support it. At the very least, it can reasonably be expected that the program did not increase the number of accidents involving urban deer. As discussed previously, auto accidents has proven to be an unreliable metric subject to a number of external influences with no available external comparison.

If renewed, how could the program be improved?

Contract

Most other cities that contract with Humphries Archery do so on a year-to-year renewable contract for three years, which is the duration of the certificate of registration issued by the Division of Wildlife Resources (DWR). This offers the City and Humphries Archery the opportunity to negotiate improvements to the urban deer program annually when renewing the contract.

Trap and Euthanize

The Council asked staff to look into a trap and euthanize portion. Camille Williams, Senior Assistant City Attorney, confirmed with the DWR that they would allow such a program. Brian Cook has said that he thinks the addition of a trap and euthanize portion will improve efficiency and slightly increase the number of deer lethally taken, though he does not yet use it in any of the cities where Humphries Archery operates urban deer programs. Cook and his archers would trap and euthanize only on an as-needed basis and would require the permission of the Provo Police Department and the property owner each time. Within these parameters, Jayson Swenson, Provo Animal Control Supervisor, thinks that this element could help target urban deer to which the City might otherwise not have safe access.

The addition offers several potential benefits.

1. Trapping deer overnight while they forage would allow archers to trap deer during hours when they otherwise could not operate and return to the location in the morning.
2. Meat would be less likely to spoil during warm months before the deer could be dressed.

²² Cook, Personal interview, March 7, 2019

²³ University of Texas, 2019

3. Deer would also not be able to wander after the archers have shot it, which can be traumatic for the deer and for residents who might see it.
4. Because the deer could not wander, the taking could occur on one property and allow the archers to operate in neighborhoods where they have not yet gained or cannot gain permission to access neighboring yards.
5. The deer would be killed with a handheld gun similar to the ones used to euthanize cattle before butchering, which is immediate and humane.

With this addition, the City would incur some additional costs. The City already owns one trailer and five traps that were purchased to facilitate the nonlethal portion before it was effectively discontinued. All are available, but the traps lack stakes and cables. Humphries Archery would charge a one-time setup fee of \$50 per trap (\$250 assuming all five traps are used). The City would also incur the extra cost of a euthanizing bolt gun (\$1,500). The expected costs are totalled in the table below:

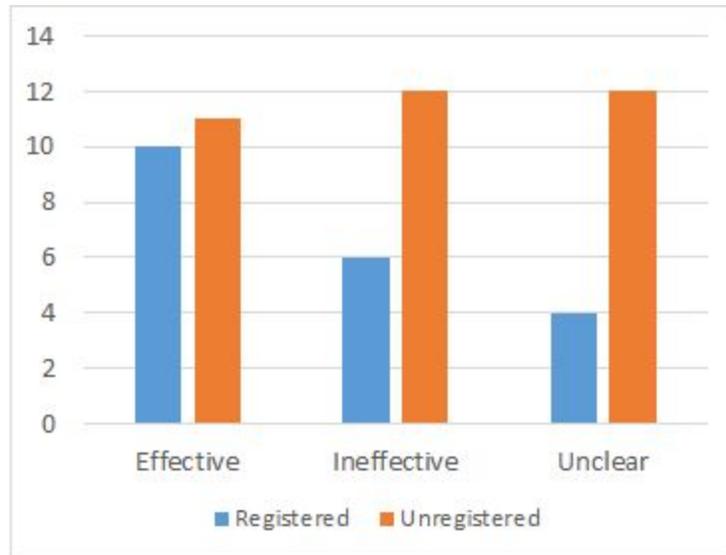
Source	One-Time Cost	Annual Cost
Stakes and Cables	\$300	
Set-up Fee	\$250	
Euthanizing Bolt Gun	\$1,500	
Maintenance (Traps and Trailer)		\$500
TOTAL	\$2,050	\$500

What do residents think?

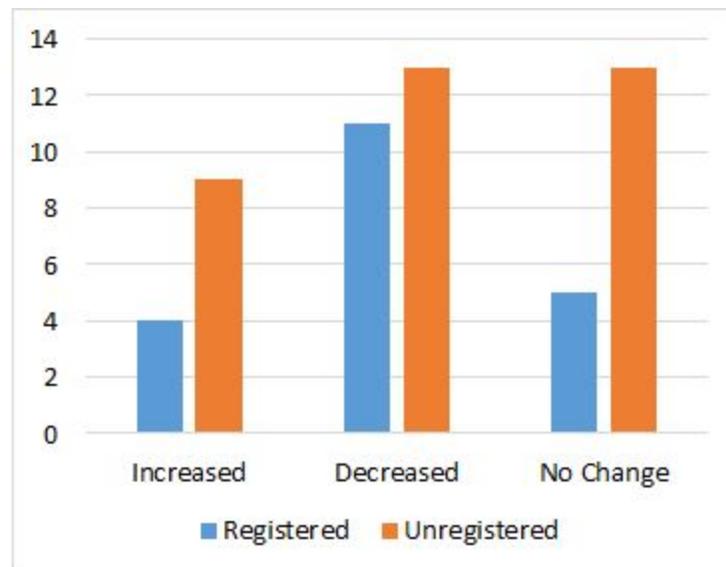
Residents have mixed reactions, but the majority of survey respondents support the urban deer program. In a survey about the program on Open City Hall, 20 residents submitted registered responses to the questions listed on the following pages.²⁴ A further 35 people submitted unregistered responses. After reviewing the comments, Council staff believe that few, if any, of the responses were submitted by the same person. Staff cannot determine whether the unregistered respondents live in Provo, but their answers still help to better understand the urban deer situation and how residents perceive the program.

²⁴ Registered respondents names have not been given in this paper in order to protect their privacy. If a member of the Council would like more information about the survey or a particular response, the information is available through Council staff.

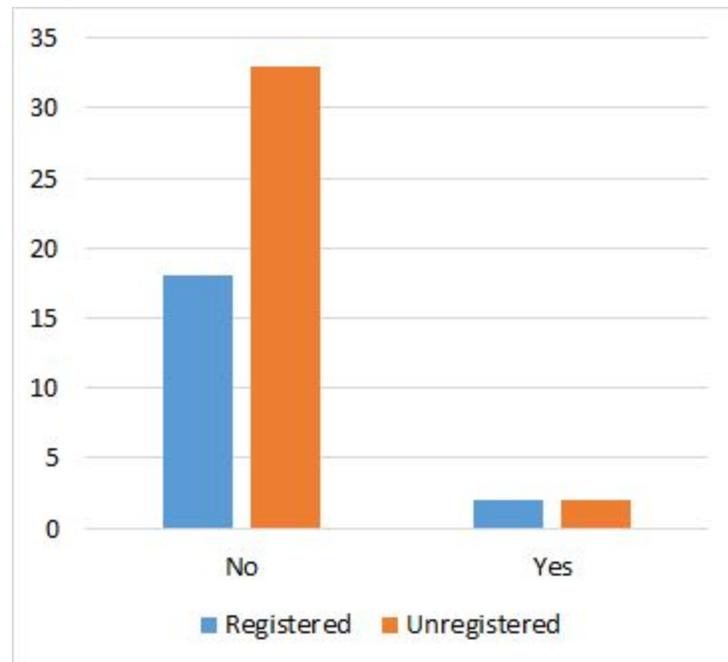
Do you think the Urban Deer Control Program has been effective?



What changes have you noticed in the number of deer in your area?



Have you or your neighbors had any problems with Provo Animal Control or Humphries Archery as they carry out the program?



*If you answered “Yes” in the question above, please give details on what the problems were.*²⁵

Registered

- “You are killing our wildlife!!!!!!”
- “Yes, because it would be very objectionable to witness if carried out in our area. Let the deer live!”

Unregistered

- “We have found arrows in our yard at various times.”²⁶
- “They responded when I notified them about a young deer stuck in my gate. Unfortunately, said deer had to be taken away and put down.”

The survey included two open-ended questions whose responses are available through staff but not included in this paper: “Have any of your neighbors raised any concerns? If so, is there

²⁵ Four respondents answered “Yes,” and all four explanations are listed here.

²⁶ Humphries Archery labels and tracks all of their arrows and have not lost any fired as part of the urban deer program. The State does permit hunting just outside the City, and so the arrow likely came from a hunter.

anyone you think we should speak with as we gather input for our program evaluation?” and “Are there any changes you would like to see if the program were to be renewed?” Almost all of the responses to the last question included suggestions that were already part of the program or would not be permissible under the certificate of registration from the DWR Resources. Notable comments include the following:

- “Stop killing our deer!!!! I enjoy seeing and sharing our neighborhood with our wildlife.”
- “I understand the safety issues, and also the gardening issues--particularly with my beans! However, there is a great deal of joy to be gained by having wildlife in our midst. Since we live close to the mountain it may be that I expect the deer more than I would further into town. . . . On a personal basis, I am happy to have deer, and willing to sacrifice beans. I can buy beans at Macey's, I can't replace the deer.”
- “I just hope that the program continues. Thanks for addressing the urban deer problem.”
- “More deer gone, whatever way is most cost effective.”
- “Efforts need to be increased and results need to be measured and reported.”
- “Get rid of them all.”
- “Please continue. We still have deer roaming through our neighborhood. There are fewer, but still many deer in our area.”
- “Suggest working with Orem City or the state to install more street lights along Geneva road. Then the deer will be more visible at night. Will bring peace of mind and prevent deer related accidents.”

While some residents shared strong criticism of the program, 8 of the 20 registered respondents and 7 of the 35 unregistered specifically asked in their comments that the program be continued or that more deer be removed from the city.

In addition to a survey on Open City Hall, Council staff also sent emails to residents who had indicated in 2016 that they were willing to respond to a survey or wanted Humphries Archery to begin trapping and lethal takings on their properties. None had any problem with Humphries Archery, and all supported the program. Two volunteered to kill the deer in their yards themselves if the City would allow it. Notable responses include the following:

- “I had a deer with an arrow through it's chest and shoulder lie for several hours in severe distress in my backyard. It was a Sunday and I could not arouse any help from the city. The animal eventually found it's way out and I have no further information. Following this event, I believe there should be emergency services available at all times. and I don't think the bow thinning of the herd is effective or humane.”²⁷

²⁷ All of the crossbow bolts used by Humphries Archery carry the registered name of the archer and their cell phone number. Brian Cook is confident that this was not of their arrows because the crossbow bolts they use cannot become lodged in this way (Cook, April 16, 2019).

- “The post implementation outcomes of the Deer Control Program implemented in the southeast corner of the Pleasant View Neighborhood have been, for the last year, quite successful in reducing the number of deer from 6 on a daily basis spiking to 24 on some days, to 1 or 2 deer sightings each week.”
- “... We thank you profusely for considering and acting proactively on the deer problem in Provo. It restored our sanity for two whole wonderful summers! We can’t wait for Brian’s return this third year! ... We beg you to continue Brian Cook’s crossbow part of the removal program.”
- “For the program to be effective there will need to be a lot more deer killed. A drop in the bucket is never noticeable.”
- “I may be ignorant of the apparatus, but I don’t feel that there has been good communication with residents to inform us regarding the how’s behind the program. For example, when we had the deer in our yard, what do we do? Who do we call?”

As in the last comment above, several residents asked for more information. Some of the comments revealed that many residents do understand the program. More public information could help to better inform residents if the Council decides to renew the urban deer program.

What is the Problem?

The Council has the opportunity to evaluate the performance of the urban deer program and determine whether or not to renew the program. If the Council decides not to renew the program, they can simply do nothing and let the program end on August 1, 2019. If the Council decides to renew the program, the process, including the application for a certificate of registration (COR) from the Division of Wildlife Resources, could take several weeks. Council staff anticipate that renewing the program will require a public hearing to hear input from residents and a second public hearing when the Council hears the proposed plan. Brian Cook has also requested one or two months for the application for the COR to process before the lethal taking period begins on August 1. Council staff recommend reaching a decision and holding the second hearing by the end of May.

Councilors need to make a determination on the following:

Has the Urban Deer program been successful? Is the program a prudent expense of taxpayer dollars? Should the program continue?

Objectives

As the Council considers whether to renew the urban deer program, the following objectives could help to establish criteria for evaluating the alternatives:

- effectiveness and safety
- efficiency
- cost-effectiveness
- public opinion
- environmental impact

Effectiveness and Safety

The Council adopted the program in order to reduce the number of urban deer in Provo. The program was also expected to reduce the number of deer-related accidents and the amount of deer-related property damage. Brian Cook and his team have seen a decrease in the number of urban deer in the city. Focusing efforts on does has further reduced the urban deer population in future years.

Deer-related accidents increased in 2017 and decreased in 2018, and the numbers seem to be affected by other factors. Mountain deer cause a significant number of accidents, especially on high-traffic roads near undeveloped areas along the mountain, but the program has carefully avoided taking mountain deer. Other options to address mountain deer could be explored.

The city has very little data about deer-related property damage, and all of that is anecdotal. Some residents say they have not seen any difference in the number of deer in their area, while others have praised the program's effects.

Ask the questions:

- Has the program had the intended effect?*
- Were there any other expectations for this program, and have those been met?*

Efficiency

The program changed during its first three years. At the recommendation of Provo Animal Control, the Council discontinued funding for the nonlethal portion. If the Council decided to renew the program, the addition of a trap and euthanize portion could also improve efficiency. Cook also expects the program to be able to operate more efficiently now that he and his archers have begun building community trust and become familiar with the travel patterns of urban deer in Provo.

Council staff have identified some potential alternative methods to reduce the population of urban deer.²⁸ Some of these options are not feasible, and some will be explored in greater detail in the section “Alternatives, Consequences, and Tradeoffs.”

- trap and euthanize
- administer a contraception vaccine annually to enough does
- sharp-shooting
- introduce natural predators
- provide supplemental feeding to draw deer to designated areas

The City would certainly not want to use firearms or predators within city limits. A contraception program would require that each doe receive an annual contraceptive vaccination, which Jayson Swenson, Provo Animal Control Supervisor, thinks will be prohibitively labor-intensive. The Council prohibited the feeding of deer in the City on June 2, 2015 in Ordinance 2015-23. Council staff could conduct additional research if the Council wants more information about contraception or setting up feed stations outside of the city.

Ask the questions:

- Does the Council feel the current efforts have been efficient?*
- Are there other measures that Council would like to consider to improve efficiency?*
- Would another method of urban deer population control have the desired effect at a lower cost?*
- Would Brian Cook’s suggestions improve the efficiency of the program significantly enough to be worth the additional costs, monetary and nonmonetary?*

Cost-Effectiveness

A determination of cost-effectiveness is based on two variables: resources invested and the return gained.

$$\frac{\text{COST}}{\text{RETURN}} = \text{COST-EFFECTIVENESS RATIO}$$

Over its two years of operation, the nonlethal portion of the program cost \$24,157 including the cost per deer relocated (\$17,800), assistance from Humphries Archery (\$3,100), and Provo City Police overtime (\$3,257). The DWR removed 89 deer from Provo. The cost-effectiveness ratio calculates to \$271 per deer.²⁹

²⁸ Golden Valley Deer Task Force, 2006

²⁹ The DWR provided their services at a reduced rate.

$$\underline{(17800 + 3100 + 3257)}$$

$$89 = 271:1$$

Between 2016-2018, the lethal portion of the program cost \$31,497 including the contract (\$30,000, camera rental fees (\$870), and bait (\$627). Humphries Archery removed 104 from the city for a cost of \$303 per deer.

$$\underline{(30000 + 870 + 627)}$$

$$104 = 303:1$$

However, the payment structure and operation of the program would change if renewed, which would affect both variables. Humphries Archery is changing their payment structure to a nearly flat-rate cost (\$2,500 per site plus cameras and bait) per site. Eliminating non-lethal takings, increased access to residents' yards, the deer's return to old feeding areas to which Humphries Archery already has access, and allowing the program to trap and euthanize would likely also increase the number of deer taken each year. As the urban deer population reaches a stable level, Cook estimates that they will remove 50 to 100 deer annually to maintain a balance.

Assuming the City chooses to renew the program for three more years and chooses to contract with Humphries Archery for four sites that cost \$2,500 plus \$150 per year in bait plus \$270 per year in cameras for three years, that the program will lethally take 50-100 deer, and that the DWR requires a tissue sample that costs the City \$10 per deer, the program could reasonably be expected to cost between \$244 and \$127 per deer removed. This calculation does not account for the potential addition of a trap and euthanize portion.

$$\underline{((2,500+150 + 270)*4*3) + (10*50*3)}$$

$$(50*3) = 244:1$$

$$\underline{((2,500+150 + 270)*4*3) + (10*100*3)}$$

$$(100*3) = 127:1$$

These calculations do not include any potential nonmonetary factors, such as environmental or political costs or benefits.

Ask the question:

Are the benefits gained from the number of deer taken worth the cost of the program?

Public Opinion

Although urban deer do not regularly affect most residents, some residents, especially in the neighborhoods near the mountains, have strong feelings about the urban deer program. The majority of survey respondents favored the program, but some opposed it. Letting the program end or renewing it would likely upset some residents.

Ask the questions:

- Are the benefits of the program worth upsetting residents who oppose it?*
- Are the costs of the program worth upsetting the residents who favor it?*

Environmental Impact

Cities have the responsibility to protect the environment within their borders. An urban deer program or lack of one would have an impact on the deer, residents, and pets. Wild deer are a keystone species of their environment, but urban deer play no significant role in the environment or food chain in urban areas maintained by humans; however, they can threaten people and pets.

Brian Cook explained that every city already operates a lethal deer program that is much more expensive and more dangerous to residents. Cars are a very effective way to kill deer. Assuming one deer killed in every deer-related auto accident in 2018, drivers killed 143 deer and Humphries Archery killed 39. Brian Cook asserts that a relatively quick death by bow is more humane to the deer and safer for the driver.³⁰

Such large animals can pose a threat to residents and pets. One resident, Clair Freedman from the Indian Hills Neighborhood, had a hazardous encounter with a deer in her yard. She wrote:

Last summer a deer turned and stomped our little dog, knocked her over and pinned her down under the deer's foot. It would have killed her if I had not run and scooped up the dog. It was a frightening experience as I did not know if the deer would attack me too. As it was, the dog did have a bite mark on her neck and was terribly traumatized as were we!

Both renewing and not renewing the program would impact the environment in the city, including animals and humans.

Ask the questions:

- Is the impact on the deer worth the program?*
- Is the impact on residents worth the program?*

³⁰ Cook, Personal interview, March 7, 2019

Alternatives, Consequences, and Tradeoffs

With regards to the urban deer program, Council staff have evaluated four potential policy alternatives, some of which could be combined. These alternatives are not an exhaustive list. Council staff could also evaluate any additional suggestions from the Council or from City staff. Please consider the following:

1. **Do nothing:** The Council has the option to let the program end. The certificate of registration for the program will expire on August 1, 2019.

Consequences and Tradeoffs

If the Council were to allow the program to end without renewing it, Humphries Archery would cease to operate in Provo. The City would also no longer bear the financial burden of funding the program. Residents who support the program could be upset, but residents who oppose it would likely see the end of the program as a humane step.

The number of deer would likely remain lower than it otherwise would have for the next few years because of the number of does taken during the duration of the program. Without any lethal threats besides cars, the urban deer population would likely increase over time. The situation would likely resemble the status quo before the program began in October 2016, though likely with more deer/human interaction because of human population growth and urban expansion.

2. **Renew the urban deer program:** The Council could renew the program as it currently exists, which would include Humphries Archery's new pay structure and not include non-lethal takings.

Consequences and Tradeoffs

If the Council were to renew the current program they could do so on a year-to-year basis. The current status quo would remain much the same. The urban deer population could be expected to continue to decrease (or at least not increase) as Humphries Archery winnows down the current herds. Cook estimates that their new locations will allow them to kill an estimated 20 more deer per year. He also expects his team to be able to kill more deer if residents near the south end of the private golf course on North University Avenue grant them permission to take deer on their property. After three years, he also expects deer to begin to return to old feeding spots to which Humphries Archery already has access. As the population reaches a manageable level, Cook expects maintaining the population to mean 50-100 deer removed per year. It should be noted that does killed in one year also reduce the population in future years.

The Council would continue to pay for the program if they renewed it. Brian Cook recommends between two and four locations, each costing \$2,500 plus cameras and bait. If the DWR does begin requiring tissue samples and does not pay for them, the program will cost the City an additional \$10 per deer. Residents who support the program would be pleased, but residents who opposed it would not.

Most other cities that contract with Humphries Archery do so on a year-to-year renewable contract for three years. The Council could choose to do so as well if they decided to renew the program.

- 3. Renew the urban deer program and allow for a trap and euthanize portion:** The Council could renew the program and add the trap and euthanize portion.

Consequences and Tradeoffs

Renewing the program could be expected to result in about 50-100 deer killed per year. The trap and euthanize addition would likely lead to a slightly more rapid decrease in the number of urban deer living in Provo. Cook has made it clear that the trapping portion would supplement, not supplant, the current program. Trapping and euthanizing would be undertaken only on an as-needed basis, each time with permission from Provo Animal Control and the property owner. Residents who support the program would be pleased by the increased efforts to control the urban deer population, but residents who opposed it would likely not.

Each location would cost the City \$2,500 plus cameras and bait. The City would also need to pay a portion of the purchase price for a euthanizing bolt gun, which costs approximately \$1,500. Humphries Archer would also have a one-time charge of \$50 for the initial setup of each trap for a total of \$250 if they use all five traps the City owns. Council staff also recommend \$300 for the stakes and cables for the traps as well as annual maintenance.

- 4. Adopt or encourage the adoption of other methods to control the urban deer population and improve safety:** Separately or in addition to any of the other alternatives, the Council could take other approaches to control the urban deer population.

Potential options include the following:

- building walls along roads with high numbers of deer-related accidents
- promoting the use of netting or deer-repellant sprays for gardens
- promoting the growth of deer-resistant plants, especially near entrances to yards

- educating residents about safe driving near deer³¹
- changing the city code to permit taller residential fences

Consequences and Tradeoffs

The specific consequences and tradeoffs of other options would depend on the approach taken. Council staff could provide further analysis at the request of the Council.

Conclusion

The urban deer program was created to reduce the population of urban deer in Provo and reduce the number of deer-related auto accidents and property damage. The lethal and nonlethal portions of the program removed a total of 193 deer from the city, most of which were does who would have continued to increase the future population of urban herds. Analysis has found that many different factors contribute to the number of deer-related auto accidents in a year, including the presence of mountain deer not targeted by the urban deer program, and so the metric has proven to be unreliable. Except that the program did not increase the number of deer-related accidents, the exact effect of the program on accidents cannot be determined.

Wes Alexander, who heads the Urban Deer Control Program for the State, suggested that public perception of the program might be one of the most effective ways to gauge success. Residents have had mixed reactions to the program, with some protesting the killing of deer on principle. Almost all of the residents who interacted with the program gave positive reviews. Most of the residents surveyed saw a decrease or no change in the number of deer in their area.

As the Council determines whether to renew the program or let it end on August 1, 2019, it is worth noting that the cost structure for operating the lethal portion of the program will change (see page 10), though the potential fee aligns closely with what the City has paid in years past. A supplemental trap and euthanize portion could also be added (see page 14). If the Council decides to renew the program, the process will require two hearings, a few weeks for the application of the certificate of registration (COR) with the Division of Wildlife Resources, and a few weeks for the processing of the COR before August 1, the standard date to begin urban deer removal. Council staff recommend reaching a decision by the end of May if the Council would like the program to begin operation in August.

³¹ The Michigan Deer Crash Coalition produced a [pamphlet](#) as part of their “Don’t Veer for Deer” program.

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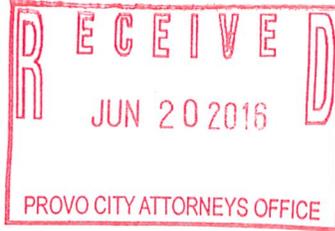
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Appendix A

Certificate of Registration issued by the Division of Wildlife Resources

(see next page)

CERTIFICATE OF REGISTRATION



Registrant Name and Address PROVO CITY ATTN: ROBERT D. WEST 351 WEST CENTER ST. PROVO UT 84601 Phone (801)852-6144	COR Number 4UDCP9844
	Fee Received \$0.00
	Application for new COR due: 8/01/2019
	Effective Dates: From: 8/01/2016 To: 8/01/2019

COR Type: **URBAN DEER CONTROL PLAN** Activities Report Due Date: **BY MARCH 1ST EACH YEAR**

Methods: LETHAL AND NON-LETHAL REMOVAL

Specific Provisions: THE SEASONAL TIME PERIOD FOR LETHAL TAKE WILL BE ANTLERED ANIMALS FROM AUGUST 1 THROUGH OCTOBER 31 AND ANTLERLESS ANIMALS FROM AUGUST 1 THROUGH DECEMBER 31 EACH YEAR DURING THE 3 YEAR PERIOD.

PROVO CITY IS AUTHORIZED TO LETHALLY REMOVE 300 DEER DURING THE 3 YEAR PERIOD.

NONLETHAL REMOVAL WILL BE AS PER AGREEMENT WITH THE DIVISION IN TERMS OF SEASON DATES, NUMBER AND GENDER OF ANIMALS REMOVED.

PROVO CITY'S URBAN DEER PLAN WILL BE REVIEWED ANNUALLY AS PER AGREEMENT WITH THE DIVISION BEGINNING JULY 2016 FOR NONLETHAL TAKE.

AUTHORIZED TO LETHAL OR NON-LETHAL TAKE OF DEER WITHIN PROVO CITY BOUNDARIES. THE CITY MAY NOT UNDERTAKE OR AUTHORIZE DEER REMOVAL ACTIVITIES OUTSIDE INCORPORATED CITY BOUNDARIES OR ANY UNINCORPORATED AREAS.

AN ANNUAL REPORT LISTING ALL WILDLIFE, NUMBERS LETHALLY REMOVED, NAME OF SHOOTER/PERMIT HOLDER, SEX OF ANIMAL, DATE OF HARVEST, AND DISPOSITION OF CARCASS (I.E., RETAINED BY HUNTER, DONATED, ETC.) MUST BE SUBMITTED TO THE CERTIFICATE OF REGISTRATION OFFICE (SALT LAKE CITY) BY MARCH 1.

COR shall be in possession of registrant when exercising any activity hereunder. This COR is nontransferable.

Change of address/phone number of registrant must be reported immediately to the Certificate of Registration Office, 1594 W N Temple, Suite 2110, Box 146301, Salt Lake City, UT 84114-6301. Amendments to this COR that require additional review by the Division will be subject to an amendment fee. Registrant must receive prior authorization for any use or activity not authorized under this COR or any rule pertaining thereto. This includes, but is not limited to, change in location, species or numbers of animals.

The validity of this COR is dependent upon complying with provisions in R657-65, Title 23, Utah Code, and all applicable foreign, federal, local, or other state law, and specific provisions stipulated herein. Activities authorized herein must be carried out in accordance with and for the purposes described in the application/amendment request submitted. This COR is valid only for the dates indicated herein and gives no rights, either expressed or implied, to registrant for issuance or denial of future applications.

Issued this 15th day of June, 2016, under authority granted by R657-65 and Title 23, Utah Code.

By Tom Smart
COR Specialist

Robert West
Registrant signature

Parent signature if registrant is a minor

Counties	Township, Range, Section	General Location
1. UTAH	1. PROVO CITY	1. WITHIN CITY BOUNDARIES.
Species	Numbers	Disposition
1. DEER	1. (300) OVER THE 3 YEAR PERIOD	1. NON-LETHALLY REMOVED (TRANSLOCATED) DEER MUST BE TAKEN TO APPROVED RELEASE SITES DETERMINED BY THE DWR. LETHALLY REMOVED BY PERSON AUTHORIZED (HUNTER), CARCASS TAGGED, CARCASSES ARE SALVAGED, VISCERA IS REMOVED FROM KILL SITE AND DISPOSED OF AS PROVIDED BY LAW, ANTLERS ARE PROMPTLY SURRENDERED TO THE DIVISION AND NOT RETAINED BY THE CITY OR THE CITY OR THE PERSON THAT TAKES THE ANIMAL. 2. EMPHASIS ON ANTLERLESS HARVEST FOR POPULATION CONTROL.

Appendix B

The text of the resolution is below. The full resolution can be viewed at this [link](#).

RESOLUTION 2015-37.

A RESOLUTION REQUESTING A CERTIFICATE OF REGISTRATION (“COR”) FROM THE UTAH DIVISION OF WILDLIFE RESOURCES, IN ORDER TO BEGIN WORK ON AN URBAN DEER CONTROL PLAN. (15-076)

WHEREAS, the Municipal Council has received public input sufficient to find that deer are collectively causing significant damage to landscaping and vegetation on private property and threatening public safety on roadways within City boundaries; and

WHEREAS, Provo City is interested in the creation of a plan that enables the City to design and administer a control plan for the lethal and/or non-lethal removal of resident deer damaging private property or threatening public safety within the City; and

WHEREAS, such programs are authorized and governed by Utah Code Sections 23-14-3, 23-14-18, and 23-14-19, and administered by the Division of Wildlife Resources under Administrative Rule R657-65; and

WHEREAS, the City meets all of the following requirements necessary to receive a Certificate Of Registration :

- (a) the City has established that deer are collectively causing significant damage to private property and threatening public safety within City boundaries,
- (b) the City passed Ordinance 2015-23, which prohibits the feeding of wild deer, elk, moose, or turkey within City limits,
- (c) the City has General Liability Insurance in the amount of \$1 million, and
- (d) the City will hold the Division of Wildlife Resources harmless against claims; and

WHEREAS, by being granted a COR, the City will be able to design, create and administer an urban deer control plan to prescribe and employ lethal and non-lethal methods to take control of the deer; and

WHEREAS, the City will hold the Division of Wildlife Resources harmless against claims in the design, creation and administration of the urban deer control plan the City implements; and

WHEREAS, on July 7, 2015, 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 Mayor should be authorized to petition the Utah Division of Wildlife Resources for the COR, and (ii) such action reasonably furthers the health, safety, and welfare of the citizens of Provo City.

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

PART I:

The Mayor is hereby authorized to petition the Utah Division of Wildlife Resources for a COR and begin efforts to develop an Urban Deer Control Plan.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

Appendix C

The text of the resolution is below. The full resolution can be viewed at this [link](#).

RESOLUTION 2016-31.

A RESOLUTION AUTHORIZING SUBMISSION OF A FINAL URBAN DEER CONTROL PLAN, AUTHORIZING IMPLEMENTATION OF THE PLAN, AND APPROPRIATING FUNDS FOR THE FIRST YEAR OF THE PLAN. (15-076)

WHEREAS, police calls and citizen reports establish that, during 2013-2015, vehicle-deer collisions in Provo endangered human life, caused an estimated \$450,000 in damages to vehicles, and killed about 150 deer annually; and

WHEREAS, residents report that urban deer eat or damage landscape plants, trees, and flower and vegetable gardens, causing damages estimated to exceed \$300,000 annually; and live, breed, and defecate in residents' yards, generally impairing the quiet enjoyment of hundreds of citizens' properties; and

WHEREAS, a recent survey by a deer specialist indicates that about 500 deer live within Provo City; and

WHEREAS, on June 2, 2015, the Provo City Municipal Council prohibited the feeding of deer and other designated wildlife within the city limits by Ordinance 2015-023, and stated an intent to pursue and implement a policy of selective harvesting and/or relocation of urban deer; and

WHEREAS, on July 7, 2015, the Provo City Municipal Council unanimously passed Resolution 2015-37 authorizing the Mayor to request a certificate of Registration ("COR") from the Utah Division of Wildlife Resources ("DWR") allowing the City to create and implement an urban deer control plan; and

WHEREAS, compliant with DWR Administrative Rule 657-65, on March 28, 2016 Provo City submitted an application for a COR, and on June 15, 2016, the Utah Division of Wildlife Resources issued a COR to Provo City authorizing the lethal or nonlethal removal of up to 300 deer during the three-year COR period and specifying additional limits on the time and methods for reducing the number of deer within Provo City; and

WHEREAS, on July 5, 2016, the Provo City Municipal Council held a duly noticed public meeting in which deer removal specialist Brian Cook of Humphries Archery, LLC, presented information about urban deer-human interaction generally; how other Utah cities have implemented their respective CORs; and reported to the Council on his survey of the location and movement of deer living within Provo City conducted during December 2015 through March 2016, which facts and comments are found in the meeting record; and

WHEREAS, on July 12, 2016, the Provo City Municipal Council held a widely publicized public Open House to notify the public about the City's proposed urban deer control plan consistent with the COR and to receive information and comments from the public, which information and comments were summarized by Council Staff ; and

WHEREAS, on July 19, 2016, the Provo City Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, and to consider appropriating monies up to \$21,000 to fund the first year of implementation of the City's urban deer control plan for lethal removal, and authorizing the Mayor or his designee to enter into an agreement with the Division of Wildlife Resources and a deer specialist for removal of deer by relocation and appropriating monies up to \$14,000 to fund the first year of implementation of the City's urban deer control plan for nonlethal removal, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the urban deer control plan and the proposed appropriation were given an opportunity to be heard; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) that deer living within the City are causing significant damage and threatening public safety; (ii) that monies for the services of deer removal specialists, tracking cameras and bait should be appropriated; (iii) that the Mayor, or his designee, should be authorized to submit the final urban deer control plan to the DWR and execute an agreement with Humphries Archery, LLC, and any other documents necessary to implement the plan; and (iv) that said actions reasonably further the health, safety and general welfare of the citizens of Provo.

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

PART I:

1. The Mayor is hereby authorized to appropriate up to \$35,000, in the Police Department's Animal Control Division for deer removal services to be performed for Fiscal Year 2016-2017.
2. The Mayor or his designee is authorized to execute an agreement between Provo City and Humphries Archery, LLC, in all its essential terms like the attached Exhibit A, and execute all other documents that may be required by the Division of Wildlife Resources in order to implement Provo's urban deer control plan, which in its essential elements is like the attached Exhibit B; the Mayor is also authorized to make non-substantive amendments to the agreement to achieve proper legal form.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: WAYNEP
Department: Mayor Office
Requested Meeting Date: 07-09-2019

SUBJECT: A discussion regarding proposed amendments to Personnel Policies in Title 4. (19-082)

RECOMMENDATION: Discuss needed changes to Title 4 to bring the code into harmony with current administrative policies and practices.

BACKGROUND: As the Administration was preparing for implementing changes to leave policies that were proposed with the annual budget this year, we noted a number of inconsistencies between current practices and some older provisions of the Municipal Code in Title 4. Many of the personnel provisions in Title 4 are no longer in alignment with standard personnel policies and administrative practices and are somewhat antiquated. Daniel Softley would like to visit with the Council about some of these specific inconsistencies and propose some text changes to Title 4 for future council action. He will bring a specific list to the meeting for discussion and to get direction. A few of these include:

- A provision that "total remuneration" to employees cannot exceed the amount in the pay plan when for many years bonuses, temporary acting pay, sick leave buy back and other programs technically are not in alignment with the code
- Leave administration practices that have evolved over time that are no longer technically in compliance with older provisions of the code
- A requirement that all new employees start at step 1 of their ranges while for at least 20 years, starting wage for a new employee has been based on experience, market and other factors that have helped us attract and retain quality employees. The police lateral program established last year, for example, would not be in keeping with the strict interpretation of Title 4.

We will be prepared to go through all of these issues and seek direction from the Council members in preparing changes to Title 4 for consideration at the following Council meeting.

FISCAL IMPACT: None

PRESENTER'S NAME: Daniel Softley

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Vision 2030: Goal 14.4 - Promote strategies to ensure a highly trained, dedicated and fairly compensated group of public employees in Provo.

CITYVIEW OR ISSUE FILE NUMBER: 19-082



**Planning Commission Hearing
Staff Report
Hearing Date: June 26, 2019**

ITEM 2* Brady Deucher requests an Ordinance Text Amendment to Section 14.50(30) to amend the title and the Purpose and Objectives to the 50 East Project Redevelopment Option Zone. Spring Creek neighborhood. Robert Mills (801) 852-6407 PLOTA20190170

<p>Applicant: Brady Deucher</p> <p>Staff Coordinator: Robert Mills</p> <p>Property Owner: DPI DURRVANA LC Parcel ID#: 22:051:0061 Acreage: 2.12 acres Number of Properties: 1 Number of Lots: 1 Current General Plan Designation: Mixed Use (M) Current Zoning: 14.50(30) 50 East Project Redevelopment Option Zone Proposed Zoning: 14.50(30) Entry- Level Housing (ELH) Project Redevelopment Option Zone *Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is July 10, 2019.</i></p> <p>3. Deny the requested Project Plan. <i>This action <u>would not be consistent with the recommendations of the Staff Report. The Planning Commission should <u>state new findings.</u></u></i></p>	<p>Relevant History: The current 14.50(30) 50 East PRO Zone was enacted in 2010 for a specific project that was never constructed; however, the zone still exists in Provo City Code. To enable the proposed 64-unit condo development, the applicant petitioned the municipal council to rezone the subject property to the 14.50(30) PRO Zone because the project was consistent with the requirements of the zone.</p> <p>The rezone was granted on June 18, 2019 with the incorporation of a development agreement restricting the number of units that could be developed on the site to 64 and requiring a minimum of 130 parking stalls for the development.</p> <p>The applicant is proposing to amend the text of the existing PRO Zone to make it more consistent with the project and possible future projects. Additionally, the Purpose and Objectives section of the existing text needs to be amended to be less project specific to enhance the utility of this zone for any future projects.</p> <p>Neighborhood Issues: None.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> • The current text contains language specific to a project that was not constructed. • Amending an existing zone allows for greater flexibility in applying an existing zone to other future projects. <p>Staff Recommendation: Staff recommends forwarding a positive recommendation of the language proposed in Attachment 1 relating to the 14.50(30) PRO Zone.</p> <p><i>This action <u>would be consistent with the recommendations of the Staff Report.</u></i></p>
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OVERVIEW

The proposed ordinance amendment will amend the text of the existing 14.50(30) PRO Zone to allow the zone to be more adaptable to the proposed 64-unit condo project and potential future projects in other areas focused on entry-level housing. The existing language is specific in title, as well as, the purpose and objectives to a project that was not constructed.

FINDINGS OF FACT

1. 14.50(30) is an existing Project Redevelopment Option Zone that contains language specific to a project that was not constructed.
2. 14.50(30) PRO Zone has a density ratio of one (1) dwelling per 500 square feet of lot area.
3. 14.50(30) PRO Zone has a parking ratio of 0.7 parking spaces per bedroom.
4. Like any other zone request, a Development Agreement can be entered into by an applicant and the City which reduces the regulatory allowances of the zone.

Analysis

Staff recognizes the inordinate number of available zones already adopted within the Provo City Code and amending the text of an existing PRO Zone could help to allow broader flexibility of that zone for future projects within the City. Amending the existing text of 14.50(30) Zone as drafted in the attached amendment will possibly help facilitate additional entry-level housing projects in the future.

Any future request to utilize the subject zone would need to go through the existing process of a zone change and receive Municipal Council approval. As part of that process, staff, the planning commission, and the council will be able to evaluate the merits of applying the subject zone to a parcel or lot and can also impose any additional mitigating requirements through a development agreement.

This proposed amendment simply modernizes a very specific zone to allow for broader applicability and adds another “tool” within the City’s Code.

RECOMMENDATION

Based on the Findings of Fact and Analysis, staff recommends the Planning Commission recommend the City Council approve the proposed ordinance amendment found in Attachment 1 which amends the title and purpose of 14.50(30) 50 East Project Redevelopment Option Zone.

ATTACHMENTS

1. Proposed Text Amendment

Attachment 1 – Applicant’s Proposed Text Amendment

Chapter 14.50(30)
~~50-EAST~~ ENTRY-LEVEL HOUSING (ELH) PROJECT
REDEVELOPMENT OPTION ZONE

Sections:

14.50(30).010	Purposes and Objectives.
14.50(30).020	Compliance with Titles 14 and 15 Required.
14.50(30).030	Permitted Uses.
14.50(30).040	Lot Area.
14.50(30).050	Lot Width.
14.50(30).060	Lot Depth.
14.50(30).070	Lot Frontage.
14.50(30).080	Lot Area per Dwelling.
14.50(30).090	Yard Requirements.
14.50(30).100	Building Height.
14.50(30).110	Distance Between Buildings.
14.50(30).120	Permissible Lot Coverage.
14.50(30).130	Parking, Loading, and Access.
14.50(30).140	Project Plan Approval Design Review.
14.50(30).150	Other Requirements.
14.50(30).160	Notice of Parking and Occupancy Restrictions.

14.50(30).010

Purposes and Objectives.

The ~~50-East~~ ELH Project Redevelopment Option zone is established to provide a high-density, multiple-residential ~~character developments located within the South Campus Planning Area~~ as identified in the General Plan. The densities permitted by this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition may be necessary. The uses typically permitted in this zone are ~~apartments, batching apartments, and limited commercial serving the residents. A management office will be provided on the premise.~~condos and townhomes and limited commercial support uses.

(Enacted 2010-15)

14.50(30).020

Compliance with Titles 14 and 15 Required.

In addition to the development standards contained in this Chapter, areas zoned to the ~~50-East~~ ELH PRO zone shall comply with the development requirements in Titles 14 and 15, Provo City Code, unless modified by this chapter.

(Enacted 2010-15)

14.50(30).030

Permitted Uses.

- (1) Those uses or categories of uses listed herein, and no others, are permitted in the zone.
- (2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one or two digits are zeroes.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the zone, subject to the limitations set forth herein.
- (4) *Permitted Principal Use.* The following principal uses and structures, and no others, are permitted in the zone:

Use No.	Use Classification
1112	Single-family dwelling - attached
1150	Apartments (high rise) includes condominiums
4700	Communications
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4829	Other gas utilities, NEC
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to

Use No.	Use Classification
	the right-of-way of the activity)
4834	Water storage as part of a utility system (covered including water storage standpipes)
4841	Sewer pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4874	Spreading grounds (Area for percolating water into underground)
5390	General Merchandise (support commercial and convenience)
5400	Food (support commercial and convenience)

(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:

- (a) Accessory buildings such as garages, carports, bath houses, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure;
- (b) Swimming pools and incidental bath houses subject to the standards of Section [14.34.210](#), Provo City Code;
- (c) Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter;
- (d) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any persons or property.

(Enacted 2010-15)

14.50(30).040

Lot Area.

The minimum area of any lot or parcel of land in the zone shall be one (1) acre.

(Enacted 2010-15)

14.50(30).050

Lot Width.

Each lot or parcel of land in the zone, shall have a minimum average width of one hundred (100) feet.

(Enacted 2010-15)

14.50(30).060

Lot Depth.

Each lot or parcel of land in the zone shall have a minimum lot depth of one hundred (100) feet.

(Enacted 2010-15)

14.50(30).070

Lot Frontage.

Each lot or parcel of land in the zone shall abut on a public street for a minimum distance of one hundred (100) feet.

(Enacted 2010-15)

14.50(30).080

Lot Area per Dwelling.

(1) One (1) dwelling unit per each five hundred (500) square feet of lot area are permitted.

(2) When the lot area per dwelling standard results in a fraction, the number of allowed units shall be rounded up or down depending on whether the fraction is greater or less than 0.5.

(Enacted 2010-15)

14.50(30).090

Yard Requirements.

There are no required setbacks unless required by the adopted International Building Code. No portion of the structure including awnings, signs, stairs, decks, etc. may project over the property line.

(Enacted 2010-15)

14.50(30).100

Building Height.

No lot or parcel of land in the zone shall not have a building or structure shall not exceed a height of seventy-five (75) feet. Chimneys, flagpoles, towers and similar structures not used for human occupancy are excluded in determining height.

(Enacted 2010-15)

14.50(30).110

Distance Between Buildings.

The distance between buildings shall be determined as per the International Building Code.

(Enacted 2010-15)

14.50(30).120

Permissible Lot Coverage.

(1) All buildings and structures shall cover an area of not more than ninety (90) percent of the lot or parcel of land at ground level upon which they are placed.

(2) Parking structures shall be constructed below and above grade. Parking structures will not be considered as parts of the lot coverage but will have additional review by the Planning Commission or its design in regards to screening and buffering of parking structure from adjacent properties and public view.

(Enacted 2010-15)

14.50(30).130

Parking, Loading, and Access.

(1) Each lot or parcel of land in the zone shall have on the same lot or parcel, or adjacent lot or parcel located in the same zone, automobile parking sufficient to comply with the following requirements:

- (a) Parking in the amount of 0.70 parking spaces per bedroom.
- (b) Visitor parking spaces shall be designated and posted with signs.
- (c) All other regulations of Chapter [14.37](#) apply.

(Enacted 2010-15)

14.50(30).140

Project Plan Approval Design Review.

See Sections [15.03.300](#) and [15.03.310](#), Provo City Code.

(Enacted 2010-15)

14.50(30).150

Other Requirements.

(1) *Signs.* Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed and maintained in the zone:

(a) One (1) freestanding monument sign not exceeding five (5) feet in height or fifty (50) square feet in area on an ornamental masonry wall which identifies at least the name and address of an apartment structure may be permitted. This sign may contain an electronic reader board as part of the square footage. The electronic messages may not flash or rotate greater than 8 revolutions per minute. This standard does not prohibit the individual led bulbs from turning on and off to provide the appearance of movement of the letters or message.

(b) One (1) wall directory sign identifying the names and locations of tenants occupying the premises shall be located at main entrances to the structure. Said sign shall not exceed ten (10) square feet.

(c) Two (2) temporary signs with a maximum area of six (6) square feet each pertaining to the sale, lease or rent of the particular building, property, or premises upon which displayed, and no other.

(d) One (1) wall sign not exceeding fifty (50) square feet per face of the structure with a maximum of four (4) faces (signs) to identify the name and address of the complex.

(2) *Landscaping.* Chapter 15.20.080(3) landscaping standards shall prevail with the following exceptions:

(a) Foundation planting beds as described in Table 15-20-1 may be replaced with planter boxes when above sub-grade structured parking.

(b) Hard-scape at ground level may constitute up to 90% of the site when the site is predominately covered with sub-grade structured parking.

(3) *Trash Storage.* See Section [14.34.080](#), Provo City Code. Or Private Trash Removal

(4) *Fencing Standards.* All fencing must be approved by the Design Review Committee.

(5) *Entryways.* All entry treatment must be approved by the Design Review Committee.

(Enacted 2010-15)

14.50(30).160

Notice of Parking and Occupancy Restrictions.

(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract will be recorded with the Utah County Recorder's office and will run with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately list the occupancy according to Provo City Code, the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium covenants. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

(2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a 6" X 6" metal or plastic plate that is permanently attached to the electrical box with a minimum 1/2 inch engraved letters.

(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section [1.03.010](#), Provo City Code.

(Enacted 2010-15)

The Provo City Code is current through Ordinance 2019-18, passed April 23, 2019.

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](http://www.provo.org)

City Telephone: (801) 852-6000

[Code Publishing Company](#)

ORDINANCE 2019-

AN ORDINANCE TO AMEND PROVO CITY CODE 14.50(30) TO AMEND THE TITLE, PURPOSE, AND OBJECTIVES TO THE 50 EAST PROJECT REDEVELOPMENT OPTION ZONE. SPRING CREEK NEIGHBORHOOD. (PLOTA20190170)

WHEREAS, it is proposed to amend Provo City Code 14.50(30) to amend the title, purpose, and objectives to the 50 East Project Redevelopment Option Zone; and

WHEREAS, the section was enacted in 2010 for a specific project that was never constructed; and,

WHEREAS, on June 18, 2019, the Municipal Council approved a request that classification on the Zone Map of Provo for approximately 2.1 acres of real property, generally located at 11320 South State Street be amended from Residential (R1.10) a new Entry Level Housing (ELH) Project Redevelopment Option Zone for a new project; and

WHEREAS, on June 26, 2019, the Planning Commission held a duly noticed public meeting to consider the proposed amendment of Provo City Code 14.50(30) and after such meeting the Planning Commission recommended approval to the Municipal Council by a vote of 4:0 and

WHEREAS, on July 9, 2019, 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 14.50(30) should be amended as proposed, 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 14.50(30) is hereby amended as set forth in Exhibit A.

PART II:

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

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

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

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

END OF ORDINANCE.



Provo City Planning Commission

Report of Action

June 26, 2019

Item 2* Brady Deucher requests an Ordinance Text Amendment to Section 14.50(30) to amend the Title and the Purpose and Objectives to the 50 East Project Redevelopment Option Zone. Spring Creek neighborhood. Robert Mills (801) 852-6407 PLOTA20190170

The following action was taken by the Planning Commission on the above described item at its regular meeting of June 26, 2019:

Recommend Approval

On a vote of 4:0, the Planning Commission recommended the item be approved by the City Council.

Motion By: Andrew Howard

Second By: Robert Knudsen

Votes in Favor of Motion: Shannon Ellsworth, Andrew Howard, Robert Knudsen, and Jamin Rowan

Jamin Rowan was present as Acting Chair.

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

- The current language of the PRO Zone relates to a specific project that was never constructed, but is consistent with the applicant's current project.
- The proposed amendment simply renames the zone and revises the Purpose and Objective of the existing zone to make it pertinent to this project and allows it to be used for possible projects in the future.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on April 4, 2019.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Spring Creek Neighborhood Chair was generally supportive of the proposed project and amendment.

APPLICANT RESPONSE

- There was not a need for the applicant to respond to any comments related to the ordinance amendment request.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- No discussion.



Planning Commission Chair



Director of Community Development

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

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

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

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

ITEM 2*

Brady Deucher requests an Ordinance Text Amendment to Section 14.50(30) to amend the title and the Purpose and Objectives to the 50 East Project Redevelopment Option Zone.

Spring Creek neighborhood

PLOTA20190170

Chapter 14.50(30)
~~50-EAST~~ ENTRY-LEVEL HOUSING (ELH) PROJECT
REDEVELOPMENT OPTION ZONE

Sections:

- 14.50(30).010 Purposes and Objectives.
- 14.50(30).020 Compliance with Titles 14 and 15 Required.
- 14.50(30).030 Permitted Uses.
- 14.50(30).040 Lot Area.
- 14.50(30).050 Lot Width.
- 14.50(30).060 Lot Depth.
- 14.50(30).070 Lot Frontage.
- 14.50(30).080 Lot Area per Dwelling.
- 14.50(30).090 Yard Requirements.
- 14.50(30).100 Building Height.
- 14.50(30).110 Distance Between Buildings.
- 14.50(30).120 Permissible Lot Coverage.
- 14.50(30).130 Parking, Loading, and Access.
- 14.50(30).140 Project Plan Approval Design Review.
- 14.50(30).150 Other Requirements.
- 14.50(30).160 Notice of Parking and Occupancy Restrictions.

14.50(30).010
Purposes and Objectives.

The ~~50-East~~ ELH Project Redevelopment Option zone is established to provide a high-density, multiple-residential ~~character developments located within the South Campus Planning Area~~ as identified in the General Plan. The densities permitted by this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition may be necessary. The uses typically permitted in this zone are ~~apartments, backing apartments, and limited commercial serving the residents. A management office will be provided on the premise.~~condos and townhomes and limited commercial support uses.

(Enacted 2010-15)

14.50(30).020
Compliance with Titles 14 and 15 Required.

In addition to the development standards contained in this Chapter, areas zoned to the ~~50-East~~ ELH PRO zone shall comply with the development requirements in Titles 14 and 15, Provo City Code, unless modified by this chapter.

(Enacted 2010-15)

14.50(30).030
Permitted Uses.

- (1) Those uses or categories of uses listed herein, and no others, are permitted in the zone.
- (2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one or two digits are zeroes.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the zone, subject to the limitations set forth herein.
- (4) *Permitted Principal Use.* The following principal uses and structures, and no others, are permitted in the zone:

Use No.	Use Classification
1112	Single-family dwelling - attached
1150	Apartments (high rise) includes condominiums
4700	Communications
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4829	Other gas utilities, NEC
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to

From: Provo Riverbottoms [<mailto:riverbottomsnhc@gmail.com>]
Sent: Tuesday, May 21, 2019 10:56 AM
To: Robert Mills
Subject: Re: Correspondence from City of Provo - Notice of Land Use Application

Robert,

Thank you for the staff report. I have read it and still have concerns that we are modifying a city wide ordinance. I don't agree with this action. I do think the planning commission and council could consider a change for this particular development without changing the ordinance through the use of a SPD for the sight. I am not sure I understand how this development is classified as low income housing when 60% is owner occupied. How will the city enforce the low income status with rentals and owner occupancy? How will they enforce rentals to meet the requirements?

Dave Rosen

On May 16, 2019, at 10:57 AM, Robert Mills <rmills@provo.org> wrote:

Thanks for your email Dave—

I've attached the staff report for the item that includes both the language the applicant has proffered and the language that Community Development would support.

Please let me know if you have any additional questions or concerns.

Thanks,
Robert

<image001.png>

From: Provo Riverbottoms [<mailto:riverbottomsnhc@gmail.com>]
Sent: Wednesday, May 15, 2019 2:01 PM
To: Robert Mills
Subject: Fwd: Correspondence from City of Provo - Notice of Land Use Application

Robert,

Would you please send me information on this request. I would like to voice my input on this issue. I am not in favor of this becoming a City wide change for a specific project use. The city already has minimal parking requirements in my opinion and this request will further reduce those requirements. Given that, I will hold open my voice against this request until I have read the materials submitted with the request.

Thank you,

Dave Rosen

Begin forwarded message:

From: donotreply@provo.org

Date: May 13, 2019 at 5:29:40 PM MDT

To: riverbottomsnhc@gmail.com

Subject: Correspondence from City of Provo - Notice of Land Use Application

Please see attached document.

This email was sent from City of Provo.

<Item 7 Staff Report - PC 5.22.19.pdf>



**Planning Commission Hearing
Staff Report
Hearing Date: May 22, 2019**

ITEM 7* Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the city to consider parking reductions for affordable housing development. City-wide application. Robert Mills (801) 852-6407 PLOTA20190170

Applicant: Brady Deucher

Staff Coordinator: Robert Mills

Property Owner: DPI
DURRVANA LC

Parcel ID#: 22:051:0061

Acreage: 2.12 acres

Number of Properties: 1

Number of Lots: 1

Current General Plan Designation:
Mixed Use (M)

Current Zoning: R1.10 Residential
(R1.10)

Proposed Zoning: Medium Density
Residential (MDR)

*Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June 12, 2019.*

3. **Deny** the requested Project Plan. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: Currently, Section 14.37.050 allows an applicant to seek a reduction in the number of required off-street parking stalls for commercial, industrial or public facility uses by applying for a Conditional Use Permit based on a parking count justification study. Residential uses are specifically prohibited from seeking a reduction.

The applicant has proposed an affordable housing project with a reduced number of parking stalls to help defray some of the building cost and keep the project affordable; however, in order to reduce the parking requirement, a change to current code would be required.

Neighborhood Issues: This is a city-wide application. Two neighborhood chairs have asked to review the proposed amendment, with one of the two voicing opposition.

Summary of Key Issues:

- The code does not currently allow for a reduction in parking for residential projects outside of the Downtown areas.

Staff Recommendation: Staff recommends forwarding a positive recommendation of the language proposed in Attachment 2 relating to reductions in off-street parking requirements for affordable housing projects.

This action would be consistent with the recommendations of the Staff Report.

OVERVIEW

The proposed ordinance amendment is the result of the applicant seeking to construct an affordable housing project in a proposed MDR zone in Southeast Provo in the Spring Creek neighborhood.

The proposed project will allow a new multi-family housing project consisting of 64, two-bedroom condominium units divided among four, four-story buildings with four units per floor. The applicant is proposing to provide 130 parking stalls, which is below the minimum required by the proposed zone; however, Provo City Code does not currently allow a reduction in off-street parking requirements for residential projects outside of the Downtown area.

In order to create a mechanism to allow for a reduction in off-street parking requirements, the applicant has proposed striking the references to land uses allowed to receive the reduction in Section 14.37.050. This would provide a way for the applicant to receive a reduction. Staff has included the applicant's proposed amendment language in Attachment 1.

Staff, however, feels the proposed language may be too broad and provides no incentive for an applicant to provide affordable housing. Consequently, staff has provided alternative suggested language in Attachment 2 which limits the applicability of a parking reduction to projects meeting the criteria to be considered affordable housing, as defined by staff's proposed definition to apply to this section.

FINDINGS OF FACT

1. Section 14.37.050 of the Provo City Code provides details of reducing off-street parking standards.
2. Section 14.37.050 specifically prohibits residential uses from receiving reductions.

Analysis

Staff recognizes the additional cost off-street parking can add to a residential project and can envision instances where it would be prudent to have a mechanism to reduce the required off-street parking requirements in order to make the project more affordable for households. However, there should be requirements on the reduction that provides a community benefit in exchange for the decreased number of off-street parking stalls. Staff feels that providing housing that is affordable to households in the area is an acceptable community benefit. To provide clarification, staff suggests adopting the following definition of affordable housing as it relates to Section 14.37.050 of the Provo City Code:

For purposes of this section, affordable housing shall be defined as the maximum mortgage or rent payment for any unit in the proposed development which is designated as "affordable" shall not exceed 30 percent (30%) of the gross monthly income of households earning 100 percent (100%) of the median household income for Provo City, as calculated by the U.S. Census Bureau.

RECOMMENDATION

Based on the Findings of Fact and Analysis, staff recommends the Planning Commission recommend the City Council approve the proposed ordinance amendment found in Attachment 2 which limits residential projects that can apply for an off-street parking reduction to those meeting the definition of affordable housing:

1. That all CRC comments are adequately resolved prior to building permit approval for the proposed development.

ATTACHMENTS

1. Applicant's Proposed Text Amendment
2. Staff's Revised Text Amendment

Attachment 1 – Applicant’s Proposed Text Amendment

14.37.050

Reduction in Off-street Parking Requirements.

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking ~~for commercial, industrial, or public facility uses.~~ Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements ~~for commercial, industrial or public facility uses~~ based on the standards set forth herein. ~~This Section shall not be used to reduce parking requirements for residential uses.~~

(2) *Reduction of Off-street Parking in Central Business District.* The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.

(3) *Reduction in Off-street Parking Based on Parking Count Justification Study.*

(a) Subject to the requirements of this Subsection and Section [14.02.040](#), Provo City Code, the Planning Commission may issue a conditional use permit to reduce off-street parking required under Section [14.37.060](#), Provo City Code, ~~for any use located on a lot within a commercial, industrial, or public facility zoning district.~~

(b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

- (i) Calculation of the number of off-street parking (i) spaces required by Chapter [14.37](#), Provo City Code for the use proposed.
- (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.

- (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
 - (iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.
 - (v) Trip generation rates expected for the uses within the existing and proposed development.
 - (vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.
 - (vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.
- (c) Following consideration of a conditional use permit application, the Planning Commission may approve a conditional use permit reducing the parking otherwise required by this Chapter [14.37](#), Provo City Code, subject to the following:
- (i) Adoption of findings that the conditional use meets the requirements of Section [14.02.040\(2\)](#), Provo City Code.
 - (ii) Adoption of findings that the parking justification study reasonably reflects expected parking demand.
 - (iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:
 - (A) Monitoring of parking lot adequacy on at least an annual basis, and
 - (B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.
- (d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to

meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

(Am 1990-01, Am 1995-22, Am 1998-30)

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Attachment 2 – Staff’s Revised Text Amendment

14.37.050

Reduction in Off-street Parking Requirements.

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(2) *Reduction of Off-street Parking in Central Business District.* The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.

(3) *Reduction in Off-street Parking Based on Parking Count Justification Study.*

(a) Subject to the requirements of this Subsection and Section [14.02.040](#), Provo City Code, the Planning Commission may issue a conditional use permit to reduce off-street parking required under Section [14.37.060](#), Provo City Code, for any use located on a lot within a commercial, industrial, or public facility zoning district, **or for affordable housing residential projects.**

(b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

- (i) Calculation of the number of off-street parking spaces required by Chapter [14.37](#), Provo City Code for the use proposed.
 - (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.
 - (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
 - (iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.
 - (v) Trip generation rates expected for the uses within the existing and proposed development.
 - (vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.
 - (vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.
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(Am 1990-01, Am 1995-22, Am 1998-30)

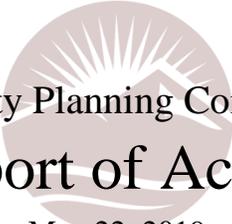
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Provo City Planning Commission

Report of Action

May 22, 2019

Item 7* Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the City to consider parking reductions for affordable housing developments. City-wide application. Robert Mills (801) 852-6407
PLOTA20190170

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 22, 2019:

CONTINUE

On a vote of 5:0, the Planning Commission continued the item to the June 12, 2019 Planning Commission Hearing.

Motion By: Shannon Ellsworth

Second By: Andrew Howard

Votes in Favor of Motion: Dave Anderson, Shannon Ellsworth, Andrew Howard, Robert Knudsen, Russell Phillips

Dave Anderson was present as Acting Chair.

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

- Current City code does not have a mechanism for granting a parking reduction for residential projects outside the ITOD and Downtown zones.
- The proposed amendment would allow residential development projects, which meet the proposed definition to be affordable, to apply for a Conditional Use Permit to reduce the off-street parking requirement based on a parking justification study.
- Staff has provided alternative language and a definition for "affordable" as an alternative for consideration.
- The proposed project will consist of 64, two-bedroom condominium units offered for sale.
- The applicant has submitted concurrent applications for a text amendment to allow for parking reductions for affordable residential projects and a Project Plan.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on April 4, 2019.

NEIGHBORHOOD AND PUBLIC COMMENT

- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission. The Spring Creek Neighborhood Chair was generally supportive of the proposed zone change and project, but had concerns about the parking reduction and long-term affordability. The Edgemont and Riverbottoms Neighborhood Chairs also spoke

and expressed general support for the proposed condo project, but had concerns with the proposed parking reduction amendment.

APPLICANT RESPONSE

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

- They have been able to construct this product in other cities with great success.
- The project will be compliant with House Bill 34 (HB34).
- The project will have very strong Covenants, Conditions and Restrictions (CC&Rs) to limit occupancy and to keep the project FHA compliant in perpetuity.
- The HOA will hire a management company to enforce the CC&Rs.
- The other projects have many excess stalls which is why the parking can be reduced.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Discussion among planning commission members focused on the parking reduction request and the affordability of the project in perpetuity. The members felt that additional time was needed in order to help resolve the concerns discussed.



Planning Commission Chair



Director of Community Development

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.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

*ITEM 7

Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the city to consider parking reductions for affordable housing developments.

City-wide application

PLOTA20190170

14.37.050**Reduction in Off-street Parking Requirements.**

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking ~~for commercial, industrial, or public facility uses~~. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements ~~for commercial, industrial or public facility uses~~ based on the standards set forth herein. ~~This Section shall not be used to reduce parking requirements for residential uses.~~

(2) *Reduction of Off-street Parking in Central Business District.* The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.

(3) *Reduction in Off-street Parking Based on Parking Count Justification Study.*

(a) Subject to the requirements of this Subsection and Section [14.02.040](#), Provo City Code, the Planning Commission may issue a conditional use permit to reduce off-street parking required under Section [14.37.060](#), Provo City Code, ~~for any use located on a lot within a commercial, industrial, or public facility zoning district.~~

(b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

- (i) Calculation of the number of off-street parking spaces required by Chapter [14.37](#), Provo City Code for the use proposed.
- (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.

(iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.

(iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.

(v) Trip generation rates expected for the uses within the existing and proposed development.

(vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.

(vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.

(c) Following consideration of a conditional use permit application, the Planning Commission may approve a conditional use permit reducing the parking otherwise required by this Chapter [14.37](#), Provo City Code, subject to the following:

(i) Adoption of findings that the conditional use meets the requirements of Section [14.02.040\(2\)](#), Provo City Code.

(ii) Adoption of findings that the parking justification study reasonably reflects expected parking demand.

(iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:

(A) Monitoring of parking lot adequacy on at least an annual basis, and

(B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.

(d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to

meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

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14.37.050**Reduction in Off-street Parking Requirements.**

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements for commercial, industrial, or public facility, or affordable housing uses based on the standards set forth herein. This Section shall not be used to reduce parking requirements for residential uses which do not meet the requirements for affordable housing stated herein. For purposes of this section, affordable housing shall be defined as the maximum mortgage or rent payment for any unit in the proposed development which is designated as "affordable" shall not exceed 30 percent (30%) of the gross monthly income of households earning 100 percent (100%) of the median household income for Provo City, as calculated by the U.S. Census Bureau.

(2) *Reduction of Off-street Parking in Central Business District.* The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.

(3) *Reduction in Off-street Parking Based on Parking Count Justification Study.*

(a) Subject to the requirements of this Subsection and Section [14.02.040](#), Provo City Code, the Planning Commission may issue a conditional use permit to reduce off-street parking required under Section [14.37.060](#), Provo City Code, for any use located on a lot within a commercial, industrial, or public facility zoning district, or for affordable housing residential projects.

(b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

- (i) Calculation of the number of off-street parking spaces required by Chapter [14.37](#), Provo City Code for the use proposed.
- (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.
- (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
- (iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.
- (v) Trip generation rates expected for the uses within the existing and proposed development.
- (vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.
- (vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.

(c) Following consideration of a conditional use permit application, the Planning Commission may approve a conditional use permit reducing the parking otherwise required by this Chapter [14.37](#), Provo City Code, subject to the following:

- (i) Adoption of findings that the conditional use meets the requirements of Section [14.02.040\(2\)](#), Provo City Code.
- (ii) Adoption of findings that the parking justification study reasonably reflects expected parking demand.
- (iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:
 - (A) Monitoring of parking lot adequacy on at least an annual basis, and
 - (B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.

(d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

(Am 1990-01, Am 1995-22, Am 1998-30)

The Provo City Code is current through Ordinance 2019-13, passed March 19, 2019.

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.

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- Limits projects that are eligible to receive a parking reduction through a conditional use permit (CUP) to those which meet the definition of “affordable housing” that pertains to this section.
- Defines “affordable housing” as follows: *“The maximum mortgage or rent payment for any unit in the proposed development which is designated as ‘affordable’ shall not exceed 30 percent (30%) of the gross monthly income of households earning 100 percent (100%) of the median household income for Provo City, as calculated by the U.S. Census Bureau.”*